

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 30th September, 2021

*(The House met at the Senate Chamber,
Parliament Buildings, at 2.30 p.m.)*

*[The Temporary Speaker (Sen. (Dr.) Lelegwe)
in the Chair]*

PRAYER

MESSAGE FROM THE NATIONAL ASSEMBLY

PASSAGE OF THE KENYA NATIONAL BLOOD TRANSFUSION SERVICE BILL (NATIONAL ASSEMBLY BILLS NO. 6 OF 2020)

The Temporary Speaker (Sen. (Dr.) Lelegwe): Hon. Senators, this is a Message from the National Assembly. I wish to report to the Senate that pursuant to Standing Order 41 (3), I have received the following Message from the Speaker of the National Assembly regarding the passage by the National Assembly of the Kenyan National Blood Transfusion Service Bill (National Assembly Bill No. 6 of 2020). Pursuant to the said Standing Order, I now report the Message-

Pursuant to the provisions of the Standing Order 41 (1) and 142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly.

WHEREAS the Kenya National Blood Transfusion Service Bill (National Assembly Bills No. 6 of 2020) was published by Kenya Gazette Supplement No.28 of 23rd March 2020 as a Bill proposing to establish the Kenya National Blood Transfusion Service to provide for the regulation of the activities relating to blood donation, testing, processing, safeguarding, transfusion, quality control and for connected purposes.

WHEREAS the National Assembly considered the Bill and passed the same Bill on Wednesday, 7th July, 2021 with amendments in the form attached hereto.

NOW THEREFORE, in accordance with the provisions of Article 110(4) of the Constitution and Standing Orders 41(1) and 142 of the National Assembly Standing Orders, I hereby convey the said decision of the National Assembly to the Senate.

Hon. Senators, you will recall that following the High Court ruling on 29th October 2020, on Constitutional Petition No.284 of 2019 on the implementation of the judgment by the Senate commenced.

Notably, the High Court ordered that all Bills for which the concurrence process contemplated under Article 110(3) of the Constitution could not be demonstrated, be ceased and that the said concurrence process be adhered to before introduction of such Bills in either House of Parliament.

Hon. Senators, the Kenya National Blood Transfusion Service Bill (National Assembly Bills No.6 of 2020) is one such Bill for which the concurrence process pursuant to Article 110(3) of the Constitution had not been demonstrated by the time the High Court gave its judgement. As such, the Bill ought to be aligned to Article 110(3) of the Constitution following which the Bill will be read a first time in the Senate.

In view of the forgoing, the Kenya National Blood Transfusion Service Bill (National Assembly Bills No. 6 of 2020) as received from the National Assembly vide the Message dated 20th September 2021 will not be proceeded with in the Senate.

I thank you.

Sen. (Dr.) Langat: On a point of order, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. (Dr.) Lelegwe): What is it, Sen. (Dr.) Langat?

QUORUM

Sen. (Dr.) Langat: Mr. Temporary Speaker, Sir, I stand corrected. I just wanted to ask whether we have the quorum to continue.

*(The Temporary Speaker (Sen. (Dr.) Lelegwe
consulted the Clerk-at-the-Table)*

The Temporary Speaker (Sen. (Dr.) Lelegwe): I order that the Division Bell be rung for 10 minutes. Hon. Senators, the Division Bell is for quorum.

(The Quorum Bell was rung)

Hon. Senators, we have now established that we have quorum for both Members in the Chamber and those who are online. Therefore, we will therefore proceed.

Let us go to the next Order.

PETITION

REPORT ON PETITION: ENACTMENT OF MILITARY VETERAN LAW

The Temporary Speaker (Sen. (Dr.) Lelegwe): The Order is deferred.

(Petition deferred)

Next Order.

PAPERS LAIDINTERIM REPORT ON INCESSANT INSECURITY CAUSED
BY BANDITRY IN LAIKIPIA COUNTY

The Temporary Speaker (Sen. (Dr.) Lelegwe): The laying of the Paper is deferred.

(Laying of the paper deferred)

Next Paper.

FINANCIAL REPORT ON VARIOUS COUNTY
FUNDS/COMPANIES

The Senate Minority Leader (Sen. Orenge): Mr. Temporary Speaker, Sir, I beg to lay the following Papers on the Table of the Senate today, 30th September, 2021-

- (i) Report of the Auditor General on the Financial Statements of Olkejuado Water and Sewerage Company Limited for the year ended 30th June, 2019.
- (ii) Report of the Auditor General on the Financial Statements of Nyamira County Executive Mortgage Scheme Fund for the Year ended 30th June, 2019.
- (iii) Report of the Auditor General on the Financial Statements of Kiambu County Alcoholic Drinks Control Fund for the year ended 30th June, 2019.

(Sen. Orenge laid the documents on the Table)

The Temporary Speaker (Sen. (Dr.) Lelegwe): Next Order.

POINT OF ORDERDELAYED RESPONSES TO STATEMENTS
AND PETITIONS

Sen. Cherargei: On a point of Mr. Temporary Speaker, Sir,

The Temporary Speaker (Sen. (Dr.) Lelegwe): What is it, Sen. Cherargei?

Sen. Cherargei: Mr. Temporary Speaker, Sir, I rise under Standing Order 48(4). Yesterday, I sought direction from the Chair. Two weeks ago, there were two critical Statements. One was on the issue insecurity in Laikipia by Sen. Kinyua and yourself, Mr. Temporary Speaker, Sir. You ordered that the CS of Interior and Coordination of the National Government and other Security sector players to appear before the Committee of the Whole.

The Chairperson of the Committee on National Security, Defence and Foreign Relations came back and indicated that the CS was out of the country. You remember the urgency of that matter. We would have expected direction on the same. Yesterday, I raised the matter.

We understand the issues of security in Laikipia and Samburu counties continues to be not resolved very well. The House and Kenyans want to know what the Ministry of Interior and Coordination of the National Government is doing to ensure that those issues are put into perspective.

I remember it was supposed to be handled by a Committee of the Whole. The Speaker directed the Chairperson to handle the matter within two weeks. As we talk, the two weeks are lapsing on the Statement on the situation in Laikipia.

Secondly, Mr. Temporary Speaker, Sir, on the issue that you brought about the spillovers to your county and the banditry attacks we have also seen them in Baringo and Kerio Valley in Elgeyo-Marakwet.

I do not see any member of the Committee on Energy. The Committee indicated yesterday that they were supposed to meet the CS of Energy and the CS of Petroleum and Mining and the Energy and Petroleum Regularity Authority (EPRA) and other sector players.

Sen. Madzayo, the Deputy Minority Leader, is fully aware that when a Committee of the Whole House invites the CSs and other senior Government officials, we expect them to come here and answer our questions. My worry is that they go to the National Assembly to answer our questions. For example, yesterday they were answering the questions we had raised.

It is okay since we know this is a bicameral Parliament. Why is it that when we raise these questions on the Floor of the Senate, we receive little or no answer, but when the National Assembly raises a question, senior Government officials and CSs rush to answer them from there?

We need pronouncement that we are not in any way an appendage to any arrangement be it the National Assembly or the Executive. They should not think that we raise issues here to satisfy ourselves.

After the Censure Motion, no one, not even the Committee, has followed-up on the issues of fuel that we raised so that we get the correct answers to know what is happening. However, when we watch the media and the National Assembly proceedings, the same senior Government officials go and answer those questions in National Assembly, but do not want to appear before the Senate.

Mr. Temporary Speaker, Sir, I request that you give us a comprehensive communication on how we are going to proceed in future.

I have highlighted the Statement on insecurity in Laikipia and the skyrocketing fuel prices in this country. For example, up to now as the “owner” of the Statement because it now belongs to the House, we have not even received a response from the Ministry of Petroleum and Mining on the issue of the fuel prices and insecurity in Laikipia.

Yesterday, I raised the issue and you said you would look at it. I now request that this House pronounces itself. I do not see the need of requesting for Statements in future because the relevant authorities and agencies do not want to respond.

As per Standing Order No.48(4), I request that you give a ruling and that it be shared with the Executive, the Head of Public Service and Secretary to the Cabinet, Mr. Kinyua; and relevant coordination Committee of Government.

I remember there was a time the Chairman of the National Coordination of CSs, CS Matiang'i, met you and other Members of the Senate Business Committee on how we could ensure that there was seamless working between the Senate and the Executive. What happened to that?

Mr. Temporary Speaker, Sir, as you rule on that, we must be respected by these CSs and senior Government officials. This matter has been put to rest in the courts of law. Sen. Orenge, our Minority Leader and Sen. Omogeni were in court. The courts made a ruling that the Senate must be part of the process or Parliament as indicated under Article 93 of the Constitution of Kenya.

Let us get serious communication and a ruling from your seat so that we can define how to deal with future Statements and their responses.

Sen. (Eng.) Hargura: Thank you, Mr. Temporary Speaker, Sir. On the same Standing Order 48 (3) (b) where Statements are committed to the relevant Standing Committees, I requested for a Statement concerning community land registration from the Chairman of the Committee on Land, Environment and Natural resources. This could be the third month and I have not received any communication.

There is either laxity on our part to make follow-up or as Sen. Cherargei said, CSs are not taking the business of this House that is referred to them seriously.

We need to have a clear pronouncement from the Speaker on this matter so that whatever we do here does not end up being an exercise in futility. We should receive response to the issues that we raise because we raise them on behalf of the people that we represent.

The Temporary Speaker (Sen. (Dr.) Lelelgwe): Proceed, Sen. (Dr.) Langat.

Sen. (Dr.) Langat: Mr. Temporary Speaker, Sir, I would like to support what Sen. Cherargei said. The statements raised under Standing Order 47 and 48(1) are mostly urgent and of national or county importance. May at times, when the responses on the statements delay, they end up being overtaken by events.

For instance, I raised a Statement sometimes back to the Committee of Health about issues affecting health in my county, but it has since been overtaken by events. There are people who also forwarded a petition to this House through me which has since been overtaken by events.

If this situation persists, people will end up looking down upon the Senate and we will be regarded as a House that does nothing.

Most of the CSs have not been honouring the summons of the Committees of this House. The CSs are not ready to appear before the Committees of this House, but they appear before Committees of the National Assembly. The move by the CSs is sending a wrong signal and that is why I request you to use the powers given to you by the Standing Orders of this House to ensure that these Statements are responded to with immediate effect. If the situation persists, it may give this House a wrong image yet people have a lot of confidence in the Senate.

The Temporary Speaker (Sen. (Dr.) Lelelgwe): Proceed, Sen. Madzayo.

Sen. Madzayo: Asante Sana, Bw. Spika wa muda. Najiunga na wenzangu kwa yote waliyoyasema. Hivi majuzi, Sen. Olekina aliuliza swali kuhusu ndugu zetu wa Bara la Asia ambao wamekuwa wakiingia nchini kwa wingi mpaka kukawa na tashwishi ya kwamba pengine kutakuwa na mtafaruku wa amani. Swala alilouliza Sen. Olekina

lilijibiwa magazetini na vyombo vingi vya habari. Hiyo sio taratibu ya sheria zetu za Kenya.

Swali lolote likiulizwa hapa Seneti, Mawaziri wanafaa kujibu Seneti kwa heshima. Swali likiulizwa hapa Seneti, halifai kujadiliwa mahali pengine isipokuwa hapa ndani.

Seneti kupitia Sen. Olekina alitaka kujua kama Wizara husika linajua kwamba watu wengi kutoka Bara la Asia wanaingi nchini kwa kuwa jambo hilo linawezakuleta mtafaruku wa amani. Ikiwa Mawaziri watakuwa wanajibu Seneti kupitia magazeti na vyombo vingine vya habari, nimngependa kusesitiza kwamba sio haki sisi kujibiwa na Mawaziri wakiwa wameketi katika ofisi zao. Seneti ikitaka mawaziri hao waje hapa kujibu maswali, lazima waje hapa. Sio vyema kwa mawaziri hao kuipa Seneti majibu kupitia vyombo vya habari.

Seneti ina sheria zake ambazo lazima ziheshimiwe. Mhe. Seneta yeyote akiuliza swali hapa, hafai kupokea jibu kupitia vyombo vya habari au kupitia Bunge la Kitaifa. Hatukubaliani na mwenendo wa Mawaziri wengine kwa sababu hiyo sio sharia au haki.

Bw. Spika wa Muda, nasisitiza kwamba Seneta yeyote akiuliza swali hapa, lazima lijibiwe kwa heshima. Viongozi wote walio hapa Seneti ni watu waliobobea kielimu na katika siasa. Kwa hivyo, ni lazima Seneti iheshimiwe na Mawaziri kama wanavyoheshimu Bunge la Taifa.

Asante sana, Bw. Spika wa Muda.

The Temporary Speaker (Sen. (Dr.) Lelelgwe): Hon. Senators, I note your concerns. I, therefore, direct the Chairperson of the Senate Standing Committee on National Security, Defence and Foreign Relations to table a comprehensive report on Thursday regarding the two Statements on Laikipia and the Chairperson of the Senate Committee on Energy to also do the same on Thursday, next week.

Proceed, Sen. Orenge.

STATEMENT

BUSINESS FOR THE WEEK COMMENCING
TUESDAY, 5TH OCTOBER, 2021

The Senate Minority Leader (Sen. Orenge): Mr. Temporary Speaker, Sir, I would like to give a Statement on the business of the Senate for the coming week on behalf of the Senate Majority Leader.

Pursuant to Standing Order 52(1), I hereby present the business of the Senate for the week commencing Tuesday, 5th October, 2021.

On Tuesday, 5th October, 2021, the Senate Business Committee will meet to consider and approve the business for the week. Subject to approval by the Committee, the Senate will consider Bills at the Second Reading stage, Bills at the Committee of the Whole stage and Motions on reports filed by Select Committees.

On Wednesday 6th and on Thursday, 7th October, 2021, the Senate will consider business that will not be concluded on Tuesday 5th October and any other business scheduled by the Senate Business Committee, including Petitions and Statements.

There are nine Bills due for the Committee of the Whole stage, three of which have been captured in today's Order Paper at Order Nos. 17, 18 and 19. There are 25 Bills due for Second Reading, eight of which have been captured in today's Order Paper from Order Nos. 9 to 14. Additionally, Motions filed by Committee Chairpersons and individual Senators have also been scheduled in the Order Paper.

I continue to urge respective Movers to be available in the Senate whenever their business is listed in the Order Paper to ensure a smooth flow of business.

Standing Committees are encouraged to hasten consideration of Bills referred to them and to table reports thereon.

The matter of reconstitution of Select Committees is still under consideration by the Senate Leadership. I request for patience as the Party Leaders and whips try to resolve all outstanding issues in this matter, so that upon re-submission of the names, there is no contestation on the Floor.

Mr. Temporary Speaker, Sir, I thank you and hereby lay the Statement on the Table of the Senate on behalf of the Senate Majority Leader.

(Sen. Orengo laid the document on the Table)

The Temporary Speaker (Sen. (Dr.) Lelelgwe): Next Order.

MOTION

ADOPTION OF THE REPORT ON THE PUBLIC FINANCE MANAGEMENT (EQUALIZATION FUND ADMINISTRATION) REGULATIONS, 2021

THAT, the Senate adopts the Report of the Sessional Committee on Delegated Legislation on the Public Finance Management (Equalization Fund Administration) Regulations, 2021, Legal Notice No. 54 of 2021, laid on the Table of the Senate on Tuesday, 28th September, 2021; and pursuant to Section 205 (4) of the Public Finance Management Act, approves the Public Finance Management (Equalization Fund Administration) Regulations, 2021, Legal Notice No. 54 of 2021.

(Sen. Faki on 28.9.2021)

(Resumption of Debate interrupted on 29.9.2021)

The Temporary Speaker (Sen. (Dr.) Lelegwe): Proceed, Sen. Faki.

Sen. Faki: Thank you, Mr. Temporary Speaker. May I request that the Division be deferred because there is no quorum in the House to take the vote. There is a quorum for the House to sit, but not for the vote.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Okay. The Order is deferred to Tuesday, next week.

(Putting of the question on the Motion deferred)

Next Order.

BILLS

Second Reading

THE DISASTER RISK MANAGEMENT BILL (SENATE BILLS NO.14 OF 2021)

The Senate Minority Leader (Sen. Orenge): Thank you, Mr. Temporary Speaker, Sir. On behalf of the Movers of this Bill, Sen. Sakaja and Sen. Mutula Kilonzo Jnr., I request that the Division be deferred.

(Division on the Bill deferred)

The Temporary Speaker (Sen. (Dr.) Lelegwe): Next Order.

Second Reading

THE LAW OF SUCCESSION (AMENDMENT) BILL (SENATE BILLS NO.15 OF 2021)

(Sen. Halake on 4.8.2021)

(Resumption of debate interrupted on 4.8.2021)

I call upon the Mover, Sen. Halake. She is absent.
Order deferred.

(Bill deferred)

Next Order.

Second Reading

THE PUBLIC PRIVATE PARTNERSHIPS BILL (NATIONAL ASSEMBLY BILLS NO.6 OF 2021)

The Temporary Speaker (Sen. (Dr.) Lelegwe): The Senate Majority Leader is absent. Order deferred.

(Bill deferred)

Next Order.

*Second Reading*THE HEALTH (AMENDMENT) BILL
(SENATE BILLS NO.26 OF 2020)

The Temporary Speaker (Sen. (Dr.) Lelegwe): Hon. Senators, Sen. (Dr.) Ali has requested that we defer the Order. Therefore, the order stands deferred.

(Bill deferred)

Next Order.

*Second Reading*THE COUNTY BOUNDARIES BILL,
SENATE BILLS NO.20 OF 2021

The Temporary Speaker (Sen. (Dr.) Lelegwe): Sen. Mutula Kilonzo Jnr. is online.

(Sen. Mutula Kilonzo Jnr. could not be heard)

The Order is deferred.

(Bill deferred)

Next Order.

*Second Reading*THE COUNTY OVERSIGHT AND ACCOUNTABILITY BILL
(SENATE BILLS NO.17 OF 2021)

The Temporary Speaker (Sen. (Dr.) Lelegwe): Sen. Olekina is absent. Therefore, the Order is deferred.

(Bill deferred)

Next Order.

*Second Reading*THE KENYA CITIZENSHIP AND IMMIGRATION
(AMENDMENT) BILL (SENATE BILLS NO.33 OF 2021)

The Temporary Speaker (Sen. (Dr.) Lelegwe): Sen. Kang'ata is absent. Therefore, the Order is deferred.

(Bill deferred)

Sen. Cherargei: On a point of order, Mr. Temporary Speaker.

The Temporary Speaker (Sen. (Dr.) Lelegwe): What is it Sen. Cherargei?

Sen. Cherargei: Mr. Temporary Speaker, Sir, the Mover of Order No.15, the Kenya Citizenship and Immigration (Amendment) Bill (Senate Bills No.33 of 2021), Sen. Kang'ata is humbly requesting for the Order to be deferred for a little bit. He has been held up in traffic, but he is coming. Maybe we can move to the next Order and then he will move it when he arrives.

The Temporary Speaker (Sen. (Dr.) Lelegwe): We have already deferred the Order.

Next Order.

Second Reading

THE HERITAGE AND MUSEUM BILL
(SENATE BILLS NO.22 OF 2021)

(Bill deferred)

The Temporary Speaker (Sen. (Dr.) Lelegwe): Sen. (Dr.) Milgo has just requested that we defer the Order. Therefore, the Order stands deferred.

Second Reading

Next Order.

(Sen. Kang'ata entered the Chamber)

The Temporary Speaker (Sen. (Dr.) Lelegwe): Sen. Kang'ata is present. Therefore, I call upon the Clerk to read Order No.15

Second Reading

THE KENYA CITIZENSHIP AND IMMIGRATION
(AMENDMENT) BILL (SENATE BILLS NO.33 OF 2021)

Sen. (Dr.) Kang'ata: Thank you, Mr. Temporary Speaker, Sir. I beg to move that the Kenya Citizenship and Immigration (Amendment) Bill (Senate Bills No.33 of 2021) be read a Second Time.

Mr. Temporary Speaker, Sir, I have brought an amendment to this Bill seeking to change the law and introduce a raft of changes. One of the changes I am proposing is that we compel the Cabinet Secretary (CS) in charge of matters foreign affairs to establish a desk that will strictly deal with matters concerning the people of diaspora.

Allow me to define what diaspora is. This is a person who is living outside the boundaries of Kenya. He may be living in Uganda, Tanzania, United States of America (USA), United Kingdom (UK) or the United Arab Emirates (UAE).

Among other proposals, I am proposing that we compel Kenyan embassies abroad to devolve their functions to various cities. For example, USA has more than 50 States. You will find a person in Seattle City in Washington State has to go all the way to Washington DC because Consular services are not readily available in Washington State.

The same applies to a resident in Boston, Massachusetts and Texas in the southern part of USA. Currently, they are compelled to go to Washington DC where the Kenyan Embassy is located to seek consular services, including renewal of passports.

Mr. Temporary Speaker, Sir, I am aware of one person who is my personal friend who lives in Washington. She is the wife of a friend of mine called Dr. Francis. The mother died in Kenya, but she was unable to travel back to Kenya reason being that she found her passport had expired and, therefore, by the time she would have gone to Washington DC to renew it, the burial would have taken place. Therefore, the mother was buried in the absence of the daughter. So, this is one of the areas that we need to remedy if this Bill was to pass.

The same applies also to the Kenyans who live in Arabia. I am sure you are aware that we have a huge immigrant Kenyan community in places like Dubai, Lebanon, Egypt and all those countries in the Middle East and also in northern Africa. However, we do not have the Kenyan Embassy in all those countries. So, you will find Kenyans who live in those countries that do not have embassies travel for long distances to seek consular services. Therefore, this is one of the proposals, we are proposing that we amend. We now want the Government of Kenya to devolve consular services.

The other proposal is the idea that Kenyans who are who have returned to Kenya from abroad need to be taken through a certain programme to acclimatize themselves with the local conditions and get back into this country after spending many years abroad.

Mr. Temporary Speaker, Sir, I am also proposing that we have a special desk that will be established by the Ministry to address matters of the people of diaspora. That desk can be a department under the Ministry of Foreign Affairs so that we ensure diaspora matters get the relevant policy and legal intervention and representation in the Government. Currently, matters of diaspora are subsumed in the larger Ministry of Foreign Affairs epoch and that for me needs to be remedied.

Another proposal in my amendment is to establish a mechanism to reward Kenyans who are in the diaspora who do a very good job to lead the Kenyan communities in those countries. They do a very good job to market the Kenyan name outside Kenya. For example, you will find in the UK, there is a Kenyan chapter of immigrants who live there. You will find there is a chairman of that Kenyan local chapter. That chairman does a very good job to bring Kenyans together, to mobilize and support some Kenyans who are in distress, but they do not get any form of recognition.

I take this opportunity to thank the Government for awarding me the Chief of Burning Spear, a very important State commendation. However, I feel Kenyans in the diaspora should get similar recognition. There are many Kenyans out there, who are also entitled to these kinds of rewards. However, to the best of my knowledge, I am not aware of any Kenyan who has ever received any State commendation despite the good work they do in the diaspora.

Why did I bring this Bill? What geared me to consider bringing this Bill? For the longest time in this Republic of Kenya, coffee and tea have been the largest source of foreign exchange. Let me also thank those who practice horticultural agriculture, particularly in the region of Rift Valley. However, in the last several years, diaspora remittances are now the leading net entity that bring foreign exchange to this Republic.

Were it not for that money that is being sent directly to the families by our people outside this country, our shilling would be very weak. There would be inflation and we would have thousands of Kenyans living in abject poverty because of having a very weak shilling. However, that is not the case now owing to the fact that we now have a large diaspora community that is able to leverage and support our Kenyan economy as they send their remittances.

If at all the diaspora currently are now the largest source of Kenyan foreign reserve, why is it that we cannot have a stand-alone desk or even Ministry to deal with diaspora matters? We have a Ministry of Tourism that is dedicated to championing matters tourism. Now tourism is no longer a major foreign cash earner in this country, but we still found it fit to have a stand-alone Ministry to deal with matters tourism.

We even have almost four or five parastatals or State bodies that have been established by an Act of Parliament to deal with matters tourism. For example, we have the tourism development fee which is levied on various stakeholders that deals with matters tourism. Surely, if we can invest all that energy on tourism, why can we not now do that for diaspora people?

I have done a comparative study to compare Kenya and other countries and I have seen other countries have put in place more measures to take care of their diaspora people. They include a country like Philippines. It is one of the most important labour-exporting countries with a huge diaspora community. Also India has a huge and vibrant diaspora community.

I think it is time as a country we now started focusing on coming up with measures to ensure the people in the diaspora are currently given their due recognition in the National Government or in this country. I strongly believe that Kenya should be run like a good business. When you are a good businessperson, you invest your money in a sector that is giving you large returns.

Clearly, we have seen our people in the diaspora have been the most important sector currently giving us a lot of foreign reserves. So, in the same breath we need to reciprocate by coming up with policies to boost diaspora remittances to ensure that the diaspora people also get the due recognition which they are asking for and that is not too much to ask.

I have not even proposed to create a parastatal or a State body that is going to drain Government resources. I have just come up with an idea to come up with a lean entity that is not expensive just to ensure diaspora people are not ignored and that are given their due recognition because they continued to support this Republic of Kenya.

Mr. Temporary Speaker, Sir, allow me now to refocus on the counties and the people of the diaspora. Let me take this opportunity, first, to thank Governor Tolgos of Elegeyo-Marakwet and also Governor Mandago of Uasin Gishu County. They made efforts to ensure their counties have entered into some form of partnership with a university in a place called Tampere in Finland where I saw Governor Mandago has taken almost 60 young people to that university. I feel that was a very important idea.

The youth unemployment problem in this country is the most pressing issue that we need to address as a Republic. Millions and thousands of young people are graduating from TVETS, colleges, universities and high schools, but they are not getting employment locally.

We now need to come up with policies that boost the idea of exporting labour.

Mr. Temporary Speaker, Sir, I am aware of the problems that Kenyans have faced in some of the countries where they have gone to provide labour, including Saudi Arabia, the UAE and Qatar. Be that as it may, I am aware of many other jurisdictions where we have never had issues of human rights violations.

Some of those countries are experiencing an acute labour shortage. Therefore, as a country and as counties, good governance should now take advantage and leverage on the fact that some countries are experiencing a major labour deficit. We now negotiate with those countries to ensure that we export more Kenyans who are jobless from Kenya to them.

It will be a win-win situation. Those countries will get labour. Kenyans are very well trained. As a country, we will create employment for our young people and they will be sending remittances to their people here in Kenya.

Mr. Temporary Speaker, Sir, Scandinavian countries like Finland and Norway and countries like Germany, China, Japan, the UK and the USA have huge labour deficits. I am sure that you have been following international media channels like Aljazeera, the Cable News Network (CNN), and the British Broadcasting Corporation (BBC). They are currently reporting that there are supply chain disruptions in the UK, reason being that they do not have enough drivers.

In fact, according to the latest report that I have seen, the UK has a deficit of about 90,000 truck drivers. I have no doubt that Kenya can negotiate with the UK and send some of its best drivers to the UK. Those people will send money as they will be in the diaspora. They will send money to us and Kenya will prosper.

Mr. Temporary Speaker, Sir, the people who live in the diaspora poses major skills. Once they immigrate back, they become returnees. We need to give them recognition and put them in strategic Ministries and counties, so that they help our country, because they will be coming with very good skills from abroad.

I strongly urge governors who are forward looking to create partnerships with various countries externally. They ensure that their young people can go to those countries. As a governor, you can enter into some partnership with, say, the USA and provide what we call caregiving.

Mr. Temporary Speaker, Sir, I was in a place called Seattle with my friend, Sen. Cherargei. We found that the caregiving industry there is booming. When you look at the people who are doing that job, 70 per cent of caregiving work in that State has been monopolized by Kenyans. They told us that they want more workers to go there, because they have an acute shortage of employees.

Currently, Kenya is negotiating what we call a free trade agreement with the USA. I take this opportunity to congratulate my friend, the former President Donald Trump. I like his approach. The relationship between the Kenyan Government and the USA when Trump was the President was a more objective and forward looking engagement. It was about trade. I hope that the current administration of President Biden does not torpedo the negotiations for a free trade agreement between Kenya and the USA.

One of the areas I would ask the concerned Ministry to consider in embedding in those negotiations is the idea of exporting labour. If more young, educated people of Murang'a County, who do not have jobs in Kenya, go to the USA, they will immediately

start earning Kshs300,000. Imagine immediately he set foot in the USA, a Kenyan who was earning Kshs10,000 per month in Kenya, will earn almost Kshs300,000 per month.

You will find that the Kenyan is just offering caregiving services. In fact, he is living at somebody's premises without paying rent or any other bill. It is just by the fact that, that person has immigrated to the USA and is doing caregiving jobs.

To those who are negotiating a free trade agreement between Kenya and the USA, please, embed in those negotiations the requirement that America is going to open up its services to Kenyans. This is so that we have more expatriates and people of the diaspora, who are going to benefit from this Bill that I am currently pushing.

Mr. Temporary Speaker, Sir, there are other things that the people of the diaspora can help Kenyans. That is why I am pushing for the passage of this Bill. One is the area of boosting agricultural exports. Murang'a County is currently the leading county in avocado production and export. We are currently the largest producer of a variety called Hass avocados.

Hass avocados are usually exported to Netherlands and UK. I strongly believe that if we have a robust and more forward looking and engaged diaspora, they can push our products like avocados to several European countries and we boost Kenyan trade with those countries.

Mr. Temporary Speaker, Sir, tea remains the second most important foreign exchange earner for this Republic. However, we all saw the other time that the Kenya Tea Development Agency (KTDA) has announced one of the lowest bonuses to the people who do tea farming.

One of the reasons is that we export tea to a very limited set of countries. On that score, I urge Kenyan authorities to treat the Pakistani with a lot of respect. They are our main and most important importer of Kenyan tea. If for any good reason we can diversify the countries that consume Kenyan tea, I have no doubt that we can boost farmers' prices.

Murang'a County happens to be the largest small-scale tea exporting county. If you were to have the Kenyan diaspora in the UK, USA and Dubai importing Kenya tea and introducing it to those markets, it would definitely assist Murang'a and Kenya as a country. This Bill will create the synergies that are needed to ensure our diaspora continues to be engaged economically with the Kenyan people.

Mr. Temporary Speaker, Sir, Kenya also exports coffee. When we were very young, coffee used to be the most important crop. However, for the last several years, there has been a decline in the coffee that is produced by our Kenyan farmers. The people of the diaspora play a major role in assisting to open up those Western economies. This Bill is, therefore, important because it will create those synergies that are needed to ensure that we boost the producer prices.

I am a great believer in what we call minimum guaranteed returns. It is the idea that the Government should directly remit money to the farmers to support them when it comes to issues of input. For those of us who come from milk producing counties like Murang'a, a milk farmer needs inputs like manure that will be used for the Napier grass and salt. All those inputs cost a lot of money.

If we establish a minimum guaranteed return, boost milk production and then open up more external markets for our milk, we are definitely going to help that poor

farmer in places like Gatanga, Kandara, Kiharu, Mathioya, Kangema, Kigumo, and Maragua. We will boost Murang'a County and other counties in the Republic of Kenya.

The process of opening external markets has to involve our people in the diaspora. To involve our people in the diaspora, it means we should support this Bill. That way, the people in the diaspora will feel part of this Republic. Otherwise, we are facing a major dilemma where we have a huge Kenyan diaspora that feels either detached from the Kenyan community or a little bit alienated.

We need to continue with that engagement so that they become patriotic or have the notion that although they are in America, they are from Kenya, or although they are in Tanzania, they are Kenyans. That is the direction of the future.

When you do a projection of Kenya or Murang'a or even any other county in the next 10 years, it shows that the world will continue becoming a global village. We are going to continue forming regional economic blocs. For example, we have the Economic Community of West African States (ECOWAS) in West Africa and the East African Community (EAC) and the Common Market for Eastern and Southern Africa (COMESA) in this region.

International bodies will continue becoming more powerful. Therefore, more Kenyans will emigrate from Kenya. If we do not come up with measures to leverage and take advantage of the shrinking global village, then we will be left behind and other countries will be ahead of us. That way, Kenya will not grow as fast as we would like.

World over, great countries like the USA have been made great to a certain extent by the diaspora. Currently, China is being ruled by the Chinese Communist Party. Its founders, including the Chairman called Deng Xiaoping are people who used to live in the diaspora. Deng Xiaoping used to live in France. There are so many other examples.

Mr. Temporary Speaker, Sir, we need to take advantage of people living in the diaspora. We should take advantage of their wealth and bring it to Kenya. We should create synergies. That is how we are going to boost Kenya and our counties. That is the vision I am trying to persuade Senators to adopt, so that we move this Republic forward.

With those many or few remarks, I beg to move. I request Sen. Cherargei, the Senator for Nandi, to second my proposed amendment.

Sen. Cherargei: Mr. Temporary Speaker, Sir, I rise to second the Kenya Citizenship and Immigration (Amendment) Bill (Senate Bills No.33 of 2021). I congratulate Sen. Kang'ata who, I am told, led in the just concluded opinion polls in Murang'a for the position of governor.

Mr. Temporary Speaker, Sir, we were with Sen. Kang'ata when we met several Kenyans in the USA and they raised several challenges. Courtesy of your Office, during our parliamentary tour, we met a number of Kenyans living abroad and they told us the challenges they are facing. That is when we discussed with Sen. Kang'ata on how to help them. Kenyans implored that as a country, we must give them the attention they deserve.

It is worth to note that the leading revenue is money that is sent by our brothers and sisters who live abroad. In 2019, Kenyans living abroad injected Kshs308 billion into the economy of the Republic of Kenya. Despite the COVID-19 pandemic, in 2020, Kenyans living in the diaspora increased the amount by 10 per cent. They sent around Kshs341 billion. That is a budget for two or three Ministries in this Republic.

What we need to do is to give them the attention they deserve. As I speak, the leading foreign exchange earner is money sent by Kenyans living in the diaspora followed by tea. It has overtaken the traditional foreign exchange earner.

Just in two years, Kenyans who live abroad sent Kshs649 billion. That was between 2019 and 2020. Even during the COVID-19 pandemic, Kenyans in the diaspora sent Kshs6.3 billion weekly. Some of the money goes to school fees while some is sent to support their families and investments. That plays a significant role in the growth of the economy that we are talking about.

Sending approximately Kshs700 billion is not easy. That is why we must create the Ministry of the Diaspora like other counties because of the money being sent. We should have such a Ministry to handle the challenges and deal with the administrative concerns of Kenyans living abroad. When they send money to support their own programmes and investments they should be protected.

I know there are challenges that Kenyans living in the Far East face. The other day, the Ministry for Labour and Social Protection told us that just in three months, around 93 Kenyans died as a result of cardiac arrest, COVID-19, accidents and suicide. Most Kenyans, especially in the Far East die because of suicide.

It is unfortunate that we continue to face such challenges as a country where we lose Kenyans. Two or three months ago, one or two people from Nandi County died. One was from Kapkangani Ward in Emgwen Sub County. These are challenges that this Bill seeks to put into perspective.

As we try to expand our economy, we should look at the human resource. We are told there is an upcoming sports event in the Far East. Those people will need labour. We should start thinking of how to export labour.

The other day, the Ministry of Labour and Social Protection sent a number of nurses to the UK. How do we expand that? Sen. Kang'ata has aptly put it that two or three weeks ago, the Governor of Uasin Gishu County, His Excellency Jackson Mandago, sent over 51 young people to go and study in Finland because of a partnership. We need to encourage county governments to enter into partnerships. We expect them to partner with another country; either send them for education or create job opportunities so that the challenges facing the youth are addressed.

Compared to my region, Uasin Gishu County has done very well. I think Governor Mandago should compare notes through the Council of Governors (CoG) on how other governors can do well.

This Amendment of introduction of Section 32 A (2) (b) (a) proposes –
“to enhance safety of Kenyans living abroad.”

If today you go to the Kenyan Embassy in Washington DC and ask them how many Kenyans either documented or undocumented live in the USA, they might not know. It is the same case in London and the Far East.

That is why there is a hue and cry because sometimes our people die in unfortunate circumstances. We see families on national televisions complaining of being abandoned by the Government and not being assisted to bring bodies of their loved ones into Kenya. Many families continue to shoulder a lot of responsibilities when they are bringing the bodies of their loved ones into the country. That is why we must start with the security.

Section 32 A (1) (d) proposes:

“establishing an administrative and institutional framework for the coordination of matters relating to Kenyans living abroad.”

That is why we are proposing to establish a diaspora desk to address these administrative issues.

In Section 32 A (3) (a), the Cabinet Secretary has been given responsibilities to-

“facilitate information sharing as a means of ensuring continuous engagement between the national and county governments and Kenyans living abroad.”

I think that is very important.

Section 32 A (3) (b) says –

“(b) develop policies to incentivize the participation of Kenyans living abroad in the economic development, governance and democratic processes in Kenya”

(c) establish a collaborative framework with Kenyans living abroad to promote Kenya as an investment destination;

That is why we need to study. Yesterday, I asked what the purpose of Kenya is in using a Brand Ambassador. For example, when Eliud Kipchoge was running INEOS 1:59, what was the Ministry of Tourism or the Kenya Government using even by ensuring he could wear a jersey that shows something unique about Kenya? We can recall that the entire world close to seven billion people were watching when he was running the INEOS 1:59.

When we travelled to the USA, we saw a small hotel being run by a Kenyan who was making our local delicacies. How do we support those Kenyan enterprises that Kenyans run?

Kenyans abroad do two to three jobs. I have my brothers and sisters who live in USA who do two to three jobs. These are the real “hustlers”. They work in hotels and hospitality industry and struggle through small enterprises. We were happy with Sen. Kang’ata when we got one restaurant in Seattle which is run by a Kenyan who comes from the coastal part of this country.

How do we support such businesses and Kenyans by ensuring we tap into expertise? How can we ensure we ‘Sell-Kenya-Buy-Kenya’ not only in Kenya, but also abroad? One feels proud seeing Kenyan products being sold at the foreign airports. In fact, there was a photo in social media of a Kenyan who was roasting maize in France. How do you feel when you buy roasted maize somewhere in Paris or Europe from a Kenyan?

This Bill tries to ensure that our consular areas, Ministry of Foreign Affairs and the diaspora desk should come together and agree on how we can document and ensure we support Small and Medium Enterprises (SMEs) abroad.

Section 32 A (3) (b) says:

(d) in consultation with other relevant state agencies, put in place fiscal and non-fiscal measures to promote investment, in Kenya, by Kenyans living abroad;

I have indicated that the CS should ensure the protection of Kenyans abroad, including access to legal representation. This is the sad reality. Sometimes Kenyans, for example, in China have been arrested on narcotic drugs related allegations. Sometimes they are lawfully convicted. How do we ensure they enjoy the rights that the Constitution

provides? The right to legal representation is a constitutional right to every Kenyan. It does not mean when one leaves Kenya, his rights as Kenyans ceases.

We must put in place necessary steps so that Kenyans who are arrested for violating the law in the countries they are domiciled enjoy their rights, especially the right to legal representation. Even if they get a fair hearing and legal representation, the conviction or acquittal, their basic rights are not violated.

Regarding health care services, we saw Kenyans who were suffering when the COVID-19 pandemic hit. We can remember how Kenyans suffered in India which is becoming a health care tourism destination. Even Senators here will tell you every *harambee* they do is usually for a Kenyan to be taken to India for specialized medical treatment.

I am happy the Government tried to intervene, especially for those Kenyans who were in India when it was put on the red list and they were able to come back home. How do we ensure the right to healthcare?

When we look at the report by the Ministry of Labour, many Kenyans die because of health complications. Article 43 does not mean that when a person boards a plane to go and work in Qatar, Dubai or Far East country, their rights as a Kenyan ceases.

Mr. Temporary Speaker, Sir, you remember the other day there was change of Government in Afghanistan and there were Kenyans living there. The USA and other European countries organized their evacuation. This Bill tries to mandate the Ministry of Foreign Affairs to organize evacuation the way we saw the Kenyan Government trying to do at the onset of the COVID-19 pandemic.

Mr. Temporary Speaker, Sir, we are working closely with the diaspora to ensure that when they come back, we tap their expertise and skills. As I have stated before, most of the Kenyans in the diaspora are hustlers; they work three to four jobs. The obligation of the Ministry of Foreign Affairs is to develop and regularly update the database, facilitate the timely issuance of passports and processing of any documents. As Sen. (Dr.) Kang'ata has highlighted, Kenyans are suffering.

The Temporary Speaker (Sen. (Dr.) Lelelgwe): What is your point of order, Sen. Wamatangi?

Sen. Wamatangi: Is Sen. Cherargei in order to say that in the Hustler Government, they are working very hard to ensure that there are more job opportunities? Are they running another Government other than the Government that we know? I have heard a number of Senators calling themselves 'The Hustler Movement' and that is fine. However, is Sen. Cherargei in order to refer to himself as the 'Hustler Government' yet there is only one Government?

Is Sen. Cherargei in order to insinuate that there is another Government yet we know that the Government that is there is the Government of the people of Kenya formed by the people of Kenya where the Senator for Nandi is a Member including all the hustlers that he has been mentioning here? All the Members of the Jubilee Party are in Government until such a time in August of 2022. When the time comes and for any one reason, the Senator for Nandi may find himself in the Government, then he can brand himself any name. Until then, the Government of Kenya is by the people Kenya and for the people of Kenya. The Government now is the people's Government and not the Jubilee Government.

Sen. Cherargei: Mr. Temporary Speaker, Sir, I do not know why the Senate Majority Whip decided to be selective in raising that issue yet I had praised the same Government. Let me make it better for him. In the future Government of the Hustler Government of *mama mboga*, we will be willing to work with Kenyans from the diaspora because we know that they face many challenges. I am not in any way challenging the Government of the day. We have a Government; whether it is functional or dysfunctional. We have a running Government that is running the status of the affairs now.

I would like to assure the Senate Majority Whip that all is well and that the Government is intact. However, I take this opportunity to welcome Sen. Wamatangi to the future Government of the Hustlers which includes all Kenyan's starting with the *mama mboga*. We will need the expertise of Sen. Wamatangi when the time comes to form the Hustlers Government. I would like to clarify to Sen. Wamatangi that I did not say that there is no existing Government. There is an existing Government at the moment.

The Senate Majority Whip, Sen. Wamatangi, is a good friend of mine and we have a special relationship. He knows that most of the people that we interacted with come Kiambu County. I would expect Sen. Wamatangi to be lauding one of his Members for being hard working and bringing such legislative interventions that will assist a majority of the people from Kiambu County. I hope to listen to the submissions by Sen. Wamatangi later because most of the Kenyans who live in the diaspora come from Kiambu County. I hope that Sen. Wamatangi will support this move to assist all Kenyans in the Diaspora including those who come from Kiambu County.

Mr. Temporary Speaker, Sir, in the interest of time, let me make my submission short.

Another obligation that has been given to the Cabinet Secretary in the Ministry of Foreign Affairs is to facilitate the timely issuance or renewal of passports. The biggest challenge that all Kenyans who live abroad face is the renewal of passports. Most Kenyans in the Diaspora that I know called me to raise their concerns on registration for the Huduma Number. I wonder who advises the Government officials during the roll out of such Programmes. Why do they not use Kenyan associations in the diaspora to ensure that Kenyans register for such Government services? There are Kenyans associations in all parts of the world where the citizens of Kenya are.

The renewal of passports continues to be a challenge to Kenyans living in the diaspora. Why can we not assign the role of renewal of passports to the embassies and high commissions? Kenyans in the United States of America (USA) have to fly for many hours to go to Washington DC to renew passports. Why can we not make use of the online passport renewal process fully? Why can the officials who sit pretty in the Embassy offices in Washington DC not take a flights to Seattle, Atlanta or any other state with a high population of Kenyans at least once a week to register Kenyans in those states? The Kenyan embassies and high commissions in other countries such as the United Kingdom, France, India or the United Arab Emirates (UAE) could also move around from city to city to register Kenyans.

We have witnessed the influx of the Pakistanis in the country lately. I hope that the Government will handle that issue in a more humane way and within the framework that is provided for in the law. Kenyans who attain the age of 18 and live outside the

country need to access the national identity card, birth certificates or death certificates. We need to think about such Kenyans in this legislation. I am aware that there are various Abagusii Community Associations across the world. We need to make sure that we tap into such associations to help Kenyans access those important documents out there. The Senator for Nyamira County, Sen. Omogeni, who is also the Chairperson of the Committee on Justice, Legal Affairs and Human Rights is nodding in agreement. I hope to listen to his submissions on this legislation.

On the issue of integration of returnees upon their return to Kenya is also important. Whenever a person is convicted in the United Kingdom, they are normally given the choice of where they would like to serve their prison sentence. There are countries that do not allow foreigners to serve prison sentences in their countries; they return the convicts to their countries of origin. We need to think of ways of integrating our returnees from the diaspora. If a Kenyan has lived out there for over 30 years, they get culture shock when they return home. How do we ensure that such Kenyans do not feel lonely when they return home? How do we integrate the returnees who receive training in foreign institutions back to public service?

Many Kenyans go abroad to hustle and make something of themselves. We know of colleagues who went abroad to hustle and returned to be leaders in this country such as Sen. Kihika who is the Senator for Nakuru County. The Kenyans who live in the diaspora have a role to play in the country. There was even a presidential candidate in the 2017 General Election who was from the diaspora.

Mr. Temporary Speaker, Sir, Kenyans in the diaspora should also be nominated for the presidential distinct service award for Kenyans living abroad. Most Kenyans in the diaspora work very hard. Why should we give 'Githeri Man' an award for standing in the voting queue with *githeri* to vote yet we cannot give Kenyans in the diaspora award yet they work so hard? We need to be a country of serious people. I know a number of colleagues in this House who have generated Bills, Motions and other businesses yet they have never received any award. I congratulate the Senators who are set to receive the awards although yours truly is not included. Why should a man eating *githeri* on the voting queue be awarded with a Head of State Commendation leaving Kenyans who are very hard working such as the distinguished academicians who live abroad.

They are doing a unique job in those countries and working hard. Why can they not be given the Presidential Award like any other Kenyans? For example, the famous Ngugi Wa Thiong'o, whose books some of us have read. He is a linguist who has written a lot of literature. Prof. Makau Mutua is another good example, although he is more of a politician than a distinguished academician. We have quite a number of them including even Mr. Miguna Miguna, who are distinguishing themselves in foreign countries.

Mr. Temporary Speaker, Sir, I only have two points to conclude. I have talked about returnees and re-integration to the country. I forgot to mention that apart from ensuring they get passport renewal, Identification (ID) cards and Huduma Numbers, we should also allow Kenyans living abroad to access and be part of the National Health Insurance Fund (NHIF). We should also allow them to be part of the National Social Security Fund (NSSF) so that they can save money for old age.

We also need to do verification of their academic documents, although the Ministry of Education has been doing this. We are aware of even leaders in this country

who have gone abroad for one week and returned with PhDs from some funny universities. We must put systems in place to verify such qualifications. They are Kenyans and we know them by name but we do not want to name them here. They just go for one week or two months and acquire qualifications from unregistered universities. We need people who have gone to school like Sen. (Dr.) Musuruve who represents People with Disabilities (PwDs). We need such people who have read and “eaten” books.

Some of our children and those of our colleagues are studying abroad. How do we ensure they come and update their academic documents so that they are able to apply for jobs in the country to feel re-integrated? I know the Ministry of Education is doing that but we need efficiency and effectiveness. When our children and brothers and sisters who are studying abroad come with their valid degrees, we want them to be allowed to work. If the degrees are not valid, they should also be prosecuted for forgery and fraud.

Another issue is voluntary saving. Section 32F says:

“The Cabinet Secretary shall, in consultation with the relevant Kenya mission, promote the establishment of voluntary saving schemes for Kenyans living abroad.”

Yesterday we debated the Disaster Management Risk Bill. In all honesty and fairness, we should harmonise how we can let Kenyans living abroad volunteer and assist in the country. I am glad the Chairperson of the Committee on National Security, Defence and Foreign Relations and the Senate Majority Whip are here. I wish we could cut down on the resources we use to run our embassies or the foreign service.

As we talk, Mr. Temporary Speaker, Sir, I dare say, our embassies are bastions of tribalism and nepotism. In some of these embassies, you will find people speaking one language because they come from one region. They have turned themselves into bastions of tribalism abroad and we use a lot of taxpayers’ money to run those embassies and consulates. Why do we not allow Kenyans who are staying abroad to volunteer and work in those embassies and give them a stipend? It is the same thing that the Public Service Commission (PSC) wanted to start in this country.

As we continue, we must find a way to cut down on the expenses that we use for embassies and consulates that we have across the globe. However, we must reform our foreign service especially our embassies. They are bastions of tribalism and they are spending over nepotism. It is good that the Committee on National Security, Defence and Foreign Relations looks into this issue. The appointment of staff for embassies is riddled with a lot of graft and nepotism.

The last Part is 32G and I had alluded to this earlier in the beginning of my submission. There are so many Kenyans associations. I am happy most of these Kenyan associations abroad and not tribal associations that we used to have in universities. We used to have many tribal associations in universities and some of us were champions then but have now seen the light and are not very good Kenyans who appreciate others Kenyans.

I challenge Kenyan universities to find a way of ensuring we do not have tribal associations in universities. We are global citizens and I am happy when we travel around the globe, I am happy to meet Kenyans from all tribes forming one association. They commune in one association and even praying in the same church. That is why I was talking about cutting expenses. I hope the Ministry of Foreign Affairs is watching this.

Mr. Temporary Speaker, Sir, why do we not use these Kenyan associations to get data on both documented and undocumented Kenyans living abroad. If they are living in UK, USA or Brazil, why do they not use Kenyan associations as an avenue of investment and ensuring we track the number of Kenyans in those countries?

Another thing is, of course, investments. The stories of the challenges we have heard from there are interesting. The biggest challenge that Kenyans living abroad sending money back home for their brothers and sisters or friends to invest for them, only to come back and find nothing. Kenyans should also be good people. I wish we could understand that Kenyans living abroad really work hard and do not even sleep. They sleep for two or three hours and then go to another job. They send money to their brother or sister in Kenya and what do they do? They take pictures of somebody's house and tell the one abroad that their house is complete. When they come to the village, they find *vitu ni* different *kwa* ground.

How do we assist Kenyans so that we safeguard their investments? These are hustlers. They are working hard there washing dishes and being waitresses. The ones living in Saudi Arabia work as housemaids or servants. Let me call them house managers because it is not good to call them housemaids. They are working very hard. We need to find a way to safeguard their investments from the money they send back to the country. Relatives should not con them. We have seen such stories in the media, where somebody has sent millions of shillings to buy a house or land and when they come back, these things do not exist.

Finally, I want Kenyans to understand what it means to have these amendments. Section 32H says:

“The Cabinet Secretary shall submit an annual report to Parliament on the implementation of policies relating to the management of welfare of Kenyans living abroad and returnees.”

Parliament means both Houses. Here, we are talking about accountability. From the outset in my submission, I told you Kenyans have brought Kshs649 billion within two years. That is 2019 and 2020. It means we must audit and get a report. We do not want to assist Kenyans when they are crying on televisions because their relative has died in the Far East or any other part of the globe. We must address how to do this. We can ensure Kenyans living abroad are able.

Mr. Temporary Speaker, Sir, the audit that we envision is to have a CS come to Parliament and tell us the problems Kenyans are facing. They should even submit the number of Kenyans who have died – God forbid – abroad, how many are facing challenges and what they have done about passports, ID cards and Huduma Numbers - whether that is the issue we want to see.

Finally, in my closing remarks, these Kenyans who are largely hustlers, who are working paycheck to paycheck; who are working two to three jobs, how do we safeguard their interests in running the Government of Kenya and ensuring they have a future in Kenya? I want to assure the diaspora community that they have friends in this Senate who will push this legislative intervention to ensure - and it is not a privilege - that their rights as Kenyans who are living abroad is protected. That is what we want to do in this amendment.

A number of Senators in this House had indicated earlier that they have worked or stayed abroad and they are now leaders in this House or in the lower House, the National Assembly and some are even MCAs, governors and Cabinet Secretaries. I want to challenge my colleagues in this House that let us ensure that we deal with this issue. Let us debate this issue and pass it expeditiously. We hope the President will sign this amendment into law because the financial interest that we have as a country in the Kenyan diaspora community is very unique.

I want to challenge political parties. We have a party called the United Democratic Alliance (UDA). The constitution of the UDA has even included the diaspora caucus. I urge my sister who is an ardent member of ODM to also include in their party a diaspora caucus. We are taking the lead as UDA and we expect other political parties---

Sen. (Dr.) Zani: On a point of information, Mr. Temporary Speaker, Sir.

Sen. Cherargei: I am ready to be informed by my senior, Dr. Zani.

Sen. (Dr.) Zani: Mr. Temporary Speaker, Sir, I wish that the current speaker would get his facts right before he exposes what he might not know. He should know that ODM is the leading party with structures very well stipulated. We are the only party that has a wing for the youth, women, PWDs and also the very active diaspora. So, for his information that is in place and it has been in place for a very long time.

Thank you, Mr. Temporary Speaker, Sir.

Sen. Cherargei: Mr. Temporary Speaker, Sir, I plead ignorance on that because I have never been a member of the ODM. Sen. (Dr.) Zani is a senior Member and I agree to be informed. I am happy that they have active diaspora caucus and we are also following in the lead. You know in Kenya, we have some village political parties. I hope that those village political parties can grow into national political parties and have a diaspora caucus just like UDA, ODM and other parties going into the future.

Mr. Temporary Speaker, Sir, in conclusion, let us integrate the diaspora community in the private sector. We did not capture this in this amendment; I want to ask the private sector to also be part of engaging the diaspora community. Let us encourage and ensure that the private sector also becomes part of it. Let us encourage the political parties. I normally see the Meru have the *Njuri-Ncheke* and the Kikuyu community have their own unique culture. They can see how they can partner. There are Kenyans who have given birth to their children in America or some other country, who they would really want to know their culture. They would want these children to know the values of the community where they come from. We can also look at how these cultural organizations can become part of the diaspora community that lives there.

I want to urge my colleagues, let us look at this amendment objectively. Let us address this issue. We are tired of seeing the media running stories of bringing back bodies because families are frustrated and the Government is doing nothing. We have put it in the law. Now it is an obligation.

I want to tell the Kenyan communities living abroad and local Kenyans who have their families abroad that; whenever a misfortune happens, it is the obligation of the Government to give the necessary support and attention to the Kenyans involved. This is because when you board a plane here as a Kenyan and go to work in any part of the world, you do not lose your rights. You are still a Kenyan; you enjoy the rights of a citizen. We are now obligating the Government to ensure that the rights of the diaspora

community are protected even in accessing services like passport renewal, ID cards, Huduma Number and many others.

It is an honor to second this Bill and I hope my colleagues will agree with us. Let us debate this robustly. If you have good ideas, we will note them down and when it comes to the Committee of the Whole, we will consider them.

I beg to second.

(Question proposed)

(Interruption of Debate on the Bill)

PROCEDURAL MOTION

ELECTION OF SEN. (DR.) ZANI TO PRESIDE
OVER THE SITTING OF THURSDAY, 30.9.2021

Sen. Cherargei: Mr. Speaker, Sir, I beg to move that pursuant to Article 107(1)(c) of the Constitution under Standing Order No.15 that therefore, the Senate elects Sen. (Dr.) Agnes Zani to preside at the sitting of the Senate today, Thursday, 30th September, 2021, in the absence of the Speaker and the Deputy Speaker.

I beg to move and request Sen. Omogeni to second.

Sen. Omogeni: Mr. Temporary Speaker, Sir, I second.

(Question proposed)

(Question put and agreed to)

(Resumption of Debate on the Bill)

Sen. (Dr.) Zani: Thank you, Mr. Temporary Speaker, Sir, for giving me a chance to speak. I wish from the onset to say that I really support this Bill and congratulate Sen. (Dr.) Kang'ata who has aptly moved this Bill and Sen. Cherargei who has really gone to expound it in details, giving us very critical information which is very important.

This is a matter that has been there for quite some time and there is a policy paper that was put in place in 2014; there might be an updated version. This is the Kenya Diaspora Policy and this policy was meant to ensure that various issues that Kenyans who are living in the diaspora face, are addressed and this should have built into legislation.

Mr. Temporary Speaker, Sir, if we look at this policy framework and this legislation preliminary--- In fact, when you look at the policy framework that has been put into place and signed by the then Cabinet Secretary (CS), hon. (Amb.) Amina Abdallah, what we are talking about in this Bill now is more or less the same issue, but even more expounded.

In that policy, certain objectives were put into place. These objectives are addressed in this Bill. For example, the need to engage the people who are living in the diaspora in national development. Indeed, they are very much involved in national

development by bringing remittances home, building homes, coming back to ensure that certain projects are done and offering employment to many people. This is very critical.

The second one is to ensure that they are able to mobilize and have associations that are well formed and well known. I know that if you leave it very fluid in this stage, you will find one person starting one association and another one starting a rival association. There is a problem there. So, there is need to mobilize these associations so that we have one association that is responsible for making various decisions and liaising with the missions within those countries and also with Kenyan missions and ministries so that this can be addressed.

The third one is the need to protect people living in the diaspora. Some time back, we were out in the diaspora talking to people there, and they have very many issues. We have heard a lot coming in through some of the labour that is being done. There are issues like when people die, how are their bodies transported back? How do they fundraise? All these things kept coming up. The person who is in the diaspora is protected by certain laws, but as the originator country of these people, we need to ensure that their protection is optimum.

There is also need to dialogue and have partnerships that are very key and ensure that at the end of the day, there is an institutional mechanism for coordination and administration. I think that this is what has been missing, the internal administration, coordination and putting all these together. This is what this Bill is speaking to.

Mr. Temporary Speaker, Sir, this Bill is speaking to a big percentage of Kenyans who are living in the diaspora. We have different figures, as we said. Sometimes the numbers in the various missions might not be completely accurate. We are talking about well over three million Kenyans in the diaspora from the data that is coming around, and this is very important.

These are people who are living in the diaspora and making a change, not just for themselves but for others as well. They are making a change for themselves because they have gone out to look for employment opportunities, and this is fine. I recently saw the Kenyan Government together with the United Kingdom (UK) Government talking about enabling scenarios for more expatriates to be expatriated into the UK in areas like nursing.

This is the sort of partnership that Kenya has with other countries. They are able to earn and have employment which they did or did not have. They might not have had employment and they wanted to get employment. They might have had employment but they wanted to have a different experience and maybe get some new reform elsewhere. This is very important.

Sen. Cherargei has talked well about the remittances and big figures. If you make comparisons with the figures of remittances that was there in 2020, it was about USD258 million. In May 2021, we are talking about USD31 million. That is a very big margin of differences. We know that very many people are relying on this money.

Unfortunately, some of this money has been misused and misdirected. As Sen. Cherargei said, somebody could have started a house, then they come and find that the house is not even in place, or money was put into a farm and the farm is non-existent, and things like that. There is a key paper that we can refer to by Misati, Kamau and Nassir that was written in 2019. Why is this group so important? What are their indicators of financial development that we can owe to this group, or how can we measure them?

The credit to the private sector as a share of our Gross Domestic Product (GDP) is very critical. How much credit did they put into the private sector as a share of GDP, the number of mobile transactions, which are very high, the value of these mobile transactions and the money which is sent, which tends to be quite a bit, the number of mobile agents that is put into place, among other indicators?

Mr. Temporary Speaker, there is no debate at all about the importance for this. The Kenya Citizenship and Immigration (Amendment) Bill is very key in ensuring that certain definitions and terms that were not put into place are put into place. It angles this particular Act to ensure that the diaspora is taken care of, for example, a Kenyan living abroad who is a returnee.

It also gives key responsibilities to the CS for these very important developments that need to take place. The CS is given most of the responsibility in this Bill. I will go through them very briefly because Sen. Cherargei had gone through all these from point to point, elaborating each of them.

There is developing and implementing strategies for Kenyans living abroad so that they can enhance their own development experience. The safety and security of Kenyans has been mentioned. Developing and implementing mechanisms for engagement with Kenyans living abroad, key associations, key interlinkages with ministries, *et cetera*, and establishment of administrative and institutional frameworks for the coordination of these people who are living abroad. This really ties well with the policy of 2014 that I mentioned regarding people living in the diaspora.

There is a lot of work that is now being done by people who are living in the diaspora. They are coming up more and more to give their experiences on talk shows for example. They explain the various issues and experiences that are coming up and things that need to be addressed.

In certain places where we talk about developing policies, maybe we need to update these policies. We look at the policy exhaustively and make sure that economic development, governance and democratic processes in Kenya are given in such a way that they try to incentivize these people who are living in the diaspora and ensure that we have a collaborative framework for this.

Access to legal representation and renewal of passports is very key. We saw this at the time when we were shifting to the digital passport. Certain countries do not have a mission that is close to everybody within a particular country. You will find Kenyans are told to go to the neighbouring country or to come back home for them to do this process.

Mr. Temporary Speaker, somewhere along the line, I think the timelines were changed and that afforded more time to keep in sync with what was happening. It would help for people to know where to go to and where things can be digitized and we can use technology and also transfer organizations and systems, it would be very good.

For example, the process for getting passports and visas in place is now done through automation and service providers who will take the passport, work on it and then bring it back. Yes, it is a tricky issue, but we need to make sure that at the end of the day, more services are expanded in whichever way. If it includes having more missions going closer to the people, that might be the case, especially where certain things need to be done.

Mr. Temporary Speaker, Sir, when people think about how to integrate when coming back, it does not look--- Why do people need this sort of integration? They do, because of the changes that they have had when they have been out there. When they come back, they really need to be able to move into place.

Having a presidential distinguished service award for these Kenyans has also been mentioned. This very well. The Bill will really enhance the possibility of those who are coming back for reintegration and development and for them to move very well. I have already mentioned the issue of biometrics and how to put all these Kenyan missions into place. That is very key.

The issue of investments tends to be problematic. Even when they come back, how can this be enhanced? One of the ways that this can be enhanced is to ensure that we have a database in place. This is very key, noble and people can know who is where and how they can be engaged in a different time.

Some of these people come with great expertise, but they tend not to get tapped universally. They might end up in an organization or might be able to do very well. However, it might be important that they get trapped within a Government network so that they can still give this sort of expertise back to the people.

As I wind up, Clause 2(h) requires submission of annual reports to Parliament and implementation of policies. I think this is key because it will involve us.

When I was looking through the penalty clauses, I realised that this is an amendment Bill. Probably the main Act has taken care of all these.

Mr. Temporary Speaker, Sir, given the important role of people living in different countries, their challenges, contribution and what they bring back, I think it is important to put these amendments into place.

I support.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Let us listen to Sen. Sakaja who is online.

Sen. Sakaja: Mr. Temporary Speaker, Sir, first of all, I want to thank Sen. Kang'ata for thinking about the plight of Kenyans living in the diaspora. In supporting this Bill, we must recognise Kenyans living abroad in hundreds of thousands because they are a huge part of our economy.

Indeed, those Kenyans continue to raise the flag of our country and they are our first ambassadors. For many people who come from other countries, their first interaction is with Kenyans living in those countries all over the world.

It has been stated that our biggest foreign income earners are remittances. That is a good and a bad thing. It is a good thing because it shows that those Kenyans are still connected to the country and concerned about their families and relatives living in Kenya and they send them money.

It is a bad thing because it shows that our balance of trade has gone down. A country's biggest foreign earner must be a product of trade. It must be what we export as opposed to just money coming back to the country. So, every coin has two sides. There is the positive and the negative but because of that, we must acknowledge.

[The Temporary Speaker (Sen. (Dr.) Lelegwe) left the Chair]

[The Temporary Speaker (Sen. (Dr.) Zani) in the Chair]

Madam Temporary Speaker, our country's economy has not been sustained in terms of our foreign reserves and six months import cover because of the remittances. When we have fluctuations against the dollar, a lot of--- (*technical hitch*) we have had as a country and our ability to keep the shilling a bit steady---

Sen. Cherargei: On a point of order!

The Temporary Speaker (Sen. (Dr.) Zani): Sen. Sakaja, please pause a bit. What is your point of order, Sen. Cherargei?

Sen. Cherargei: Madam Temporary Speaker, is it in order for the distinguished Senator for Nairobi City County to continuously refer to you as Mr. Temporary Speaker instead of Madam Temporary Speaker? I think he is out of order.

The Temporary Speaker (Sen. (Dr.) Zani): What do you have to say, Sen. Sakaja?

Sen. Sakaja: I am sorry, Madam Temporary Speaker. I thought that the Temporary Speaker, Sen. (Dr.) Lelegwe, was still on the Chair.

Madam Temporary Speaker, I want to congratulate you because this is the first time I am seeing you on the Chair. I was on the Floor the first time the Senator for Laikipia was on the Chair. I was also on the Floor the first time Sen. Mwaura was on the Chair. So, there seems to be some luck, or "kismat" as we call it in Nairobi when I am on the Floor.

The Temporary Speaker (Sen. (Dr.) Zani): That is good luck. Continue with your contribution because we were enjoying listening to you.

Sen. Sakaja: Madam Temporary Speaker, as I said, the remittances are like two sides of a coin. There is the good and the bad but we must applaud those Kenyans. We must recognise and treat them with the honour and the respect they deserve by bringing services closer to them. This Bill is amazing.

I have gone around the world. During our last visit especially to the Middle East, I realised that as a country, our greatest asset is our people. Kenya does not have oil. We tried it in Turkana but the prices went up. People were saying in Kiswahili that *mafuta ya Turkana ni ya kujipaka sio ya kuweka kwa gari*.

We do not have a lot of resources under the ground. Our biggest resource is our people. Our biggest resource is above the ground. We have realised that indeed we must leverage on the human resource.

All over the world, Kenyans are hailed to be very productive, hardworking and resilient. We are hailed to be the best workers you will find across the world. Therefore, we must tap into this great resource that we have, which is the people of Kenya.

We must see export of labour as an economic frontier that must be harnessed to the greatest level. That is why if you remember, in the previous Parliament, I sponsored a Bill, which is now an Act, that created the National Employment Authority (NEA).

In the board of the NEA, I made sure that we have representation of the Ministry of Foreign Affairs, as well as the Ministry of Labour and Social Protection and the Ministry of Finance and National Treasury to ensure we scoop the opportunities because unemployment is a problem in our country. Many of the opportunities for the young people will be found outside the country.

This discussion is coming at a time when we are also discussing the labour migration policy. As I speak, our country does not have labour migration laws. That is why we have Kenyans undergoing a lot of troubles and experiencing hard times especially in the Middle East.

We did a tour. The Committee on Labour and Social Welfare will bring a report to the Senate on our inquiry in the next few days. In our inquiry, we realised that, for instance, in Saudi Arabia, there are more than 88,700 Kenyans working there. That is a major importer of labour. There are 14 million non-Saudis working in the country. There are some jobs the Saudis would rather not do because of wealth. Out of the 88,700, a good number of Kenyans have had challenges.

I do not know if it is a coincidence. If you look at my timeline on *Twitter*, there is a gentleman called Obedo Brown who has just twitted asking me to assist them locate and repatriate back to Kenya the body of their brother Hudson Obedo who is said to have died on 16th while in detention in Saudi Arabia. The body is at Shamesi Hospital. There are so many cases like this. Every time a case arises, it has to take the intervention of elected leaders to connect them with the missions abroad. That should not be the case.

I am glad that the Principal Secretary (PS) of the Ministry of Foreign Affairs said emphatically that until we are able to guarantee the safety and wellbeing of Kenyans working in those countries, we must stop for a period of time the export of labour. We have many agents who do not tell people the expectations.

Since there is hunger for jobs, many of our girls are going without knowing what they are taking themselves to. They are also not trained properly for the jobs they are going for. They are being harassed because of that. There is a reason we have that and I will give an example.

The Philippines has the highest number of immigrant workers in countries of the Middle East. However, their workers are treated better because there is a diaspora office which does country to country negotiations.

You will be shocked that the cost of sending money from Saudi Arabia or Qatar to the Philippines is much less because they have negotiated. They have even negotiated the cost of making phone calls by their workers. They have a lower rate of making phone calls to their families. The government knows where each and every person from the country works.

There is a system which we looked at. I had a meeting with Ministry of Labour and Social Protection as well as the Ministry of Foreign Affairs. For instance, we should know where Grace Akinyi who left Kenya is, the family they are working for, their pay and the phone number we can contact her on. We need to know where every Kenyan working outside is.

I am glad that there is reference to that in this Bill. With respect to a database, I would propose a raft of amendments that will have a lot of borrowing from the labour migration policy to make sure that we secure this.

If you look at our Constitution, a Kenyan is a Kenyan no matter where they reside. A Kenyan should have access to the rights that Kenyans in Kenya enjoy, whether they are in Saudi Arabia, Qatar, Brazil, India or USA.

Madam Temporary Speaker, I have said repeatedly that a first class country cannot have a second class citizen. We must not accept any of our citizens to be treated as

second class citizens wherever they might be. Apart from the piecemeal interventions that have been there, I am glad we are going into an administrative regime, where we will be able address these issues directly. We will streamline issues of labour migration and other issues that have been mentioned in this piece of legislation.

I am glad this Bill speaks about citizens of Kenya. I am dealing with a case of a gentleman called Peter Calisto. It is an issue I have raised with the Ministry of Foreign Affairs and the Chief Administrative Secretary (CAS), hon. Namwamba. Peter Calisto has for a long time been helping Kenyans who have had issues in Saudi Arabia through an association I think called Salia. When Kenyans have issues they come together and contribute.

The Association has been banned. I wonder why the Embassy would ban the association of Kenyans, who come together to help each other in times of need. Peter has been, and still is, in detention in Riyadh. I have raised the issue and I am glad in the last few weeks there has been some movement in sorting out his problem. There are too many cases. They should not be dealt with because somebody can access Sen. Sakaja or another leader, but because every Kenyan deserves rights.

If we have a diaspora office, all of these issues will be dealt with seamlessly. It will be part of the structure of sorting out the plight of Kenyans who are living abroad.

I hail Kenyans whom we have come across. I am not sure if you were with us when we went to Canada. Some Senators came with us to British Columbia in Vancouver. There are Kenyans who have volunteered to assist other Kenyans. There was one Dr. Franklin Imbenzi, who is in British Columbia University. He is almost like an employee of the Kenyan Government because he has assisted so many students and addressed their issues.

I am glad this Bill talks about volunteership, but such a Kenyan needs to be recognized. He needs to be given a state commendation, employed or even given a job as an honorary consular in that country. There are many Kenyans in different places that I have come across. We must acknowledge the good work they do.

My third point is about services available at the Kenyan Missions. It is well elaborated by Sen. Kang'ata that these missions must be able to devolve to other cities. I recently had an incident, when I was moving from the US to Canada a month ago. I was in New York but would have had to go to Washington DC to get a letter from the Kenyan Mission. However, it was sorted out.

Many Kenyans who are in different States – the US is vast - have to go all the way to Washington DC or New York to get consular services. That should not be the case. Article 82 (1) (e) of our Constitution talks of registration of Kenyans as voters wherever they might be. Those in diaspora should be allowed to vote in an efficient way that does not mean them travelling thousands of kilometers to get a Kenyan mission.

We must be creative about how we use technology and create satellite offices for our missions abroad for many services, not just registration of voters. They should enable renewal of passports from the old generation to the new generation. It is a right of a Kenyan and not a favour. It is a right of every Kenyan to have status.

This new dispensation of the Constitution of Kenya, 2010 created dual citizenship. There are many Kenyans who lost their citizenship because they went to other countries and had to relinquish their Kenyan citizenship. For example, that

happened if they got a Green Card to the US, went to South Africa or UK or any of these countries. The Constitution now provides that one can have dual citizenship if they opt in.

This should be automatic unless the Kenyan says he or she does not want to have Kenyan citizenship. Every Kenyan who left the country and lost their citizenship by virtue of being a dual citizen, must be deemed to be a Kenyan again until they opt out. It is their right as opposed to who opts in and now applies to become a Kenyan citizen again. It is our birthright. We did not ask to be born in this country, but we or our parents were born in this country. That must be reinstated for many.

I think the most popular case is that of Miguna Miguna. It is very sad that somebody, who is known to be Kenyan, whose village is known--- It is sad that somebody who we know where he was born and which schools he went to are known has to negotiate his status as a Kenyan citizen.

Further to that, I am glad that Section 32 B spells out very clear rules and duties of the Cabinet Secretary, including measures to enhance safety and security of Kenyans living abroad. Without preempting or anticipating debate, because our Standing Orders prohibit that, I want to tell the Kenyans that when the report of the Committee on Labour and Social Welfare comes on the issue of labour migration, we are going to propose a raft of very serious measures. It has taken sometime because we did not want to do a piecemeal intervention.

It will include measures that those Kenyans who want to come back, must be brought back by the Government. Those who went into contracts that they were not sure about through rogue agencies must be brought back and those agencies be deregistered. We have a list of those agencies. We will be meeting with their association, the Cabinet Secretary for Labour, who I know has retained his position and with the Cabinet Secretary for Foreign Affairs and their team. We must secure Kenyans at all cost.

Additionally, the first time I addressed Kenyans in the US, I accompanied His Excellency the President Uhuru Kenyatta in New York and Washington DC. I had to tell them something that shocked everyone, because most leaders tell Kenyans to come back home for us to build Kenya---

(Sen. (Dr.) Langat crossed the Floor without bowing to the Chair)

The Temporary Speaker (Sen. (Dr.) Zani): Sen. Sakaja, there is a point or order from Sen. Omogeni.

Sen. Omogeni: On a point of order, Madam Temporary Speaker. My good friend, the Senator for Bomet, has just crossed the Floor from this to the other side. I know he belongs to the “hustler nation,” but when we are in Parliament, he has to follow the Standing Orders.

The Temporary Speaker (Sen. Zani): Thank you, Sen. Omogeni, for being alert.

Sen. (Dr.) Langat, kindly do the needful.

(Sen. (Dr.) Langat bowed to the Chair)

Thank you, Sen. (Dr.) Langat.

Proceed, Sen. Sakaja.

Sen. Sakaja: Madam Temporary Speaker, as we are talking about Teachers' continuous development, I think we might now need continuous induction in the Senate to remind Senators that we do not cross the Floor without bowing to the Chair.

Unlike many politicians who, for whatever reason or maybe lack of better imagination, will tell Kenyans to come back and build Kenya, I told them not to come back here. This is because they moved out of Kenya for a reason. There was something they were looking for. Those countries, for instance, the US, call themselves the land of opportunities. Those opportunities are where people have two or three jobs. Across the world, we are now seeing people asking for employment.

I told them not to necessarily come back, but partner with us in Kenya to make Kenya a land of opportunity. Once they have done that, if whatever they are getting in the US, Saudi Arabia, UK or India is available in Kenya, they will bring themselves back here. There will be no politician who will have to tell anyone to come back home. That should be the mantra going forward.

Let us partner with these Kenyans and have their database. Many of them are out of status and for that, they are shy to go to the embassies because they do not have documentation. We must treat these Kenyans with respect and they must partner with us.

When I was the Vice-Chairperson of the Committee on National Security, Defense and Foreign Relations, I realized our missions are not safe havens for these Kenyans. Our missions abroad must be a safe haven for Kenyans there. A Kenyan must know if they are in any trouble, they call the ambassador, the deputies and staff of the mission to come to their rescue not to run away from them. I call upon all our serving foreign missions to have that attitude that they are there to serve Kenyans not those foreign countries. We are there to represent the interests of the people of Kenya.

In as much as there are many who are doing it out there, there are many who are not. There are those who quickly take the side of the foreigners, instead of Kenyans. That is why the Constitution is very clear that one cannot be a state officer, including an ambassador if they have dual citizenship. This is because when one is an ambassador, their allegiance must be 100 per cent to the Republic and people of Kenya because that is the first interest one serves.

When I was in Washington DC, I met with people from the Office of the Mayor of Washington DC. They want to partner with Nairobi City County as sister cities. We have an agreement with Colorado about being a sister city with Nairobi which is doing well. We have a lot of things to share. We want to be sister City with Washington DC, with Los Angeles and London and some cities in Africa.

I am confident that even next year, when I become the Governor of Nairobi City County, *Inshallah* - God willing - if the people of Nairobi will support me, and I am confident they will, we will strengthen and use the Kenyans who are living outside Kenya, to build our City of Nairobi and our country.

Thank you so much, Sen. Kang'ata and Sen. Cherargei. I will support and propose some amendments, so that we bring this Bill in line with the other matters that have been thoroughly thrashed and discussed at length in the Labour migration policy.

I support.

The Temporary Speaker (Sen. (Dr.) Zani): We note that probable addition in terms of the labour migration policy. We looked for it but we were unable to locate it. Work may need to be done to find ways in which we can bargain better for the Kenyans in the Diaspora. You have mentioned the case of Philippines which I think we can borrow from in terms of bargaining out there for better rates and terms.

Thank you for your contribution, Sen. Sakaja. Proceed, Sen. Omogeni

Sen. Omogeni: Madam Temporary Speaker, I thank you for giving me this opportunity to rise in support the Kenya Citizenship and Immigration (Amendment) Bill (Senate Bills No. 33 Of 2021) that has been sponsored by my good friend, Sen. (Dr.) Kang'ata. I would like to begin by thanking the Senator for Murang'a County, Sen. (Dr.) Kang'ata whom I am told is preparing himself to become the Governor of Murang'a County and I wish him well.

This Bill is meant to put in place mechanisms for protecting the interests of our brothers and sisters who live in the diaspora. I would like to acknowledge that at times, it is not out of choice that Kenyans migrate to other countries. Some people migrate to other countries because we have been unable to grow our economy to the level that we can absorb all the youths that graduate from our universities, technical colleges and high schools.

We must thank the many countries out there that have graciously offered employment opportunities to our youth out there. We must also thank the Kenyans living in the diaspora who contribute immensely to the growth of our economy. You can imagine what would happen to this country if Kenyans in the diaspora woke up one day and said that they are not going to do any remittance back to their motherland. As of this year, our sisters and brothers in the diaspora reemitted a total of US \$350 million to our economy. That is a colossal amount of money. The people living in the diaspora are people that we know. They are our brothers and sisters. I have several kinsmen who live out there. I have a sister who lives in the United States of America (USA). In my county of Nyamira and the neighboring Kisii County, there are so many people from the Abagusii Community who live and work in the diaspora.

Madam Temporary Speaker, I must say that this is a very good Bill because it seeks to protect and safeguard the welfare of Kenyans who in all sense of the word remain Kenyans. When we were enacting the Constitution of Kenya 2010, we were innovative enough to put a clause that allows for dual citizenship so that Kenyans can feel a sense of belonging despite the many years that they spend out there, they still have connection to their motherland and that they can freely move back even as they acquire citizenship in other countries out there.

Madam Temporary Speaker, like the other colleagues who have made contribution before me have stated, I have been privileged to meet Kenyans out there who have raised concerns on the issue of passports. I remember that in 2019, I was in Melbourne over some private business and I happen to meet the Chairperson of the Kenyans community in Melbourne, Australia; a gentleman called Michael from Western Kenya. The Kenyans in Melbourne shared with me the agonizing experiences and cost implications for a Kenyan who wants to renew his or her passport. They have to travel all the way to the capital city in Canberra.

The other problem that Kenyans living in the diaspora mentioned to me is that when they go to those offices, there is no efficiency in terms of service being offered to Kenyans in diaspora. Kenyans spend one day or more trying to do paper work and other processes and then they will be told to return later. Whereas when they are renewing the passports of their adopted countries, it takes them very few hours to get that done. They go online, fill out all the necessary forms and then wait to receive their passports to their addresses almost in real-time. That speaks to the kind of efficiency that we should demand from the people who serve us; the civil servants who have been privileged to join the public service.

Our civil servants serving in the Kenyans embassies and high commissions should be sensitive to the fact that every hour counts out there because people earn per hour. If Kenyans in the diaspora spend time travelling all the way from Melbourne to Canberra in Australia or in the case of the United States of America (USA) from Seattle to Washington DC, we are not being fair to our people in the diaspora. I met another Kenyan friend who is originally from Meru in Sydney who shared the same struggles that Kenyans go through in the diaspora. I could not understand why Kenyans in the diaspora have to go through all these agonizing experiences yet they are key stakeholders in our economy.

Madam Temporary Speaker, I appeal to the Government to take this Bill seriously and ensure that we treat Kenyans in the diaspora correspondingly taking into account their contributions to our economy. If you want to understand how important the population of Kenyans in the diaspora is, you need to look at the case of India which is one of the countries that has sent out so many of its citizens to so many countries. If you visit Kisumu, you will be shocked at the large of Indians in that city. The MP of Kisumu Town East Constituency is an Indian called hon. Shakeel Shabbir who is now serving his third term uninterrupted. There is also another Indian MP from Uasin Gishu County by the name hon. (Dr.) Mishra who has been nicknamed Kipro. There is also another MP of Indian descent from Meru County by the name hon. Abdul Rahim Dawood. There was also another Indian MP in the last Parliament by the name, hon. Sumra, who was the MP for Embakasi Constituency.

Indians migrate from their motherland, come to this country and excel in many spheres. There are many businesses in Kenya that are run by Kenyans of Indian descents. India is the leading country in terms of remittances from the diaspora. Indians in the diaspora contribute 12 per cent of all the money that is remitted back to their country. If you visit Dubai today, you will find so many Indians in the hospitality industry as well as the security sector of the UAE. The Indians who live and work in the UAE alone remit US\$13.8 billion back to their country. That is a lot of money.

We need to support the Kenyans who have gone out of the country to look for greener pastures for lack of good employment opportunities, we treat them nicely and put in place systems that make it easier for them to have connections to their motherland.

On the issue of trade and transfer of knowledge and skills, there is a time that Nyamira County received volunteer Kenyan nurses from Texas, United States of America (USA). After receiving voluntary services for one week, patients were crying when the nurses went back to the United States of America (USA). The locals benefitted immensely from the transfer of knowledge and skills as well as the professionalism that

they have learnt out there. If we appreciate the fact that the Kenyans in the diaspora bring a lot of knowledge and experience here and remunerated them in a competitive way to match what they earn out there, it would make a tremendous difference even in our health and other sectors.

Secondly, Madam Temporary Speaker, we say it is positive that these people are remitting money back to our country. However, at times, there is a negative aspect. Some of it is exploitation of our people. Look at what is happening with our house managers. I do not want to call them house girls because I find it demeaning. Kenyans who move to UAE to serve as house managers get a lot of mistreatment and exploitation. The moment they land in UAE, their passports are seized and kept by their bosses. They will never access them. Some of them are beaten mercilessly by their masters and there is nobody to help them. They have nowhere to run to.

In 2019, the Kenya National Union of Teachers (KNUT) Chairperson of Nyamira County, Mr. Nyamwanda, who is a good friend of mine, had a misfortune of losing a sister who had migrated to UAE. The information was hidden from the family for four months. By the time news came in, the girl had died four months earlier. Bringing the body back home was a very agonizing and painful experience for that family.

I fully support this Bill because it proposes that the Government should put in place mechanisms of assisting these Kenyans. This is a good Bill and I hope the Government will fully support it.

The other day, I was privileged to be in a delegation that was observing the voting in Bahamas. I do not know why we are not able to incorporate these Kenyans into our voting system. If I am correct - if I am wrong, Sen. (Prof.) Kindiki can correct me - I think the only Kenyans in the diaspora who are allowed to vote in presidential elections are Kenyans in USA and South Africa; just two countries. Even our colonial master, eight hours away from Nairobi County, Kenyans in UK cannot vote. It is a tragedy.

Madam Temporary Speaker, I met a friend of mine called Mr. Mogoko, who is a doctor. He moved to UK. He was asking if they cannot sit down and discern the best leaders that our country needs and get an opportunity to vote. He said that our High Commissioner is in London. There is a huge Kenyan population, but they never participate in picking leaders.

I hope the Independent Electoral and Boundaries Commission (IEBC) can be innovative and put in place mechanisms for giving these Kenyans who are very knowledgeable, an opportunity to vote. They will not need to be bribed because they are financially independent. They just look at the manifesto of our Presidential candidates or governors and pick the best. Those are the people whose input we want to in electing leaders that can transform this country.

You can see what the banking industry has done. Before I came to this House as a Senator, I used to do conveyancing for Cooperative Bank. Now the lawyers in my office do it. There are many occasions that I was handling security documentation and perfection on behalf of Kenyans who live in the diaspora. I did work for a client in UK, but because of client-advocate confidentiality, I do not want to mention his name. He was buying a house in Ruaka. That is a Kenyan working in UK, but who has a bank-customer relationship with Cooperative Bank. He was borrowing money while there and being

financed by the Bank to do an investment in Kenya. That is what we want because that is a way of contributing to our economy. Equity bank is doing the same.

If the banking industry has tapped into this Kenyans out there, why can IEBC not do something about it? That is the best way of making those Kenyans to have more attachment to their motherland and that is one of the ways of making it an incentive for them to have an integral part on the many socioeconomic political activities happening in this country.

Madam Temporary Speaker, I can see my time is up, but I want to appeal to the Immigration Offices - even before this Bill becomes a law - they should also be fairly sensitive to these Kenyans living abroad. When they come back home, at times they have only about eight to ten days to be in the country. When they go to the Immigration Offices, they should be given priority. They should take judicial notice of the fact that they are just coming in and maybe they just have one day in the City before they travel to Nyamira County and process their documents fast enough.

I thank the Deputy Principal Immigration Officer, Mr. Nyatigo. I once went there with a case of a Kenyan who had come from USA and was coming from Nyamira County. He had two days in the country. I was impressed the way that officer received him. He received and gave him professional attention and handled his case within the shortest time possible.

I support this Bill and thank Sen. Kang'ata for bringing it to the House. I hope that once we enact it, it will get assent and become law. I will not resume my seat without thanking people like Prof. Makau Mutua who has led by example. I think he has taught in USA for more than 30 years. However, as his time to retire approaches, he has put up a fantastic hotel in Makueni County. You can imagine. That tells us that even as these Kenyans spend time out there, trying to earn an income that can support them and their families, their minds in terms of investments land retirement, is still in their motherland.

With those remarks, I support.

Thank you for the opportunity to contribute to this Bill.

The Temporary Speaker (Sen. (Dr.) Zani): Thank you, Senator. Thank you for highlighting the need for sensitivity in handling members in the diaspora and remembering what they have done.

Next is Sen. (Dr.) Langat of Bomet County.

Sen. (Dr.) Langat: Thank you, Madam Temporary Speaker, for giving this opportunity to support this important Bill. I have gone through it. I have seen that it will be an eye-opener as well as a development strategy among the Kenyans living abroad.

From the outset, let me say that the definition of the contextual terms is very important. It has created an eye-opener for further understanding of this Bill, especially to those who may not be lawyers.

We are living in a global village. With Information Technology (IT), the world has been reduced to a small village. The movement of people from one country to another is so high.

I remember very well, two months ago, I went to Kisumu Immigration office and the place was very congested. I then realized that the movement of people from this country to other countries is so high. We must bear in mind that due to information

technology people can access even employment opportunities from other countries apart from Kenya.

Coming up with such a Bill is so important, especially at this particular time when people are moving to other countries searching for employment. I want to quote Peter Drucker in his article on 21st Century Development Strategies, where he says that to be able to compete effectively with other countries in the 21st Century, we must understand the level of a country as far as information technology is concerned.

Therefore, understanding information technology in our country and even enabling young people to learn about this information technology will expand their knowledge, such that even when they are at home, they will be able to access information and various opportunities from other countries.

Madam Temporary Speaker, it makes me feel very sad when I go round several schools and see the laptop programme that was supposed to begin some 12 years ago in Standard One--- You remember very well, when I was the Chairperson for the Committee on Education, we did a survey in some counties to ascertain the level of computer literacy in most of our primary schools as a result of the introduction of laptops in our schools. It was very unfortunate that we discovered that most of the pupils were not even accessing those laptops, and in most of the schools that had them, those laptops were just lying idle in cupboards. It was very unfortunate because what will connect our country to other parts of the world is through the knowledge of information technology.

This Bill is very important because, first of all, it has highlighted a framework that will enable Kenyans living abroad to participate in development of their country. I met some Kenyans in California and other parts of America who have really developed America. When we interacted with most of them, we realized that it was not their wish not to develop our country. It is because we lacked a legal framework that would enable them to participate fully in economic development of our country.

This Bill has shed a lot of light and it is providing that economic development framework that will enable Kenyans living in other countries to participate in development fully.

I am happy because we can see a safety framework in this Bill. More often than not, when we look at the social media every day, we see very sad scenes and stories of Kenyans suffering abroad, especially in Arabic countries such as Qatar and other countries. We have seen Kenyans being tortured and neglected by the agencies that took them to those particular countries. We have seen their passports being confiscated and they are really suffering.

I have seen a very clear framework in this Bill to ensure the safety of Kenyans living in those countries. The safety of Kenyans within and outside our country is very important, and I have seen this Bill provide that safety framework. It will be a signal and message to Kenyans who are feeling so insecure in other countries, to understand that there is a Bill that is coming that will provide safety and comfort when they are living outside this country.

In this country, we have so many agencies that are taking advantage of Kenyans who are looking for employment and are so desperate. Therefore, they end up cheating these Kenyans. I brought a Statement here one time to save a girl from our county who was working in Qatar. The agents that took her there had cut all communication with that

girl and yet, she was suffering; she was being tortured and enslaved. When we contacted the agents, they were not responding.

However, this Bill is providing a clear framework, which will guide the agencies on how they will be engaging Kenyans when taking them from our country to go abroad to get employed. Most of the Kenyans are cheated that they are going to work in hotels. Some of them are cheated that they are going to work in the airport or in offices. However, after reaching those particular countries, they are reduced to work as maids against their wishes.

This Bill will also provide a clear framework that will control the actions of these agencies, so that they may work based on ethical and professional frameworks and handle these Kenyans with decorum.

This Bill also provides an information framework. Information is power. It will be very important for those who are within our country to get proper information on daily basis on their relatives who are working abroad. It is also very important for Kenyans in the diaspora to understand the daily activities taking place in their country. The information that will be reaching them, and the information we shall be getting from them, is very important particularly on the scholarly world.

I believe that information is power because even our students who are studying abroad will be getting a lot of information. The research that is taking place in other countries will reach our country to enable us to continue using those research reports to develop our country. The framework that has been set out by this Bill on information sharing is very important.

Another thing that I have seen is collaboration. The Bill is providing a clear collaboration framework by opening up collaboration avenues, where our people who are living abroad are able to collaborate effectively in terms of development, consultation, investment and so forth. The collaboration processes are very clear as stipulated in this Bill.

I have also seen the Bill emphasizing on investment. Currently, there is no clear framework that will enable Kenyans living abroad or staying in other countries to get clear investment avenues. However, this Bill will provide a framework that will enable the Ministry of Foreign Affairs or the Ministry that this will be customized for, to provide policies that will effectively provide ways that will enable Kenyans living abroad to participate fully in investment. This will enable them to open up their understanding and collaborative ways, so that they can invest with banks within our country and even banks in other countries.

This Bill has provided a clear framework that the Government will be able to get clear updates and databases of those Kenyans living abroad.

This database will enable Kenyan fiscal analysts and development departments to clearly plan for these people who are abroad and when they will come back to their country.

Madam Temporary Speaker, another one is the processes. It will enable Kenyans living abroad and within our country to process passports effectively. Up to this time, it is taking some Kenyans several weeks and months to get their passports. This Bill touches on the areas where processing of passports will be facilitated very easily. It will facilitate the movement of Kenyans from one country to another very easily.

There is another framework that clearly states how those people will return from abroad to Kenya after living abroad for a long time. These people require some very clear policy that will enable them to come back to their country and adjust their lifestyles to this country. Most of the Kenyans have left Kenya for almost 40 to 50 years. For those people to come back and adjust their lifestyle to live in Kenya, it is not very easy.

This Bill will enable the Ministry of Foreign Affairs and the Department of Immigration to provide policies that will enable Kenyans who are returning to their country to be assisted. They will be assisted through counseling and psychological processes that will enable them to adjust and live in their home comfortably.

Madam Temporary Speaker, I have also seen that this Bill will engage the concerned Ministry in providing almost weekly, and even monthly, updates about the lives of Kenyans who are living abroad. It will also check to find out how Kenyans are living abroad.

We have travelled to most of the countries, and when you travel to other countries and see how Kenyans are suffering and being frustrated, it really demoralizes you. I support this Bill and say that it should be expanded further, so that those people living abroad may get proper policies for health through the engagement with the health insurance policies that we have in Kenya. They should even come up with welfare policies for Kenyans who are living abroad.

I have seen this with Kenyans living abroad. Whenever something unfortunate happens, say, someone dies, it is so expensive for the family members to bring their body back. If this Bill comes up and those additions are made on the welfare of those Kenyans when they are living and no longer living, it will enable most of the Kenyans living abroad to live comfortably knowing that they have welfare when they are living and when they depart.

Madam Temporary Speaker, I support this Bill and congratulate Sen. Kang'ata. I call upon all the legislators to support this Bill to see the light of day, so that Kenyans may live comfortably wherever they are.

I support.

The Temporary Speaker (Sen. (Dr.) Zani): Thank you, Sen. (Dr.) Langat for that broad overview of the Bill.

Next is Sen. (Prof.) Kindiki.

Sen. (Prof.) Kindiki: Madam Temporary Speaker, it is my first day to submit when you are on the Chair. I, therefore, congratulate and wish you well. Maybe you are older than I think, but this is my first day to address this House, while you are presiding.

Madam Temporary Speaker, in many parts of the world, great civilizations have been built by the diaspora. All the great countries in Western Europe and the Americas, including the USA, have been built by foreigners. That is why you will find as many nationalities as possible in many advanced and powerful nations on earth.

It is very rare to find a successful country, which is homogeneous, but there are few exceptions. For example, we have China, which is also opening up after realizing that you cannot build a sustainable civilization using homogeneous or indigenous ideas. Therefore, I salute many people from this country who have decided to make a living abroad, settle, invest and work there, yet they are patriotic Kenyans who love their country.

Therefore, this Bill is timely in terms of encouraging those Kenyans and helping them to feel that they are part of our nation. We love and appreciate them. We also wish them well. They are always welcome should they want to participate in the affairs of their country. Should they want to retire here, maybe after the children have grown up, this Bill addresses how we can support our colleagues who have decided to make a living outside our country.

I do not think it makes somebody a lesser citizen simply because they are working abroad. In fact, those who have ventured abroad have a bigger contribution to the development of our country. Those who work abroad promote trade.

The discourse in the World Trade Organization (WTO) is now moving from being dominated by trade in goods to trade in services. Therefore, many teachers, nurses, architects, engineers and lawyers who are out there working and engaging in services in those countries, and maybe sending money home, are promoting Kenya's international trade in services. Kenyans abroad have made huge contributions in terms of remittances from abroad, which is a major contribution to our Gross Domestic Product (GDP).

There have been areas of concern. One of them is the issue of psychosocial and legal support for our colleagues out there. We have had cases of distress. Recently, there was a major humanitarian crisis in Afghanistan. Many countries invested heavily in terms of trying to locate their nationals in those countries and evacuating them because of the crisis in that country.

I did not see much effort by our country, yet I know there are many Kenyans there. I even know two people from Tharaka-Nithi who have been working in Afghanistan for the past 15 years, but we could not reach them. Up to now, we even do not know where they are. There was no coordinated effort by the Ministry of Foreign Affairs to assist people to trace their relatives or even evacuate citizens who could still be in Afghanistan.

I do not have to repeat, but we have cases in Saudi Arabia and other countries in the Middle East where Kenyans have been stranded. Therefore, this puts into sharp focus the role of our diplomatic missions abroad.

I am afraid to say that many of our embassies and diplomatic missions cannot give you a clear picture of how many Kenyans are in the countries of their jurisdiction, where they reside and what they do for a living. What they do is just to host Madaraka Day celebrations in the embassies once every year and invite people living around the city where the ambassador is a resident.

I urge our embassies and diplomatic missions to see the many Kenyans who are out there working in their jurisdictions as an asset to our country and part of the core mandate of our diplomatic missions abroad.

This Bill calls for continuous engagements between the national and county Governments with Kenyans abroad. As we enter into the second decade of devolution, it is clear that counties are increasingly facing financial distress because of dwindling financial remittances from the national Government. The way to go now is to enable and empower counties to receive support even in terms of grants. They can directly engage with even with sister sub-national units and even private organizations abroad who engage in development

If that be the case - and I strongly believe it is the direction that will guarantee the sustainability of our counties - then the role of Kenyans in the diaspora becomes extremely important.

(Loud consultations)

The Temporary Speaker (Sen. (Dr.) Zani): Order, Senators! Please, consult in low tones.

Sen. (Prof.) Kindiki: Thank you, Madam Temporary Speaker. I challenge counties and county governments to map out residents of their counties who are abroad, find out the countries they are in and use them as possible avenues of fundraising and bilateral support from organizations abroad.

Yes, they are all Kenyans, but I think we all come from some corner. Even as you help your country, you also think about the county you come from and would be more than happy to develop it even as you reach out to helping neighbouring counties.

Madam Temporary Speaker, there is need for special measures to encourage investments by Kenyans in diaspora. Many of them have worked and succeeded, but retire in penury. Although their heart is in Kenya, there is no system to help them plan, save and invest in a way that when they retire home, they find a livelihood in their old age. Some of them end up using relatives who squander their money for lack of institutionalized way of handling those resources.

In any case, investments should be dealt with as such and not as social support. They can keep on sending money for social support to their relatives, but there must be a framework by county governments and national Government to encourage investments. Kenyans in diaspora should be treated as any other investor is.

The voting rights are critical for Kenyans in diaspora. I agree with Senior Counsel, Sen. Omogeni, when he said that the IEBC has just started piloting the issue of voting rights. I think in the last election Kenyans were able to vote in two polling stations in the US and one in South Africa. That makes a mockery of the whole process.

The USA is a large country, which has a span of six-hour time difference from East to West Coast. If you then have two polling stations, one in Washington DC and other in Los Angeles, that can only be looked at as a pilot. You cannot claim to have enabled Kenyans in America to vote.

The same way, South Africa is a large country right from the border with Swaziland and Zimbabwe, all the way to where the Atlantic meets the Indian Ocean in the Cape point. When you set up one polling station in Pretoria, it is impossible for someone to drive from Stellenbosch or Cape Town, which is 2,300 kilometers, to come to vote in Pretoria in the north.

Madam Temporary Speaker, there is need to streamline voting rights as we go into the 2022 General Elections. There is need to establish more missions because we do not have enough missions abroad. Kenya needs to establish new missions in new places and frontiers, which can only mean new opportunities for Kenyans living abroad. This is so that we do not just stick to the traditional places such as United States of America (USA), United Kingdom and such other places. We should establish missions in small island nations, which are in need of services.

From my personal experience before I joined politics, as an academician just like you Madam Chairperson, had the privilege to travel to nearly 100 countries in 12 years,

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since I was a very vibrant academic. I engaged with so many Kenyans in the course of my tour of duty. One of my thrills was to meet Kenyans in one of the remotest places on earth, where you do not expect to find a Kenyan. Whenever I went for a workshop or a conference in any country, I made a point of having dinners with Kenyans in that country. You would be surprised to learn of the many opportunities that Kenyans have in Venezuela or any other country.

We must move from the traditional markets where Kenyans in the diaspora have been facilitated such as Kenyans living in the United States of America (USA) and countries in the Western Europe and move into new frontiers, especially island nations and other very remote countries where the demand for specialized services including teaching are lacking. I once visited a small island nation called Mayotte, which is a French overseas territory. The demand for English speaking teachers in that island is immense, yet we have an oversupply of teachers at O Levels in this country. We should start thinking of new places, frontiers and parts of the world and open embassies there as well as facilitate Kenyans who find their way there, so that they can play a meaningful role in the development of their nation.

Madam Temporary Speaker, agencies like the Independent Electoral and Boundaries Commission (IEBC) should endeavor to reach out to Kenyans in the diaspora. What should guide the IEBC is the geographical size of the country as well as the number of residents that reside in that country.

Finally, allow me to state that no country can develop from indigenous set of skills and the best example is Dubai in the UAE. Dubai was nothing in the early 1970s; it was just a desert. However, if you walk on the streets of Dubai today, you will think that you are in New York or Berlin. All the big companies of the world have set base in Dubai. All the tech giants from all over the world have established an office in Dubai. I was shocked to learn that there are 186 nationalities living in the Emirate of Dubai. That is like the entire United Nations residing in a country, which 40 years ago, was a total desert. Let us invest in diversity and encourage foreigners to come and work or invest in Kenya. That is the only we will integrate the world because the days of xenophobia, border controls and building walls to separate people is long gone.

I salute all Kenyans in the diaspora who are away for work, studies or whatever other reason. We endeavor to support them to make them feel a part of this country. Let us develop legislation and other policy interventions by this Bill to match our talk with action and ensure that our colleagues out there feel part and parcel of their own country.

Sen. (Dr.) Kang'ata, I salute you.

Madam Temporary Speaker, I beg to support.

The Temporary Speaker (Sen. (Dr.) Zani): Thank you, Sen. (Prof.) Kindiki for giving us a great link between heterogeneity and development. I do not think many people notice the examples that you have given us and the need to treat those in the diaspora as assets.

Next, we have Sen. Were.

Sen. Were: Thank you, Madam Temporary Speaker. I also rise to support the Kenyan Citizenship and Immigration (Amendment) Bill, 2021, ably sponsored by my good friend, Sen. Kang'ata, who walks the talk. I am sure he went somewhere abroad,

observed the problems that Kenyans there were going through and came back with a solution. Congratulations, Sen. Kang'ata!

This Bill is providing a framework for Kenyans abroad to use participate in the socioeconomic activities of their country. The amendment also seeks some protection of the interests of these Kenyans who are living abroad. It is not only just Kenyans living abroad who have gone there to work or look for jobs, but even employees from Kenya in the Kenyan embassies.

We had an opportunity to visit Botswana under the Commonwealth Parliamentarians Association (CPA). When we visited the Embassy, it was scarcely staffed. We met many Kenyan professionals who live in Botswana and have built that country. All the constructions of roads, schools and hotels have been done or spearheaded by Kenyan engineers. However, they have no way of paying back or participating and providing that knowledge back to our country.

Madam Temporary Speaker, we need a framework through which they can participate in the economic wellbeing of our country. They also make quite a number of remittances to this country, in billions. Your mouth should be where you have put your money. If they are putting more money in the economy of this country and earning us foreign exchange – which is important for the calculation of our Gross Domestic Product (GDP) – we must be able to provide a framework through which they can also participate. We like saying ‘nothing for us without us.’ If we want to enjoy their money, we should allow them to enjoy the services or the rights they are entitled to according to our Constitution.

Our Constitution also provides for dual citizenship. Therefore, those who have citizenship of other countries, have the right to enjoy the rights that are due to them as Kenyan citizens. For a long time, we used to complain brain drain; that our best have gone abroad or poached. Some of the people who have even produced vaccines have come from Africa. The Coronavirus (COVID-19) vaccine was developed by an African. That is brain drain. We cannot allow them to just develop whatever they develop out there and keep it. We need to find a way of bringing them back, so that they can participate fully socially, economically and even politically.

Our Constitution now allows them to vote and participate in the Governance of their country. The IEBC tried in 2013, but they were unable to do it well. In 2017, it was done in only a few embassies and high commissions. We want it to be open and available to all Kenyans who are over 18 years, so that they can participate in the governance of their country.

Madam Temporary Speaker, the Constitution also grants them the right to good health, education and sanitation. How are we protecting our young people, who go to look for especially low skilled labour abroad, especially in the Gulf region? They are still the responsibility of Kenya to protect them.

I support this Bill, which is coming at the right time. Kenyans out there whose passports expire go through frustrations to have them renewed. How are we making it easy in the provision of public service to those Kenyans abroad? This Bill provides that framework. It encompasses all these issues and meets the interest of Kenyans who are abroad.

I thank you, Sen. Kang'ata, and the team that came up with this Bill. We look forward to it passing, so that it can start applying fully.

Thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. (Dr.) Zani): Thank you, Sen. Were and that need for frameworks is well emphasized. Since I see no other Senator wishing to contribute, I, therefore, call upon the Mover to reply.

Sen. Kang'ata: Thank you, Madam Temporary Speaker, for affording me the opportunity to respond. Let me start by thanking various Senators who have contributed to this Bill. I thank the Senator for Nandi County, Sen. Cherargei, for seconding this Bill. Sen. (Dr.) Zani, thank you for that very good contribution. Sen. Sakaja, thank you so much for that very well taken exposition. Sen. Omogeni, Sen. (Dr.) Lang'at, and Sen. (Prof.) Kindiki, thank you so much. I also thank my friend, Sen. Were.

I have listened to each and every contributor. I have taken notes and I am so humbled. This is not a win for me, but all Kenyans living abroad once this Bill becomes law. It is also a win for Parliament because Parliament invests a lot of money to send Senators outside this country to benchmark and learn.

Madam Temporary Speaker, once we go there, we must always ask ourselves what problems Kenyans living abroad are facing. What solution can we offer to them when we come back? That is how the taxpayer who funds our trips gets value. Otherwise, it will be like a tour. It is important for us, when we come back, to propose a legislative intervention that can help solve some of the problems faced by Kenyans living abroad. That is the only way we can get value for those trips and ensure Kenya becomes a progressive country.

Madam Temporary Speaker, let me also echo what Sen. (Prof.) Kindiki said; that Kenya must remain an open and liberal society. I say this in the context of the so-called ongoing crackdown against the Pakistanis. Even as we travel outside, we must always appreciate the right called the notion of the reciprocation. The way we would want us to be treated outside, is the same way we should treat foreign nationals in Kenya.

I would urge the Ministry of Interior and Coordination of National Government not to do anything because of being inspired by xenophobic social media-driven hysteria. Remember, Pakistan remains Kenya's most important tea importer. Knowing how tea is important to us, we must always thank Pakistanis for supporting our tea farmers.

Madam Temporary Speaker, I have also had very good contribution concerning many opportunities that exists in the world and Kenya is yet to leverage. It is true that Kenya has an oversupply of labour. Many countries have undersupply of labour. Sen. (Prof.) Kindiki talked about an island and oversea territory of the French called Mayotte. I have never been to that country, but it is true that English is becoming a world lingua franca. Many people in the world want to learn the English language.

To that extent, nationalities that speak fluent English have a lot of opportunities. They can go out there and teach people the English language. We need to pass this law so that that the diaspora desk can look for opportunities of employment for Kenya outside, particularly for those who can teach the English language.

Madam Temporary Speaker, I regret that China recently banned private tutorship. We all know that Kenyans were really into that sector in China. They were teaching the Chinese children English. To that extent, I foresee some unemployment. I would urge

that we hurry up and pass this Bill, so that we may find other opportunities in other countries that are indecisive. That is why they are slowly turning into an English speaking country.

I have also heard other Senators talk about the importance of increasing our embassies overseas. If you go to Saudi Arabia, you will find that the Mission serves countries in the adjoining region. We know that Saudi Arabia and those other countries neighbouring Saudi Arabia is a new market that is being opened up. To that extent, then, it makes sense for us to increase embassies in each and every Middle East country, so that we protect the Kenyan citizenry who are in those countries.

Madam Temporary Speaker, if this Bill is passed, the problem of Kenyans being mistreated in Saudi Arabia will be addressed. This is because we shall have a dedicated desk that will handle the issue concerning any human rights abuses that Kenyans may suffer anywhere in the world.

As Senators, we must always think about the young people who do not get jobs in Kenya. Those are the millions of Kenyans who are graduating and do not get employment in this Republic. I come from Murang'a County and we are thankful that there has been a lot of investment in education. We have built so many schools.

Madam Temporary Speaker, however, once a person completes Form Four, and we know the pass rate in Kenya in Form Four is about 20 to 30 per cent, where do the 70 per cent of students who fail their Kenya Certificate of Secondary Education (KSCE) go to? Even if they go to Technical Vocational Education and Training Institutions (TIVET), do they transit into formal employment? Thus, the majority of that generation becomes unemployed.

That is the generation you go to Murang'a County and find in alcoholism because they have lost hope. They have nowhere else to go and get work, through which they can marry, be married, create and establish a family.

Madam Temporary Speaker, such ideas of creating job opportunities for our young people outside Kenya is something that we need to embrace as a society. This is what this Bill is partly trying to address. When you take, for instance, 1,000 Kenyans to America or Britain and 3,000 Kenyans to the European Union or Australia, you will find that their incomes shoot up the date they set their foot in those Western countries.

To that extent, you reduce poverty. You also make our skill set to expand because they go to those developed countries and see how those countries operate. Maybe one day, they will come back and add value to this society of ours.

Madam Temporary Speaker, my heart bleeds whenever I hear a graduate who does not have employment. My heart bleeds whenever I come across a very learned young person, who was told by the teacher and the parents to read hard so that you get employment. However, after toiling in primary, high school, and university or college, that person fails to secure a single vacancy.

To that extent, we need to make it as a policy that the Government must not only look for jobs here locally, but must create a desk as proposed by this Bill, which can help young people to get employment out of Kenya.

Madam Temporary Speaker, once we take those young people outside there, we should not leave them to their own design. We should create this desk as proposed by this Bill and ensure that if they are abused, they have a place they can seek justice. If their

human rights are violated, as a country, we have a mechanism through which we can ensure they can report to us.

The last time I checked the Central Bank of Kenya (CBK) data on remittances, it was almost Kshs200 billion per annum. That is a lot of money that we must at least give back by creating a desk for our people in diaspora.

Madam Temporary Speaker, I encourage the people in the diaspora, who may be watching us today that we are with you. That is why we have brought this Bill before this honourable Senate. We want to ensure that your rights are protected and the people you left back here in Kenya still care for you. The leaders that you left back here in Nairobi still care for you. That is why we have crafted this Bill, to ensure your rights are protected.

It does not make sense for you to be travelling almost half a continent to seek a simple service of renewal of a passport. You spend millions of shillings trying to get a simple Government service in a City called Washington DC, whereas you are based at the North Western regions of America. You are in Canada, which is also in another continent, and have to move travel thousands of kilometres to look for consular service. It does not make sense. Let us empower our diaspora community and create this enabling law to support our diaspora community.

Madam Temporary Speaker, I beg to reply.

The Temporary Speaker (Sen. (Dr.) Zani): Do you want to add something else?

Sen. Kang'ata: Madam Temporary Speaker, I rise pursuant to Standing Order No.61 (3) to request that you defer the putting of the question on this Bill to a later date.

The Temporary Speaker (Sen. (Dr.) Zani): Very well, Senator. The putting of the question is deferred to next week, in one of the sessions.

(Putting of the question on the Bill deferred)

The Temporary Speaker (Sen. (Dr.) Zani): I wish to use Standing Order No.1 to reorganise the Order Paper and request us to go back to Order No.10.

BILL

Second Reading

THE LAW OF SUCCESSION (AMENDMENT) BILL (SENATE BILLS NO. 15 OF 2021)

(Sen. Halake on 4.8.2021)

(Resumption of Debate interrupted on 4.8.2021)

The Temporary Speaker (Sen. (Dr.) Zani): Sen. Halake, you were moving this Bill and had a balance of time of 30 minutes.

Proceed.

Sen. Halake: Thank you very much, Madam Temporary Speaker, for re-organising the Order Paper and giving me the chance. I will not take too long because the background to The Law of Succession (Amendment) Bill has already been said. I beg to move that The Law of Succession (Amendment) Bill (Senate Bills No. 15 of 2021) be now read a Second Time.

The Bill is not a very long one. It seeks to address the issue of gender equity in succession matters. The Bill in amending the Law of Succession Act seeks to ensure that the Act provides for gender equity with regard to succession matters. The Law of Succession Act, Cap.160, is the core applicable law in Kenya regarding issues of succession.

Madam Temporary Speaker, the Act provides the law for testate with the will and intestate succession without a will. The Act contains provisions that advanced discrimination of women in the following ways. It exempts certain areas from application of the intestacy rules, leaving cases where one dies without a will to be subjected to customary law, which in most cases, is unfavourable to women. Therefore, we do not want a situation where the law of succession is left to lower level legislation, while the statutory legislation discriminates against that.

As I said before, as I was laying the background and the policy concerns that occasioned this Bill, there was a disconnect between the Law of Succession Bill and the Constitution of Kenya, 2010, as well as other statute laws. It discriminates against widows in that when they lose their life interest upon remarriage, while widowers do not.

Madam Temporary Speaker, it gives priority to fathers over mothers by expressly granting them precedent to inherit a deceased child's property whenever the intestate leaves no surviving spouse or children. Therefore, this law, while has some good provisions, does discriminate against women and needs to be aligned with the Constitution of Kenya, 2010 and other statute laws that are more dynamic and aligned to the Constitution of Kenya, 2010.

It also provides that in polygamous marriages, the husband inherits the full estate when each of his wives dies, but his net estate when he dies, is divided among his surviving wives and children. Therefore, the Bill at Clauses 6, 7 and 8 seeks to remedy this situation by giving parents an equal right to inherit the property of their deceased children, where there is no surviving spouse or children. It is making it clear that not only a widow, as currently provided for, shall lose life interest in property upon remarriage.

Madam Temporary Speaker, although Kenyan laws guarantees inheritance rights to all by statues, discriminatory customary laws still dominate in practice. Property grabbing by family members, although outlawed by the state, is common and affects widows, orphans and disabled persons, who often lack the ability to challenges these practices in court.

Although the Law of Succession Act seems to give some sort of protection against intermeddling with the estate of a deceased person, what amounts to intermeddling is not very clear. It is for this reason that the Bill, at Clause 2, proposes to define the term 'intermeddling' as follows:

Intermeddling means taking possession off, disposing off or using the property of the deceased without the authority under this Act or any other applicable law; ejecting by

force or by coercion a surviving spouse or child from the matrimonial home or any unlawful dealing with the deceased person's estate.

Madam Temporary Speaker, the Bill also seeks to align the definition of terms such as 'marriage,' 'spouse' and 'matrimonial property' to other recent laws such as The Marriage Act, 2014, The Matrimonial Property Act, 2013, as these have an implication when it comes to dealing with the estate of spouses.

Clause 3 of the Bill seeks to remove former wives and husbands being maintained by a wife immediately prior to the death of the wife from the ambit of the term "dependent" when it comes to succession matters.

Madam Temporary Speaker, finally, Clause 4 of the Bill seeks to align the Act to the Constitution by removing community land from the application of the law of succession. Community land belongs to community.

I come from Isiolo County, and as you know, we own our land as community land. We should not have a situation where community land is put in succession laws of individuals and, therefore, intermeddling it and bringing confusion. This is because that land belongs to the community and not individuals that can pass it on to their spouses or dependants. Therefore, I call upon Senators to support this Bill to give equal rights to our mothers, daughters, sisters, nieces and aunties upon demise of relatives.

Madam Temporary Speaker, with those few remarks, I beg to move and invite Sen. Were to second this Bill.

Sen. Were: Thank you, Madam Temporary Speaker, for giving me the opportunity to second The Law of Succession (Amendment) Bill, ably again sponsored by Sen. Halake who reminds us to move forward. She reminds us of the future and that we should forget about the past. This Bill was last done in 1981. That is before even the attempted coup of 1982.

Several things have changed. Women have gone to school and gotten jobs. There are things that need to change. From 1981 to now, there are certain things that need to change in the area of succession and property ownership. This Bill deals mainly with the gender equity in succession matters. The initial law was the Law of Succession of 1981, and I said this was before the attempted coup of 1982. This is a very long time ago.

Madam Temporary Speaker, in the Act before the amendment being brought by Sen. Halake, widows and widowers were to lose their interest in an estate once they remarry. Before then, it is the women who were to lose; Men were not losing. The amendment by Sen. Halake says that they should include widowers as well. If the widows are losing their property when they remarry or their interest in an estate, it should apply to widowers as well.

This Bill also excludes community land from the ambit of succession. We know that community land is communal; it is owned by the community. There are very many people in it. Therefore, the law as it is - the one for 1981 - makes community land also available for succession matters. The Bill by Sen. Halake seeks to exclude community land to avoid the many cases that drag on in court related to land.

Madam Temporary Speaker, it is mainly because of issues like this where community land is made to be a part of succession. Therefore, it is taken to court and it drags on. You know that land is a factor of production. If you have no access to land or

title, you cannot access loans. Land provides a guarantee for some of the loans with which you can use to develop yourself and the community.

Initially, in the law of succession of 1981, women were not even being allowed to make and prepare wills. They were not even allowed to challenge one if he does not adequately provide for them. In this new law, we are providing an amendment, so that now women are allowed to make a will. Now, the Constitution, 2010, has allowed women to inherit even land together with their brothers from their parents. Therefore, women now own property. They should be allowed by law to make a will and challenge any other will if it does not adequately provide for them.

Madam Temporary Speaker, in the old law, a wife was to be ranked lower than the husband. The husband was always ranked high as the most suitable person to take charge of a deceased's property. When somebody dies, the person who is ranked highest and is considered most suitable to take charge was the husband. However, there was no provision for a wife.

The law of succession of 1981 really blindsided and assumed that women did not exist. We are now able to come to Parliament as women. These are things we cannot allow to continue applying and, then, we go out there and say that we are women and were once in Parliament. What did we do in Parliament to protect the interest of women because things are changing? Our daughters are being taken to the same schools our sons are being taken to.

Madam Temporary Speaker, we are not just marrying them off. Why are we taking girls to school? We are taking them to school so that they can also make a life for themselves and contribute to the society. As they contribute to the society, the Constitution provides that there will be no discrimination of any sense, including gender discrimination. Therefore, if they have the same rights as men, husbands or brothers in Constitution, they should enjoy that right.

Also in the old Act, children were allowed to inherit without making any reference to a female old child. It only made reference to a male child. It was specific to male child, yet women give birth to both male and female.

Even when you give birth to twins, the same womb, on the same day, has produced a girl and a boy. Why would we provide a law of succession that only makes reference to a male child? This is discrimination against children, especially those born out of wedlock. The old law did not consider them. If you are a female child, they worse it is for you.

Madam Temporary Speaker, as I indicated earlier, in the old law, widows would lose their right when they remarry. However, the same was not passed on to widowers. How crazy is it; that if a wife dies and the man remarries, and that wife had property, the man does not lose the right or interest in that property, yet he has remarried? However, a wife who remarries loses interest in her deceased husband's property. That is not acceptable in the new era.

We have heard that the Constitution 2010 prohibits laws, including customary laws that violate the Constitution. Female Genital Mutilation (FGM) is one of those customary laws that violate the Constitution and is illegal. There is no difference with the law on succession. That is especially discrimination of any kind. It is not allowed in the Constitution, 2010.

Madam Temporary Speaker, the amendment that has been brought by this Bill also provides for the participation of county governments. Land is emotive. We have the chiefs at the lowest level. The headmen and now ward administrators and village administrators who understand the history of some of these land and succession disputes that drag on. By bringing on board the county governments to deal with some of these issues, we will reduce these disputes and enable our people access land and all the benefits that are related to land.

This Bill, therefore, proposes for the creation of awareness and provision of the law of succession, so that members of the public are informed of the options available to them in law. This Bill also mandates counties to make sure that they hold regular clinics - awareness campaigns - to make sure that people know that there is a law like this that exists and they have rights from which they are protected from harmful customary practices.

Thank you, Madam Temporary Speaker. I beg to second.

The Temporary Speaker (Sen. (Dr.) Zani): Thank you very much, Sen. Were.

(Question proposed)

Sen. Kang'ata: Madam Temporary Speaker, thank you for giving me this opportunity to contribute to this Bill. I am glad that this Bill has been brought before this House by Sen. Halake for several reasons. First, I have been carrying out some seminars in Murang'a County to teach the law of succession to mainly the clergy. I have dealt with these issues on a day to day basis.

I recall last week, on Wednesday or so, I was with the Presbyterian Church of East Africa (PCEA) Women Guild at Maganjo, Kamahuha, that is, in Maragua Constituency. I was with the entire Murang'a North Anglican Church of Kenya (ACK) Mothers Union. I was teaching them this law of succession.

Madam Temporary Speaker, I recall I was in Kenol Cathedral of the Anglican Church, Murang'a South, led by Bishop Karanu. Again, this was the topic. I also had the opportunity to teach law of succession to the women at Kiriani in Murang'a North, Mathioya Constituency, at ACK. This was the topic where I was trying to teach Murang'a people, particularly the clergy, salient features of the law of succession.

The reason I did that is an appreciation that almost 95 per cent of Murang'a land is titled. Therefore, we have a lot of intra and inter-family disputes arising out of the law of succession. Therefore, I feel that if our people are to understand the various features of law of succession, we can reduce intra-family disputes on matters land. I am happy that somehow this Bill has been brought before us, so that we can improve on it.

Madam Temporary Speaker, I agree with the Mover. This Bill was passed way back in 1981; that is about 40 years ago. That is when the primary statute was enacted into law by the National Assembly. There have been a lot of changes over the years. In 1981 the Constitution that was prevailing then was the 1969 Constitution. Now, we have a brand new Constitution called 2010 Constitution of Kenya. It has introduced a raft of new ideas and notions.

Therefore, once you enact a Constitution and introduce new principles, it means then you have to review statutes, which we did. We introduced a new land law. You

remember the Land Act that collapsed the various pieces of legislation on land that were existing then, like Government Lands Act, Registered Land Act and Registration of Titles Act. They were all collapsed into one piece of legislation.

Madam Temporary Speaker, however, we forgot as a country to review the law of succession. I am glad that this is the first attempt for us to modernise the Law of Succession. We shall all die and be subject to the Law of Succession. I would imagine that it is something that touches on every Kenyan out there.

When a person dies in terms of the process, the Law of Succession sets out the process that one has to undertake before this process is finalised. You have to take an introductory letter from the chief and a copy of the death certificate. You have to annex what we call documents that prove ownership of those properties initio. If it is land, search documents, a copy of the sure certificate, logbook and then you start. You lodge, go to *Kenya Gazette*, letters of administration, then, go to confirmation of grant.

Madam Temporary Speaker, I would urge my sister. Look at that process and see how we can improve on it. When you look at this Act, it only touches on the substantive provisions of the Law of Succession. There are many areas a good practicing lawyer can advise on how we can improve on matters procedure. We make it a little bit easier and affordable, so that matters succession do not stay for long in court.

The Temporary Speaker (Sen. (Dr.) Zani): Order, Senator! Sen. Kang'ata, you have a balance of 13 minutes when this Order comes again on the Order Paper.

ADJOURNMENT

The Temporary Speaker (Sen. (Dr.) Zani): Hon. Senators, it is now 6.30 p.m., time to adjourn the House. The Senate, therefore, stands adjourned until Tuesday, 5th October, 2021, at 2.30 p.m.

The Senate rose at 6.30 p.m.