

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 7<sup>th</sup> June 2017

The House met at 9.30 a.m.

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

### PRAYERS

### QUORUM

**Hon. Deputy Speaker:** Can we have the Quorum Bell rung please?

*(The Quorum Bell was rung)*

Hon. Members settle down. We can now begin to transact business.

**An Hon. Member:** *(Inaudible)*

**Hon. Deputy Speaker:** Order! What is there? Do you have a notice of Motion or do you want to lay a Paper? How comes it is not in our record. Could you do it in the afternoon because you will need approval to have those Papers laid?

### BILLS

#### *First Reading*

THE COUNTY GOVERNMENTS' RETIREMENT SCHEME BILL

*(Order for First Reading read - Read the First Time and ordered to be referred to the relevant Departmental Committee)*

**Hon. Deputy Speaker:** Hon. Members, kindly stay behind so that we transact Order No. 9.

#### *Second Reading*

THE COMPANIES (AMENDMENT) BILL

*(Hon. A.B. Duale on 31.5.2017)*

*(Debate concluded on 6.6.2017)*

**Hon. Deputy Speaker:** Let us have the Hon. Leader of the Majority Party. Do you have something to say? Hon. Members, I will proceed to put the Question. This Bill had been debated and completed. What remained was putting the Question.

*(Question put and agreed to)*

*(The Bill was read a Second Time and committed to a Committee of the whole House tomorrow)*

### COMMITTEE OF THE WHOLE HOUSE

*(Order for Committee read)*

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

### IN THE COMMITTEE

*[The Chairlady (Hon. (Dr.) Laboso) took the Chair]*

### THE REFUGEES BILL

**Hon. Deputy Speaker:** Hon. Members, we are now in the Committee of the whole House to consider the Refugee Bill. We had transacted up to Clause 12 and now we are resuming at Clause 13. I do not see the Chairman of the Departmental Committee on Administration and National Security, Hon. Asman Kamama. All the amendments here are literally his.

**An Hon. Member:** *(Inaudible)*

**Hon. Deputy Speaker:** We cannot talk of his coming unless you are doing it on his behalf. We are, therefore, forced to move to the next Bill. We can re-order and move to the Traffic (Amendment) Bill. We can come back to this one when we have the Members. Is Hon. Lekuton in?

### THE TRAFFIC (AMENDMENT) BILL

#### *Clause 3*

**Hon. Deputy Speaker:** Are you standing in for Hon. Maina Kamanda? Okay, you are moving the amendments on behalf of the Committee.

**Hon. Shimbwa:** Thank you, Hon. Chairlady, I beg to move:

THAT, Clause 3 of the Bill be amended by deleting the existing clause 3 and substituting therefor the following new clause (3)-

“(1A) A person who contravenes the provisions of section (3A) shall be liable to a fine not exceeding twenty thousand shillings.

(1B) A police officer shall serve upon the person driving or in charge of a vehicle and who commits an offence under section 42 (1), (2) and (3), with a police notification of traffic offence in the prescribed form charging the person of having committed the offence under the section.

(1C) The police notification served under subsection (1B) shall require the person to attend court to answer such charge as may be preferred within forty-eight hours of service of the notification.

(1D) The procedure stipulated under section 117 (4), (5), (6), (7), (8), (9) and (10) shall apply to this section.”

The justification is that the amendment seeks to give a judicial officer discretion to impose a fine, but such fine shall be at a maximum of Kshs20,000 depending on the severity of the offence and the circumstances of each case.

This serves to provide a systematic order by which offences committed are notified to offender and the procedure afterwards.

Thank you, Hon. Chairlady.

*(Question of the amendment proposed)*

**Hon. Chairlady:** Hon. Lekuton, do you want to make a comment on this, as the representative of the Chairman of the Departmental Committee on Transport, Public Works and Housing?

**Hon. Lekuton:** No objection, Hon. Chairlady.

**Hon. Chairlady:** Are you in agreement with the amendment?

**Hon. Lekuton:** Yes.

**Hon. Chairlady:** Okay.

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

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

*(Clause 3 as amended agreed to)*

*(Hon. Shimbwa stood up in his place)*

Now, I do not know why the Member is standing. I have not asked you to stand yet. You will get the time when we have finished that clause first.

*Clause 4*

**Hon. Chairlady:** The Departmental Committee on Transport, Public Works and Housing, you have an amendment. Now, Mover of the Bill, you can speak.

**Hon. Shimbwa:** Thank you for your guidance.

Hon. Chairlady, I beg to move:

That Clause 4 of the Bill be amended—

(a) by deleting sub clause (2) of the proposed section 105B and substituting therefor the following new sub clause (2)—

“(2) Notwithstanding subsection (1), a motor vehicle designated for transporting children to or from school or for any non-school related activity when they are in a group shall—

(a) be fitted with safety belts designed to be used by children;

(b) be painted in yellow colour and have other signage as may be prescribed;

(c) comply with the conditions imposed on public service vehicles under this Act; and

(d) not operate between the hours of 10:00 pm and 5:00 am.”;

(b) by deleting sub-clauses (3), (4) and (5);

(c) In sub-clause (6) by inserting the following new paragraph immediately after paragraph (c)-

(d) in sub-clause (7) by deleting the words ‘of fifty thousand’ appearing immediately after the word ‘fine’ and substituting therefor the words ‘not exceeding thirty thousand’;

(e) by deleting sub-clause (8) and substituting therefor the following new sub-clause (8)-

“Notwithstanding subsection (7), a person who being the registered owner or driver of a vehicle used for transporting children, who authorizes or permits the use of a vehicle used for transporting children or is negligent to prevent contravention with this Act commits an offence and shall be liable to a fine not exceeding thirty thousand shillings or imprisonment for a term not exceeding two months, or to both.”; and

(f) by inserting the following new sub-clauses (9) and (10) immediately after sub-clause (8)—

“(9) Subsections (1), (2)(a) and (b) shall come into force within twelve months after the enactment of this Act.

(10) The Cabinet Secretary shall, within a period not exceeding twelve months after the enactment of this Act, make the Regulations prescribing matters required to be prescribed under this section.”.

The amendment in Sub-section 2 seeks to give more clarity on the specific requirement that a vehicle transporting children must comply with. Deletion of Sub-section 4 ensures that private vehicle owners who may, sometimes, carry children in their vehicles shall not be under an obligation to fit their vehicles with the same devices as the vehicles specifically designated to carry children. Deletion of Sub-section 3 and Sub-section 5 would be necessary as the specific requirements have been stipulated in Sub-section 2. Amendments of Sub-section 7 seek to provide a more lenient fine to persons who contravene the provisions of this section. Sub-section 8 as it is has the effect of imputing liability on owners, managers and teachers in schools. This will not be proper as teachers will be punished for offences for which they have no control. It is, therefore, proper to impute such liability strictly on the registered owners of such motor vehicles.

Thank you, Hon. Chairlady.

*(Question of the amendment proposed)*

**Hon. Chairlady:** Those who are putting their interventions, is it in support or opposing?  
Hon. Mulu.

**Hon. Mulu:** Thank you, Hon. Chairlady.

I support this amendment. Maybe I just want to make an observation that the idea of reducing the fine from Kshs50,000 to Kshs30,000 only and there is the word “not exceeding Kshs30,000” may just encourage people to break the law. This is because Kshs30,000 is such a low amount that the magistrate might even put it at Kshs5,000 because it is “not exceeding”. So, I wish to see a higher penalty for people who break this important law.

I support.

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

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

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

*(Clause 4 as amended agreed to)*

#### Clause 5

**Hon. Chairlady:** Hon. Mwinyi?

**Hon. Shimbwa:** Hon. Chairlady, I beg to move:

THAT, Clause 5 of the Bill be deleted.

The Traffic Act contains an offence and penalty for the violation of the provisions of Section 42. This is contained in Section 43(1) of the Act. The Bill proposes to impose penalties for contravention of the proposed new Sub-section 3(a) and the amendment in Clause 3(a) provides for this. Clause 5 of the Bill which creates a new schedule with different fines is, therefore, not necessary as the fines are already provided for.

**Hon. Chairlady:** Hon. Mwinyi, you have not indicated that you are proposing to delete; that this is a deletion.

**Hon. Shimbwa:** This is actually a deletion.

**Hon. Chairlady:** Yes, you need to say that. You are justifying but not telling us that you are deleting.

**Hon. Shimbwa:** Yes, we need to delete that section. Thank you for your guidance.

*(Question of the amendment proposed)*

**Hon. Chairlady:** I see Hon. Michael Onyura. Do you want to make a comment on this?

**Hon. Onyura:** I think I just want to support since it is trying to correct that overlap on fines, they are on one section and also appearing on a new schedule. I think is just a question of cleaning up.

I support that amendment.

**Hon. Chairlady:** Okay.

Lekuton, you are the owner of the Bill.

**Hon. Lekuton:** I have no objection, Hon. Chairlady.

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

*(Clause 5 deleted)*

Clause 2

**Hon. Chairlady:** Hon. Mwinyi on Clause 2?

**Hon. Shimbwa:** Hon. Chairlady, I beg to move:

That, Clause 2 of the Bill be amended in the new sub-clause (3A)-

- (a) by deleting the word “thirty” appearing immediately after the words “speed exceeding” and substituting therefor the word “fifty”;
- (b) in paragraph (d) by inserting the following words “as may be designated as a pedestrian crossing by the highway authority” immediately after the words “from school”; and
- (c) by deleting paragraphs (b), (c) and (e).

This amendment seeks to ensure that the speed limits around schools is 50 kilometres per hour; a speed limit of 30 kilometres per hour around schools will be unrealistically slow and would cause unnecessary traffic jams around the schools. Deletion of paragraph (b) seeks to eliminate ambiguity as it is not clear what qualifies to be defined as “an institution normally accessed by children”. Deletion of paragraph (c) seeks to eliminate ambiguity as it is not clear what qualifies to be defined as “a public play ground” which is normally accessed by children. Also, paragraph (e) is unreasonable and should, therefore, be deleted.

Further, the amendment seeks to ensure that only areas designated as pedestrian crossings by the Kenya National Highways Authority (KeNHA) are subject to the speed limit. This is to avoid instances where pedestrians cross the roads haphazardly thus bringing about disorder in the roads.

I, therefore, propose deletion of the said clauses.

**Hon. Chairlady:** Now, yours is not just a deletion. It is a deletion and a substitution of the speed limit.

**Hon. Shimbwa:** There is a substitution and, of course, deletion as well.

*(Question of the amendment proposed)*

**Hon. Chairlady:** Is anybody making a contribution before I put the Question on this amendment? I see none. I, therefore, put the Question.

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

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

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

*(Clause 2 as amended agreed to)*

*(Clause 1 agreed to)*

*(Title agreed to)*

*(Clause 1 agreed to)*

**Hon. Chairlady:** The Mover.

**Hon. Lekuton:** Hon. Chairlady, I beg to move that the Committee do report to the House its consideration of the Traffic (Amendment) Bill (National Assembly Bill No.33 of 2014) and its approval thereof with amendments.

*(Question proposed)*

*(Question put and agreed to)*

**Hon. Chairlady:** Hon. Members, I propose that we move to the next Bill and do Consideration of Report and the Third Reading of all of them together.

We will move to the Refugees Bill and the amendments he has. We had gone up to Clause 12. We shall now start with Clause 13.

#### THE REFUGEES BILL

*(Resumption of consideration in  
Committee interrupted on 31.5.2017)*

#### Clause 13

**Hon. Chairlady:** Hon. Kamama.

**Hon. Abongotum:** Hon. Chairlady, I beg to move:

THAT, Clause 13 of the Bill be amended—

- (a) by deleting sub-clause (1) and substituting therefor the following new sub-clause—  
“(1) An application for the grant of refugee status shall be made to the Secretariat either directly or through an authorized officer or an officer of the United Nations appointed by the Committee.”
- (b) by deleting sub-clause (2) and substituting therefor the following new sub-clause—  
“(2) An authorized officer to whom any asylum seeker presents himself or herself shall refer that asylum seeker to the relevant authority.”
- (c) by deleting the word “Commissioner” wherever it appears and substituting therefor the word “Director”.

The justification for this clause is that the refugee status determination is a function of the Government. Therefore, the amendment seeks to clearly provide that such an application may only be made by the secretariat or an authorised officer by the Refugee Advisory Committee.

Thank you, Hon. Chairlady.

*(Question of the amendment proposed)*

**Hon. Chairlady:** Hon Aghostinho Neto, do you want to intervene?

**Hon. Oyugi:** Thank you, Hon. Chairlady. I agree with this particular amendment.

**Hon. Chairlady:** Do these Members want to make contributions? Hon. Lekuton, Michael Onyura and Alois Lentoimaga, do you want to talk on this Bill?

**Hon. Lentoimaga:** Hon. Chairlady, I concur and support the amendments. The reason is that in the parent Act or previous policy, the Government of Kenya did not have a role in determining a refugee. From the time the refugees started flocking into Kenya in 1991, the United Nations Higher Commissioner for Refugees (UNHCR) was handling this and determined who became a refugee. The Government did not play any role. This amendment goes a long way in giving the Government and the ministry in charge a role in determining who becomes a refugee. That is the right way to go in every country and the whole world.

I support.

**Hon. Chairlady:** Is Hon. Gikaria interested in the same amendment or you are just speculating?

**Hon. Gikaria:** I want to agree with the amendment as the Vice-Chair has just put it. Before, it was only the international organisations which dealt with refugees and it became very difficult for Kenya even when it wanted to find out how many refugees it had because of lack of data. With this amendment, the Government of Kenya will have its own data.

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

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

*(Clause 13 as amended agreed to)*

*Clause 14*

**Hon. Chairlady:** Hon. Kamama, please summarise.

**Hon. Abongotum:** Hon. Chairlady, I will be very fast. I beg to move:

THAT, Clause 14 of the Bill be deleted.

The justification is that participation of public benefit organisations in refugee status matters may create an avenue for advancing certain interests which may not be in line with the objectives of the Refugee Act.

*(Question of the amendment proposed)*

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

*(Clause 14 deleted)*



*Clause 15*

**Hon. Chairlady:** Hon. Kamama.

**Hon. Abongotum:** Hon. Chairlady, I beg to move:

THAT, clause 15 of the Bill be amended—

(a) by deleting sub-clause (1) and substituting therefor the following new sub-clause—

“(1) There is established a Refugee Status Eligibility Committee which shall consist of the following members—

(a) a chairperson appointed by the Cabinet Secretary;

(b) not less than four other members appointed by the Cabinet Secretary from the following departments in consultation with their respective Cabinet Secretaries—

(i) a representative of the ministry responsible for internal affairs;

(ii) a representative of the Inspector-General of Police; and

(iii) a representative of the Director of Immigration Services.

(b) by deleting sub-clause (3) and substituting therefor the following new sub-clause—

“(3) The Refugee Affairs Secretariat shall provide secretariat services to the Eligibility Committee.”

The amendment seeks to remove the Director from the membership of the Eligibility Committee since it advises the Director on matters of refugee status determination. It further seeks to ensure that the members of the Eligibility Committee shall only be persons who are conversant with matters relating to internal affairs, immigration as well as representatives from the National Police Service (NPS).

*(Question of the amendment proposed)*

**Hon. Chairlady:** Hon. Aghostinho Neto.

**Hon. Oyugi:** Thank you, Hon. Chairlady. I agree with the Committee on this amendment. The initial draft Bill had the Director as part of the Eligibility Committee but since he is the person who will be giving the authority, we struck middle ground and agreed that he does not become part of that committee.

I support this amendment.

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

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

*(Clause 15 as amended agreed to)*

*Clause 16*

**Hon. Chairlady:** Hon. Kamama.

**Hon. Abongotum:** Hon. Chairlady, I beg to move:

THAT, the Bill be amended by deleting Clause 16 and substituting therefor the following new clause—

Functions of the  
Eligibility  
Committee.

16. (1) The Eligibility Committee shall review recommendations of the Secretariat arising from the refugee status determination process and advise the Director.

(2) Upon receipt of the advice of the Eligibility Committee, the Director shall make a determination and cause the applicant to be informed of his or her decision.

The justification of this is that the amendment seeks to harmonise and distinguish the functions of the Refugee Advisory Committee and those of the Eligibility Committee. The functions of the Eligibility Committee will involve review of refugee status determination and decisions with a view to advising the Director on the ground of refugee status and this should not include conducting interviews which is a role of the case workers in the secretariat.

*(Question of the amendment proposed)*

**Hon. Chairlady:** Hon. Aghostinho Neto.

**Hon. Oyugi:** Thank you, Hon. Chairlady. This was a brilliant amendment by the Committee because for the first time we are introducing an Eligibility Committee in the status of refugees in Kenya. It was a balance between the Refugee Advisory Committee and the work of the Eligibility Committee. I think the Committee got it right.

I support the amendment.

**Hon. Chairlady:** Let us have Hon. Makenga.

**Hon. Makenga:** Thank you, Hon. Chairlady. I also rise to support the amendment since it seeks to harmonise the functions of the Eligibility Committee.

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

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

*(Clause 16 as amended agreed to)*

#### Clause 17

**Hon. Abongotum:** Hon. Chairlady, I beg to move:

THAT, Clause 17 of the Bill be amended—

(a) in sub-clause (1) by deleting the words “Eligibility Committee” and substituting therefor the word “Director”;

(b) by deleting sub-clause (2) and substituting therefor the following new sub-clause—

“(2) An applicant who is aggrieved by a decision of the Director may, through his or her representative or any other interested party, appeal to the Appeal Board within thirty days of receiving written notification of the decision.”;

(c) by deleting sub-clause (3); and

(d) by deleting sub-clause (4).

The justification for this is that the amendment seeks to distinguish the functions of the Director and the National Eligibility Committee in terms of the decision-making on refugee status determination.

In (b), this amendment seeks to redraft sub-clause (2) in clear and precise language.

In (c) the fact of legal representation is already provided for in sub-clause (2), therefore, there is no need to restate it in sub-clause (3).

Lastly on (d) this amendment seeks to eliminate the ambiguity contained in sub-clause (4).

*(Question of the amendment proposed)*

**Hon. Chairlady:** Hon. Makenga, do you want to comment on this?

**Hon. Makenga:** No.

**Hon. Chairlady:** Let us have Hon. Aghostinho Neto.

**Hon. Oyugi:** Thank you, Hon. Chairlady. I support this particular amendment by the Committee. It simply refines Clause 17. It was a good observation. I support the amendment.

**Hon. Chairlady:** Before I put the Question, let us have Hon. Gikaria. Let us use the intervention button so that I can know when you want to intervene.

**Hon. Gikaria:** Thank you, Hon. Chairlady. I am on the same Committee with Hon. Kamama. When we were scrutinising this Bill when it was brought by Aghostinho Neto, we thought that there are people who have been denied refugee status because of some security reasons.

First, we only had 14 days and had to push for more days so that any aggrieved person might have an opportunity to be heard and explain themselves if they are denied that refugee status. It is important for those people to be given that time. At the same time, we were very careful that not everybody who applies for status should be given. It is not automatic. It has to go through the Eligibility Committee and then the Director decides. If you remember after the Westgate issue, it was said that those people crafted their ugly mission from Daadab Refugee Camp. That is the reason we had given. At the same time, we also give an opportunity to that person to be heard.

I support the amendment.

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

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

*(Clause 17 as mended agreed to)*

*(Clause 18 agreed to)*

*Clause 19*

**Hon. Abongotum:** Hon. Chairlady, I beg to move:

THAT, Clause 19 of the Bill be amended by inserting the words “in accordance with the provisions of the Public Health Act” immediately after the words “special holding centre”.

The justification for this is that this amendment seeks to ensure that in case of quarantine, it shall not be a façade and shall only be conducted in accordance with the existing Public Health Act.

*(Question of the amendment proposed)*

**Hon. Chairlady:** Let us have Hon. Aghostinho Neto.

**Hon. Oyugi:** Thank you, Hon. Chairlady. Hon. Ken Okoth thinks we should say “nay” to everything.

I would like to support this particular amendment because it aligns Clause 19 to the provisions of the Public Health Act which means that each time you want to create special holding centres, that particular Act already defines that.

I support the amendment and agree with the Committee.

**Hon. Chairlady:** Hon. Nyikal, do you want to comment on it?

**Hon. (Dr.) Nyikal:** Hon. Chairlady, I wish to support that amendment. It is extremely important because if refugee centres are not looked at in accordance with the Public Health Act, they can be a source of dissemination of diseases and a reservoir of the same. If we abide by the Public Health Act, we assure the safety of the refugees and the communities in which they live who can be affected by diseases that are there.

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

*(Clause 19 as amended agreed to)*

#### *Clause 20*

**Hon. Abongotum:** Hon. Chairlady, I beg to move:

THAT, Clause 20 of the Bill be amended—

(a) by deleting sub-clause (6);

(b) in sub-clause (10) by deleting the word “not” appearing immediately after the words “under this section shall”;

(c) by deleting the word “Commissioner” wherever it appears and substituting therefor the word “Director”.

The justification is that in (a), the amendment seeks to eliminate the burden placed on Refugee Affairs Secretariat to hire advocates to represent appellants in refugee matters since this may not be sustainable.

In (b), the derivative status is granted to family members or dependants of a recognised refugee and where cancellation of refugee status occurs, the family members no longer have refugee status.

In (c), this amendment is in line with the restructuring of the Refugee Affairs Secretariat which is now headed by a Director for Refugee Affairs.

*(Question of the amendment proposed)*

**Hon. Chairlady:** Let us have Hon. Neto.

**Hon. Oyugi:** Hon. Chairlady, I would like to oppose this amendment. Under the Constitution in Article 59, the right to legal representation is a right that is accorded to almost anyone. The fact that we are asking refugees to be entitled to legal representation is simply because it is part of the constitutional guarantees. If at all the laws of Kenya will be applied, we should not apply them selectively to refugees. On this one, the only thing we needed to agree on - which is what we agreed on during the Committee - is that the list of legal representatives should be one that is available to the Refugee Affairs Secretariat so that legal representation should be guaranteed. They should not just have a legal representative of their choice but from the list of legal representatives available from the Refugee Advisory Committee.

I oppose this amendment.

**Hon. Chairlady:** Let us have Hon. Gikaria.

**Hon. Gikaria:** Thank you, Hon. Chairlady. You know sometimes we legislate in vain. One of those instances is when we passed the Wildlife Conservation Act and said that if somebody is killed by a wild animal, we are supposed to pay Kshs5 million and other compensation amounts for various injuries. It has never happened. This is not only the Committee. We have to advise other people. The aspect of getting a legal counsel to represent those people might not...

Assuming that there are 100 of them who have been denied status, what happens? If you take an illegal person to be represented then the State has to pay for it. These are some of the issues. It is not possible for us to get representation for these kinds of people.

I support the amendment.

**Hon. Chairlady:** Hon. ole Ntutu.

**Hon. ole Ntutu:** Thank you, Hon. Chairlady. I do not want to comment on what we are discussing. I just wanted to inform my good friend, Hon. Gikaria that indeed we have paid the Kshs5 million we legislated. I come from the constituencies that are affected by animals. We have paid. In fact, I handed over two cheques of Kshs10 million two months ago to the residents of Narok West.

**Hon. Chairlady:** That is a point of information, Hon. ole Ntutu.

Hon. Ken Okoth.

**Hon. Okoth:** Thank you, Hon. Chairlady. I rise to oppose the amendment as proposed by the Chair of the Departmental Committee and urge the rest of the House to do the same.

Hon. Gikaria has mentioned that we legislate in vain sometimes but the example he has given is unrealistic because one of the key accomplishments of this House was the Legal Aid Bill, which is now the Legal Aid Act. The right to legal representation especially for people who cannot afford to hire lawyers to represent them in their cases and make sure that they get justice. Access to justice is one of the 17 Sustainable Development Goals (SDGs), and it does not stop when it comes to refugees. In fact, the Legal Aid Act of Kenya that the 11<sup>th</sup> Parliament passed is very progressive. It grants access to legal aid amongst categories of people including refugees and stateless persons.

What Hon. Agostinho has proposed in the Bill is correct; it does no harm. To remove it would be taking away an important provision from this Bill, which is very progressive. It is expanding the scope of management of refugee affairs to include security, administration as well as human rights angles and durable solutions.

I oppose and ask the House to oppose.

**Hon. Chairlady:** Hon. Gikaria.

**Hon. Gikaria:** Much as we talk about an advocate, the amendment goes on to say that where cancellation of refugee status occurs, the family members no longer have refugee status. These are some of the issues.

If, for example, I am denied refugee status for security reasons – all this is about radicalisation of people in a family – how do we again continue retaining the same family members within the country? These are some of the issues we are talking about, particularly for purposes of security. Where the Director has denied someone refugee status, let the family take up the matter at their own expense. If the refugee status of someone is cancelled, the cancellation will include his children and wife. These are some of the things we are trying to deal with. I do not carry the burden of my family but at the same time, because of radicalisation... We are looking into some of these issues so that we can address the aspect of Kenyans being killed unnecessarily.

**Hon. Chairlady:** You have made your point. Do have a point of order? You cannot contribute twice, although it is your Bill.

**Hon. Oyugi:** Thank you, Hon. Chairlady. I will be reluctant to try to contribute several times. I would like Hon. Gikaria to stop misleading the House. What we are seeking to delete is Clause 6. I would like him to apply his mind to Clause 6 of the Bill. It has nothing to do with security and radicalisation issues. This is why we always try to stereotype refugees. It is proper to talk about things that are on the Order Paper. Regarding the security issues, we have already conceded to the Departmental Committee responsible for security. We will not do anything else that will interfere with the security of Kenya. Therefore, the Clause has nothing to do with security. It is only talking about legal representation of refugees. The Clause is very clear. Whereas it is possible to give legal representation, we are only talking about each time they appear before the Appeals Board. Let us be clear. This has nothing to do with security of the country. We are not trying to undermine the security of the country. Do not play with emotions. Let us not make Kenyans rise against refugees. There is nothing insecure about having legal representation. This clause is harmless, Hon. Gikaria. Let us just concede and oppose this particular amendment.

Thank you, Hon. Chairlady.

**Hon. Chairlady:** Hon. Kamama.

**Hon. Abongotum:** Hon. Chairlady, I wish to convince my good friend, Hon. Gikaria, and agree with the author of this Bill that the right to representation will do no harm if refugees are given that right, as long it is not going to be an expense on the Government. I agree with Hon. Neto.

**Hon. Chairlady:** Are you withdrawing the amendment?

**Hon. Abongotum:** Yes, Hon. Temporary Deputy Chairlady.

**Hon. Chairlady:** Can we put it on record that you are withdrawing the amendment?

**Hon. Abongotum:** I withdraw the amendment, Hon. Temporary Deputy Chairlady.

**Hon. Chairlady:** Okay.

*(Proposed amendment by Hon. Abongotum withdrawn)*

*(Clause 20 agreed to)*

*Clause 21*

**Hon. Abongotum:** Hon. Chairlady, I beg to move:

THAT, the Bill be amended by deleting clause 21 and substituting therefor the following new clause—

Revocation  
of refugee  
status.

21.(1) The Director may revoke the status of any refugee if the refugee at any time after recognition as a refugee has committed a crime against peace, a war crime or a crime against humanity, as defined in any international instrument to which Kenya is a party and which has been drawn up to make provision in respect of such crimes:

Provided that the revocation shall however not affect any member of the family.

(2) The procedures for cancellation under section 20 shall generally apply in the case of revocation.

(3) Where refugee status under this part has been revoked that person shall cease to be a refugee under this Act on the expiration of seven days after the date on which the Director notifies the person concerned that his or her recognition has been revoked.

(4) Where refugee status under this part has been revoked, every person who, immediately before such revocation, was within Kenya as a member of the family of such refugee shall maintain his or her refugee status and be permitted to continue to remain in Kenya in accordance with the provisions of this Act.

(5) Any person whose refugee status has been cancelled or revoked shall leave the country within thirty days of notification of the final order relating to the cancellation or revocation, failing which the Cabinet Secretary shall remove such person immediately.

The justification for this amendment is that it seeks to spell out circumstances under which a refugee status may be revoked as well as the consequences for such revocation.

Thank you, Hon. Chairlady.

*(Question of the amendment proposed)*

**Hon. Chairlady:** Hon. Aghostinho Neto.

**Hon. Oyugi:** Thank you, Hon. Chairlady. I would like to support the amendment. I agree with the Committee. The amendment they have made tidies up the Bill and makes it look orderly.

I thank them and support it.

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

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

*(Clause 21 as amendment agreed to)*

*Clause 22*

**Hon. Abongotum:** Hon. Chairlady, I beg to move:

THAT, Clause 22 of the Bill be deleted.

The justification for this amendment is that it will create unnecessary preferential categories of refugees, which may result in discrimination of other refugees.

Thank you, Hon. Chairlady.

*(Question of the amendment proposed)*

**Hon. Chairlady:** Hon. Aghostinho Neto.

**Hon. Oyugi:** Thank you, Hon. Chairlady. I would like to agree with the Committee's amendment. I would like to support it. We agreed that providing preferential treatment for refugees within the East African Community would amount to discrimination and to that extent, we agreed to delete this particular provision.

I support.

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

*(Clause 22 deleted)*

*Clause 23*

**Hon. Abongotum:** Hon. Chairlady, I beg to move:

THAT, Clause 23 of the Bill be deleted.

The reasons for this are that matters provided for in this clause may be prescribed in the operational guidelines of the secretariat.

*(Question of the amendment proposed)*

**Hon. Chairlady:** Hon. Aghostinho Neto.

**Hon. Oyugi:** Thank you, Hon. Chairlady. I would like to oppose the deletion. I thank Hon. Kamama for being honest and forthright. The only reason why he is opposing this particular clause is because he thinks they ought to be included in the regulations, which is proper. So, he does not disagree with the text. He only disagrees with where they find themselves. I think that this particular clause is the one that is cardinal and important to refugee status determination. This is because it singles out and distils the process of refugee status determination.

Having interacted with refugees for some time, the greatest problem they have is lack of information and lack of the rights during the status determination. I think whereas it is possible to have this in the regulation, it does no harm in having it in the substantive Bill for two reasons: One, sometimes it might take forever to have regulations made and Hon. Kamama will concede with me that the Refugees Act 2006 only had regulations being made as late as 2010. This means



that four years lapsed between the time the Act was passed and the time the regulations were done. If at all it is not harmful in text and content, I think that it does not do any harm, if at all we had it in the substantive body of the Bill. That is why I am opposing the amendment. It is not because it is harmful in any way, but I just think that if we do not have it in this particular Act right now, we will be infringing on the refugees rights in the inter-phase.

I oppose.

**Hon. Chairlady:** Hon. Gikaria.

**Hon. Gikaria:** Hon. Chairlady, I agree with the amendment to have that clause deleted. Rightly, as the Chair has just put it, this refugee aspect is something that we really need. We spent the whole day trying to discuss this thing with Hon. Neto. I think at that time he had agreed. When you sit down and agree, it is a give and take. I totally agree with what the Chair has put.

**Hon. Chairlady:** Hon. James Nyikal.

**Hon. (Dr.) Nyikal:** Hon. Chairlady, I oppose this amendment because this is really the essence of the old Bill that if you people come to our country and there is a process, that process cannot deny them any information that they get. This clause actually also gives the person concerned the duty to comply. So, we could not have agreed with Clause 20 and the others and then we come and delete this one. Then the whole thing will be incoherent because in one place you agree that you can be represented and in another place you are saying you cannot be.

I oppose this amendment.

**Hon. Chairlady:** Hon. Michael Onyura.

**Hon. Onyura:** Hon. Chairlady, I rise to oppose the amendment because the Chair has not given convincing reasons why it should be deleted. If I heard him right, what he said is that this could be contained in regulations or rules. He has not said what harm it does by being here. If it is space, from what I see it is occupying hardly a page. So, I really do not see any harm. In any case, he should be the first one to support this since the Mover of the Bill has done the work for them by preparing what he feels should be in the regulations. It is already here. He does not tell us if it is likely to cause any harm. If it does not cause any harm, it should just be left here. The fact that it is part of the law rather than subsidiary legislation will give it even greater force.

I oppose.

**Hon. Chairlady:** Hon. Joseph Limo.

**Hon. Limo:** Hon. Chairlady, I stand here to support the Committee. The reason is that in this country, especially this Parliament, I have seen that we quickly run into the risk of over-legislation. If you look at what is provided under Clause 23, it is actually a process. Very soon we will be legislating on how people can even get treatment in hospital; that when you reach the gate, you move from this office to the other office. As much as the Member has insisted, he has already accepted that the reason is that regulations will take time. What we can do is to encourage him to assist the relevant authorities to lift this one regulation so that it can move fast. Otherwise, he is already accepting. If you read it, you will actually agree that it should be in the regulations. We request Members to support the Chair because we run the risk of over-legislation in the process of doing this.

**Hon. Chairlady:** Next is Hon. Kamama.

**Hon. Abongotum:** Hon. Chairlady, I think we are not really disagreeing with the sponsor of this Bill. Where we are disagreeing is where we are saying that let us not over-legislate. Let us put it into regulations and it will amount to the same thing. I convince him to really accept this because we are not taking certain rights from these refugees. So, let us support it.

**Hon. Chairlady:** Hon. Gikaria.

**Hon. Gikaria:** Thank you, Hon. Chairlady. I plead with my brother. He has been very supportive. I also thank him for being very passionate about this Bill. We have gone a long way. Rightly, as Hon. Limo has said, these are just regulations on how we do some processes. He has done so much on the Bill. We could ask him, as Hon. Limo has just said, to please also assist in fast tracking the legislation. If it is going to take time, it can be fast tracked. That way we can go on instead of legislating on these matters--- We are just pleading with you.

**Hon. Chairlady:** Hon. ole Ntutu.

**Hon. ole Ntutu:** Hon. Chairlady, I totally agree with my colleagues here that let us support this amendment. It is a very straightforward issue. Let us not over-legislate. Instead of putting it in the Act, we can put this in the regulations and it will take care of your concern. We plead with our good friend because he did a very good job, but on this one, we are supporting the Chair because we think that the regulation will take good care of this matter without making a big deal out of it. I am saying I support the Chair. I am very straight on this. I am pleading with him to agree with us. That is what I am saying.

**Hon. Chairlady:** Hon. Okoth Ken.

**Hon. Okoth:** Hon. Chairlady, I think what is going on here is a little bit sad and we must call it for what it is. Hon. Aghostinho drafted the Bill, has engaged the Committee and the language is already in there. This language is the heart of the matter, when you talk about the rights of refugees and refugee status determination. We must for a moment ask ourselves: Would we want these rights and duties accorded to Kenyan refugees in a foreign country? Let us answer yes or no. We are saying refugees in Kenya should be denied these rights and we are saying let us leave them to a Cabinet Secretary (CS) to make subsidiary legislation later. This is the heart of the matter here. It is not anything else. It is like if you go to ask for a chicken salad. A chicken salad must have chicken in it. A refugee Bill must have the rights of refugees in it. You cannot have a chicken salad without the chicken. What they are trying to tell us is that the chicken will be brought later as regulations. No, this is the heart of the matter. Let us keep it in here. It is properly written and we do not need to amend it. Let us just keep it here because if you look at the context of legislation in this country, over the last four years and even going to the previous Parliament, the Public Benefits Organisations Act has never been implemented, yet public benefits organisations are taking care of children on whether it is issues to do with shoes and jiggers to school fees to school feeding programmes to HIV/AIDS and to maternal health. Public benefits organisations are doing all these things but the CS has the power to make regulations and has refused to implement it.

When you go the education sector, the Alternative Provision of Basic Education (APBET) regulations where half of the children in this country are in non-government APBET schools, the regulations are not being implemented. If you come to issues such as the environment, you find that the CS knows that Kenyans need jobs, but all of a sudden, they gazette without consultation, their own subsidiary legislation to close down industries and say they will ban plastics in 60 days. That thing cannot be allowed to happen.

We are taking chances. Some of the Members are speaking here as if they are certain that they will be members of the 12<sup>th</sup> Parliament. It is as if they know who the Cabinet Secretary (CS) who will gazette these things will be in the next regime. It is not true. Let us use the full constitutional might and power of this House to make the law as it is. Let us have the discretion to allow the Mover of the Bill to, at least, have these rules because this is not the heart of the matter. You will hear the Committee saying that they engaged Hon. Agostinho. That is true.

Hon. Agostinho has been very gracious. He has just conceded that Clause 22 be deleted as proposed by the Chair. Why should I not insist on Clause 23? It goes very well with Clause 22. If we delete it, we will handicap the Bill and leave it to the mercy of the CS. None of us here is a prophet to tell who the CS will be. We do not know which political coalition will form the next government, who the CS will be and what regulations he will make. Let us not give up the powers of the 11<sup>th</sup> Parliament to make proper laws. History will judge us harshly. Let us not delete Clause 23. It is properly in place. No one is debating its content. Let us keep it there.

Thank you, Hon. Chairlady.

**Hon. Chairlady:** I will give you time, Hon. Nyikal. I want to recognise the presence of students from Kapkitony Girls Secondary School, Keiyo South Constituency in Elgeyo Marakwet County. You are welcome to the National Assembly.

**An hon. Member:** They are not here.

**Hon. Chairlady:** They are not there? They are supposed to be in the Public Gallery. What is your point of order, Hon. Nyikal?

**Hon. (Dr.) Nyikal:** Hon. Chairlady, is it in order for those who are supporting the amendments to mislead the House that issues that are in the main Act are of the same power as those in the subsidiary legislation? It is not true. One bypasses Parliament and things can be done at the whims of the CS so long as the Committee agrees. The other one will have to come to Parliament. When Members say that putting in regulations is the same as having it in the Act, it is misleading the House. Is that in order?

**Hon. Chairlady:** Hon. Wamunyinyi, what is your point of order?

**Hon. Wamunyinyi:** Thank you, Hon. Chairlady. We have seen this House pass very good laws. However, if laws are passed and left for CSs to publish and implement at their discretion, they take so much time to do so. Sometimes, such laws are never implemented. For that reason, and because the provisions are very clear in the Bill, I oppose the amendment proposed by the Chairperson. We should vote and oppose this proposed amendment.

**Hon. Chairlady:** Hon. Gikaria. Members you know the way we contribute.

**Hon. Wamunyinyi:** Hon. Chairlady, Hon. Gikaria has contributed to this Bill.

**Hon. Chairlady:** Hon. Gikaria, you have already contributed.

**Hon. Gikaria:** Put the Question.

**Hon. Chairlady:** Hon. Kajwang'.

**Hon. Kajwang':** Thank you very much, Hon. Chairlady. Rights are specific things which define people. Rights are what make you make a claim or not make one, knowing where you stand or where you do not stand. It is a definitive character. If you relegate rights to regulations, regulations are inferior bodies of law from statute. If you want to allow somebody to have certain things that he or she can call a right, you put it in a statute law. If you put it in a regulation, it becomes inferior to the statute law. If the Chair and the Committee want to create refugee status and the process by which this issue is determined, then the best thing to do is to give it the value of a statute law. It may look like over-legislation, but you are giving it more power so that when you are making this determination, you have it in a statute law, but not have it in a regulation. There is the issue of over-legislation. We have always said that legislation is better than nothing. If something does not harm, it makes it pretty clear, so that a refugee knows where he is. It does not harm if you have one or two more clauses in a legislation just because it makes some piece of an issue clearer.

I know the Chair will agree. If the point is only over-legislation, the other side of the argument is that you are giving rights. Which side will you want to go to? Will you go by the

side that wants to make it clear or the side that wants to make refugees have definitive rights? Chair, come down on this. It does not break your arm. Let us have it and we proceed.

Thank you, Hon. Chairlady.

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

*(Clause 23 agreed to)*

*Clause 24*

**Hon. Abongotum:** Hon. Chairlady, I beg to move:

THAT, the Bill be amended by deleting Clause 24 and substituting therefor the following new clause—

Refugee  
women and  
children.

24.(1) The Director shall ensure that specific measures are taken to ensure the dignity and safety of women and children seeking asylum and women and children who have been granted refugee status at all times during their stay in designated areas.

(2) The Director shall ensure that a child who is in need of refugee status or who is considered a refugee receives appropriate protection and assistance, whether accompanied or not by his parents or any other person.

(3) The Director shall, as far as possible, assist a child referred to in subsection (2) to trace the parents or other members of the family in order to obtain information necessary for the reunification of the child with his or her family.

(4) Where the parents of the child or other members of the child's family cannot be found, the child shall be accorded the same protection as any child permanently or temporarily deprived of his or her family.

The amendments seek to re-draft Clause 24 of the Bill with clarity. It ensures that the provision on refugee women and children shall contain safeguards to avail them the utmost dignity, protection and assistance. Hon. Chairlady, my advice to the author of this Bill, Hon. Agostinho Neto, is that he must ensure that there are not so many roadblocks, because he is the originator of most of them.

**Hon. Chairlady:** I need to get some clarification. You remember you had withdrawn amendment to Clause 20, and you are now making reference to the "Director". We need to harmonise what you withdrew in Clause 20 with what you are proposing in Clause 24.

Have you got the gist of what I am saying – that you had already withdrawn the term? You withdrew the amendment about anything referring to "Commissioner" or "Director" Can you give a clarification?

**Hon. Oyugi:** Thank you, Hon. Chairlady. I think there is nothing out of order by what Hon. Kamama did in Clause 20, because the words "Commissioner" and "Director" run across the whole Bill. What happened in Clause 20 is a matter of tidying it. The words "Director" and "Commissioner" will appear across the Bill because it was one word that was used concomitantly. In Clause 2, we will say that wherever the word "Commissioner" appears the word "Director" then takes over in part of the definition. There is no harm. Nothing is wrong with what he did in Clause 20. If it is okay, I would like to contribute on Clause 24.

**Hon. Chairlady:** Contribute first before I propose the amendment. Hon. Kamama, it is about the use of the words “Commissioner” versus “Director” You were saying that in tidying up, it will be done. It is like you are using the two interchangeably.

*(Question of the amendment proposed)*

**Hon. Gikaria:** Thank you, Hon. Chairlady. We also need your guidance as we move on. When Hon. Kamama is moving his amendments, he does so in sub-clauses. As you were saying, we did not agree. He withdrew where the words “Commissioner” and “Director” were. We need to withdraw specific clauses and sub-clauses and allow the one that is supposed to remain. What Hon. Kamama was proposing is to delete a section.

That notwithstanding, I want to agree that women and children are the people who suffer when a crisis of refugees occurs. In the past - as it has been pointed out by Hon. Neto during our Committee meeting – when refugees were brought, they were just lumped together without trying to separate men from women. I do not know whether Hon. Aghostinho Neto remembers this, but we had the issue of the disabled people who might need some preferential treatment. It is just not women and children. We had thought of moving a further amendment. At the same time, we agreed that by moving this, we should be aware that men are becoming an issue in this world. Not every man is strong. There are other weak men that we need to consider. I support the preferential treatment, utmost dignity, protection and assistance given to women and children and, if we can move a further amendment - I do not know whether it is possible at this level - to include people living with disabilities.

**Hon. Oyugi:** Thank you, Hon. Temporary Deputy Chairlady. I would like to support the Committee’s amendment. What the Committee did here it to tidy up the Bill and make it look orderly. I would like to assure my very good friend Hon. Kamama, Chair of the Committee, that I am here in good faith and we agreed at some point in our caucuses. There are some amendments that might not have been refined and we agreed that we will refine them in the plenary. So, I did not want to do anything out of bad faith. I really like the fact that this particular Refugee Bill ends today so that we can move on to other things. I thank you and support this particular amendment.

**Hon. Chairlady:** Before we put the Question, just for clarity because of what we withdrew in Clause 20, we are not referring to “Director” at this point. It will remain as “Commissioner”. That is for tidiness so that we are clear. We withdrew the use of ‘Director’. Everywhere we have had ‘Director’ we shall refer to it as ‘Commissioner’.

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

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

*(Clause 24 as amended agreed to)*

*[The Chairlady  
(Hon. (Dr.) Laboso) left the Chair]*

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

Clause 25

**Hon. Abongotum:** Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 25 of the Bill be amended by deleting the word “Commissioner” and substituting therefor the word “Director”.

Hon. Neto should guide on this. We had withdrawn the word “Director” and replaced with “Commissioner”. Hon. Neto, you need to give us clarification because you are the author. The justification for this is that the amendment is in line with the restructuring of the Refugee Affair Secretariat, which is now headed by a Director for Refugee Affairs. Hon. Neto can clarify because he is the author of this amendment because there is confusion between the “Director” and the “Commissioner”?

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Omulele): Hon. Neto.

**Hon. Oyugi:** Hon. Kamama has asked me to give some insight into this amendment. My advice at this particular point would be that the Committee Chair considers dropping all areas where there is a “Director” and “Commissioner” then we deal with it in Clause 2 by substituting the word “Commissioner” and “Director” throughout the Bill. That way it tidies up the whole Bill as opposed to doing it clause by clause. I think that is the way we should proceed.

**The Temporary Deputy Chairman** (Hon. Omulele): I think that is a neat way to proceed. Hon. Gikaria.

**Hon. Gikaria:** Hon. Temporary Deputy Chairman, we need your guidance. If you go back to Clause 13 where we were changing “Commissioner” to “Director” what happens? Clause 13 got the favour of the Chair in the amendment by the Chair. It was also dropped. Then we have moved forward and the words “Director” and “Commissioner” are there. For purposes of clarity, does it mean that the Chair needs to withdraw and go back to Clause 13 and others and withdraw those amendments where we have them? As Neto is saying, they should be dealt with under Clause 2 where we will have everything. We need some clarity so that we do not have other clauses where we will have already approved Director and others we are now saying commissioners. We need some clarity and direction from you, Chair.

**The Temporary Deputy Chairman** (Hon. Omulele): Hon. Gikaria and Hon. Agostinho Neto, I think the way to deal with this is when we report. We shall recommit those clauses, particularly Clause 20, so that we can tidy them up.

Now that Clause 25 was only dealing with that and we are moving forward; we can now move on.

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

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

*(Clause 25 as amended agreed to)*

*Clause 26*

**The Temporary Deputy Chairman** (Hon. Omulele): Hon. Kamama.

**Hon. Abongotum:** Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 26 of the Bill be amended by deleting sub-clause (2) and substituting therefor the following new sub-clause—

(2) The Cabinet Secretary may, on application being made to him or her by the person concerned, extend the three-month period referred to in subsection (1)(c) if he or she is satisfied that there is a reasonable likelihood of the person being admitted to a country of his or her choice within such extended period.”

The justification is that this amendment seeks to give the Cabinet Secretary the power to extend the stay of a person within Kenya until such time as to enable him or her seek admission into another country.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Omulele): I see interest from Hon. Agostinho Neto.

**Hon. Oyugi:** Thank you, Hon. Temporary Deputy Chairman. I would like to support the Committee’s amendment. The Committee rightfully argued that the person who can extend the stay of a refugee would be at the level of CS. I agree and support.

Thank you.

**The Temporary Deputy Chairman** (Hon. Omulele): Do I see interest from Hon. Shidiye? Very well. You can use the Dispatch Box.

**Hon. Shidiye:** Hon. Temporary Deputy Chairman, thank you very much. As much as I really appreciate the extended period, I think it should go for six months. Sometimes refugee matters take a long period; verification takes a long period and many other things happen in between. Therefore, three months will be a very short period. I believe it should be six months. That would be very good.

**The Temporary Deputy Chairman** (Hon. Omulele): Hon. Gikaria.

**Hon. Gikaria:** Hon. Temporary Deputy Chairman, maybe you need to guide us. Hon. Shidiye is a member of the Committee and we were with him when we were discussing the question of three months and he never proposed a longer period. I wish he had brought the six months proposal that time. As a committee, we sat - and he was present - and we agreed that three months is reasonable enough for a person to be able to have moved. It is just to try and address where that asylum seeker needs to be moving.

So, I do not think Hon. Shidiye is in order and yet he is a member of the committee that agreed on three months.

**The Temporary Deputy Chairman** (Hon. Omulele): I think we can deal with it by putting the Question.

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

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

*(Clause 26 as amended agreed to)*

*(Clause 27 agreed to)*

Clause 28

**The Temporary Deputy Chairman** (Hon. Omulele): Hon. Kamama.

**Hon. Abongotum:** Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 28 of the Bill be amended—

(a) in sub-clause (1) by deleting the word “Commissioner” and substituting therefor the word “Director”; and,

(b) by inserting the following new sub-section immediately after subsection (2)—

“(3) An asylum seeker shall report to the nearest government administrative officer who shall then direct him or her to the designated refugee reception officers.”

This amendment is in line with the restructuring of the refugee affairs secretariat which is now headed by the Director for Refugee Affairs.

I thank you, Hon. Temporary Deputy Chairman.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Omulele): Hon. Agostinho, are you interested in this?

**Hon. Oyugi:** Hon. Temporary Deputy Chairman, I would like to support the Committee’s amendment. One of the highlights that the Chair has not given is contained in Clause 28(3):

“An asylum seeker shall report to the nearest government administrative officer who shall then direct him to the designated refugee reception officers.”

Part of the challenges we have had as a country is that we have refugees walking across the breadth of Kenya without reporting to anyone else. That particular inclusion by the committee is a good amendment.

I support.

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

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

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

*(Clause 28 as amended agree to)*



*Clause 29*

**Hon. Temporary Deputy Chairman** (Hon. Omulele): Hon. Kamama.

**Hon. Abongotum:** Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 29 of the Bill be amended by deleting paragraph (f).

The justification is that paragraph (f) is irrelevant since asylum is not available to armed refugees.

I thank you, Hon. Temporary Deputy Chairman.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Omulele): Do I see interest from Hon. Neto?

**Hon. Oyugi:** Thank you, Hon. Temporary Deputy Chairman. I would like to agree with the Committee amendment. We did agree at the committee level that any combatants with arms should not be treated as refugees. The refugees and combatants are totally two different distinctions. To that extent, we agreed to delete this provision.

I support.

**The Temporary Deputy Chairman** (Hon. Omulele): Hon. Okoth.

**Hon. Okoth:** I also agree and support that people who are armed and are not ready to stop engaging in conflict should not be allowed or considered under the protection of refugees. Refugee status should only be granted to people who are fleeing conflict and persecution, not to people who are participating in or creating the conflict and persecution.

Thank you. I support.

**The Temporary Deputy Chairman** (Hon. Omulele): Hon. Gikaria.

**Hon. Gikaria:** Thank you, Hon. Temporary Deputy Chairman. I support the amendment. As a committee, one of the issues that were bringing us a little problem is that even army people from a country could move in as refugees and they would want to surrender. So, what happens to the arms that they have? Do they leave them in the forest? Do they hand them over to a particular place? Even a person moving can be from the army of a neighbouring country and he is armed. What happens? Does he leave it or does he bury it under the sun? What we had agreed is that those arms must be surrendered to the nearest administrative office. When he is armed, how do you treat him? He cannot just leave an arm somewhere in the open.

These are some of the issues that we found difficult to handle. That is why we had that paragraph (f). Yes, as they come, then they are separated. We know the army person and this is a normal civilian. Then you handle the army person by taking the arm. So, it was neither here nor there to retain the arm. Those people will be moving with their arms. What happens? These are some of the issues.

**Hon. Okoth:** On a point of order, Hon. Temporary Deputy Chairman.

**The Temporary Deputy Chairman** (Hon. Omulele): It is a valid argument. Let us hear what is out of order from Hon. Ken Okoth.

**Hon. Okoth:** Hon. Temporary Deputy Chairman, the Committee has proposed to delete Clause 31. That answers specifically what Hon. Gikaria is asking. Every asylum seeker or refugee who brings arms or ammunition into Kenya shall immediately surrender such arms to an authorised officer.

He is the same person who was saying we are over-legislating and yet we are catering for the things he is seriously concerned about as a Member of the Departmental Committee on

Administration and National Security. If you delete that clause, what will happen? I am asking this because the law is silent on that matter. There is no provision on how to surrender arms. Therefore, one could leave them in the forests, bushes or the last bus one was travelling in. The law is not clear on that issue.

However, Clause 31 is coming up for deletion. At that point, the Hon. Member could show his support because that particular clause addresses the question he has asked. It is not in order for him as a Member of the Committee to overlook a piece of legislation like that one, but I am happy to remind him. You know we have been busy with campaigns and nominations. We are all human beings and so, we can forget what we said in the Committee a few months ago.

**The Temporary Chairman** (Hon. Omulele): Very well, Hon. Okoth. I will leave it to the House to make a decision.

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

*(Clause 29 as amended agreed to)*

*Clause 30*

**Hon. Abongotum:** Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 30 of the Bill be amended by inserting the words “within forty eight hours” immediately after the words “government administrative centre”.

The justification for this is that it ensures that an asylum seeker who enters Kenya should report this fact within 48 hours of entry into our country. In the interest of time, I will not delve into it, but I hope it is understood.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Omulele): I see interest from Hon. Mary Wambui.

**Hon. (Ms.) Munene:** Thank you, Hon. Temporary Deputy Chairman. I support the proposed amendment. Refugees come from outside the country and many times they stay here for a long time without being noticed. I recommend that when refugees arrive, they must surrender whatever arms they have so that they do not harm Kenyans.

**The Temporary Deputy Chairman** (Hon. Omulele): Very well. Do I see interest from Hon. Lekuton? Let us have Hon. Agostinho Neto.

**Hon. Oyugi:** I support this Committee amendment. The initial Bill stated that the refugees ought to report to an administrative center but the timelines are not set and that will be pretty dangerous because we will be having refugees forever. To provide 48 hours and to designate specific centers for refugees is a proper inclusion.

I support.

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

*(Clause 30 as amended agreed to)*

*Clause 31*

**Hon. Abongotum:** Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 31 of the Bill be deleted.

The reason is that refugees or asylum seekers shall not be allowed to carry firearms while in Kenya and further provisions on firearms are dealt with under the Firearms Act.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Omulele): I see interest from Hon. Gikaria.

**Hon. Gikaria:** Hon. Okoth has just alluded to the fact that we are in a campaign mood and might have forgotten some things. This is why I am saying we have already deleted 29 (f) and now we are deleting Clause 31. A person coming from outside this country with a firearm does not know the Kenyan law. So, he will walk in with the firearm. So, where does he place his firearm? We need to either leave 29 (f) intact which will provide for their separation, or leave Clause 31 as it is.

I am a very keen legislator and I follow the proceedings of my Committee with a lot of interest. We have deleted Clause 29(f) which provided for separation of anyone carrying a firearm. We are now deleting Clause 31. Here is a combatant who has just come in with ammunitions. He is supposed to leave them somewhere and yet he does not know the laws of this country. These are some of the issues that we need to agree on. I thought at some point we were supposed to leave one of the clauses intact. I oppose the deletion. People walking in as refugees do not know the laws of the country. They will walk in with ammunitions or leave them in the forests. It is very dangerous.

**Temporary Deputy Chairman** (Hon. Omulele): Very well Hon. Gikaria. Let us hear from Hon. Neto.

**Hon. Oyugi:** I am happy that Hon. Gikaria is now seeing some things clearer. We are not opposing the Committee's amendments at every stage. There are some moments during the Committee sittings when there was a bit of oversight and we made a couple of mistakes in terms of deletions. So, a time like now, I would request the Chairman that, at least, he drops this amendment so that we move on together. Sometimes, when we make a few mistakes, let us concede. I oppose, so that he can, at least, drop this amendment.

**The Temporary Deputy Chairman** (Hon. Omulele): Let us have the Chairman.

**Hon. Abongotum:** Hon. Temporary Deputy Speaker, as educated people, we sometimes use logic, experiences and other ways. After getting submissions from my good friend, Hon. Gikaria and the sponsor of this Bill, I wish to drop that amendment because we do not want refugees to just walk in the country with arms. So, I wish to drop the amendment.

**The Temporary Deputy Chairman** (Hon. Omulele): A very sensible way to proceed.

*(Proposed amendment by Hon. Abongotum withdrawn)*

*(Clause 31 agreed to)*

*Clause 32*

**Hon. Abongotum:** Hon. Temporary Deputy Chairman, I beg to move:

THAT, the Bill be amended by deleting Clause 32 and substituting therefor the following new clause—

Rights of refugees  
under international  
instruments.

32. Subject to this Act, every recognized refugee and every member of his or her family in Kenya—  
shall be entitled to the rights and be subject to the obligations contained in the international conventions to which Kenya is party; and  
shall be subject to all laws of Kenya.

The justification is that the amendment seeks to provide simplicity and clarity of the rights of refugees. The new clause is in conformity with Chapter 4 on the Bill of Rights under our new constitutional dispensation. Thank you.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Omulele): Hon. Aghostinho Neto.

**Hon. Oyugi:** Thank you, Hon. Temporary Deputy Chairman. I would like to support the Chair's proposal, but request him to look at Clause 32(b). A deletion of Clause 32(a), for me, is fine and I have no problem with that. Clause 32(b) which he has not spoken to seeks to give the Cabinet Secretary (CS) an opportunity to designate several parts in Kenya where refugees can live. Right now, we have refugees coming and staying anywhere. Chair, I just want you to look at it. I do not want to oppose it, if at all you think it is proper. I think a deletion of the entire Clause 32 will mess up the provisions of (b). The Chair should look at that and if he thinks it is proper to proceed that way, I will support him.

**The Temporary Deputy Chairman** (Hon. Omulele): Before I give an opportunity to Hon. Gikaria. I will give the Chair an opportunity to comment on what Hon. Aghostinho has said.

**Hon. Abongotum:** I convince my good friend who is also the author of this Bill to support it because the CS should be able to designate places which are considered safe for refugees due to security reasons. I want to convince him to support Clause 32(a) and (b).

**The Temporary Deputy Chairman** (Hon. Omulele): Hon. Gikaria.

**Hon. Gikaria:** Hon. Temporary Deputy Chairman, I am a little bit confused. This is similar to Clause 20, which we deleted and there was a provision at the bottom. I agree with Hon. Aghostinho Neto that we have to be specific, delete Clause 32 (a) which we do not have a problem with and retain (b).

**The Temporary Deputy Chairman** (Hon. Omulele): It makes sense.

**Hon. Gikaria:** If you look at the Order Paper, it states delete Clause 32 and substitute it. This is just addressing (a) and not (b).

**The Temporary Deputy Chairman** (Hon. Omulele): Hon. Kamama, looking at the provisions which are under that Clause 32(b), you need to deal with them. By deleting Clause 32(a), even (b) will be affected. You need to give directions on what you want to do. I believe that is the direction Hon. Aghostinho Neto is seeking.

**Hon. Abongotum:** Hon. Temporary Deputy Chairman, since we did not have a problem with the two provisions and the author and sponsor of the Bill is suggesting that we retain Clause 32(b) but drop (a), I am in agreement with him.

**The Temporary Deputy Chairman** (Hon. Omulele): That is sensible and the right way to move. Hon. Okoth.

**Hon. Okoth:** Hon. Temporary Deputy Chairman, we need to look at the Bill carefully. I have a copy of the Bill which Hon. Aghostinho proposed. Clause 32 has sub-clauses (a), (b), (c) and (d). The proposed amendments seek to delete Clause 32(a) and replace it with a weaker and vague provision.

**The Temporary Deputy Chairman** (Hon. Omulele): Just before you make your submission Hon. Okoth, we need clarity from the Chair. By saying that you have acquiesced to the submissions of the Mover, are you dropping your proposed amendment?

**Hon. Abongotum:** Yes, I am dropping the proposed amendment.

**The Temporary Deputy Chairman** (Hon. Omulele): Therefore, we can now put the Question.

*(Proposed amendment by Hon. Abongotum dropped)*

*(Clause 32 agreed to)*

### Clause 33

**The Temporary Deputy Chairman** (Hon. Omulele): Chair.

**Hon. Abongotum:** Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 33 of the Bill be amended by deleting the word “Commission” wherever it appears and substituting therefor the word “Committee”.

The justification is that it seeks to align this clause with the Refugee Advisory Committee as established in Clause 6.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Omulele): Hon. Aghostinho Neto.

**Hon. Oyugi:** I would like to support this amendment. We had agreed to proceed in this particular way. I agree with him and support.

**The Temporary Deputy Chairman** (Hon. Omulele): Member for Nakuru Town East.

**Hon. Gikaria:** Hon. Temporary Deputy Chairman, as I support, I wish Hon. Aghostinho Neto would sit next to the Chair. The aspect of minority and majority sitting in opposite directions is not very good. We do not have a problem with the Bill. We had very good sessions in Naivasha and later in Mombasa. I do not know if Hon. Aghostinho sat on the side of the majority there would be a problem. I am saying this because as we move on, he needs to assist the Chair with the amendments. We carefully looked at the amendments and there will be “give and take” moments. That is why we need Hon. Aghostinho close to us.

The amendment we have made in Clause 32 was just tidying up with the existing laws of Kenya. I heard Hon. Okoth say it is weaker. It is not weak. We are saying Kenya is a signatory of international conventions and the Chair was trying to re-emphasise that. In Clause 32(b), he was saying it shall be subject to the laws of Kenya, including the Constitution itself. As we move on, let us not bombard the Chair by deleting or withdrawing clauses which may be of importance because we agreed as a Committee. I do not have any problem with Clause 32 but I think it is important for us to synergise our thinking so that we do not waste the good work we have done

for quite a long time with Hon. Aghostinho Neto. I support and wish Hon. Aghostinho Neto would come to this side.

**The Temporary Deputy Chairman** (Hon. Omulele): For me, I do not think where Hon. Aghostinho or Hon. Gikaria chooses to sit is of any significance. This House is for all of us and we can sit anywhere. But, if it will make the work of the Members easier and they need to sit next to each other, then that will be encouraged. Members are totally free to sit wherever they wish in this House.

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

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

*(Clause 33 as amended agreed to)*

#### *Clause 34*

**The Temporary Deputy Chairman** (Hon. Omulele): Hon. Kamama.

**Hon. Abongotum:** Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 34 of the Bill be deleted.

Hon. Gikaria has requested Hon. Neto to sit next to me. I am not very comfortable though he is my friend. The last time we sat together, we disagreed on many things. I would rather he continues sitting there. The reason for this is that the clause is unnecessary as its contents are summarised in the New Clause 32, which provides for the rights of refugees.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Omulele): Let us have Hon. Aghostinho.

**Hon. Oyugi:** Hon. Temporary Deputy Chairman, I would like to support this particular amendment. It sums up the things that we had canvassed and I agree with the Committee amendment.

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

*(Clause 34 deleted)*

#### *Clause 35*

**Hon. Abongotum:** Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 35 of the Bill be deleted.

This Clause is unnecessary as its contents are summarised in the New Clause 32 which provides for the rights of refugees just like Clause 34.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman (Hon. Omulele):** Let us have Hon. Aghostinho.

**Hon. Oyugi:** Thank you, Hon. Temporary Deputy Chairman. I find it a little bit tricky whether to oppose this particular amendment. The County of Turkana already has an integration plan with the refugees in Kakuma. The county is already in the process of having usability of rights to land. The refugees have been allowed to cultivate and have pasture. It is something that is already ongoing. What we wanted to do is borrow that good practice that is already in force in the County of Turkana. I would really like the Chair to consider it because it is already ongoing anyway. The only problem is that there is no legal framework. What we are trying to do in Clause 35 is to include that particular legal framework. I would really like him to consider this before we either oppose or support the amendment.

**The Temporary Deputy Chairman (Hon. Omulele):** Before I give the opportunity to anybody else, I would like the Chair to deal with the matters that have been raised by Hon. Neto.

**Hon. Abongotum:** Hon. Temporary Deputy Chairman, you can give an opportunity to the next speaker as I consult.

**The Temporary Deputy Chairman (Hon. Omulele):** The next speaker is Hon. Okoth.

**Hon. Okoth:** Hon. Temporary Deputy Chairman, the Hon. Member for Garissa County does not have her card today and she wishes to speak to this as she is a representative of a county that has hosted refugees for two decades or more. I just wanted to bring that to your attention. She is trying to catch your eye.

Clause 35 deals with access to land. When you look at best practices in the region, Burundi, Tanzania, Uganda, Ethiopia, all handle refugee issues very differently. They allow refugees to go out and be self-dependent. In the case of Kenya, we have allowed refugees to be stuck in refugee camps. That is our encampment policy. You can see the security risk it has bred when three generations of people have lived in one place since 1990s. They are born in the camps and are basically imprisoned. That has brought about some of the unique security problems we have seen, apart from the fact that we share a border with Somalia. But in countries such as Burundi, Tanzania, Uganda and Ethiopia, refugees are allowed to...

There is no huge refugee industrial complex of NGOs, the United Nations High Commissioner for Refugees (UNHCR) or all those other bodies providing handouts. Their refugees are allowed to live off their own sweat with dignity; take care of themselves; contribute to the local economy; their movements are monitored and their registration is properly done. I beg the Chair and everybody to support the proposal as it is here. What Hon. Aghostinho proposed is that they will not acquire or hold free-hold land interest in Kenya. They cannot sell or lease land. They just access the land for their own subsistence, whether they are doing pastoral farming or subsistence farming. This is important.

Clause 35(3) talks about how to legally acquire or dispose of their tenancy and lease in places where refugees are tenants. Here we are talking about durable solutions, integrating refugees and allowing them to live in dignity because there is donor fatigue. Right now, the most fashionable - for lack of a better word - and attention-getting refugee crisis in the world where we have 60 million refugees is the Syrian refugee crisis. People are paying attention to the refugee crisis in Syria. The Government of Kenya is left with an empty basket in hand. Countries like Turkey negotiated with the European Union (EU) just last year to get over US\$6 billion to take care of Syrian refugees in Turkey. The Iraqi Government is being engaged to warehouse - for lack of a better word - Syrian and Iraqi refugees within safe zones in Iraq. But nobody is giving us any more money.

The pot is dry of funding for Kenya. We have to be innovative and realistic as Kenyan legislators to make sure we deal with our security problems; integrate our refugees; monitor them better and not rely on foreign aid that is not coming, even from within the United Nations (UN) system. The pot of money for refugee care is dwindling. We are a generous nation. Let us be creative and resourceful when these resources dry up. We relied on the UNHCR and the UN for too long. The resources are just not coming. They are going elsewhere closer to the borders of Europe. Conflicts in Africa are being forgotten. We are hosting nearly 1 million refugees in Kenya. Let us be resourceful and creative in how we handle it and make sure we integrate and find durable solutions that are to the advantage of Kenyans. Let us see how refugees can contribute to our economy. We can monitor them rather than think of ways in which refugees are seen purely as problems. Let us see them as an asset and tap into that asset of talent and potential and live in harmony with them until a time when they can go back to their own countries.

**The Temporary Deputy Chairman** (Hon. Omulele): I will give this opportunity to the Chair, Hon. Kamama.

**Hon. Abongotum:** Hon. Temporary Deputy Chairman, the proposal by Hon. Neto is not bad, but it has been overtaken by events. I have seen situations where refugees are given some access to land. Sometime back in Bungoma, I saw refugees from Mozambique who were given land to farm, but I am sure by now they must have gone back. But under the current arrangement, we have seen situations where there is a great conflict between the locals and the refugees. My Committee visited Daadab Refugee Camp last year and Kenyans do not want them to be given any piece of land. They should just be kept where they are. However, we are allowing certain professionals with skills to integrate and provide services like doctors, engineers and teachers, but we totally oppose the issue of land. I want to convince all my friends that refugees can be confined to the places where they have been designated, but we totally oppose allowing ownership of land.

I oppose that proposal.

**The Temporary Deputy Chairman** (Hon. Omulele): What is out of order, Hon. Ken Okoth?

**Hon. Okoth:** Hon. Temporary Deputy Chairman, I think the Chair of the Committee is out of order and you must hold him to account. This is because he is sharing his opinion and political sentiment, but not addressing the words of the text that Hon. Aghostinho has provided. If you just listen to him carefully, he said that Kenyans do not want refugees to be given land. What Hon. Aghostinho has put in the law says exactly the same. It says refugees shall not acquire land or hold free-hold interest in land in Kenya. Let us speak clear English. Let us not misrepresent what is in the Bill. It is not in order for him to say that Kenyans do not want refugees to be given land because that is what the Bill says. If that is what he wants, it is what Hon. Aghostinho has written in black and white. Let us keep it that way. Let me just try to persuade him in a very calm manner.

**The Temporary Deputy Chairman** (Hon. Omulele): Hon. Ken Okoth, you have made your point.

**Hon. Okoth:** Please allow me just one minute, Hon. Temporary Deputy Chairman. If you take away what Hon. Aghostinho has put in place explicitly, which will become part of our law, we will end up in silence. It is in that silence, through corruption, that refugees will acquire land. However, if you put it in law, in black and white, that refugees shall not acquire land, and that they will have access to some land for their own subsistence and things like those, you will be able to come up with guidelines on how to integrate refugees with the host communities; and



safeguard their rights and privileges of sharing water and pastures, among other things. If you are silent on it, we will have conflict, which the Chair and I do not like. Therefore, let us eliminate the conflict by having a law. If we do not have it in the law, we will create that gap. For 30 years, we have already seen the harmful impact of that gap.

**The Temporary Deputy Chairman** (Hon. Omulele): Hon. Ken Okoth, your point is made. We will now give the opportunity to Hon. Gikaria.

**Hon. Gikaria:** Thank you, Hon. Temporary Deputy Chairman. True to the fact, this is over-legislating because we want to put little things in a law. There are other laws in the country that address such issues. Again, we are bringing them into this law. How does one own land? The process is provided for in law. Why would we want to introduce such a provision into the Refugees Bill when it is clear how one acquires land in Kenya? As Hon. Kamama has said, we have a committee that almost exhausts each and every item that comes formally.

The Departmental Committee on Administration and National Security visited Dadaab. The residents of Dadaab do not like the situation where refugees compete with them in terms of usage of land and health facilities. The refugees have the best, but they cannot allow the locals to be treated in some of the health facilities in Dadaab. These are some of the issues we are trying to address.

That is why Hon. Kamama said it is very clear. We have retained Clause 32. Since we have retained that clause, all these issues will be addressed, as Hon. Kamama rightly put it. This is where we need to be very careful. Land matters are not just issues. Clause 35(3) says a refugee who resides outside the designated refugee camp as a tenant may legally acquire or dispose of his or occupancy or leasehold interest in land. These are the things we have seen. These are issues which have already been captured in other laws. Why do you want to bring them here again? The Committee resolved that, since some of these issues have already been addressed in other laws, this Clause should be deleted.

**The Temporary Deputy Chairman** (Hon. Omulele): I think the Member for Garissa is interested in speaking to this matter before I give the Floor to the Mover.

**Hon. (Ms.) Gure:** Thank you, Hon. Temporary Deputy Chairman. In this Clause, I think, Hon. Neto or the person who drafted it is not giving refugees the right to own land or to sell or lease it. What he is asking for is for refugees to use the land for cultivation or pasture.

Refugees live in poverty. They wait for the UNHCR and NGOs to provide them with food. If we give them a piece of land on which to farm in order to support their families, it will help in terms of improving their wellbeing with dignity. Those are human beings who have lived there for decades under the care of the UN. We should allow them to use the land they live on right now. They occupy big tracts of land, which they can use for pasture and cultivation.

As the Hon. Member said, they visited Dadaab. The refugees do not live in Dadaab Town. The nearest camp is seven kilometres away. They live on a big tract of land. We should give it to them because they are human beings. We should treat them with dignity.

Thank you. I support.

**The Temporary Deputy Chairman** (Hon. Omulele): Let us hear Hon. Samuel Moroto before the Mover replies.

**Hon. Chumel:** Thank you, Hon. Temporary Deputy Chairman. In fact, we want to create an avenue for them to get somewhere to settle. As we debate the issue of refugees, we have to understand that there are many Kenyans who are landless.

*(Hon. (Ms.) Gure withdrew from the Chamber)*

**The Temporary Deputy Chairman** (Hon. Omulele): Just a minute. Hon. Neto, I can see one of your supporters walking away and yet, this is a matter that will be decided through a vote. Proceed, Hon. Moroto.

**Hon. Chumel:** Refugees are people who have their own land, but have come to Kenya for temporary refuge. They will eventually go back to their land. In fact, we want to encourage people that when they have a problem, they sort it out within their own country rather than come to our country and create other problems. It is now encouraging war in other countries.

Kenyans have suffered a lot. When Uganda had a problem, many Ugandans came to Kenya. Some of them settled in Kenya. They do not want to go back to Uganda. You have seen what is happening in Somalia. We are talking of Dadaab and other refugee-hosting regions, including Kakuma in Turkana County. Kenyans residing in Lodwar suffer more as we pay attention to people who have entered into our country as refugees, and who have ended up destroying the environment in those areas. Why should we give them land? For what? We need to encourage them to go back to their countries. We understand that they are human beings, but we pray for peace to prevail in their countries so that they can go back.

There are many landless Kenyans. Many Kenyans are squatters on their own land. When we talk about squatting, this is where people have not been settled properly to enable them enjoy the fruits of their land. The problem of landlessness in Kenya was brought about by white settlers. We are seeing what is happening in Laikipia currently. Let me tell you, as somebody from West Pokot. West Pokot is blacklisted as a dangerous zone by the entire world. The other day, I was at an embassy of a foreign country that was willing to support a certain school in West Pokot, but the officials there said that they cannot go to West Pokot or to any land occupied by members of the Pokot community because of insecurity. The Government has to be very careful when they gazette some areas. There are many areas where people fight in Kenya. Why has West Pokot been gazetted wrongly?

**The Temporary Deputy Chairman** (Hon. Omulele): Hon. Moroto, your point is made. We need to move. We have a long way to go. We know how to go about this matter.

**Hon. Oyugi:** Hon. Temporary Deputy Chairman, earlier on, I started by not opposing or supporting Hon. Kamama's position because I hoped that we would strike a middle ground. There are some parts of this Bill I would not want put to vote because they are against the spirit of our negotiations in the Committee. That is why I am not bothered that one of our lieutenants left. I would like us to have a middle ground where possible.

I would like to say three or four things. First, we appreciate that whatever the law does not prohibit, it allows. Having said that, we have done a couple of things. In Clause 32(2), I was requesting the Chair of the Committee and Hon. Gikaria to agree with me. We have agreed that the CS designates certain sections in the country where refugees can reside and therein lies refugee settlement areas. That is what we have agreed on Clause 32 (2).

Having agreed with us, we are saying the conflict – and I am happy he mentions it and we were with him in Dadaab and a couple of other refugee places... The problem we have in Dadaab with regard to the conflict is because, one, there is no designated refugee area. The refugees have actually moved away from what is supposed to be the camp. They are now in the city centre. They have cattle. They are cultivating land. The host community does not know to what extent the refugees would go. In fact, the refugees have even gone to an extent of harvesting the whole vegetation. It is all dry. They are using it to make charcoal and things like that simply because there is no designated area.

Chair, you appreciate that if at all the refugees are going to have a designated area and you allow - and I said let us borrow from the example of the Turkana County... Picture a scenario where refugees are staying there 24 hours and 365 days for 20 years doing nothing but waiting for food rations. That is exactly what breeds insecurity because people have nothing to do. They are only waiting for food rations. What we are saying is that once the CS has designated a certain area, whether it is a quarter of an acre or a small piece of land, so long as it is not host community area, then let them use that particular section. We are just saying what they are already doing anyway. The only problem is that right now, there is no law that regulates that. They are already having cattle. The refugees are already doing farming, but there is no law that regulates it. That is what I was seeking. That is what I was hoping that the Chair of the Committee does agree with me without even putting this to vote. However, if he does refuse, then I will go with his position. That way, we have middle ground in terms of making this law.

I thank you.

**The Temporary Deputy Chairman** (Hon. Omulele): Very well, Hon. Neto. Hon. Kamama, you will have the final say on this.

**Hon. Abongotum:** Hon. Neto, who is the author of this Bill, proposes that we retain the entire Clause 35. I think retaining it will do no harm. I can drop this amendment.

**The Temporary Deputy Chairman** (Hon. Omulele): So, Chair, I get it clearly that you are dropping your proposal to delete.

**Hon. Abongotum:** Yes.

*(Proposed amendment by Hon. Abongotum dropped)*

*(Clause 35 agreed to)*

#### Clause 36

**Hon. Abongotum:** Hon. Temporary Deputy Chairman, I beg to move:  
THAT, Clause 36 of the Bill be deleted.

The reason for this is that this Clause is unnecessary as its contents are summarised in the New Clause 21A which provides for the rights of refugees. So, it is not necessary.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Omulele): Hon. Aghostinho Neto.

**Hon. Oyugi:** Hon. Temporary Deputy Chairman, I would like to agree with the Committee's proposal that the clause be deleted.

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

*(Clause 36 deleted)*

#### Clause 37

**Hon. Abongotum:** Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 37 of the Bill be amended by deleting the words “shall be entitled to” and substituting therefor the word “may”.

Hon. Temporary Deputy Chairman, the reason for this is that the amendment seeks to ensure that an asylum seeker may only be issued with a work permit upon full compliance with the provisions of the Kenyan Citizenship and Immigration Act.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Omulele): I see interest from Hon. Neto.

**Hon. Oyugi:** Thank you, Hon. Temporary Deputy Chairman. I agree with the Committee on this amendment. We really did agree that it shall not be a matter of entitlement but a discretionary issue. That is why I support the use of the word “may”. I agree with him.

I support.

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

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

*Clause 37 as amended agreed to)*

#### *Clause 38*

**Hon. Abongotum:** Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 38 of the Bill be deleted.

The reason for this is that, as at now, there is no policy providing for the recognition of refugees as citizens.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Omulele): I see interest from the Mover, Hon. Aghostinho.

**Hon. Oyugi:** Thank you, Hon. Temporary Deputy Chairman. I would like to agree with the Chair’s proposal. We were saying two things here: One, with regard to citizenship issues, that has already been dealt with in the Kenya Citizenship and Immigration Act. Also, the Constitution under Articles 14 and 15 speaks to the issue of citizenship. In my view, when they thought it is going to be fairly controversial, we agreed to drop it. I support this particular position.

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

*(Clause 38 deleted)*

#### *Clause 39*

**Hon. Abongotum:** Hon. Temporary Deputy Chairman, I beg to move:  
THAT, Clause 39 of the Bill be deleted.

The justification for this is that the provision on expulsion of refugees is already provided for in the New Clause 21A.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Omulele): Hon. Aghostinho Neto.

**Hon. Oyugi:** Hon. Temporary Deputy Chairman, I thank you very much. I do agree with the position of the Committee that this particular provision has already been dealt with and has been tidied up in a New Clause 21A, which we are going to discuss.

I support.

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

*(Clause 39 deleted)*

#### *Clause 40*

**Hon. Abongotum:** Hon. Temporary Deputy Chairman, I beg to move:  
THAT, Clause 40 of the Bill be deleted.

The justification for this is that the provision on expulsion of refugees is already provided for in the New Clause 21A.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Omulele): Hon. Neto.

**Hon. Oyugi:** Hon. Temporary Deputy Chairman, I thank you very much. I do agree with the Committee on this position that, that particular provision be deleted. I do support.

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

*(Clause 40 deleted)*

#### *Clause 41*

**Hon. Abongotum:** Hon. Temporary Deputy Chairman, I beg to move:  
THAT, Clause 41 of the Bill be deleted.

The reason for this is that the clause is a repetition of Clause 18 which provides for the institution of proceedings for unlawful presence in Kenya.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Omulele): Hon. Aghostinho Neto.

**Hon. Oyugi:** Hon. Temporary Deputy Chairman, I thank you very much. I do support the Committee's position that, that particular provision has already been taken care of. I support

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

*(Clause 41 deleted)*

*Clause 42*

**Hon. Abongotum:** Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 42 of the Bill be amended—

(a) in sub-clause (1) by deleting the word “Commission” and substituting therefor the word “Committee”;

(b) in sub-clause (2) by deleting the word “Commissioner” and substituting therefor the word “Director”.

The purpose of part (a) of the amendment is to align the Clause with the Refugee Advisory Committee as established in Clause 6. Part (b) of the amendment is in line with the restructuring of the Refugee Affairs Secretariat which is now headed by the Director for Refugee Affairs.

Thank you, Hon. Temporary Deputy Chairman.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Omulele): I see interest from Hon. Agostinho.

**Hon. Oyugi:** Thank you very much, Hon. Temporary Deputy Chairman. I agree with the Committee's position. I support the Chair on this amendment. The amendment he has proposed tidies up the Bill. I agree with it.

Thank you, Hon. Temporary Deputy Chairman.

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

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

*(Clause 42 as amended agreed to)*

*(Clause 43 agreed to)*

*Clause 44*

**Hon. Abongotum:** Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 44 of the Bill be amended by deleting the words “the Commission shall, after” appearing immediately after the words “under section 4” and substituting therefor the words “the Committee shall, in”.

The justification for this is that this amendment seeks to align the Clause with the Refugee Advisory Committee as established in Clause 6.

*(Question of the amendment proposed)*

**Hon. Oyugi:** Hon. Temporary Deputy Chairman, I thank the Committee Chair for that particular amendment. We agree with it as it tidies up the Bill with regard to what we have in Clause 6.

I support the amendment.

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

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

*(Clause 44 as amended agreed to)*

#### Clause 45

**Hon. Abongotum:** Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 45 of the Bill be amended—

(a) in sub-clause (2) by deleting the words “Commissioner of Refugee affairs” and substituting therefor the word “Director”;

(b) by deleting sub-clause (3); and,

(c) by deleting sub-clause (4).

Hon. Temporary Deputy Chairman, part (a) of the amendment is in line with the restructuring of the Refugee Affairs Secretariat, which is now headed by the Director for Refugee Affairs.

On part (b), the provision on land is best provided in the Kenyan law.

On part (c), the sub-clause is ambiguous as it does not clearly define the instrument referred to in the Clause.

Thank you.

*(Question of the amendment proposed)*

**Hon. Oyugi:** Hon. Temporary Deputy Chairman, I agree with the Departmental Committee Chair. His amendment proposals are in order.

I support the amendments.

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

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

*(Clause 45 as amended agreed to)*

*Clause 46*

**Hon. Abongotum:** Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 46 of the Bill be amended by deleting the word “Commissioner” wherever it appears and substituting therefor the word “Director”.

This amendment is in line with the restructuring of the Refugee Affair Secretariat, which is now headed by the Director for Refugee Affairs.

*(Question of the amendment proposed)*

**Hon. Oyugi:** Hon. Temporary Deputy Chairman, I agree with that particular amendment. Like we had agreed, we will define the words “Director” and “Commissioner” when we get to Clause 2 of the Bill so that it can be harmonious across the Bill.

I support the amendment.

**The Temporary Deputy Chairman** (Hon. Omulele): Hon. Gikaria, do you have something to say to this before I put the Question?

**Hon. Gikaria:** Hon. Temporary Deputy Chairman, I seek your guidance. Hon. Kamama has proposed that the words “Director” and “Commissioner” be deleted in the Clause and wherever it appears. This means we will be repeating the same in Clause 50 (b). Do we need to repeat that?

**The Temporary Deputy Chairman** (Hon. Omulele): I agree with you. This is our procedure. However, for purposes of moving quickly, Hon. Kamama can use fewer words. It will be easier for us because we know what we are doing. We have agreed on these things.

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

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

*(Clause 46 as amended agreed to)*

*Clause 47*

**Hon. Abongotum:** Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 47 of the Bill be amended by deleting sub-clause (2).

The reason for this amendment is that the matters provided in sub-clause 2 should be prescribed in the regulations.

Thank you.

*(Question of the amendment proposed)*



**Hon. Oyugi:** Hon. Temporary Deputy Chairman, I agree with the Chair of the Committee that we delete Clause 47 (2).

I support the amendment.

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

*(Clause 47 as amended agreed to)*

*(Clause 48 agreed to)*

*Clause 49*

**Hon. Abongotum:** Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 49 of the Bill be amended—

(a) in sub-clause (1) by inserting the words “a person authorised by the Director” immediately after the words “No person other than”;

(b) by renumbering the subsections after subsection (2) as (3) and (4).

Part (a) of the amendment seeks to include persons with mandate of the Director as persons who may enter a designated area.

Part (b) is for the purposes of correct numbering. I thank you, Hon. Temporary Deputy Chairman.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Omulele): Hon. Aghostinho.

**Hon. Oyugi:** I thank you, Hon. Temporary Deputy Chairman. I would like to agree with the Committee proposal and I will support it. The reason why we are saying that no other person should be allowed into a designated refugee area is to avoid the host community and refugees from mingling in the manner that so far has happened that is causing confusion. I think this particular amendment is a good one and I support.

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

*(Clause 49 as amended agreed to)*

*Clause 50*

**Hon. Abongotum:** Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 50 of the Bill be amended—

(a) by deleting sub-clause (1) and substituting therefor the following new sub-clause—

“(1) The Director shall ensure that there is shared use of common social amenities between the refugees and the host communities.”

(b) in sub-clause (2) by deleting the word “Commissioner” and substituting therefor the word “Director”.

For (a), this amendment seeks to ensure cohesion and harmonious living between refugees and the host communities. For (b), this amendment is in line with the restructuring of the Refugee Affairs Secretariat which is now headed by the Director of Refugee Affairs.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Omulele): I see interest from Hon. Millie Odhiambo, Member for Mbita.

**Hon. (Ms.) Odhiambo-Mabona:** Thank you, Hon. Temporary Deputy Chairman. I support the proposed amendment because one of the issues that have always created conflict between refugees and host communities is resources. So, I support the proposed amendment.

**The Temporary Deputy Chairman** (Hon. Omulele): I will give this opportunity to Hon. Gikaria, then I will have Hon. Neto.

**Hon. Gikaria:** Hon. Temporary Deputy Chairman, I support this amendment. It is very specific. The Director shall ensure that there shall be a shared use of common social amenities. These are social amenities and not allowing people to go beyond the social as you had mentioned, because of the radicalisation. As a Committee, we proposed that in prisons terrorists are put separately from common prisoners because of radicalisation. It is very important and we need to follow this up. It is only for the common social amenities and not other areas.

**Hon. Oyugi:** Thank you, Hon. Temporary Deputy Chairman. I support this amendment. The problem that the host community has been having with refugees if you went with social amenities like Hon. Gikaria had commented earlier was, sometimes you have a very good refugee hospital like what you have in Dadaab done by the International Rescue Committee but that particular social amenity is only available to the refugees. If at all you allow that this is commonly shared amongst the refugee and the host community that extent is going to bring harmony. I support this amendment.

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

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

*(Clause 50 as amended agreed to)*

*Clause 51*

**Hon. Abongotum:** Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 51 if the Bill be amended by deleting the word “Commissioner” and substituting therefor the word “Director”.

The justification for this is that this amendment is in line with restructuring of Refugee Affairs Secretariat which is now headed by Director of Refugee Affairs.

*(Question of the amendment proposed)*

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

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

*(Clause 51 as amended agreed to)*

Clause 52

**The Temporary Deputy Chairman** (Hon. Omulele): Hon. Kamama.

**Hon. Abongotum:** Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 52 of the Bill be deleted.

The reason for this is that matters of refugee women and children are already addressed in Clause 24.

Thank you, Hon. Temporary Deputy Chairman.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Omulele): I can see interest from Hon. Millie Odhiambo.

**Hon. (Ms.) Odhiambo-Mabona:** Thank you, Hon. Temporary Deputy Chairman. I am trying to confirm whether it is covered in Clause 24. I was concerned why you would delete a clause that seeks protection for women and children when we know that they are the ones that suffer most in instances of refugees. Therefore, with your kind indulgence, could I please refer to Clause 24 then you give me an opportunity later.

**The Temporary Deputy Chairman** (Hon. Omulele): Quite in order. I will give you an opportunity after Hon. Okoth.

Thank you.

**Hon. Okoth:** Hon. Temporary Deputy Chairman, I rise to oppose the deletion of Clause 52 because Clause 24 comes under the part of the Bill that talks about issues of application for refugee status. It is very clear on what you should do when talking about refugee women and children in their application for refugee status. That is Part III of the Bill.

In Part VII of the Bill, we are dealing with integration, repatriation and resettlement of refugees. It is one simple and clear line. You will negate and neglect when you take out this provision and say you were asked to only consider the status of refugee women, children and people with disabilities when they are applying and being considered in Part III for refugee status.

Here we are talking about another set of issues, which is: How do you integrate them? What are their rights and procedures when repatriating them? What must you consider when

resettling refugees? It says specifically, in the integration of refugees in the host communities, the director shall, in cooperation with UNHCR and other organisations involved in the assistance rate, ensure that special attention is given to women, children and persons with disabilities. That sentence is very protective and harmless. If you think about it, it adds to the Bill. Deleting it takes away something critical. So I beg the Chair to please drop this amendment. Let this sentence stay there because it provides more protection in a different set of circumstances and issues we are dealing with.

**The Temporary Deputy Chairman** (Hon. Omulele): I will allow the Chair to respond to that.

**Hon. Abongotum:** Maybe with your indulgence, one of the Members of my committee is....

**The Temporary Deputy Chairman** (Hon. Omulele): I have seen that.

**Hon. Abongotum:** Thank you, Hon. Temporary Deputy Chairman. I am totally convinced by the Mover and Members of Parliament from the other isle.

Thank you.

**The Temporary Deputy Chairman** (Hon. Omulele): The Member for Wajir, is your interest taken care of by the Chair dropping his amendment?

*(Proposed amendment by Hon. Abongotum dropped)*

**Hon. (Ms.) F.I. Ali:** Thank you, Hon. Temporary Deputy Chairman. I am really impressed by the quick withdrawal by my Chairman. I think it was a not-well-thought-out deletion.

Hon. Temporary Chairman, this is an affirmative measure that is put in law so that in case of a special need, the authorities dealing with the refugee affairs should always be alert. I acknowledge the Chairman of the Committee for his quick withdrawal. I support.

*(Clause 52 agreed to)*

*Clause 53*

**Hon. Abongotum:** Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 53 of the Bill be amended by—

(a) deleting sub-clause (3); and

(b) deleting sub-clause (4) appearing immediately after sub-clause (3).

The reason for this is, for (a), the sub clause is unnecessary as the Refugee Trust Fund established under Clause 55 is deleted and, for (b), it is unnecessary as the Refugee Trust Fund established under Clause 55 is also deleted.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Omulele): I see interest from Hon. Millie.

**Hon. (Ms.) Odhiambo-Mabona:** Thank you. I was originally opposed to that. I have looked at the way Clause 3 is structured. Even if not for the same reasons that the Chairman gave, I will support him because when you say “refugee owner...” I have looked at the definition section

and we do not have “refugee owner”. So, it does not make legal sense. I will support him for different reasons.

**The Temporary Deputy Chairman** (Hon. Omulele): Very well. Let us have Hon. Aghostinho.

**Hon. Oyugi:** Thank you. I would like to agree with the Chairman of the Committee. I support his proposal.

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

*(Clause 53 as amended agreed to)*

Clause 54

**Hon. Abongotum:** Thank you, Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 54 of the Bill be amended by—

- (a) deleting sub-clause (2);
- (b) deleting sub-clause (3);
- (c) deleting sub-clause (4); and
- (d) deleting sub-clause (5).

The reason is that, for (a), a refugee residing outside Kenya would not be defined as a refugee under The Refugee Act since he or she is already resettled in another country.

In (b) and (c) the same reasons as given for (a) apply. For (d), since sub clauses (2), (3) and (4) are deleted, this sub-clause would also be unnecessary.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Omulele): Very well. I see a lot of interest in this. I will start with Hon. Abdikadir.

**Hon. Aden:** Thank you, Hon. Temporary Deputy Chairman. I support the amendment. It will be wrong to say that a refugee shall not be allowed to enter Kenya when settlement to Kenya has been granted. I think the intention of the Chair and Committee appears right. I support.

**The Temporary Deputy Chairman** (Hon. Omulele): Hon. Onyura.

**Hon. Onyura:** I also support because the Chair has explained the reasons why it should be deleted very well.

**The Temporary Deputy Chairman** (Hon. Omulele): Hon. Grace Kiptui.

**Hon. (Ms.) Kiptui:** Hon. Temporary Deputy Chairman, I support the deletion because this is an obvious issue.

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

*(Clause 54 as amended agreed to)*

Clause 55

**The Temporary Deputy Chairman** (Hon. Omulele): Hon. Kamama.

**Hon. Abongotum:** Hon. Temporary Deputy Chairman, I beg to move:  
THAT, Clause 55 of the Bill be deleted.

The reason is that the refugee situation is supposed to be temporary. The creation of a Refugee Trust Fund and having refugees as trustees will make this situation permanent.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Omulele): I see interest from Hon. Aghostinho.

**Hon. Oyugi:** Hon. Temporary Deputy Chairman, I oppose. At some point, I said there are only two clauses in this Bill which I will oppose and this is one of them. Hon. Kamama concedes that the refugee status is supposed to be temporary. I agree with him totally but that is not the status in Kenya. Kenya has hosted refugees for over 30 years. Refugee studies has got two scenarios, a temporary emergency refugee scenario and the second one which is in Kenya is the protracted refugee scenario. In terms of protracted refugee scenario, you must deal with the refugees in a manner which gives them durable solutions. The creation of a trust fund for refugees is one of the ways of ensuring that refugees get durable solutions.

Most of the refugees have been living in Dadaab and Kakuma for 20 or 30 years. Some of them have artisan knowledge, for example musicians. For example, a Burundian musician is doing very well and entertaining in several places. The creation of a Refugee Trust Fund ensures they have access to some funds which will give them durable solutions. This particular trust fund does not charge the Kenyan taxpayers money. It only helps us outsource funds. In fact, there are other international communities that want to assist refugees in Kenya and having a trust fund stops the refugees from living at the behest of international bodies and players.

Right now, if any refugee wants to earn an income, he or she has to rely on international bodies and other Non-Governmental Organisations (NGOs). By having a Refugee Trust Fund where some money is paid into, if a refugee wants to become a musician or mason, they can access it. I think this is the only way to give people a dignified life. I would like to request the Chair of the Committee that this is in no way harmful but will help us with the long term security issues of the country. If a refugee is idle the only thing he or she can think about is to cause mayhem and chaos in the country but if we create a trust fund where refugees will draw from this will ensure they have durable solutions and that is good for Kenyans.

I would like to request the Chair and Committee to consider Clauses 55 and 56 so as to make a very good Refugee Bill. I oppose because of those reasons. I would like to request the Members to agree with me because this is good for the country and refugees. So far we have done very well and I would like to tell Hon. Gikaria and the rest of the Committee Members who really think that the refugee scenario is not a permanent scenario that it is already a permanent scenario: 30 years is a lifetime. People marry at 30 years. Living there for 30 years without anything else to do is really dangerous. I would like them to consider that.

With that, I oppose the amendment.

**The Temporary Deputy Chairman** (Hon. Omulele): Let us have Hon. Gikaria.

**Hon. Gikaria:** Hon. Temporary Deputy Chairman, we are considering Clause 55. First and foremost, as the Chair has just said, it is not the intention of this country to keep refugees here forever. In fact, as a Committee, we have already engaged the Cabinet Secretary (CS). You remember we had a very heated debate sometimes late last year when we wanted to close the Camp as a country. The Cabinet Secretary gave a directive that there is already a programme on

how we will repatriate the refugees. In fact, the CS gave timelines and said that they were just waiting for funding and the refugees had accepted to move back to their original homes. If we start creating a fund, it then means that we are legitimising their permanency in this country. I do not think that is the intention of Kenyans. It is unfortunate that those countries have issues and we would want those issues to end. Kenya is doing so much to try and end those issues so that people can go back and at the same time concentrate.

Secondly, this country also spends a lot of money to host those people. In fact, at some point when we were being threatened that we would not get funding, the Government said we spend so much. The establishment of the trust fund will not add much value because hopefully the Jubilee Government will take over and actualise its removal or repatriation of refugees.

I totally support the position of the Chair and the Committee.

**The Temporary Deputy Chairman** (Hon. Omulele): Let us have Hon. Millie Odhiambo.

**Hon. (Ms.) Odhiambo-Mabona:** Thank you, Hon. Temporary Deputy Chairman. I want to urge the Committee to reconsider their position because their argument is informed by the current situation. This means that the Committee seems to be legislating for a set of refugees in the country but, we are not legislating for those refugees. This is a Refugee Bill which will affect refugees of all times, whether in 2016, 2017 or 2089.

We have many people from Tanzania, Somalia and Zambia who have had problems before and have sought refuge in Kenya. If we can say and predict as prophets that they shall never have problems then this does not make sense. But if there is likelihood that any of our neighbouring countries can ever have problems, then we need such a fund. In any event, what harm does it cause Kenya if we have the funds and we do not use them if we have refugees? It does not affect our capability as a country to facilitate the return or repatriation of the refugees that are currently here.

Finally, I want us to borrow from a Bill that I also passed in this House: the Counter-Trafficking in Persons Act which is fairly similar to the refugee situation. It is a fairly temporary situation but it has a fund which is the same case with the Victim Protection Act. I also passed the Victim Protection Act which is also a temporary situation. How sure were we that we were going to have victims of crime? We have the police. But we must be proactive as a country and look at possibilities and likelihoods of conflicts arising and people breaking the law and then not be reactionary and have knee-jerk reactions in situations that we could have foreseen. This Bill foresees such a situation. I urge the Committee to reconsider so that we can have a fund. If there are no refugees, we can always reuse the money and reconsider but there will be, at least, some minimum amount of money for emergency action for refugees. Please, reconsider your position.

I oppose the amendment by the Chair.

**The Temporary Deputy Chairman** (Hon. Omulele): Very well. We shall have the Member for Wajir County.

**Hon. (Ms.) F.I. Ali:** Thank you, Hon. Temporary Deputy Chairman, for allowing me to contribute to this amendment.

I am a member of the Departmental Committee on Administration and National Security. It is, always, not nice to oppose one's Chair, but this amendment is not very useful. This clause should be left the way it is. I support the establishment of a Refugee Trust Fund. This is a temporary measure. It was necessitated by a gap that existed in this country.

I want to inform you that I have worked in a refugee camp for over five years. I understand that there are serious gaps in the law that has domesticated some of the international practices. That is why you find this Bill here.

Hon. Temporary Deputy Chairman, we need the proposed trust fund. The objective of the fund is to protect certain things that refugees own or certain things that are likely not to be protected. It can be a temporary fund, which can be done away with if the situation stabilises and Kenya is not hosting any refugee. It is good to have a trust fund which will even generate support from other actors, which can be used to deal with refugee matters and also accumulate monies of refugees when they are repatriated?

I oppose the amendment.

**The Temporary Deputy Chairman** (Hon. Omulele): Members, we need to move. We have a long way to go.

I will, therefore, give it to you to make a decision on it. Before I do that, it is fair that the Chairman has the final word on it.

**Hon. Abongotum:** Thank you very much, Hon. Temporary Deputy Chairman.

I totally oppose those who want to convince me that we retain this provision. Clause 55(3) says that the trust fund shall be a charitable body capable of suing and being sued and shall have power to hold fixed and movable property which shall be administered in accordance with the recommendations of the trustees.

Those trying to oppose are actually saying that we create a fund for refugees. That will attract refugees from all over. If there are funds in Kenya, all refugees will actually move into this country. It would be ridiculous for us to make this law so attractive for refugees to come to this country. We should make it as temporary as possible. We should even advise their leaders, like in Somalia. The leaders in Somalia are not serious. They destroy their country and expect that we will host them for half a century. I want to convince all Members and all patriotic Kenyans that this fund will bring refugees to this country.

**Hon. Okoth:** On a point of order, Hon. Temporary Deputy Chairman.

**The Temporary Deputy Chairman** (Hon. Omulele): Hon. Ken Okoth, what is out of order?

**Hon. Okoth:** You have just heard the Chair of the Departmental Committee on Administration and National Security say that the leaders of Somalia, a country with which we trade and share a border, and who have very serious foreign and diplomatic relations, are not serious. Saying that on the Floor of the House and putting it on the HANSARD is totally out of order.

He is out of order for misleading the House that we are creating a fund to attract refugees. He has read this Bill selectively. If you take him to Clause 55, the Refugees Trust Fund shall be established. That clause also shows how it shall be managed. He has been arguing consistently for the Director of the Refugee Secretariat to have powers. His amendment says precisely that it is the Director who shall be the chairperson. The representatives are there. He is not telling us what problem he has with any of these representatives, including the representatives of the CS as constituted. He is just being alarmist and misleading the House on that one point. I think it is unfortunate for him to trade on a territory that includes our foreign relations with Somalia and dismiss the leadership of that country that has come such a long way.

Our President was in London just the other day with the serious leader of Somalia.

**The Temporary Deputy Chairman** (Hon. Omulele): Hon. Ken Okoth, you have made your point.



**Hon. Okoth:** I beg the House. He is in order to not discuss our foreign policy in this manner but he is also out of order to mislead the House.

I support this.

**The Temporary Deputy Chairman** (Hon. Omulele): You have made your point, Hon. Okoth.

**Hon. Okoth:** Hon. Temporary Deputy Chairman, you have not allowed me to tell you the provisions in sub-clause 4. This is why he was misleading the House. The trustee shall have the power to devise any lawful means of raising funds and property without going into our taxes. The concern Hon. Gikaria raised very eloquently was that we should not be imposing a charge on the Kenyan taxpayers. It states under sub-clause 4 (a) and (b) how the monies for this trust fund shall be raised. It is not through the Kenyan taxpayers.

For instance, the government of Turkey raised US\$ 6 billion, from the European Union to host the Syrian refugees. Imagine what US\$ 6 billion could do. If this trust fund could raise it from foreign sources and come to a legitimate trust that is managed and chaired by the director, who he is proposing, that is very good. So, you are undercutting that same director who will not have resources and will come begging for money from this House, which we will not have. So, I think he is misleading the House and I humbly beg him to let this trust fund stay. It will be beneficial and it is not just about Somalia refugees. It is for any future situation when we need it. The funds and the resources can come and go and fluctuate as per the needs.

**The Temporary Deputy Chairman** (Hon. Omulele): Hon. Okoth, the latter part of your contribution was argumentative but it is fair. On the aspersions cast on our country that it is on friendly terms with a country, I think it is in order to ask the chairman to withdraw that part. I think it will be only fair for the chairman to withdraw the aspersions that he has cast on the Republic of Somalia.

**Hon. Abongotum:** Hon. Temporary Deputy Chairman, I withdraw reluctantly.

**The Temporary Deputy Chairman** (Hon. Omulele): Very well. We shall then proceed. Hon. Members, I think it is only fair that you need to vote one way or the other on this. It is your matter and you are all here.

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

*(Clause 55 agreed to)*

*Clause 56*

**Hon. Abongotum:** Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 56 of the Bill be deleted.

The justification for this is that this clause is unnecessary since Clause 55, which creates the Refugees Trust Fund, is deleted. They are all connected. It is the same thing.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Omulele): We shall have two or three contributions to this; Hon. Millie followed by Hon. Gikaria.

**Hon. (Ms.) Odhiambo-Mabona:** Thank you, Hon. Temporary Deputy Chairman. If you listened very carefully to the Chairman of the Committee, he has said that the reason that this should be deleted is because Clause 55 has been deleted. It is understandable that you should say that because he had anticipated that Clause 55 would be deleted.

However, if you read Clauses 55 and 56, Clause 56 anchors Clause 55. You cannot have Clause 55 standing on its own. Clause 56 is an anchorage to Clause 55, by refusing this amendment which we have passed across that sets up the trust fund. We cannot set up a trust fund without indicating how it will be administered. If we do not administer the trust fund, it means we will have money that anybody can use as they wish. They can be using it to buy beautiful dresses, go to discos or for election campaigns. We want the refugee fund to be administered for that specific purpose. If we remove Clause 56, we will be legislating an illegality. Anybody who sees that will think we are totally unserious. Even though I know that right now the campaign fever is on and our minds might not all be here, we are still lawyers. People will blame some of us and question what we were thinking when we pass this amendment.

I vehemently oppose the amendment.

**The Temporary Deputy Chairman** (Hon. Omulele): Very well presented Hon. Millie. I see a lot of interest in this amendment. I will not give Members opportunity to contribute, unless one wants to say something that is totally different from what Hon. Millie has said. I want to give this opportunity to Hon. Gikaria and then I will put the Question. I suspect all the Members who want to support will say that because we have retained Clause 55, we must have Clause 56. We need to move. I will give opportunity to Hon. Gikaria and then I will give it to the House, so that you can make a decision, one way or the other.

**Hon. Gikaria:** Thank you, Hon. Temporary Deputy Chairman. Much as we were defeated when the Question was put, I am happy to support Clause 56. Some NGOs do not use their monies for the purposes they were intended. They use the money to fight the Government or go against it all the time. The Cabinet Secretary is the one who will appoint the accounting officer of the Refugees Trust Fund, and it is a good indication. In Clause 56(3)(c), the accounting officer shall impose conditions on any expenditure. This means all the expenditure will be for the purpose for which they are meant.

Lastly, in Clause 56(3)(e) the accounting officer shall prepare, sign and transmit to the Auditor-General in respect of each financial year and within three months of the end of a financial year, a statement of accounts relating to the fund in accordance with the Public Audit Act, 2003. Clause 56(3)(f) says that the accounting officer shall furnish such additional information as may be required for examination and audit by the Auditor-General or under any law. This means the fund will be used for the purpose it is intended. Our fear was that we shall create a trust fund, but the money allocated will not be used for the intended purpose.

I support the amendment.

**The Temporary Deputy Chairman** (Hon. Omulele): There is nothing that is out of order, Hon. Abdikadir. I will give the Chair this opportunity because of the issues that have been raised.

**Hon. Abongotum:** As it was pointed out by my good friend, Member for Mbita, after retaining Clause 55, it will be ridiculous if we do not retain Clause 56. I agree with her that we retain Clause 56.

**The Temporary Deputy Chairman** (Hon. Omulele): A good man is one who changes his mind. Then you will have to withdraw your proposal.

**Hon. Abongotum:** I withdraw the proposal to delete Clause 56.

*(Proposed amendment by Hon. Abongotum to Clause 56 withdrawn)*

**The Temporary Deputy Chairman** (Hon. Omulele): Hon. Abdikadir, what is out of order?

**Hon. Aden:** Thank you, Hon. Temporary Deputy Chairman. First of all, I want to thank the Chairman for the noble act that he has just done. I want you to look at Clause 55. I want to bring to the attention of the Chair and the Committee that there is something wrong in terms of the numbering in Clause 55. There is Clause 55(1)(2)(3) and then there is (3) again. We need to fix that. Where the second (3) is coming in, it needs to be sub-clause (4).

**The Temporary Deputy Chairman** (Hon. Omulele): It is noted and it will be corrected according to our procedures.

*(Clause 56 agreed to)*

*(Clauses 57 and 58 agreed to)*

**The Temporary Deputy Chairman** (Hon. Omulele): I now call upon Hon. Oyugi to report progress on this.

**Hon. Oyugi:** Thank you, Hon. Temporary Deputy Chairman. I know you are calling upon me to report progress, but I was wondering if it is possible that you use your powers to indulge us another 10 minutes because I am sure we are about to finish. We have a couple of clauses which in my view, the Chair and I agree on and we can actually knock off in 10 minutes so that we move to other things. Is that fine by you, Hon. Temporary Deputy Chairman?

**The Temporary Deputy Chairman** (Hon. Omulele): Hon. Oyugi, I would have loved to extend the sitting a little longer but looking at what we still have to do, I do not believe we can finish in 10 minutes.

**Hon. Oyugi:** Hon. Temporary Deputy Chair, we are not going to discuss. In fact, for half of them, we are in agreement with the amendment with the Chair. There is nothing controversial.

**The Temporary Deputy Chairman** (Hon. Omulele): If that is the mood, I will allow for 10 minutes.

**Hon. Oyugi:** Thank you, Hon. Temporary Deputy Chairman.

**The Temporary Deputy Chairman** (Hon. Omulele): Is that the mood of the House that we add another 10 minutes so that we finish?

**Hon. Members:** Yes.

**The Temporary Deputy Chairman** (Hon. Omulele): Ten minutes it shall be.

**Hon. Oyugi:** Thank you.

**The Temporary Deputy Chairman** (Hon. Omulele): I have allowed 10 minutes and so what you do within those 10 minutes is entirely up to the House. Let us move on.

*Clause 59*

**Hon. Abongotum:** Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 59 of the Bill be amended in sub-clause (1) by inserting the word “or” immediately after the words “authorized officer”.

The purpose of this amendment is for correction of a grammatical error. Let us not waste time on this.

*(Question of the amendment proposed)*

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

*(Clause 59 as amended agreed to)*

*Clause 60*

**Hon. Abongotum:** Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 60 of the Bill be deleted.

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

*(Clause 60 deleted)*

*Clause 61*

**Hon. Abongotum:** Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 61 of the Bill be amended—

- (a) in sub-clause (1) by deleting the word “Commissioner” and substituting therefor the word “Secretariat”;
- (b) in sub-clause (2) by deleting the word “Commissioner” and substituting therefor the word “Secretariat”; and
- (c) in sub-clause (3)—
  - by deleting the word “Commissioner” where it appears in the first instance and substituting therefor the word “Secretariat”;
  - by deleting the word “Commissioner” where it appears in the second instance and substituting therefor the word “Director”;
- (d) in sub-clause (4) by deleting the word “Commissioner” and substituting therefor the word “Director”.

*(Question of the amendment proposed)*

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

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

*(Clause 61 as amended agreed to)*

*(Clause 62 agreed to)*

*Clause 63*

**The Temporary Deputy Chairman** (Hon. Omulele): Hon. Kamama.

**Hon. Abongotum:** Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 63 of the Bill be amended—

(a) by deleting sub-clause (4) appearing in the first instance and substituting therefor the following new sub-clause—

(4) Where there is disunity in the family of a refugee as a result of divorce, separation or death of any member of that family, a member of the family may remain in Kenya and shall have to apply within a maximum period of ninety days from the time of disunity of the family for the acquisition of the refugee status or for a legalisation of the residence in Kenya under the Kenya Citizenship and Immigration Act.

(b) by renumbering the sub-clause (4) appearing in the second instance as sub-clause (5).

*(Question of the amendment proposed)*

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

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

*(Clause 63 as amended agreed to)*

*Clause 64*

**The Temporary Deputy Chairman** (Hon. Omulele): Hon. Kamama.

**Hon. Abongotum:** Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 64 of the Bill be amended in paragraph (c) by deleting the words “or protected person” and substituting therefor the words “asylum seeker”.

*(Question of the amendment proposed)*

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

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

*(Clause 64 as amended agreed to)*

*Clause 65*

**The Temporary Deputy Chairman** (Hon. Omulele): Hon. Kamama.

**Hon. Abongotum:** Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 65 of the Bill be amended—

- (a) in paragraph (a) by inserting the words “or any other written law” immediately after the word “Act”; and
- (b) in paragraph (b) by deleting the word “misstatement” and substituting therefor the word “misrepresentation”.

*(Question of the amendment proposed)*

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

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

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

*(Clause 65 as amended agreed to)*

*(Clause 66 agreed to)*

*Clause 67*

**The Temporary Deputy Chairman** (Hon. Omulele): Hon. Kamama.

**Hon. Abongotum:** Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 67 of the Bill be deleted.

*(Question of the amendment proposed)*

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

*(Clause 67 deleted)*

*Clause 68*

**The Temporary Deputy Chairman** (Hon. Omulele): Hon. Kamama.

**Hon. Abongotum:** Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 68 of the Bill be amended by deleting the words “Commission, the Secretariat of Refugee Affairs” and substituting therefor the words “Committee, the Secretariat”.

*(Question of the amendment proposed)*

**The Temporary Deputy Chairman** (Hon. Omulele): The Member for Wajir, is something out of order?

**Hon. (Ms.) F.I. Ali:** No, Hon. Temporary Deputy Chairman.

Thank you.

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

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

*(Clause 68 as amended agreed to)*

*(Clause 69 agreed to)*

*Clause 70*

**Hon. Abongotum:** Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 70 of the Bill be amended in sub-clause (4) by deleting the word “Commissioner” and substituting therefor the word “Director”.

*(Question of the amendment proposed)*

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

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

*(Clause 70 as amended agreed to)*

*Clause 71 agreed to*

*New Clause 21(A)*

**The Temporary Deputy Chairman** (Hon. Omulele): I call upon the Mover to move Second Reading for this new clause.

**Hon. Abongotum:** Hon. Temporary Deputy Chairman, I beg to move:

THAT, the Bill be amended by inserting the following new clause immediately after clause 21—

Expulsion  
of refugees  
or  
members  
of their  
families.

21A. (1) Subject to section 33, the Cabinet Secretary may order the expulsion from Kenya of any refugee or member of his family if the Cabinet Secretary considers the expulsion to be necessary on the grounds of national security or public order.

(2) Before ordering the expulsion from Kenya of any refugee or member of his family in terms of subsection (1) of this section, the Cabinet Secretary shall act in accordance with the due process of law.

*(Question of the new clause proposed)*

*(Question, that the new clause be read a Second Time, proposed)*

**The Temporary Deputy Chairman** (Hon. Omulele): I see no interests.

*(Question, that the new clause be read a Second Time, put and agreed to)*

*(The new clause was read a Second Time)*

*(Question, that the new clause be added to the Bill, put and agreed to)*

*(First Schedule and Second Schedule agreed to)*

## Clause 2

**Hon. Abongotum:** Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 2 of the Bill be amended—

- (a) by deleting the definition of the term “asylum seeker” and substituting therefor the following new definition—  
“asylum seeker” means a person seeking refugee status in accordance with the provisions of this Act;
- (b) in the definition of the term “authorized officer” by deleting the word “Commissioner” and substituting therefor the word “Director”;
- (c) by deleting the definition of the term “Commission”;
- (d) by deleting the definition of the term “Commissioner”;
- (e) in the definition of the term “prima facie refugee status” by deleting the word “Commission” and substituting therefor the word “Committee”;
- (f) in the definition of the term “refugee officer” by deleting the word “Commissioner” and substituting therefor the word “Director”;
- (g) in the definition of the term “transit centre” by deleting the word “Commissioner” and substituting therefor the word “Director”;
- (h) by deleting the definition of the term “Trust Fund”;
- (i) by inserting the following new definitions in their proper alphabetic sequence—

“Committee” means the Refugee Advisory Committee established under section 6 of this Act;

“Director” means the Director for Refugee Affairs appointed under section 10;

“durable solutions” means voluntary repatriation and resettlement to a third party country;



“Eligibility Committee” means the Refugee Status Eligibility Committee established under section 15;

“Secretariat” means the Refugee Affairs Secretariat established under section 6.

The terminology has changed due to the review and harmonization of the administrative structures as per Clause 6.

*(Question of the amendment proposed)*

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

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

*(Clause 2 as amended agreed to)*

*Long Title*

**The Temporary Deputy Chairman** (Hon. Omulele): Hon. Kamama.

**Hon. Abongotum:** Hon. Temporary Deputy Chairman, I beg to move:

THAT, the long title of the Bill be amended by inserting the words “1951 United Nations” immediately after the words “to give effect to the”.

The justification is that the insertion of the words seeks to clearly define the convention given effect to under the Bill.

*(Question of the amendment proposed)*

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

*(Long Title as amended agreed to)*

*(Clause 1 agreed to)*

**The Temporary Deputy Chairman** (Hon. Omulele): I now call upon the Mover, Hon. Neto.

**Hon. Oyugi:** Hon. Temporary Deputy Chairman, I beg to move that the Committee do report to the House its consideration of the Refugees Bill (National Assembly Bill No.26 of 2016) and its approval thereof with amendments.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

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

## REPORTS

**The Temporary Deputy Speaker** (Hon. Omulele): Hon. Kamama to report.

**Hon. Abongotum:** Hon. Temporary Deputy Speaker, I beg to report that a Committee of the whole House has considered the Refugee Bill (National Assembly Bill No.26 of 2016) and approved the same with amendments.

**Hon. Oyugi:** Hon. Temporary Deputy Speaker. I beg to move that the House do agree with the Committee in the said Report. I also request, Hon. Onyura to second the motion for agreement with the Report of the Committee of the whole House.

**Hon. Onyura:** Hon. Temporary Deputy Speaker, I second because this is a very good Bill.

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. Omulele): Members, because of obvious reasons we do not have the requisite numbers. Therefore we will put the Question later. Let us move to the Traffic (Amendment) Bill. Hon. Kamama, you can help us.

*(Putting of the Question deferred)*

### THE TRAFFIC (AMENDMENT) BILL

**Hon. Lekuton:** Thank you, Hon. Temporary Deputy Speaker. I think we are on the same page.

**The Temporary Deputy Speaker** (Hon. Omulele): Just hold on Hon. Lekuton. Let the Chair report to the House.

**Hon. Abongotum:** Hon. Temporary Deputy Speaker, I beg to report that a Committee of the whole House has considered the Traffic (Amendment) Bill (National Assembly Bill No. 33 of 2014) and approved the same with amendments.

**The Temporary Deputy Speaker** (Hon. Omulele): Let us have Hon. Lekuton.

**Hon. Lekuton:** Thank you, Hon. Temporary Deputy Speaker. I was waiting for the Chairperson of the Departmental Committee on Transport, Public Works and Housing.

**The Temporary Deputy Speaker** (Hon. Omulele): You need to beg the House to agree with the Committee.

**Hon. Lekuton:** Hon. Temporary Deputy Speaker, I beg to move that the House do agree with the Committee in the said Report. I also request Hon. Chachu Ganya to second the motion for agreement with the Report of the Committee of the whole House.

**Hon. Ganya:** Hon. Temporary Deputy Speaker, I second.

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. Omulele): Members, for obvious reasons, I will not put the Question.

*(Putting of the Question deferred)*

### ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. Omulele): Hon. Members, the time being 1.21 p.m., this House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 1.21 p.m.