

# PARLIAMENT OF KENYA

## THE SENATE

### THE HANSARD

Thursday, 24<sup>th</sup> November, 2022

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

*[The Speaker (Hon. Kingi) in the Chair]*

#### PRAYER

#### QUORUM CALL AT COMMENCEMENT OF SITTING

**The Speaker** (Hon. Kingi): Clerk, establish if we have a quorum. Kindly ring the Quorum Bell for five minutes.

*(The Quorum Bell was rung)*

*(Sen. Cheruiyot spoke off record)*

Senator, you know we are properly constituted.

*(Sen. Cheruiyot spoke off record)*

Yes, I am in charge but I can only hear you outside the purview of the proceedings. Proceed as we wait for quorum.

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Speaker, Sir, I know the provision of the Standing Order very well. However, I request you to exercise Standing Order No.1 in the following order.

You are aware that more than three-quarters of the Members of this House are in Juba for a Parliamentary event. This is a situation where there are two sittings of Parliament going on concurrently. It will be wrong for us to calculate the quorum of 15 using the sitting in Nairobi alone. You should use both the Nairobi and Juba sitting.

*(Laughter)*

Given the forbearing, will I be in order to request that the quorum in Juba and that which is here be known. Can you permit the proceeding of the House to go on for the next few days; today and the whole of next week, when there will be two concurrent sessions of Parliament going on as long as there are satisfactory number of Members of Parliament

as it is right now? Otherwise, it will be difficult to have the 15 Members here in Nairobi given the popularity of the Juba sittings.

Thank you.

**The Speaker** (Hon. Kingi): The Senate Majority Leader, I wish you can raise that issue when we have quorum for me to make a determination, going forward.

*(Sen. Cheruiyot spoke off record)*

Absolutely.

Kindly ring the Bell for another 10 minutes.

*(The Quorum Bell was rung)*

**The Speaker** (Hon. Kingi): Kindly ring the Bell for a further 10 minutes.

*(The Quorum Bell was rung)*

Hon. Senators, we now have quorum. We shall proceed with the business of the day.

First Order.

### COMMUNICATION FROM THE CHAIR

#### VISITING DELEGATION FROM EMERALD INTERNATIONAL SCHOOL, NAIROBI COUNTY

Hon. Senators, I would like to acknowledge the presence in the Public Gallery, this afternoon of visiting teachers and students of grade five from Emerald International School, Nairobi County, who are on an educational tour in Parliament.

In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them. On behalf of the Senate and my own behalf, I wish them a fruitful visit.

*(Applause)*

I will ask the Senator for Nairobi City County to welcome the delegation.

**Sen. Sifuna:** Thank you, Mr. Speaker Sir. I was starting to get worried that you would not get to acknowledge our visitors from Emerald International School. I join you in welcoming them to the Senate. We had an interesting conversation with them this afternoon.

I assure the House that they have enjoyed their time here. The school is situated in Dagoreti South. These children have very serious clarity of mind about the issues of the day. We have had a discussion about various things including the state of the road outside their school which is just near Lenana School. If you have been there, you know that the road is in a very serious state of disrepair.

There are concerns about what we are doing as a House to conserve the environment. Many of them have had an opportunity to visit the Nairobi National Park and

they have told me that they would like to see that Park protected and sustained for future generations.

They are also very concerned about our building code. I wish Sen. Crystal Asige was here. They would like to see when we are constructing roads in Nairobi and in other places and embed cycling and pedestrian lanes in our roads.

So, I inform them that what they need to do right now is to focus largely on their education and the various ambitions that they have. There is one young man who told me that he wants to be a pilot. We wish him all the best as a House. Just to tell him that for as long as he focuses, keeps the discipline that I have been told is very high in the school, listens to his teachers, and works very hard, that is a very valid dream.

There were also concerns about how many years I am going to be in the Senate because some of them also want to be Senators.

*(Laughter)*

So, I have assured them that I will be here as long as their parents want me to be here. When they come of age and they have better policies for people, I will be more than happy to cede that space to one of them.

They have also presented a Petition to me to take the management of the school that they will want to see a swimming pool in their school. They asked me if this House was kind enough to mandate that the swimming pool is built at Emerald, they will be very happy.

So, I thank them and the teachers for the time they have taken to visit us at the Senate. I wish them all the best in their education.

I thank you.

**The Speaker** (Hon. Kingi): The hon. Sen. Wahome Wamatinga, kindly give notice of the Motion.

## NOTICE OF MOTION

### ENHANCING HIGHWAY SAFETY AND CONVENIENCE

**Sen. Wamatinga:** Mr. Speaker, Sir, I beg to give notice of the following Motion-  
THAT, AWARE THAT the majority of highway users, most of whom are long distance travellers and some of whom are children, elderly and sick, face a myriad of challenges including traffic delays and breakdown of their vehicles that cause them to spend long hours on the road exposing them to starvation, insecurity threats and to the need for sanitary and medical facilities.

FURTHER AWARE THAT setting up safe stopping points for road users at regular intervals with the necessary road-side amenities such as fuel stations, parking spaces, restaurants, telephone booths, minor repair shops, medical facilities and toilets enhances total travel experience and the lack of these points make it impractical for drivers to stop as often as they would wish to resulting into driving-related fatigue, a significant contributor to accidents on the highways.

COGNIZANT THAT the current road-side amenities operated and maintained by private companies, major oil companies, are located in urban

centres while in the countryside there are inadequate numbers offering limited variety of facilities.

ACKNOWLEDGING THAT the cost of such developments and the uncertainty of the returns on investment restrict the supply of the facilities, the risks too great for small companies and the returns too meagre for large companies, some amenities remain unviable and insufficiently provided for by commercial companies necessitating government intervention.

FURTHER COGNIZANT THAT governments across the world such as France and Germany have taken on the task of setting up such amenities through incorporation of the basic provisions in their road transport infrastructure through different models of Public Private Partnership (PPP), lease, or ownership.

NOW THEREFORE the Senate resolves that the Ministries of Roads, Transport and Public Works, Health, the Kenya National Highways Authority and the National Transport and Safety Authority to come up with a policy framework to include: -

- i) The incorporation of road reserves for road-side amenities in all highway designs.
- ii) Undertaking a survey to ascertain the specific amenities required but not available on the existing highways and the most convenient locations to develop them.
- iii) Development of a Public Private Partnership guideline on leasing of the road reserves to developers, financing the construction of the amenities and the packaging of incentives to attract investors.

**The Speaker** (Hon. Kingi): Next Order.

### STATEMENTS

**The Speaker** (Hon. Kingi): If the Hon. Senator for West Pokot County Sen. Murgor is not in. The statement is deferred.

#### IMPORTANCE OF ESTABLISHING WOMEN SELF-HELP GROUPS IN CONFLICT PRONE AREAS

*(Statement deferred)*

**The Speaker** (Hon. Kingi): Sen. Kibwana, please proceed.

#### UPROOTING OF BAOBAB TREES FROM KILIFI COUNTY FOR TRANSPLANTING IN THE UNITED STATES

**Sen. Kibwana:** Mr. Speaker, Sir, I rise, pursuant to Standing Order 32 (1) to make a Statement on an issue of County wide concern regarding the uprooting of baobab trees from Kilifi County---

**The Speaker** (Hon. Kingi): Hon. Senator, you are making that Statement pursuant to what Standing Order what? Did I hear you correctly? Did you say Standing Order 32?

**Sen. Kibwana:** Sorry, I meant Standing Order 52(1). Kindly give me a minute. I forgot my 'eyes' so I cannot see.

Mr. Speaker, Sir, I rise pursuant to Standing Order 52 (1) to make a Statement on an issue of countrywide concern regarding the uprooting of baobab trees from Kilifi County for transplanting in the United States.

According to the Global Forest Watch, Kenya had 3.18 million hectares of natural forest, extending over 5.7 per cent of its land area in 2010. In 2021, it lost 7.23 Kilo hectare of natural forest, equivalent to 3.23 Metric tonnes of CO<sub>2</sub> emissions. Reports show that 6 regions were responsible for 52 per cent of all tree cover loss between 2001 and 2021.

Narok County had the most tree cover loss at 73.1 Kilo hectare compared to an average of 7.84 Kilo hectare. The Kilifi region had the third-highest rate of tree-cover loss in Kenya over the last two decades, at a rate of more than three times the national average.

Mr. Speaker, Sir, the baobab tree is a deciduous tree which sequesters the most carbon of all other trees; the older they are, the more carbon they sequester.

Baobabs are the best agents for reversing climate change as well as providing water to all sorts of animals during droughts as it stores tons of water. Its bark is mostly water and fibre and cannot be used for timber.

The fruit, leaves and bark of the tree are nutritious and can be economically beneficial to the communities and counties where they grow and so a potential source of own source income for the Kilifi County Government.

Mr. Speaker, Sir, the Baobab fruit is globally recognized as a super fruit because of its unmatched nutrient density. If properly processed and distributed, it can eradicate the malnutrition experienced by infants across the nation and fortify our grains and other foods. The socio-economic benefits of this precious tree are endless. It is also known as "The Tree of Life" because it offers a broad range of economic and health benefits, from clothing and medicines, non-wood-forestry products and raw materials for several products.

The baobab tree must be protected and farmers in the area shown how to utilize it for its benefits so that they will be the frontline protectors of the tree. The economic benefits of baobabs are not apparent to many people in Kilifi. The tree takes up to two decades to produce its first fruit so farmers, in ignorance, are accepting to fell the trees for small sums of money to create space for maize and other crops. Farmers can make more money in the long run by selling baobab products instead of the trees.

Mr. Speaker, Sir, the trees have lately been gaining international appeal. Recent reports on the felling and exporting of these trees need to be interrogated as the government has the discretion to approve or reject felling requests. In this regard, we need legislative interventions on managing heritage trees which the relevant Senate Committee can champion.

The Nagoya Protocol, an international agreement that governs the conditions for the export of genetic resources and has been incorporated into Kenyan law, requires communities to give prior informed consent on the use of resources and an agreement between whoever is taking them, the Government and the community, on how the benefits should be shared.

I thank you.

**The Speaker** (Hon. Kingi): Sen. Cheruiyot, please proceed.

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Speaker, Sir, this is a very important matter. I have listened carefully to Sen. Kibwana prosecute the point and raise the awareness of this House to a very topical issue that we have observed play out in the media in the last few days.

There are two things that I want to say. First, we as Africans have what I call the Esau syndrome - cheaply selling way our heritage. It is not just with regard to environmental issues. The same can be said of virtually every other God gifted heritage that is unique to Africa alone and Kenya is not spared of this unfortunate phenomenon.

It is unfortunate how we got here as a Country. Either county Governments, an environmental officer or I do not know who granted this permission to take such a callous look and impoverish our natural resources by sharing it with other people and ensuring that they go and do better with it than what we have already done.

Sen. Kibwana has pointed out the benefit of having these trees to the environment and nature for the aesthetic value that it serves to the residents of Kilifi County and across the country. There is good reason why those who are interested in buying these trees are seeking them.

Should we not in this day and time be first pausing and reflecting why somebody can travel thousands of miles, all the way from Europe to a little town in Kilifi County and want to import these particular trees. The answer will be plain that perhaps, they have identified something that is of greater value that even the cost incurred to ship these trees out of Kilifi County.

Therefore, I propose and continue to challenge my fellow Senators - let's prosecute all these Statements that touching on most of these topical issues we are bringing before the House to their logical conclusion.

Heads must roll and precedence must be set. This is so that not only now but also in the future, any officer who is a position of authority and able to give authority to people that are seeking thing of natural heritage to the country, do not just make the kind of careless decisions that has been made.

I have seen the Statement from the Minister of Environment and Forests, the former Senator Soipan Tuyu, on this matter, but that alone is not enough. It is good for us to know, where is it that there is laxity in our laws that allow, just by stroke of a pen, a single county government official to allow people to ship very special trees out of this country.

It is us as legislators to find that particular gap and zeal it. We must protect our natural heritage, all of them; starting with our environment and any other thing by law such that it becomes completely impossible.

If you stand here and look at the global trends, you will realize that God distributed natural heritage equally across the globe. It is only Africa that continues to ship that which was given uniquely to her to the rest of the globe while the rest of the globe is extremely mean on what was given onto the.

Therefore, I urge our colleagues who sit in the Committee on lands or the specific Committee that will be tasked to handle this particular matter to not only stop this but also find a way of ensuring that this shall never happen again in the future. They should be recommending to this House the necessary legislation that will ensure that this never happens again in our country.

I thank you.

**The Speaker** (Hon. Kingi): The Hon. Sen. (Prof) Tom Ojienda SC, please proceed.

**Sen. (Prof.) Tom Ojienda SC:** Thank you Mr. Speaker, Sir. May I support the Statement by Sen. Kibwana as being particularly important for the environment.

I speak because I know the value of the Baobab trees not just from a study. It is a fact that when you uproot Baobab trees and take them out there, you are talking about the heritage of communities and a Country. We are selling our heritage at a paltry Kshs300,000 per Baobab tree.

I believe that this Country has the framework of law. The Environmental Management and Coordination Act (EMCA) 1999 deals with questions of the principle that ensures we do not waste our environment. It creates framework that not only conserves but deals with questions of the future.

The Precautionary Principle is enshrined at Section 3 of EMCA. It demonstrates that we should not destroy our environment and should always take precaution when dealing with questions as delicate as the unknown effects of uprooting the Baobab trees.

I know that this resource, takes thousands of years to grow and mature. Mr. Speaker, Sir, you are from a region where Baobab tree thrives- Kilifi and Mombasa Counties. The destruction is irreplaceable.

I wish that the agencies that are responsible for giving permits - NEMA puts in place tight measures that are prohibitive and that will ensure that nobody uproots a tree unless they are able to replace it.

Baobab trees are irreplaceable and I support every bit of the Statement made by Sen. Kibwana. We should be talking about reforestation as a policy by the Ministry of environment not uprooting of trees. The Baobab tree is in the same category as the Coconut tree, it cannot be uprooted because a replacement will take many years

I support.

**The Speaker** (Hon. Kingi): The Hon. Sen. Tobiko. You have the Floor.

**Sen. Tobiko:** Thank you, Mr. Speaker, Sir. I rise to support the Statement by Sen. Kibwana. As it gets committed to the Committee and may give us a chance of contributing more, we cannot overemphasize the importance our indigenous trees - the Baobab being one of them. They are of great value to the communities and to the environment.

We have all seen that with the continuous destruction of our forests and our tree cover. We have seen the kind of situation it has put our Country into and left communities very vulnerable.

In her Statement, she mentioned the fact that one of the counties that have lost forest cover to a greater speed is Narok County. It makes us sad because the it has created the kind of drought situation we are right in now endangering both the livestock and wildlife.

Narok County has been the home of the wildlife. It has been the priding itself with conservation. It is sad because if we lose the forest cover, we will lose the wildlife and the foreign exchange.

I support the Statement by Sen. Kibwana in its entirety. We should insist NEMA and the other agencies that are involved come out clean and protect our environment and not making quick money out of licensing. They must not licence what will destroy us and the generations to come.

**Sen. Mumma:** Thank you, Mr. Speaker, Sir. I stand to support Sen. Kibwana's Statement.

It is high time we, the Senate, called the national Government to play its role in ensuring it sets and monitors the enforcements of those standards in this country. We are

losing a lot in terms of national heritage. Our forests are being depleted. Kakamega Forest, the only tropical forest in the country, has been depleted because of activities that were allowed by officers who were in charge of forests and standards.

What is happening in Kilifi is similar to what is happening--- We have a few people who prioritized making money over protecting this country. Under devolved governance, the national Government is in charge of putting national policies in place, setting standards and enforcing them.

I am afraid we have seen a laxity in the national Government in the last ten years when it comes to playing its role under devolution to ensure standards are enforced. I do not know why that is happening because most of the functions they were carrying out have now been devolved. You would expect us to have better setting and enforcement of standards for us not to look ridiculous to the rest of the world as everybody wonders how we would do things like what is happening in Kilifi.

It has been left to ordinary Kenyans to try and protect their heritage. Come this Saturday, the locals of Kakamega have organized a marathon in support of Kakamega Forest. A marathon that happens every year to raise funds in support of reviving the forest, something that should be the business of Government but the Government does not seem to care.

The Mau Forest has been depleted because the Government does not seem to care. As we support this, we should summon those concerned including the National Environmental Management Authority (NEMA) to explain the difficulty in protecting the heritage of this nation.

Mr. Speaker, Sir, Kilifi County happens to be your county. As a Senate, we want to support and ensure we reverse these shameful activities that are happening so that, as a nation, we can send a message to those concerned to know we cannot allow our country to be mortgaged in the manner in which it is happening.

I suggest the relevant Committee upon which this matter will be referred to, may go further and find out why one would be interested in uprooting a whole tree and taking it across the seas and how it actually happened.

Mr. Speaker, Sir, I support.

**Sen. Kathuri:** Thank you, Mr. Speaker, Sir, for this opportunity to comment on the Statement by Sen. Kibwana.

When I saw this in the news the other day, I was really concerned as a Kenyan. If you saw how that tree was loaded into the trucks to be ferried into the United States of America (USA), you would wonder whether they are going to plant the whole of it or what value and of use will it be.

NEMA is charged with the management of our environmental issues. No Kenyan could have accepted that the baobab trees be transported to the USA if they were asked through public participation. The first thing that we need to know is how the merchant was allowed to uproot the tree and how the environmental impact assessment license was issued in order for us to get to the root of this matter.

There are so many projects that have been allowed to happen in very funny ways including building on river lines. One wonders how these licenses were issued to the developers. We could be sitting on gold through the baobab tree. If you travel towards the Coast from Ukambani, you will realize that many trees are dead, fallen and dry.



The baobab has more than 300 uses. If we try and tap it, as Kenyans, and get to know its uses, the old ones can be harvested as we plant more. In forest management, which am privy to sit in their classes, we allow sustainable harvesting of any species. Sometimes those trees get old, dry up and die and are of no help. We can investigate through the Kenya Trypanosomiasis Research Institute (KETRI) so as to know the uses of those trees then they can be harvested sustainably.

It is worrying to the Kenyans that baobab can be uprooted and carried in wholesome to the USA. I will be interested to know when the Cabinet Secretary (CS) will be appearing before the Committee to explain the circumstances under which this important species was harvested.

I thank Sen. Kibwana for this Statement. She has actually brought it ahead of me and I will support it to the deepest end of the investigations. I request that she keeps me informed.

*(A Member spoke off record)*

Somebody is asking to what depth I will help her.

*(Laughter)*

I want to advise her that I will go to any depth available for us to tackle this matter.

**Sen. Sifuna:** Thank you, Mr. Speaker, Sir. It is a bit difficult to speak after my brother has given us such an in-depth analysis.

I was introduced to this term, biopiracy, yesterday. I did not know it existed. My greatest concern upon learning of the export of trees was the fact that nobody appears to be in charge. It is very saddening. When you hear the CS speak, you will realise that she also does not understand how the entire thing was arranged and done. We urge the Government to take charge. Kenyans want to be sure there is somebody at the wheel. That is all we are asking. My brothers from the Majority Side should tell the President, when they see him, that Kenyans want the communication that somebody is in charge.

It is not just about the things we are exporting but even what we are importing. The newspapers were telling us that there is already a ship at Mombasa offloading maize. The Ministry of Agriculture today said that they are not aware of any ship at Mombasa. I almost called you, Mr. Speaker, to allow me take the next available flight to the port and come back and report to you whether I physically saw a ship at the port of Mombasa offloading grain.

It appears that nobody is at the wheel in all the agencies concerned or there is such disjointed communication within the Government agencies that the left hand does not know what the right hand is doing. As Nairobi, we were in the midst of a debate the other day when our Governor suggested that we can import fully grown palm trees from Malaysia. He later clarified that they will be donations.

However, I am aware that people move fully-grown trees for ornamental purposes. This is so that if you want to set up your *Boma* quickly and you are a young man, like Sen. (Dr.) Lelegwe, you have visitors coming; you want to show them that they are already matured trees and that people have been living there; you can come to my home and cut a few grown trees, so that it looks like people were living there.

I am sure that the purpose for this bio-piracy was for those ornamental purposes. However, we want an assurance that the people at the ports who are responsible for issuance of licenses and in charge of Government are aware of what is happening, so that when we ask questions, we are not told we do not know who in Kenya Forest Service (KFS) issued the license.

Sen. Cheruiyot is the person who should be telling us - because he is the one who speaks on behalf of the Government – that this is the person who issued this letter and this is the purpose for which these trees were moved. He should tell us whether this is legal or permissible.

If we have a Government that only reacts to outrage on social media, then we might as well have these group administrators who are the “say-it-all” on social media running the country because they are the first ones to get this information.

I support the fact that we need to take care of our environment and protect our species. If we are going to import - the way that our governor also suggested – fully-grown trees, at the very minimum, let the agencies that are responsible be able to answer questions when Kenyans ask them and not pass the buck or tell us that they do not know.

I thank you.

**The Speaker** (Hon. Kingi): Proceed, Sen. Kinyua.

**Sen. Kinyua:** Asante Bw. Spika. Nasimama kuunga mkono taarifa hii ambayo imeletwa na Sen. Kibwana.

Lakini hata nikuunga mkono, kuna maswali ambayo tunapaswa tujiulize. Swali la kwanza tunapaswa tujiulize ni kwa nini hawa ndugu zetu wanang’oa hizi miti ya mibuyu na kuziua?

Nilipokuwa nikitazama runinga, niliona wakulima wanaotoka Kilifi wakisema kwamba sasa wamepata afueni. Angalau sasa wanaweza kupanda mboga, mahindi na chakula kingine ndio waweze kupata lishe.

Kwa hivyo, jambo la kwanza tunapaswa kuzingatia na kuangalia kwa undani ni Wakenya wanaoishi Kilifi na sio hao pekee yao ambao wanaoishi penye miti hii ya mibuyu iko. Ukiangalia hata sehemu ambayo Sen. Kathuri ametoka, utapata inafika wakati hawa wakulima wanang’oa miti ya majani chai na kahawa ili waweze kupanda mimea ambayo itawapatia faida.

Kwa hivyo, ni jukumu letu na la Serikali kuwaonesha wananchi manufaa ya ile miti na manufaa itapatikana tu, ikiwa itampatia mtu kuweza kupata lishe yake. Kwa mfano; ukitembelea sehemu nyingi ambako kuna hii misitu, wananchi wanauliza faida ya hii misitu ni nini? Hii ni kwa sababu mwananchi asipopata faida ya misitu, hatapata manufaa yoyote kwa ile misitu. Hii ni kwa sababu yeye anataka lishe na manufaa kwa kiti kilichoko katika sehemu ile.

Bw. Spika, hata ijapokuwa naunga mkono ni jukumu ya Serikali kuambia mwananchi ndio. Hii ni kwa sababu nilipokuwa nikiangalia katika runinga kama nilivyosema, niliona wananchi wakiwa na furuha. Wanasema wakingoa ule mti wa mubuyu, wanapata sehemu ya kupata chakula chake.

Mswahili anasema kuwa “mtoto akikosa maziwa ya mama, hata ya mbwa ni maziwa.” Kwa hivyo, ni vizuri, hata ijapokuwa tunaunga mkono kwa sababu ya mazingira haya mazuri, lakini mazingira yakiwa hata mazuri namna gani na mtu ana njaa haitakuwa na faida yeyote kwake.

Kwa hivyo, ni kama yale mazingira na zile hela zinapatikana wakati tuna hii maneno ya *control of carbon emissions*, wananchi wenyewe waweze kupatiwa zile hela ndio waweze kuwa na motisha ya kuweza kuchunga mazingira. Kwa mfano: kama ni ile miti mtu anajua ndio huu mti utanisaidia.

Nimesikia, kwa mfano, ukitembea huko Mau, unapata kunakuwa na vurugu ya yule ambaye anafaidika. Hii ni kwa sababu akichunga ng'ombe wake katika ule msitu, yeye anapata lishe na yule ambaye angelitaka kulima pale ndio apate lishe--- Kwa hivyo, ni lazima kama Serikali tujue ya kwamba kila mtu anapata manufaa ya mazingira ambako anaishi. Hiyo nadhani ingelikuwa ni nzuri Zaidi.

Vile ambavyo ningependa kuihamasisha hii Kamati ni waangalia na watafute jambo la kudumu kwa mti wowote. Tunaweza kusema ndio miti iling'olewa na ikabebwa. Lakini, kama mwananchi angejua umuhimu wa ile mti kung'olewa na iondolewe, angekataa na angepigana ule mti usingolewa, kwa sababu anajua manufaa yake.

Lakini ikiwa ule mti atauza katika nchi za ugaibuni na aweze kupata lishe, basi anasema liwalo na liwe. Nilipokuwa nikisikiza, nimesikia miti hii ya mibuyu imekaa zaidi ya miaka 300 pale karibu miaka 200. Yule jamaa akiangalia anasema huu mti umekaa hapa miaka hiyo yote na hajaona manufaa yake na ikiwa mti wenyewe ukiuzwa atapata elfu zake kumi, watoto angalau wapate karo anaona hiyo ni nzuri kushinda mazingira yake.

Kwa hivyo, Bw. Spika, Kamati yetu ambayo najua taarifa hiyo utaelekeza kwao, wanapaswa watafute suluhu za kudumu ndio tuweze kupata manufaa mpaka milele.

Siku ya leo tuseme tu ya kwamba, ndio, hii miti ni mizuri, lakini baadaye wananchi wenyewe hawaelewi faida yake. Hii ni kwa sababu tukiwaelimisha wananchi kuhusu faida yake watakuwa wao wenyewe wakilinda mazingari.

Nimetoka Laikipia, mahali ambapo tuna mashamba makubwa na kuna miti nyingi. Lakini wananchi wanasema ndovu wanatoka katika yale mashamba, wanakuja wanakula katika mashamba yetu na kula mimea yetu na hawapati faida yeyote katika zile sehemu ambako hawa wanyama wamefugwa.

Kwa hivyo, unapata hawa wananchi wataenda kukaa pale, wakate ile miti kwa sababu hawapati faida yeyote. Kwa hivyo, faida ni lazima ionyeshwe kwa wananchi ndio waweze hata wao kufurahia na waweze kuwa wao ndio watakuwa wakilinda mazingira yetu.

Nashukuru Bw. Spika, na naunga mkono taarifa iliyoletwa na Sen. Kibwana.

**The Speaker** (Hon. Kingi): This Statement is referred to the relevant Committee for consideration and reporting.

Let us now listen to Sen. Mumma.

#### INEQUITY IN THE REGISTRATION AND ISSUANCE OF NATIONAL IDENTITY CARDS

**Sen. Mumma:** Thank you, Mr. Speaker, Sir, for this opportunity.

Mr. Speaker, Sir, I rise, pursuant to Standing Order 52 (1) to make a Statement on a matter of national concern regarding the prevalence inequity in the registration and issuance of National Identity Cards.

Mr. Speaker, Sir, the Constitution of Kenya under Article 12, guarantees every citizen access to any document of registration or identification issued by the State to citizens.

The National ID is one such document and is a critical tool for facilitating equitable access to opportunities, including access to national funding like capitation and Higher Education Loans Board (HELB) for facilitating admission to tertiary learning institutions like the Technical and Vocational Education and Training (TVET) institutions, Universities for our young people.

The Registration of Persons Act provides that every Kenyan citizen who attains the age of 18 years must be registered and issued with a National ID card, facilitated through the department of National Registration Bureau.

This implies a mandatory responsibility on issuance of identity cards to eligible persons; indeed, Section 9 of this Act requires that this be done within 30 days of registration of anyone.

Mr. Speaker, Sir, the expectation of the Constitution and the law is, however, not met in practice. The issuance of ID cards is not equally implemented in this country. Access to the ID card has become problematic in some regions in this country. It is problematic in some rural areas, in western Kenya and Nyanza, which I am aware of. I know it is also problematic in North Eastern and some of the coastal regions.

The process is particularly laborious and even uncomfortable for our brothers and sisters in North Eastern, who are in the border towns like Busia and Namanga among others.

Mr. Speaker, Sir, there is a history of the politicization of the issuance of national Identity Cards (IDs) by past regimes that have usually suppressed the ID issuance in regions perceived not to support incumbent governments.

The Senate will agree with me that the effect of the situation I describe clearly violates the rights of the affected citizens of Kenya. I wish to single out final year secondary students, most of whom turn 18 in Form Three or Form Four or immediately thereafter. Those who fail to get their IDs on time, lose on accessing next level opportunities for their tertiary education.

We have many needy students who would not go to any tertiary institution unless they have capitation or Higher Education Loans Board (HELB) that we currently provide. When they cannot access these funds, they fall out of school.

You may know that to access HELB or capitation, one of the requirements is that you must give your ID. Therefore, if this child is unable to get their ID on time, then they just fall out of school because their parents cannot afford for them to join those tertiary institutions.

The Senate will agree that the effect of these delays violate the rights of these students, marginalize them further and stigmatize them because they then do not see the need of continuing with education because their peers have moved on and they do not have anything to do.

Mr. Speaker, Sir, when some of these students fail to join the tertiary institutions, the logical next step for them is to do some business or enter into some employment. Again, the opportunities in business, including accessing the empowerment funds, like the newly established 'Hustler Fund' can only be disbursed to those with IDs. This chain of misfortunes keeps following these needy students and marginalize them further. It is no wonder that we are perpetuating poverty as we move on.

This menace can be cured by facilitating school-based registration and issuance of IDs in a simple administrative action that can be adopted and achieved through the

collaboration between the Ministry of Education and the Registrar of Persons to deliver this important empowerment tool to our Form Four leavers.

In view of the gravity of the issues that I raised, I request that the matter be referred to the Standing Committee on National Security, Defence and Foreign Relations to look into the following issues-

(1) Outline the measures that can be put in place before the end of January 2023, to create a system that can fast track the processing and issuance of IDs to Form Four students, every year, to enable them to equally access tertiary institutional admissions and business opportunities in a timely manner;

(2) Inform the Senate on what can be done to facilitate equitable access to IDs in a timely manner to all citizens who attain the age of majority in all regions of Kenya;

(3) Indicate ways in which the Government is addressing delays in issuance of national IDs to Kenyan citizens in border counties; and,

(4) Propose solutions to streamline the process of registration and issuance of national IDs to eliminate the corruption and transactional operations by officers involved as well as the politicization of this process.

I thank you.

**The Speaker** (Hon. Kingi): This Statement is referred to the relevant Committee.

The Statement by Sen. Murgor, Sen. Mwaruma and Sen. Faki are deferred to another date.

IMPORTANCE OF ESTABLISHING WOMEN SELF-HELP  
GROUPS IN CONFLICT PRONE AREAS

*(Statement deferred)*

COUNTY BOUNDARY CUTLINE BETWEEN TAITA-TAVETA  
AND NEIGHBOURING COUNTIES

*(Statement deferred)*

UJENZI WA BARABARA YA MAKUPA ENEO  
LA KIBARANI, KAUNTI YA MOMBASA

*(Statement deferred)*

Sen. Kibwana, make your request.

ACCESS TO JUSTICE BY THE FAMILY OF THE LATE  
MS. EBBIE NOELLE SAMUELS

**Sen. Kibwana:** Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No. 53 (1) to seek a Statement from the Standing Committee on Justice, Legal Affairs and Human Rights, of which I am also a Member, on access to justice for Ms. Ebbie Noelle Samuels who died under unclear circumstances at St. Anuarite Gatanga Girl's School formerly known as Gatanga CCM Secondary School in 2019.

In the Statement, the Committee should-

(1) Apprise the Senate on the state of investigations into the circumstances that led to the death of Ms. Ebbie Noelle Samuels; a form one student at St. Anuarite Gatanga Girl's School formerly known as Gatanga CCM Secondary School three years ago on 8<sup>th</sup> March 2019, stating the reasons for the delay in concluding investigations.

(2) Recommend measures that can be introduced to expedite investigations regarding the death of the student in order to ensure that justice is served without further delay.

(3) Inquire on alleged reports that the school administration has been intimidating students who are willing to recount what transpired on that fateful night.

(4) State psycho-social support services, if any, offered to the family of the deceased and the students who witnessed the unfortunate incident.

(5) Investigate reports of related deaths in schools occasioned by negligence, use of excessive force in disciplining students and poor handling of disasters, proposing interventions to curb the occurrence of these cases.

**The Speaker** (Hon. Kingi): Sen. (Dr.) Lelegwe, you may have the Floor.

THE OPERATIONALIZATION OF THE LAKE TURKANA  
WIND POWER PROJECT IN SAMBURU COUNTY

**Sen. (Dr.) Lelegwe:** Mr. Speaker, Sir, I rise, pursuant to Standing Order 53 (1), to seek a Statement from the Standing Committee on Energy regarding the operationalization of the Lake Turkana Wind Power Project in Samburu County.

In the Statement, the Committee should-

(1) Give reasons why all parts of Samburu North, selected parts in Samburu West Constituency are not benefitting from power generated from the project, noting that the transmission of power passes through Samburu North and Samburu West Constituencies.

(2) State when power substations will be set up in the county so as to step down power to benefit the residents.

(3) Disclose the benefit sharing formula for locals, stating the number and percentage of employees employed by the project since it began its operations, shedding light on allegations that the project is importing non-technical labour.

(4) State the Corporate Social Responsibility (CSR) projects being undertaken by the management of Lake Turkana Wind project in the county.

(5) State future expansion plans of the project into the rest of Samburu County noting the wind potential available, tabling the assessment reports, if any, that was used to determine project viability in the county.

Mr. Speaker, Sir, I thank you.

**The Speaker** (Hon Kingi): Hon. Senators, once Sen. Wakili Sigei makes his Statement, I will allow 10-minutes interrogations on the Statements made by Sen. Mumma and Sen. Wakili Sigei. We will combine that because the Statement Hour is already spent.

CLAIMS OF DISCRIMINATION IN JOB OPPORTUNITIES BY  
BOMET UNIVERSITY TO LOCALS

**Sen. Wakili Sigei:** Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order 53(1) to seek a Statement from the Standing Committee on Labour and Social Welfare regarding claims of discrimination against locals in job opportunities by Bomet University in Bomet County.

In the Statement, the Committee should-

(1) Investigate claims of discrimination by the University administration in recruitment of staff in view of the recent dismissal of non-skilled workers from the local community who had served on casual basis at the Institution since its inception and their replacement with non-locals.

(2) State whether the recruitments at the Institution met the criteria of regional and ethnic balance as required by Articles 10(2)(b), (27)(4), 56(c) and 232(1)(h) and 1 of the Constitution of Kenya.

(3) Provide compressive details of employees at the Institution with regard to the rank, designation and the origin county.

(4) Outline the measures taken by the Commission on University Education (CUE), if any, to intervene where there has been blatant disregard of the law in recruitment at the University.

(5) Provide a comprehensive report on recruitment of permanent staff, casuals and interns as well as approvals from the University Council on recruitments including the budget, minutes approving selection panellists, positions advertised and interview dates as well as the shortlists.

Mr. Speaker, Sir, allow me to read the second Statement.

NON-PAYMENT OF SALARIES AND ALLOWANCES  
BY BOMET UNIVERSITY

I rise pursuant to Standing Order 53(1)(6), a Statement from the Standing Committee on Education regarding the non-payment of salaries and allowances to tutorial fellows by the University of Bomet in Bomet County.

In the Statement, the Committee should-

(1) Explain why the University administration removed tutorial fellows from the University payroll and stopped their salaries, allowances and other entitlements despite their approval by the University Council.

(2) State when they will be reinstated to the payroll.

Thank you, Mr. Speaker, Sir, for the opportunity.

**The Speaker (Hon Kingi):** Hon. Senators, like I said before, I will allow 10 minutes for Senators to contribute on the Statements that have been made save for the one on Baobab trees, which Sen. Kibwana made.

To prevent one Senator taking the entire 10 minutes, I will allow two minutes per Senator to make their contributions.

Sen. Cherarkey.

**Sen. Cherarkey:** Mr. Speaker, Sir, I will make a few comments on the three Statements. The first one is on the national issuance of Identity Cards (IDs) that access to

Government services is a priority. I urge the Ministry of Interior and Coordination of National Government that the problem we have in this country is the vetting process that is used to deny access to IDs, especially to Kenyans from Northern Kenya.

We need to relook on how we do it, so that we create access. When you go to the village, the chiefs say they have the IDs. However, the owners of those IDs do not have. We can use Huduma Centres for that.

Mr. Speaker, Sir, on the second Statement of Bomet University, Article 10 talks about the face of Kenya. Bomet University should not be a bastion of specific ethnicity, but there should be fairness and administrative justice to those people. I call Bomet University to ensure that they pay all Kenyans who have worked there.

When we work here, we must get paid because we are salaried. How can those people survive with their families, rent and upkeep? I hope the Chair of the Committee on Education should seize the matter and ensure that this issue is addressed fully.

Mr. Speaker, Sir, my final comment is on the issue that was brought by Sen. Lelegwe on wind power. Every Kenyan has a right to be connected to the National Grid of power. Access to power is an economic and social right and it must be given, so that every Kenya gets access to electricity.

I thank you for this opportunity.

**The Speaker** (Hon Kingi): Sen. Orwoba, you may proceed.

**Sen. Orwoba:** Thank you, Mr. Speaker, Sir, for this time. I will talk about the issue of the IDs. The IDs do not only give one access to Government services only, but is about access to job opportunities. Some of our youth need IDs to seek job opportunities. You find that most of the time you are told that the process is prolonged.

I will talk about the Somali community in Kenya. The problem we have is that we have to verify that we are issuing birth certificates and IDs to the right people. However, there is institutional discrimination to the extent that the National Intelligence Services (NIS) has been introduced within the immigration procedure. The National Registration Bureau even subject newborns of Somali origin for verification by an NIS officer. You find that when both parents are Kenyans of Somali origin, even though they have proper documents if they get a child, an NIS officer has to verify that new-born child is not a terrorist in order for them to get a birth certificate registered in this country,

Some of things that have been put in that process are institutionalized discrimination, which have been normalized. This is to the extent that the Somali community know that even if they are Kenyans with passports, a birth certificates or are married to fellow Kenyans, they have to go through NIS when they get a child and the process of getting a birth certificate for that child is prolonged one.

Mr. Speaker, Sir, finally, the delay of IDs to the Somali community has also affected education. You find a secondary student who is about 14 years old---

*(Microphone was switched off)*

**The Speaker** (Hon Kingi): Senator, your time is spent.

Sen. Sifuna, you may proceed.

**Sen. Sifuna:** Mr. Speaker, Sir, if Sen. Orwoba was my neighbour, I would have donated my one minute, but, unfortunately, she is too far for my magnanimity to reach her.



I have engaged with this issue as a leader of a political party. We have seen it from the prism of both the economic and political life. We have felt that this particular weapon of IDs has been used to regulate the number of people in the register of voters. In the border counties of Western Kenya like Busia, there are women who have been married for years and who do not have ID cards and depend on their husbands' ID cards.

Mr. Speaker, Sir, you cannot send such women M-Pesa though you should not be sending anyone's wife money. My point is that they do not have the most basic access to services like M-Pesa. We need to have a system that recognizes a Kenyan from birth such that from the time you are born until you reach 18 years, the system automatically generates an ID for you. You do not have to go to a chief for a letter for all those things because God decided you become a Kenyan and the document does not make you one but the fact that you were born in this country.

We should have a system that generates the IDs automatically, so that when you reach 18 years, you are issued with an ID card and a passport so that Kenyans are not exposed to the indignities of being denied this important document.

Mr. Speaker, Sir, I support this Statement. I will be eager to see the sort of work that can be done because Sen. Mumma has done a lot of this kind of work including registration drives for voters.

We have seen how big the problem is. Let people not be afraid of having more voters on the register. If that is the reason you can decide to derail somebody's economic life just because you know they will vote for Sen. Sifuna, I think it is very unfair and cruel.

I thank you.

**The Speaker** (Hon. Kingi): Proceed, Sen. Cheptumo.

**Sen. Cheptumo:** Thank you, Mr. Speaker, Sir. This confirms that there is a serious issue in this country. It is a Constitutional right as said in the Statement. During the last election in my County, many youths were not able to participate because they were not registered. They never got their Identification Cards (IDs) and therefore could not be registered as voters.

As a House, this is our responsibility. I thank Sen. Mumma, for this Statement. This morning, during my Committee Sitting, we had the Director General (DG), for Immigration and Registration of Persons in attendance.

This is a time to request the relevant Committee to invite the person in charge of this process to appear before them to explain to Kenyans why they are unable to give our young people their IDs.

The other challenge is that even when we register, we still get those IDs hanging or left in Nyayo House and even their office is National Social Security Fund (NSSF). Immediately they register they should be able to dispatch those IDs to the sub locations, locations or the County Commissioner's office, so that the young people can collect them from the nearest stations.

If you go to that Department, I am told there are very many ID cards, which have not been delivered to their respective places. I support this Statement. It is upon this House to execute it.

I thank you.

**The Speaker** (Hon. Kingi): Proceed, Sen. Ali Roba.

**Sen. Ali Roba:** Thank you, Mr. Speaker, Sir. I extend immense gratitude to Sen. Mumma for having taken up this issue. It is an extremely stressing one to the population of the boarder communities as well as other Kenyans.

The issue of registration of births and IDs is an immortal issue particularly in our region; the boarder communities, particularly, Northern Kenya. Many times the discussion is being fronted that the number of voters in that region being very small. We have had issues of census cases having queries. We have people who have gone through the education system to form four but when they go looking for IDs they are put through hell.

It is extremely critical, that in this 21<sup>st</sup> Century, that a government of a middle-income status like Kenya to put systems in place to ease the issues of accessing critical documents required by its own population.

Collectively as the Senate, we can progress, invite and make sure that the relevant authorities are able to come up. If need be, we can look at the issue of legislating to make sure that the issue of access to these important documents exists for Kenyans. This is particularly for the ones from the boarder communities in this country that suffer immensely as a result---

*(Microphone was switched off)*

**The Speaker** (Hon. Kingi): Lastly on this, Sen. Kinyua.

**Sen. Kinyua:** Asante, Bw. Spika. Ninaunga mkono taarifa iliyotolewa na Sen. Mumma. Kitambulisho ni haki ya Mkenya yeyote aliyefika umri wa miaka 18. Wakenya katika jamii ya Kisomali na Kiturkana hususan ukitembea sehemu za Kaunti ya Laikipia wanaulizwa maswali mengi sana.

Wakitaka kusajiliwa ili kupewa vitambulisho wanaambiwa waje na vitambulisho vya nyanya au babu zao. Inaonekana ni kama hawataki kuwapa vile vitambulisho. Wanaulizwa maswali mengi ilhali wamesomea hapa Kenya kwanzia shule ya chekechea, msingi na sekondari. Yule ni Mkenya. Wakitoa vile vyeti vya kuonyesha masomo yao na pia kadi za ubatizo bado hawapewi vitambulisho.

Ikiwa huna kitambulisho hata kupata mkopo katika benki, pia kadi ya NSSF, na National Hospital Insurance Fund (NHIF) inakuwa ni vigumu. Idara ya Usajili Wa Watu inapaswa wafanye usajili wa kuwapa watu vitambulisho uwe rahisi. Si kufanya ule usajili uwe mgumu kupata kitambulisho kwa ndungu zangu wa Kiturkana kutoka Sosian, Rumuruti, Mutara na Doldol.

Ni vigumu kama ngamia kupitia kwenye tundu la sindano. Wale wangwana kupata vitambulisho ni vigumu. Tunaomba Kamati itakayoshugulikia mambo haya -Kamati ya Usalama wa Kitaifa, Ulinzi na Uhusiano wa Kimataifa - wasiongee tu ilhali watende kwa sababu hili ni jambo---

*(Microphone was switched off)*

**The Speaker** (Hon. Kingi): Proceed, Sen. Lemaletian.

**Sen. Lemaletian:** Thank You, Mr. Speaker, Sir. I rise to support this Motion by Sen. Mumma. This is a very emotive issue. For informational purposes, the lack of ID and the complexity of ID access in this country is marginalizing the youth.

As their representative I would like to add my voice to this issue which does not only affect the border counties. I also know of some minority groups in Samburu County who were denied IDs because of political interference from political leaders.

It was sad for me as a young person vying in this Country that I had to facilitate my people to get IDs. These were people I grew up with. They were born and went to the same school with me. They are legitimately part of Samburu County, but were denied their IDs because of local leadership politics.

As political leaders we need to stop segregation of our own people and ensure every Kenyan is taken care of and their rights respected.

I thank you.

**The Speaker** (Hon. Kingi): Proceed, Sen. (Dr.) Murango.

**Sen. (Dr.) Murango:** Asante. Bw. Spika. Waswahili husema Mgala muue na haki mpe. Swala la vitambulisho limekuwa nyeti sana kwa vijana. Mimi ni Seneta wa Kaunti ya Kirinyaga na kumekuwa na hali ngumu amabapo kijana hana wwazazi. Anapoendea kitambulisho anaambiwa alete cha nyanyake au cha nyanya ya nyanyake.

Bw. Spika, ukiambiwa uje na hicho kitambulisho cha nyanyake nyanyako hutakipata. Ni vizuri kama Serikali tunapofanya hesabu za kutoa vitambulisho tusije tukakandamiza wale tunaotetea hapa.

Ukienda mahali popote kuajiliwa ata kazi ya mlinda lango unahitajika kuwa na kitambulisho. Ukienda kutafuta pesa ya mahuluku- taabu yani "hustlers" ni lazima uwe na kitambulisho. Ili haki ifikie wale watoto wote ni lazima tujipange tuweze kuwapa vitambulisho.

Kwa nini watoto wasipewe zile fomu wajaze wanapofanya mitihani ya Kidato cha Nne ili waweze kupata vitambulisho mwaka huo na wale wengine watapate baadaye.

Katika stakabadhi nyingi za Serikali, huwa tunajaza sanduku la posta au *physical address* mahali zile vitu zinapaswa kuletwa vile tunavyofanya tunapo kusanya kodi. Ukitaka kujua Serikali inajua kwako, kosa kulipa kodi. Watakukujia hadi kwako. Tungependa pia hata katika kupeana vitambulisho, Serikali---

*(The Microphone for Sen. (Dr) Murango was switched off)*

**The Speaker** (Hon. Kingi): Sen. Kibwana, proceed then we move to the next Order.

**Sen. Kibwana:** Asante Bw. Spika. Nami pia naunga mkono hoja hii. Naona kama yote yamesemwa.

Ni ukweli vijana wetu wanateseka sana. Vijana wale wamejiunga na vyo vikuu wanapata shida kujiandikisha kufanya mitihani kwa sababu ya kukosa vitambulisho. Ningeomba watoto wote wapewe vitambulisho kwa usawa. Hii ni kwa sababu, vile imedaiwa, watoto wa upande mwingine huwa wanaonewa kidogo. Waislamu huwa na shida sana kwa sababu wanaitishwa stakabadhi nyingi za kujitambulisha ili wapewe vitambulisho. Utapata ya kwamba watoto wa Kiislamu wanafanyiwa *vetting* ndiposa wapewe vitambulisho ilhali vijiji vyao na mtaa walipozaliwa unajulikana lakini bado wanasumbuliwa.

Namshukuru Sen. Mumma kwa kuleta huu Mswada ambao ni swala nyeti. Watoto wetu wanapaswa kusaidiwa na kupewa vitambulisho wakifika umri.

Mwaka uliopita, tuliona ya kwamba kujiandikisha na kupiga kura ilikuwa shida sana. Tulikuwa na idadi kubwa ya vijana ambao hawakuweza kupiga kura kwa sababu ya vitambulisho.

Hivyo basi, naunga mkono na naomba Serikali ifanye bidii ili wat---

*(The Microphone for Sen. Kibwana was switched off)*

**The Speaker** (Hon. Kingi): These Statements are referred to the relevant Committees for consideration and reporting.

Let us move to the next Statement by the Chairperson on Standing Committee Roads, Transportation, and Housing.

#### THE COLLAPSE OF BUILDINGS IN THE COUNTRY

**Sen. Tobiko:** Mr. Speaker Sir, as the Vice Chairperson of the Standing Committee on Roads, Transport and Housing, I represent the Chairperson. I am here to give this Statement pursuant to Standing Order No. (56) (1). The Statement is on the collapse of buildings in the country, specifically in Kiambu County.

Standing Order No. (56) (1) (a) provides that a Chairperson of a Committee may make a Statement relating to a matter for which a Committee is responsible.

I, therefore, stand to make a Statement on the collapse of buildings as witnessed in the last few weeks in Kiambu County and Nairobi City County.

Since August, 2022, there have been recorded cases of collapsed buildings in Kirigiti, Ruaka and Ruiru in Kiambu County and also in Kasarani in Nairobi City County. The erection of poor-quality structures in Kenya has been a menace since the mid-1990s leading to the collapse of buildings and causing a lot of anguish to Kenyans. This is why both the national Government and county governments should come up with measures to curb this.

Mr. Speaker, Sir, the frequent cases of collapse of buildings in Kenya have become a major concern among all the stakeholders in the local building and construction industry. According to an audit report on the collapse of buildings in the country by the National Construction Authority (NCA), poor workmanship is cited as the leading cause.

NCA made the findings following an assessment involving 14,895 buildings. The assessment found that 10,791 of the buildings were very unsafe and either needed to be demolished or reinforced before occupation. The findings mean that a significant number of Kenyans are living in structural time bombs. Another 1217 buildings were found to be safe to some extent and only 2194 were certified as safe.

NCA also found that thousands of buildings in Nairobi exist without requisite approvals. According to the report, the country has recorded the collapse of 87 buildings over the past five years while an estimated 200 people have lost their lives in the last five years and over 1000 injured as a result.

The audit report further state that no action was taken in the case of 10 of the buildings that collapsed and that only one case made it to the court following public outcry. The report stated that more than 700 buildings mostly in informal settlements are at high risk of collapsing and requiring demolition.

Other causes of the collapse of buildings according to the report include the use of substandard materials, noncompliance with building standards and regulations, inadequate structural design, and overloading and inadequate maintenance of structures.

Mr. Speaker Sir, while deliberating on this matter, the Committee made the following general observations -

(a) That there is no central depository for data on the failure and collapse of buildings in Kenya making it difficult for monitoring and evaluation; and,

(b) That duplication of roles, the overlap of functions in approval, regulations, and monitoring of construction of buildings spread over various Government agencies and poor coordination of professionals could be the main underlying cause of structural failures and collapse of buildings in Kenya.

Arising from the many cases of collapse of buildings, the Committee will endeavor to query the following: -

(i) whether the National Construction Authority Act, of 2011 recognizes the role played by other stakeholders in the construction industry such as county governments;

(ii) whether the NCA has investigative powers on buildings that are collapsing and should the NCA be granted prosecutorial powers to enforce their regulations;

(iii) the role of the Physical and Land Use Planning Act, 2019 in the building control process;

(iv) whether the county governments have the technical and human capacity to enforce the building code;

(v) who is responsible for ensuring that the provisions of the Public Health Act Cap 242 are adhered to in the construction process and whether public health officers have the requisite technical capacity in building processes to enforce the building requirements;

(vi) whether the National Environment Management Authority (NEMA) is well staffed to enforce the provisions of the Environmental Management and Coordination Act, 1999 on environmental protection including ecological social considerations, landscape and water; all of which do not directly relate to the building process;

(vii) which Government agency is mandated to enforce the provisions of the Occupational Safety and Health Act, 2007 on the requisite standards for measuring safety at the construction site.

Mr. Speaker Sir, the Committee will further seek answers to the following issues-

(i) whether it should be made mandatory to insure buildings under construction to cater for any eventuality and also serve as a repository of data from insurance companies on the failure and collapse of buildings;

(ii) whether is adequate quality assurance on construction techniques and materials;

(iii) whether the National Construction Authority (NCA) has fully optimised its function to oversee the construction industry and coordinate its development; and,

(iv) whether the construction industry laws and regulations have clarity of scope or provide overlapping mandates.

Mr. Deputy Speaker, Sir, the Committee will engage the following stakeholders in the building construction sector-

(1) The Ministry of Lands, Public Works, Housing and Urban Development with a view to emphasise finalisation of the development of the construction policy to integrate the design and construction process.

(2) To establish a reporting centre for any malpractice detected by the public including neighbourhood associations and construction workers.

(3) To establish a centre for excellency in building and construction to publicise emerging technologies, standards and policies and show case best practices and also to propose a legal framework to actualise the proposed National Building Regulations 2015.

(4) Engage the NCA to ensure that regulations to enable the agency oversee and coordinate the construction industry are developed. The regulations should address coordination within the agencies, the relationship between stakeholders in the construction process and the use of construction materials and equipment.

(5) The NCA will also be expected to ensure the authority is empowered to carry out investigations in the occurrences of buildings collapse and to recommend prosecutions.

(6) It will also be expected to develop information education and communication materials for sensitising members of the public on ways to detect early failures in buildings and construction.

(7) County governments will also be engaged; particularly of Kiambu County and Nairobi City County to establish the cause of high rates of building collapse in Kiambu County and to investigate the cause of the collapse of buildings in Ruaka, Kirigiti and Ruiru and ascertain the process of approval of construction by county governments.

We will also understand the measures taken to monitor adherence to approved construction plans by licenses.

Mr. Deputy Speaker, Sir, the Committee will further seek to ensure that the licensing criteria for contractors and construction workers is reviewed to include requisite training for all stakeholders involved and ensure that regulatory boards are empowered to address unethical practices and enforce professional standards.

This is a matter before the Standing Committee on Roads, Transport and Housing which I deputise as Chair and I invite the Members of this House, the public and relevant stakeholders to find time to attend Committee sessions once notified so that together, we can bring this menace of building collapse to a halt.

I thank you.

**The Deputy Speaker** (Sen. Kathuri): What is your point of order, Majority Whip?

**Sen. (Dr.) Khalwale:** Mr. Deputy Speaker, Sir, I rise under Standing Order No. 56 (3) which allows you the discretion of 20 minutes to allow us to make observations and comments on a matter like this tabled by the Chair of the Committee. If you so permit, I request that you allow me to comment.

**The Deputy Speaker** (Sen. Kathuri): Sen. (Dr.) Khalwale, was that a request or a point of order? You did not read my intention or what I was to do after she finishes. There are several requests and I was to start with Sen. Cherarkey. After that, you can make your request. There is actually no request from Sen. (Dr.) Khalwale. However, now I can see your request.

Sen. Cherarkey, please proceed.

**Sen. Cherarkey:** Sen. (Dr.) Khalwale is one of the ranking Members in this Parliament. He is our leader; maybe he is busy with national duties. However, I know he wanted to say something about this.

Besides that, I thank the Vice Chairperson for the Committee of Road, Transport and Housing, Sen. Tobiko for that. I have been waiting and wondering why the Committee of Road, Transport and Housing does not do it *suo moto*. The collapsing of buildings in this city, Kiambu County and other cities is appalling. We are losing lives and properties.

Mr. Deputy Speaker, Sir, the danger is with the NCA. They must put their house in order. By the time a building is approved, it looks like corruption is walking, sleeping and sleep walking at City Hall here in Nairobi just like in Kiambu County.

It behoves that our former colleague, Governor Sakaja must fire people in the planning department. By the time the building is approved to be constructed, it is under the hand and seal of individuals and in the department of physical planning within City Hall just like in Kiambu.

Every year, we are hear of buildings collapsing on Kenyans and Kenyans dying. I am told one of the accused was trying to flee the country. The NCA must answer what is happening with our buildings. The approvals that are done by the national Government and county governments must be looked into.

I send my deepest condolences to the families and friends of those who have lost their loved ones. In Ruaka, a family had to be moved overnight and then the building collapsed later. Here in Nairobi if you do not get robbed, a building is likely to collapse on you. I do not want to go to the direction of the comments that were made but before we reach that level, we must at least rectify.

Mr. Deputy Speaker, Sir, in conclusion, so that my colleagues can also contribute, my recommendation is simple. The Governors of Nairobi City County and Kiambu County are both our former colleagues. We used to speak idealism in this House. We want to see our former colleagues, Sen. Wamatangi and Sen. Governor Sakaja to have a meeting.

My proposal is simple. Let anybody who was involved, from the person who approved the drawing, the architect and physical planners be charged with criminal negligence. I appeal to the Director of Public Prosecution (DPP) and Directorate of Criminal Investigations (DCI) to move with speed and charge individuals who participated in approvals and owners of those buildings.

Mr. Deputy Speaker, Sir, with those many remarks, allow me support the Statement. I hope other Committees can follow suit and ensure some of these issues are brought to the Floor of the House under *suo moto*.

I thank you.

**The Deputy Speaker** (Sen. Kathuri): Hon. Senators, I have two or three requests and I want to give each Member two minutes. Please bear with me on this.

Sen. (Dr.) Khalwale, please, proceed.

**Sen. (Dr.) Khalwale:** Mr. Deputy Speaker, Sir, there is the law of undesired consequences. If you permit me, let it be on record that these are the consequences of us not fighting corruption; period!

It cannot be by chance that for the last three, four, five years, this phenomenal is only seen in Kiambu and Nairobi. This is the time for the President, the Cabinet Secretary and the Governors of the two counties to move and declare all high-rise buildings in Nairobi and Kiambu that are constructed for residential purposes as unfit for human residence until after a report of audit on their structural strength is tabled in this House.

Mr. Deputy Speaker, Sir, it is a shame that in Ruiru, five days ago, the Governor - and I thank Governor Wamatangi - moved and evacuated 200 people. Hours after that evacuation, at 4.00 a.m. the building came down. These greedy, fat tomcats that own these buildings should die again and again. They should die again and again.

This fat, greedy tom cats that own these buildings should die again and again for the kind of murder that they have committed in the midst of poor families who pay a meager Kshs5,000 to Kshs10,000 a month and they have nowhere to go. Majority of these people come from Kakamega County.

**The Deputy Speaker** (Sen. Kathuri): Senator, you have made your point on corruption.

Proceed, Sen. Mumma.

**Sen. Mumma:** Thank you, Mr. Deputy Speaker, Sir. I would like to thank Sen. Tobiko, the Vice Chairperson of the concerned Committee for raising this issue.

When I spoke earlier on different matters, I spoke about national Government taking its role as the one that sets standards seriously. Just in one afternoon, you can tell that the national Government has gone to sleep as quacks and other unqualified practitioners get away with creating or manufacturing death traps.

The building standards are going low in this country. This is because anyone is allowed to be called a contractor while engineers do not have jobs. Qualified engineers in Kenya find it difficult to get jobs because contractors get all the contracts and do anything they want to do.

You will be shocked that we have buildings in this country where if you go to live in, you need to cut a bed to be a 4 by 4. The standard measure of the bed can no longer fit because we are trying to make money.

The Committee must take this seriously. Beyond this, when we get opportunity to meet with the national Government, we must ask the national Government to get back to its job of putting in place---

**The Deputy Speaker** (Sen. Kathuri): Thank you, Sen. Mumma

Sen. Wamatinga, you have the Floor. You are the last to debate.

**Sen. Wamatinga:** Thank you, Mr. Deputy Speaker, Sir. I rise to support.

It is common knowledge that sometimes back, we formed the National Construction Authority (NCA) which was mandated to oversight, not only the engineers, but also the contractors and regulate what they do.

The purpose of having NCA was to oversight the private enterprises that engage in construction industry and ensure that they adhere to the standard.

As Sen. (Dr.) Khalwale has said, corruption has destroyed the construction industry. The role of NCA which was supposed to be regulating license and even the artisans has been rendered useless because quacks have gotten a way of getting licenses. That is how we end up getting substandard works because we fail to put punitive measures for those who have found culpable.

Mr. Deputy Speaker, Sir, as we move to the journey of making Kenya be in line with other countries which are developing by maintaining standards, we must also make sure that we put the legislative framework in place to reinforce the work of NCA.

I support and we need to do a lot.

**The Deputy Speaker** (Sen. Kathuri): Okay, thank you.

Now, let us get the Statement from the Senate Majority Leader.

BUSINESS FOR THE WEEK COMMENCING  
TUESDAY, 29<sup>TH</sup> NOVEMBER, 2022

**The Senate Majority Leader** (Sen. Cheruiyot): Thank you, Mr. Deputy Speaker, Sir.

Pursuant to Standing Order No. 57(1), I hereby present the business of the Senate for the week commencing Tuesday the 29<sup>th</sup> November, 2022.



Before I proceed with the Statement, allow me to thank Hon. Senators for the consideration and passage of the County Governments Additional Allocation Bill (Senate Bill No. 4 of 2022).

I also applaud the Standing Committee on Finance and Budget for considering the Bill within a very short time and tabling the report thereon pursuant to Standing Order No.148.

My commendation to you Members of the Standing Committee on Finance and Budget, for a splendid job and working under great pressure to ensure that, we, as a House, consider this particular Bill and transmitting it onwards to the National Assembly for consideration.

It is my sincere hope that the Members of the National Assembly shall deal with this matter expeditiously so that before the rise of the House for the Christmas break, we shall have concluded on this particular process so that we unlock for the funds for the counties.

I encourage other Committees to emulate this practice as this will ensure that most of the Bills introduced in the Senate are passed in the first two years of the term.

In this respect, I urge the Liaison Committee to monitor the status of all the Bills referred to the Standing Committees and make necessary interventions to ensure that the legislative agenda of the Senate is always on track.

I must mention that I am concerned that when you follow the Bill Tracker, at this particular time, you expect that at least the Committees having sat down and thought through what will be their legislative proposals. By this time, at least, we would be having about four, five or six Bills that are under consideration by the various Committees. However, most Committees are still handling Statements, Petitions and such matters

I encourage Chairpersons and Vice Chairpersons of the Committees that this is the time to forward what you have considered to be your legislative intervention for this first session of Parliament to be read, perhaps next week before we break for recess so that when Committees resume in January, they will have business to transact even before we can begin House sittings.

The County Governments Additional Allocation Bill (Senate Bill No. 4 of 2022) is now before the National Assembly. I will pursue that matter with the leadership of the National Assembly with a view to have the Bill expeditiously enacted into law.

Indeed, we have had this conversation with them. We have agreed that today, they will have the matter read for the First Time before that National Assembly and concluded on it.

On Tuesday, 29<sup>th</sup> November, 2022, the Senate Business Committee (SBC) will consider and approve the business for the day. Business that will not be concluded from today's Order Paper will be prioritized for Tuesday the 29<sup>th</sup> November, 2022 and other business scheduled by the SBC.

The Order Paper for Wednesday 30<sup>th</sup> November, 2022 and that one of Thursday, 1<sup>st</sup> December, 2022 will contain business that will not have been concluded on the Tuesday, 29<sup>th</sup> and Wednesday 30<sup>th</sup> November, 2022 respectively.

Petitions, Motions, Statements and any other business scheduled by the SBC will also be concluded in the said Order Papers.

In terms of other Businesses, one Bill is awaiting Second Reading Stage that is the County Vocational Education Bill (Senate Bill No.3 of 2022) and one Petition by residents of Mfangano Island in the Lake Victoria Homa Bay County.

Both the Bill and the Petitions are being considered under the sponsorship of the Senator for Homa Bay County. This is what I was alluding to earlier; you can clearly see that the older Members of the House appreciate and know that this is a particular time that it is easiest to push your Bill and is considered. This is because by the time you get to the third and fourth year, many other factors interfere with how things are processed in this House.

I encourage Members that if you have any particular Bill that you feel need to be considered in this House make hay while the sun is still shining.

Mr. Deputy Speaker, Sir, there are three other Bills which are undergoing concurrence process that is contemplated pursuant to Article 110(3) of the Constitution, namely the Parliamentary Powers and Privileges (Amendment) Bill (Senate Bill No. 5 of 2022); the Preservation on Human Dignity and Enforcement of Economic and Social Rights Bill (Senate Bill No.7 of 2022) and the Natural Resources Benefits Sharing Bill (Senate Bill No.6 of 2022). All those entire three Bill are going through the concurrence process between us and the National Assembly.

I am aware that the Speaker is actively engaging the counterpart in the other House so that we can conclude on this particular process and make it easier. The whole question on concurrence has caused a dispute between the two Houses and has been litigated up in all the courts of the land.

Numerous Statements have been sought from the various Standing Committees pursuant to either Standing Order No. 53 (1) and No. 53 (2). I urge the respective Committee Chairpersons to ensure they expedite consideration of these Statements and where necessary reports tabled pursuant to the relevant Standing Orders.

I hereby lay the Statement on the Table of the House.

*(Sen. Cheruiyot laid the document on the Table of the Senate)*

**The Deputy Speaker** (Sen. Kathuri): Thank you, Majority Leader.  
Next Order.

### MOTION

#### PLIGHT OF KENYAN DOMESTIC WORKERS IN THE MIDDLE EAST

THAT, AWARE THAT foreign workers from developing countries make up a large majority of the Gulf's labour, a trend driven in Kenya by the high rate of youth unemployment which stands at 34.2 per cent, forcing young Kenyans to continue to go beyond our borders in pursuit of lucrative employment opportunities;

FURTHER AWARE THAT the Kafala or sponsorship system found in the Gulf Cooperation Council (GCC) countries such as, Kuwait, Oman, Qatar, Saudi Arabia, the United Arab Emirates, Jordan and Lebanon, defines the

relationship between foreign workers and their local sponsor, under which the state gives local individuals or companies, sponsorship permits to employ foreign labourers, and covers travel expenses and provides housing, in the case of domestic workers in the sponsor's home;

APPRECIATING THAT the Kenyan recruitment process of domestic workers for Saudi Arabia involves a number of stakeholders including the Saudi employers, the Saudi Arabia Employment Agencies, Ministry of Labour (Labour Department), National Employment Authority (NEA), National Industrial Training Authority (NITA), prospective domestic workers, Kenya Private Employment Agencies (KPEA), Saudi Arabian Embassy and the immigration Department;

NOTING THAT numerous Kenyan migrant domestic workers in Saudi Arabia have documented various forms of abuses including passport confiscation, physical abuse, sexual abuse, sleep deprivation, food deprivation, labour exploitation, imprisonment prior to deportation, religious intolerance and psychological abuse leading to some of these workers losing their lives;

COGNIZANT THAT Articles 10, 11, & 14 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families adopted on 18 December, 1990 espouses that no migrant worker shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment, shall be held in slavery or servitude, or be subjected to arbitrary or unlawful interference with his or her privacy, family, correspondence or other communications, or to unlawful attacks on his or her honour and reputation, and the right to the protection of the law against such interference or attacks;

FURTHER APPRECIATING THAT staffing shortages and inadequate funding faced by the labour attaches in Saudi Arabia hinder the effective supervision of migrant workers in distress, lack of safe houses, lack of a comprehensive mechanism to handle labour disputes, and a lack of a legal framework defining the roles of migrant workers in order to adhere to the terms of their contracts, are some of the challenges that need to be overcome;

CONCERNED THAT under the Bilateral Labour Agreement (BLA) between the Government of Kenya (GoK) and the Government of the Kingdom of Saudi Arabia (KSA) on the recruitment of domestic workers that was developed and adopted in January 2016, Kenya was obligated to provide qualified and medically fit workers needed by Saudi Arabia according to the job specifications, and in turn Saudi Arabia was obligated to ensure that the welfare and rights of employers and domestic workers employed in the Kingdom are promoted and protected in accordance with the applicable rules and regulations which has not been the case, including the enforcement of rest hours and the identity and work permits remaining in the possession of the migrant worker;

NOW THEREFORE, the Senate resolves that the Ministries of Interior and National Administration, Labor and Social Protection, Foreign

Affairs and Diaspora Affairs, Immigration Department, the National Employment the Kenya Private Employment Agencies (KPEA) cease all travel by Kenyan migrant workers to the Gulf states with immediate effect until-

1. The Ministry of Labour and Social Protection amends the national labour migration regulatory framework policy to address labour exportation management.
2. The Ministry of Labour and Social Protection, and the Ministry of Foreign Affairs and Diaspora Affairs adopt/ratify the multilateral declarations relating to the protection of workers such as the International Labour Organisation (ILO) Domestic Workers Convention, 2011 (No. 189) and the Private Employment Agencies Convention, 1997 (No. 181).
3. The establishment of functional overseas labour offices for the administration and enforcement of the Ministry of Labour and Social Protection policies for migrant workers.
4. A review of the Bilateral Agreement between the Government of Kenya, and the Kingdom of Saudi Arabia by the Ministry of Foreign Affairs and Diaspora Affairs to adequately address identified gaps and emerging issues.
5. There are established safe houses to serve as central huts of welfare and assistance to migrant workers and temporary shelters for overseas Kenyans in distress.
6. Any Kenyan in distress, and in particular, Hellen Kemunto, is rescued and brought back to Kenya from Riyadh, Saudi Arabia.

*(Sen. Veronica Maina on 23.11.2022)*

*(Resumption of debate interrupted on 23.11. 2022)*

**The Deputy Speaker** (Sen. Kathuri): Hon. Senators, we now resume debate on this Motion which was interrupted yesterday Wednesday, 23<sup>rd</sup> November 2022. I call upon Senators to make their contributions to the Motion. The Floor is open.

Sen. Cherarkey, you may proceed.

**Sen. Cherarkey:** Thank you, Mr. Deputy Speaker, Sir. In quick succession, I congratulate Sen. Veronica Maina, MP, Nominated Senator and the Secretary General (SG) of the ruling party and coalition for this important Motion.

This issue on the plight of Kenyan domestic workers cannot be underscored. Every Kenyan knows why we have the media reporting about the suffering of Kenyans in the Gulf nations. This is a timely Motion. My prayer and request is that the House sees how to implement the resolutions of the Committee.

Many people do not know that 30 per cent of the population in Saudi Arabia are immigrants. Not only from Kenya of Africa, but across other nations. Around 35 million immigrants are in Saudi Arabia. Most of them are drivers and others engage in manual jobs; what we refer in Kenya as *'kazi za mikono ama watu wa mikono.'* Those words have other meaning in politics.

When this issue came up, the outgoing Permanent Secretary (PS) for Foreign Affairs, Mr. Macharia Kamau, appeared before a parliamentary Committee and he said that there are over 100,000 Kenyans in Saudi Arabia who are in other sectors apart from working as house helps. It looks like there is targeted abuse towards maids and house helps within those regions.

There are many Kenyans working as taxi operators and drivers. It behoves us, as a nation, to have a conversation about this. When you look at the remittance, the foreign exchange earnings that come to this country from Kenyans in the diaspora, you will not believe that it has overtaken coffee and tea. It is one of the highest earning of foreign exchange.

According to the statistics provided by the Central Bank of Kenya (CBK), in March, Kshs42.5 billion were remitted by our brothers and sisters in the diaspora. In February, Kshs36.7 billion was remitted to the country. According to the CBK statistics, the remittances in the first quarter were Kshs118 billion. This is an important source of revenue to this country.

Mr. Deputy Speaker, Sir, what does that translate to? It means we must jealously protect that source through incentives and visiting days, the way we used to be visited in school. I expect the Ministry of Foreign Affairs and Diaspora Affairs to organize visiting days to some of these regions. The purpose of the visits would be to encourage and listen to the grievances of Kenyans in the diaspora. This is our best revenue source and we must protect it jealously.

It is estimated that about 1.2 million young million people are released to the job market every year. What does that mean? Most of these young people travel to the Gulf nations and work there. It behoves the Ministry of Foreign Affairs and Diaspora Affairs and that of Ministry of Labour and Social Protection to look into these issues as 1.2 million people get into the job market. It is important to take note of that.

I have a proposal to amend civil immigration. The challenges faced by our brothers in the diaspora include access to national identity cards. You are aware that the 31<sup>st</sup> of this month is the deadline for the old passports. Many Kenyans in the USA, Europe, Gulf states are struggling to get that document and travel home for the Christmas holidays. These are people bringing money. We should be assisting them to process the document because they are a rich source of revenue. All other sources are drying up.

We need to be innovative. I ask the Department of Immigration that all Kenyans by birth and naturalization should be allowed to come back to the country without observing the 31<sup>st</sup> November deadline. We should be organizing dancers from Meru or Maasai to welcome Kenyans living in the diaspora at the JKIA terminal upon their return. They are the people bringing a lot of money to this Republic.

Mr. Deputy Speaker, Sir, there might not be dancers from your county, but Sen. (Dr.) Khalwale can provide because people from his county know how to dance. According to the 2019 population housing census, there were 535,000 people in some of these Gulf States. We are waiting for the Kenya Bureau of Statistics (KEBS) to give us guidance on the same. When the then CS for Ministry of Labour and Social Protection, Mr. Chelugui, appeared before our Committee, promised to give the statistics with time. They could not give us the exact numbers of Kenyans being deported, but he---

Out of this, 400,000 of them are in the Gulf States. The number could be high because of the World Cup and it could be a challenge. Saudi Arabia, where we have the

biggest problem, Kenyans living there remitted Kshs22.65 billion as part of revenue remittances, between January and August this year. That shows that in as much as there are abuses and challenges faced by Kenyans in Saudi Arabia - who we sympathize and empathize with and send condolences to their families and friends that have lost their loved ones in those regions - it continues to give us a lot of resources.

In the first eight months, Saudi Arabia was the second highest foreign exchange earner according to CBK. The United Kingdom was leading with remittances totalling to Kshs225.4 billion. Saudi Arabia was second with Kshs22.65 billion followed by the United States of America (USA).

Mr. Deputy Speaker, Sir, you must have seen Kenyans saying in the social media that they normally send messages to the ladies who remain behind promising them that they would be married this December.

However, they are only remitting Kshs188.8 billion. It looks like the ladies who are being sent money from America are not “eating fare”.

When you look at those statistics from number one to three, you can see this Gulf nation continuing to be a fertile ground for revenue into this country. Therefore, I know that Parliament has done something where you used to sit in the last Session. In the last financial year, I do not know where this US\$3 million that was allocated to build safe houses went to.

I am not saying that the Committee of Labour and Social Welfare should be given a free---

**The Deputy Speaker** (Sen. Kathuri): Sen. Cherarkey, you know you must use a language that is understandable to the country. I am trying to think what “eating fare” means. I am not getting it. Perhaps, you may use a language that is understandable.

**Sen. Cherarkey:** Mr. Deputy Speaker, Sir, it was on a light touch.

**The Deputy Speaker** (Sen. Kathuri): I saw Sen. Orwoba was struggling and shaking her head because the language was a bit not understandable.

You can proceed and conclude on your statement.

**Sen. Cherarkey:** Mr. Deputy Speaker, Sir, I thought Sen. Orwoba should be in a best place to understand because, allegedly, she is in the age group that are being accused of “eating fare”. However, I know currently she is a Senator and she cannot eat the fare.

It means that in Kenya there is this habit when you are interested in a lady---

**Sen. Orwoba:** On a point of order, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kathuri): There is a point of order from Sen. Orwoba.

**Sen. Orwoba:** Mr. Deputy Speaker, Sir, Sen. Cherarkey is misleading the House. His language is also very discriminatory towards women. Could he kindly retract it?

**The Deputy Speaker** (Sen. Kathuri): Proceed, Sen. Cherarkey.

**Sen. Cherarkey:** Mr. Deputy Speaker, Sir, I have tremendous respect for all the women in the country. I was just saying in jest. I said ‘allegedly.’ I have not said that they are doing so. However, there are others who do it, including the men.

Sometimes if you are interested in a man, which I highly doubt, they would say they want to see you, but you do not have cash. So, you send the money, but then they do not appear for that meeting. The local *vijana* normally term it as *kukula* fare.

(Laughter)

However, I did not mean to make a comment that seems to look down upon women. My sincere apology to Sen. Orwoba and other women who do not “eat fare”.

Mr. Deputy Speaker, Sir, I am not saying the Committee of Labour and Social Welfare should get a free trip. I challenging them to seize this moment and visit Saudi Arabia and other Gulf states.

Mr. Deputy Speaker, Sir, when you were sitting in the National Assembly, you allocated US\$3 million for building safe houses in the last financial year. You have seen Hellen Kemunto here, who was the other day allowed to travel back into the country from Saudi Arabia. If such Kenyans suffer, there should have a place where they are safe houses where they can stay as they wait to be brought back to the country.

Secondly, what are the labour attaches and the labour welfare officers to these Gulf States doing? We should create an emergency dial number that is free of charge to these safe houses.

I saw the Cabinet Secretary (CS), Dr. Alfred Mutua, meeting some of the officials in Gulf State. There is a way that the Director of Public Prosecution and other criminal justice actors should make a follow up to prosecute people who either participate by commission or omission in their work.

This should be done until the Kenyans who are dying in the Gulf States due to domestic work whereby they are being abused and killed is stopped. We should establish a directorate of collaboration between the DPP of the Republic of Kenya and the criminal justice system actors.

I know this will make the recruiting agencies uncomfortable in that we should vet anybody who recruits domestic workers to take them to Saudi Arabia. We all need to agree on this aspect. What is the work of National Intelligence Service (NIS) and the other clearing agencies such as the Kenya Revenue Authority (KRA), the Committee on Labour and Social Welfare and the workers’ unions?

What are they doing until somebody recruits domestic workers to take them to Saudi Arabia. Nandi County has become a victim to this because I have buried many young women who have gone to these Gulf States. For one reason or the other, they have died.

We must relook at the roles of the various relevant agencies to ensure that we bring our people back. This is a very important Motion that has come at a right time when we are having our discussion.

I call upon the Government and the Committee on Labour and Social Welfare to lead us in this discussion. Let us jealously protect this rich revenue source. This is because the tea and the other sectors are losing out.

The foreign exchange earner is becoming a very critical area. I urge the KRA and the Government to come up with innovative ways to protect those Kenyans. The more we protect them, the more they are protected in their jobs, the more they will send their remittances back to Kenya and ensure that we move forward as a country in terms of development.

With those many remarks, I congratulate Sen. Veronica Maina. I wish her well. I support.

**The Deputy Speaker** (Sen. Kathuri): Thank you. Let us have the Kericho Senator who also doubles up as the Senate Majority Leader.

**The Senate Majority Leader** (Sen. Cheruiyot): Thank you, Mr. Deputy Speaker, Sir, for this opportunity.

I congratulate Sen. Veronica Maina for bringing to fore a very topical issue. This is a conversation that Kenyans have had in the last few months leading up into the general elections and even after. This is on the plight of Kenyan domestic workers in the Middle East and generally on their welfare.

I say this because I know for a fact that even during the vetting of the now serving CS for Labour and Social Services, she spent a good amount of time answering questions from Members of the National Assembly Appointment Committee on this issue.

I have also taken time to listen to my colleague Senators contribute yesterday and today on this issue. I appreciate their depth of understanding of issues that Kenyan migrant workers continue to face in the far lands where they have gone to look for better opportunities, which unfortunately, their own motherland cannot provide.

First, it is quite heartbreaking that we have to get to this. As a country, we must continue to have a conversation on how we will turn back the tides of time. This is so that at a particular time, I do not know how long, maybe for 10 to 20 years or more years, we will have people emigrating to our country to look for work just as our own children are now doing.

Mr. Deputy Speaker, Sir, and my colleague Senators, I do not know how many have had the opportunity when boarding any of the planes that depart from the Jomo Kenyatta International Airport (JKIA) heading towards the Middle East to see those young Kenyans as they depart. I always think about this.

They are normally housed in groups of about 100, 150 or 200. All of them are always adorned in T-shirts with labels of the recruiting bureaus or agency that is taking them to these far lands.

As a leader, I always feel challenged, first of all, at the embarrassment collectively that we have not been able to give opportunities to our young people such that they are going to seek for the same in other far lands.

It is a challenge which any leader who has a conscience and who believes in the beauty and the blessing that God gave us in this country must always have at the top of their mind. We must continue to challenge ourselves and find the courage and the energy to pull together until such a point that we shall reduce the number of citizens we are sending outside the country to go and do domestic work.

I would not have a problem if we were exporting professional labour because we have 99 per cent chance that they will not run into the kind of problems the domestic workers end up finding themselves in.

Mr. Deputy Speaker, Sir, never mind all that I have said. We, as County, must still consider what we can do. As we try to solve the problem that I have described, we must ensure that those who continue to head into the Middle East to work as domestic workers have the best working environment, cordial and respectful atmosphere.

I have heard people say that the Committee needs to travel and interact with them. I do not think that is necessary because if you go through the records of the HANSARD of this House, you will learn that the Senate Committee on Labour and Social Welfare was in Saudi Arabia hardly six months ago. They came back with a Report with far reaching recommendations that are yet to be implemented by both the Ministry and the legislative proposals that have been brought to this House.

Sen. Veronica Maina may need to check that later. I do not know if she is a Member of the Senate Committee on Labour and Social Welfare. If she is not, I challenge her to not



just stop at reminding us of the need for us, as a country, to take better care of these Kenyans.

She has taken a front role in highlighting the issues that these Kenyans are facing in this particular session of Parliament. She should go a step ahead and remind the Senate Committee to push for the implementation of the Report which is a property of this House. It must have been debated around January or February this year after the Committee visited the place.

They gave proposals on what should be done with the safe houses and the agencies that continue to send our children into this death traps. There is a proposal fresh vetting. Unfortunately, this vetting has been done so many times. The punishment that is contained therein should be very expensive that no agency should ever consider sending anyone's child to a place where they are going to suffer.

As such, the agencies will ensure that they know the working conditions, where those girls are going to live by the time they take their passports, process their documentation and grant them work visas for either Saudi Arabia, Oman, Kuwait or any other Middle East country. The agencies should be sure of the contact of the person the girls are going to work for should members of their family want to contact them. The family should have an avenue through which they can reach them.

The Government should also be challenged to ensure that the labour attaches in those countries are properly funded for them to maintain constant communication with the millions of Kenyans who are working in those far-flung countries. If we do so, it will be possible for them to reach out at the slightest opportunity when any Kenyan runs into problems in whichever part of those countries.

I do not understand why and how it is possible for people to be employed in the 21<sup>st</sup> Century and be told that they cannot communicate. Communication is a basic human right, especially the ability to talk to one's family when one is living and working in distant parts of the world.

Mr. Deputy Speaker, Sir, one of the conditions that we need to set and must agree to is that the agent who is signed up and registered by the National Employment Authority, must secure the rights of the citizens. As they send those girls to Saudi Arabia, they should let them know of their rights and privileges. They should know if they are being granted leave and after how many days? They should know what time of the day are they allowed to communicate.

However, I would also understand some of these challenges because I know the domestic workers can sometimes spend a lot of time on social media and on their phones even in our homes. As such, that they run into problems with their employers. Be as it may, it should never get to the point where people's children are not able to communicate with their family as such is the case.

Mr. Deputy Speaker, Sir, that is the job of our labour attaches. They should ensure that the working conditions of the citizens working outside the country are common and respected working conditions across the globe.

This conversation is happening as the world continues to pressure Fédération Internationale de Football Association (FIFA). The world Cup is going on in Qatar. Many countries that are passionate about human rights are running a global campaign to boycott watching the World Cup game or the visiting Qatar. That is because of their unequivocal position and inability to speak coherently about human rights and the working conditions

of their migrant workers, especially those who put up the stadiums and even those still to working there.

As a country that is leading in availing migrant workers to the Middle East, we should be part and parcel of that conversation. I do not think that we are so poor. We may not be an economic powerhouse that we can shake some of these countries, but we are part of a global community. We can lobby the rest of the world and speak in one voice to ensure that any person working in any part of the globe is assured of certain basic rights. These are conversations that we get to hear every time there are global conversations on human rights and labour issues.

Mr. Deputy Speaker, Sir, I agree with the proposals that have been made. I have seen the six recommendations that Sen. Veronica Maina wants us to agree to as we support this Motion. I endorse all of them with a little amendment to the first one. In the first there is a proposal that the Ministry of Labour and Social Protection amends the National Labour Migration Regulatory Framework Policy to address the labour exportation management.

Apart from having them propose an amendment, we, as a House, can demand that the same be brought to this House because it is within our power. We can say that it be done within a specific period of time which can be 30 days, six months or one year. We can do so even after the passage of this Motion. We must begin to be specific in how we do our Motions and pass our legislation.

In the last three terms that I have been in this House, this is almost the 10<sup>th</sup> time that we are having a conversation about Kenyans living or working in the Middle East. It is embarrassing. A time has come that we must make a final decision about it. We must push for a conversation.

I use Saudi Arabia as an example because they are the ones who have been mentioned the most in these conversations. It is friendly country. I have seen their ambassador many times during our national celebrations. I do not think it is difficult for us to have a conversation with them and understand what causes the suffering of our citizens when are out there.

If you read that Report, you will realise that it is not all gloom as Kenyans may want to paint it. There is about 70 or 80 per cent of the population of workers that go to these countries and live a good life. They send contributions, payments, support their families back at home and live comfortably as they work there. However, the conversation is around those that face challenges and have difficulties in that particular part of the world.

Mr. Deputy Speaker, Sir, in many occasions when I speak, people feel or begin to have the impression that we do not appreciate that there is an employment opportunity for citizens in other parts of the world. This is captured in that Senate Report. I challenge the Senators read it.

There is also a conversation about some of the things that our citizens go and do there, especially the young girls when they find themselves in that particular country.

There are things they involve themselves in. They say if you find yourself in Rome, you must behave as the Romans do. They have a different culture, it is a Muslim country and they have set out under their constitution, how they expect citizens to behave.

Unfortunately, some of our fellow citizens when they get to these countries, they run afoul of the law by doing things that are prohibited in those countries and, therefore, they end up running and having nowhere to stay. These are things that we need to rectify so that there is proper training. When all is said and done, let us have a proper conversation.

Let us not just pass this Motion today and say we have done our work, until such a time that we have followed through all the recommendations that have been placed before these Motions.

Let us ensure we put a final seal so that by the time Kenyans leave the country, there will be basic rules like the ability to communicate and have all travel documents. Why should your documents be confiscated, especially when you are working outside the country? I believe those are some of the protocols that we need to sign on as we agree to continue to have these arrangements with these countries.

If professionals can have a fallout with their employing entities, then how much more for the domestic workers? It should be made easy. The same way it was easy for you to get that job, then it should not be rocket science on how you separate. If it reaches a point whereby you find that for one reason or the other, you are not able to coexist with whoever has employed you to work in their homes, then it should be made easy for you to separate.

I do not think that you can say it is impossible to have this conversation. I hope this becomes the final time that we, as a Senate, are having this conversation about domestic workers in the Middle East. Let us demand more from the National Employment Authority because it is the regulatory body that licenses these agencies.

When that report came to this House and the Motion had been tabled for debate, it is unfortunate that we never considered that Motion because of the many things that arose.

At that particular time, there was a big lobby group from the agencies that visited most of us that were here in the corridors of the Senate. They kept on saying that they did not agree with this report because of one very strong proposal that had been made in the report and that is a complete ban and a withdrawal of the licenses for these agencies for them to be vetted and file their recommendations afresh.

The aim of this was for Kenyans to see if an agency could account for each and every girl that it had sent to Saudi Arabia for the last one year because permits are given on yearly basis. They did not agree with that recommendation, but it is something worth having a look at and asking them how else they wished to be held accountable because we are placing the lives of young Kenyans into their hands.

I believe that this is something that we can follow through our departmental Committee on Labour and Social Welfare. I wish to conclude and request our colleagues who serve in that particular Committee to save us from this shame.

I thank and congratulate Sen. Veronica Maina for reminding us about this important topic.

**The Deputy Speaker** (Sen. Kathuri): Thank you, Senate Majority Leader. Sen. Mumma.

**Sen. Mumma:** Thank you, Mr. Deputy Speaker, Sir, for the opportunity to contribute to this Motion. I also thank Sen. Veronica Maina for finding it fit to bring this issue yet again. As the Senate Majority Leader has said, this is not the first time this issue is being discussed in this House or even in the National Assembly.

As we discuss this issue, I urge this House to recognize that this about human rights. If we do not address this issue as a human rights issue and focus on how much revenue we are making, then we will not resolve it. As the matter is referred to the Standing Committee on Labour and Social Welfare, I would want Kenya to be among the countries that can stand up for the rights of its citizens who are being treated like slaves in the Middle East.

Mr. Deputy Speaker, Sir, this Senate must move away from being part of the bandwagon that bares the blood of the girls who have died in the Middle East. I want to urge that we divert a little from the proposals by Sen. Cherarkey who has read to us how many millions get remitted from Saudi Arabia. Even if we made US\$1 trillion a month over slavery of our people, then we will have failed as a country.

I would like the Senate to be that House that tells the Government to review our bilateral agreements with Saudi Arabia so as to ensure that we have provided clauses that can protect any Kenyan who goes to Saudi Arabia to work. Even if we make our laws to be very good, those laws do not apply to Saudi Arabia; those laws apply to Kenyans here. We need to get a commitment from Saudi Arabia that any person from Kenya who goes to work there at whatever level will enjoy the rights they are entitled to while they are in Kenya. It is the least we can do for our people.

I am urging the relevant committee to begin with the review of the kind of bilateral agreement we have with Saudi Arabia to ensure that if we do not have proper clauses in that bilateral agreement, we actually put them there.

Secondly, we need to make the issue of recruitment very transparent so that we know who owns which agencies and how much they make. Before any worker is taken abroad, we must prescribe the condition that will underlie the transportation of these workers and ensure that they are not violated. This is a human rights issue; it is not about a revenue stream for Kenya. I would want us to address it as such.

I thank you.

**Sen. (Dr.) Khalwale:** Thank you, Mr. Deputy Speaker, Sir. Like those who have become before me, I would like to congratulate Sen. Veronica Maina, my Secretary General for this very well thought-out Motion. This is a serious matter. It is on record that between 57,000 and 100,000 Kenyans are in the Gulf States. I have taken time to understand why the former President of the Republic sat there for 10 years, heard nothing, did nothing and cared nothing about 100,000 Kenyans who were living in total slavery in the Gulf States.

*[The Deputy Speaker (Sen. Kathuri) left the Chair]*

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

Madam Temporary Speaker, this makes me remember the great Hon. Mwai Kibaki. I was in Parliament at the time when this problem picked up and Hon. Mwai Kibaki responded and actually issued a ban on this nonsense for the entire 2011 and 2012. However, when he exited, the grapevine had it that the agencies that make millions out of this business lobbied the handshake Government for the ban to be lifted and it was lifted.

What statistics do we have today? You go the United Arab Emirates (UAE) the biggest culprit and we have more than 40,000 Kenyans. Qatar has 9,000, Saudi Arabia, 6,800; Oman, 500; Kuwait, 400 and Berlin the smallest number of people. How can a Government faced with these readily available facts just sit there and watch? As Senate, we must stand behind this Motion and do more.

In fact, we should convert this Motion into a Bill. We can call it the Gulf Workers Bill and enact it into law so that we put standards to use in measuring the performance of our Cabinet Secretaries (CSs), Permanent Secretaries (PSs) and even the President in this country.

Madam Temporary Speaker, on the issue of corruption, it is regrettable that even during the time of the ban, we still had some of these unscrupulous owners of agencies hiding young people to go to these places because they were paying. In fact, rumour has it, not really a rumour because we cannot speak rumours in this House, but it is in the public domain, information to the effect that a former presidential candidate owned such an agency. That is how low we have sunk.

How the former candidate got clearance from the watchdog institutions under our Constitution, beats logic.

We cannot blame the young people who go there. The statement they make by going is that we have failed as a State. When we campaigned, in our manifestos, we all promised the young people employment opportunities. That is why they go there.

Madam Temporary Speaker, the day I was with you in Kigali. However, you came later after me because I was on an earlier flight. I was at the airport pretty early and I was shocked. Three aircrafts were going to the Middle East. Each one of them, upon enquiring information, which is always there for you to get, was carrying between 70-100 young people in one afternoon. So, I asked myself, did this just happen because I was travelling today, or could it be that it happens every week and maybe, every day?

Now that these people have gone there, we should ask ourselves what they have gone to do. Since this Motion is speaking to the Government that I serve and lead in this country, I remind it that these young people are not going there to be professors, engineers, doctors or nurses the way our immigrants do when they go to the Western countries. Kenyans know that people go to the Western countries for the high skilled jobs while others go mainly because of reunification with families. For example, a son who went and became a professional and chose for the parents to follow him. Decent living.

Our people go there because of an attempt to be employed as domestic workers, construction labourers and cleaners. Next time, if any Member in this House who has made a name for themselves lands in Dubai, the person you see cleaning will quickly approach you and greet you in Kiswahili language because those cleaners are our boys and girls.

They go there to be cleaners in hospitals, watchmen, and taxi drivers. Whoever is calling these people as a source of foreign--- What do they call this money that people remit back to the country when people work in Europe? They have some names that I do not like using. What do they call it? Not forex. What do they call it?

**An Hon. Senator:** It is called remittances.

**Sen. (Dr.) Khalwale:** Remissions! Rubbish! That is rubbish. What would a toilet cleaner remain with to remit back home? Nothing. That should be used elsewhere and not when trying to justify our failure.

Madam Temporary Speaker, President Mwai Kibaki not only created the ban; he did more. He established Diplomatic Missions to respond to this problem. What did he do? In 2007, the late President Mwai Kibaki went to the City of Kuwait and created a fully-fledged Embassy in the Republic of Kuwait. He further went to the City of Muscat in 2011 and established a fully-fledged Embassy in the Republic of Oman. He also went to the City of Doha in 2010 and established in the Republic of Qatar a fully-fledged Embassy. Finally, in Dubai and Abu Dhabi, he created two Embassies to serve the United Arab Emirates (UAE) because of the large population of Kenyans that we have there.

This brings me to my comment on the competency of our Diplomats in this country. What do they go and do? They wait for Hon. Members in airports. When you land in

Doha, Qatar, they are there waiting for you. “Yes Sir! Mheshimiwa. How is Kenya? Will you need some things?” They wheel your back. They should go away completely.

They come there as ushers for Very Important People (VIPs) instead of responding to the dream that Kibaki had. The late President Mwai Kibaki wanted those Embassies there to engage the respective countries. We have serious conversations on their local labour laws, see how we can harmonize them with ours, speak to their religious beliefs, and see how we can harmonize them with ours. That is why he sent there Diplomats, High Commissioners and Ambassadors.

*(Amber Light at the Timer Turned on)*

The young man who is in charge of the Kenyan Embassy in Kigali has a Kenya day. I do not know whether he does it in three months or something of the sort. I do not know how he gets the budget. He told me that he talks to the business community and on Kenyan Day, they do *nyama choma*, they talk about their problems, and how they can comply with the local laws of Kigali. The Embassy is working. Patriotism is high, opportunities are exchanged, people who had gone to Kigali, probably as taxi drivers, end up doing a slightly better job. That is what Embassies are supposed to do, but they do not. Instead, you hear that they are. They are doing online studies in some universities. I do not understand.

I thank President William Ruto. I am not saying this because I campaigned for him or he has given me a job--- I am an old man. I am above little sweets being dangled at me. I have seen it all. I have tasted it all and I have it all. I am congratulating him because he is the first President to create a desk at the Ministry of Foreign Affairs a Principal Secretary who will be in charge of this problem.

We want more of our youths to go Middle East. We want to fill the Middle East with our youths. However, this Principal Secretary should make sure that the ecosystem in the Middle East meets the minimum expectations and requirements of a working human being.

I come from a town called Kakamega. With these two hands, I can give you the Christian, maiden and fathers names of young people because I know them personally. After completing their secondary school education, these young people want to give some money to their parents who are sugarcane cutters or “*chang’aa*” brewers, such as my mother Paulina Shinangoi.

These children do not want to wait. They want to give their parents money quickly because it has been a struggle for them to finish those four years.

So, they run to Dubai, Doha, Muscat, Bahrain or to the city of Kuwait. We cannot leave it to be a problem of human rights activists, women Parliamentarians or women governors.

Madam Temporary Speaker, you are lucky to be born a woman, there is nothing greater than a woman in this world. When I was a little boy, I did not know this. The greatest is a woman. When a little girl aged between 18 to 26 years old suffers in the Gulf states, then all the children of Kenya aged the same are suffering.

We, doctors say, pus anywhere in the body is pus everywhere. Therefore, if you do not incise the abscess so that that little pus somewhere goes away, it becomes puss in the blood and it kills the patient.

The Government must rise. What do these people really think about us when they see us on television? That they can pick our children and do the things I see them do? They must be thinking---

*(Sen. (Dr.) Khalwale's microphone was switched off)*

**The Temporary Speaker** (Sen. Mumma): Sen. Wakili Sigei, please proceed.

**Sen. Wakili Sigei:** Madam Temporary Speaker, thank you for allowing me to also support the Motion by Sen. Veronica Maina.

My colleagues have spoken to this issue. They have given us statistics of what some like Sen. Cherarkey call remittances of foreign funds or resources to this country from our sisters, brothers, aunties and mothers working in the Middle East and other such foreign countries.

My other colleagues have also spoken on the importance of protecting the rights of those workers who in their bid to seek for greener pastures, find themselves in foreign lands.

In this particular Motion, foreign land is the Middle East. I would like to limit my support to this Motion and the concerns to the plight of our young girls and boys - brothers and sisters who have gone to Saudi Arabia.

Madam Temporary Speaker, when I say so, I have in mind the case of Ms. Diana Chepkemoi who landed at Jomo Kenyatta International Airport (JKIA) on 6<sup>th</sup> September, 2022. She comes from Bomet County, a county that I represent; in the Sub-County of Konoini.

The tribulation the family went through will not be taken away by the conversation about the amount of foreign exchange that we get. We cannot even for a moment say; “let us compare what we receive as remittances from such foreign countries to the rights of our boys and girls and any other employee or immigrant or whatever we call those who go out there to look for greener pastures.”

Sen. Veronica Maina took the House through the proposals that she has made and they make one to wonder; to what extent can we accept, as a nation, to continue having this debate, engaging the House, giving reports and recommendations year-in, year-out.

The Senate Majority Leader has spoken. He has informed the House that barely six months ago, a Report was placed before the House by a Committee that was similar to the one this particular Motion is asking the Motion to be committed to it to give us a report has done.

That Committee gave recommendations but the question is, what have we done to those recommendations? Must we have a debate in every Session of Parliament for purposes of keeping it in our library? Must we, as a country, spend time and resources debating just for the sake of it? It is high time we call upon this House to not only commit the Motion to the relevant Committee but to also ensure that whatever recommendations that are made are implemented.

A proposal has been made that we should not allow any further debate but should instead enact a law that will give this country, the Cabinet Secretary or anyone who is listening and wants to also serve this county in a better way the teeth to bite.

The opportunity to protect the interests of these Kenyans cannot only be protected by the debate in this House but by making sure that the recommendations that were made are implemented.

Our young ones are not just going there for the sake; they are going there because they want to change their future. However, they cannot change their future if they go there to be slaves. They cannot support their parents or siblings who have been left behind if they become slaves.

Instead, their families become worse. They do not sleep when they know that one of their siblings may not come back alive but will be brought back to this country as a corpse in a coffin. Worse still, they live with the fear that they might never see them in their generation. It does not help them at all and it is at times better to have them here living in poverty.

The six proposals that the Senator has proposed that the Committee push through are very important and key. When we speak about the unity of this House in debating this Motion, it is so important that when such proposals are made, we ask ourselves the question as to where do we start ensuring that they are implemented. We should do that which is right.

The agencies, whether licensed or not, cannot be taking our young girls and boys out there and be unable to give us the statistics. I believe there must be a missing link between the Ministry, the agents being licensed and the authority that ensures they do their role. They should take responsibility for our citizens that they send out there.

We need to do a very comprehensive audit of those agencies, whether local or international, within the country or in foreign lands, so that we have an audit trail of the number of Kenyans who are safe or not for purposes of whatever proposals we are going to make should meet those specific people out there. We cannot say we will continue debating if there is no action.

It is action time. I support and congratulate Sen. Veronica Maina for this timely Motion. I urge the rest of the Members to make sure that we follow through whatever recommendations and proposals that have been debated and made to ensure we do not come back in the next session to debate similar things. We should not experience and watch again on national television our own suffering, calling for help, subjected to inhumane conditions yet we have a Government that has committed to support, help and ensure that they create employment not only for the young ones but for generations to come.

Madam Temporary Speaker, I support.

**Sen. Orwoba:** Thank you Madam Temporary Speaker. I want to talk to three issues when it comes to domestic workers and the abuse that they are facing.

First, we cannot take away the fact that this is an industry that is needed. As a matter of fact, I heard Sen. (Dr.) Khalwale say that we do not want to send our youth over there to be cleaners. That is not the issue at hand. I just came from the USA through Doha and I found Kenyans who are very proud to be employed as cleaners, ushers, air hostesses and luggage handlers.

There are people who are passionate about these jobs. The issue is not the kind of jobs Kenyans are doing but rather the safety and security of the Kenyans who are working there. That is what we first need to dispel. It is not about going to work there as cleaners or maids. There are people who are very proud of these jobs. This is a hustler nation government. Our policy as Kenya Kwanza is that we ensure that those who have chosen to



be cleaners, luggage handlers, air hostesses, waiters and waitresses, their safety is guaranteed. That is the first thing I want to dispel.

There is an issue that is cropping up in terms of the embassy. Many a times when we get a case from Saudi Arabia, the first point of contact, at least for me as a leader I always ask, have they reached out to the embassy? The first thing you are told is that the embassy is overwhelmed. They have one or two attachés dealing with thousands and thousands of these kinds of cases.

While we are debating this Motion brought by Sen. Veronica Maina, one area to look at as a cure of the problem that we are having is that the embassy or our representation in this region should be aware and alive to the fact that it is not an embassy like any other embassy. It is an embassy that is there to serve thousands of Kenyans going there for work. If it means that we need to put in resources by adding two, three or even 10 attachés to deal with the cases as they come in, then we should be able to do it.

We have government officers who can be seconded over there and trained on what they are expected to do. That is something that can be done right away and we should push for it. As Kenyans, we should be yearning to be importers of labour.

We should stand here in the Senate and say that we are going to grow our industries to the level of this UAE industries. This way, we will also import labour and say that, for example, there are so many Ugandans coming in because our Airline, Kenya Airways (KQ) has grown so big that we no longer have locals who we can hire.

We should be looking at Saudi Arabia as a point of reference in terms of how to grow our economies to the point where we are importing labour.

Look at our ports and how many employees we have. We should try and give perspective of this thing in such a way that we are not necessary encouraging Kenyans to go out. However, we are learning from the fact that there are countries that have so many jobs that they have to import labour. That is why Kenyans are getting on to planes.

The whole domino effect of Kenyans getting on to planes and going to foreign countries is an industry in itself. There is an airline, that should be KQ that should be making money out of exporting these Kenyans to these places for these kind of jobs and opportunities that are there.

There is a different perspective to this whole industry. The perspective should be that, one, we are lacking jobs and that is a fact. This Government is trying to work on creation of jobs through various forums such as the Hustler Fund and by creating new businesses and things like that.

However, we should push more. Perhaps, we should question, how do we scale up KQ so that we can create job opportunities. How do we scale up for instance the Konza City which has been one big elephant? We just need one piece of legislation that forces every other online participant to have a data centre in Kenya.

That in itself would spur thousands of jobs. We can have *Google, Facebook* or three data centres put up. All these people who will be cleaning in UAE, suddenly will have an opportunity to clean at our data centers in Konza City.

So, that is also a conversation that we need to have as we talk about what is happening in Saudi Arabia. This is because, dealing with the immediate issues of our girls and our young people dying in Saudi Arabia is like putting a bandage. However, what is the actual plan to ensure that we do not have Kenyans going out to seek for jobs? We must create jobs. That has to be an end to end thing.

You have to understand that Saudi Arabia is in that position because they have created so many jobs through their industries that they are importing labour. So, how do we do that, as Kenyans?

Finally, I was presented with a case three months ago. They reached out to me and said that there is a Kisii lady who is stuck in Saudi Arabia and the agents allegedly were not offering help.

I put this out to leaders, before you jump in and start castigating the agencies by trying to play politics with it so that you can look like you are the person who is saving the person on the other side, you must ask questions.

The first thing I asked is why is she still there and when did her contract end? I was told her contract ended nine to 10 months ago. I asked when her contract ended nine to 10 months ago, what happened? Did her parents, guardians or whoever sent her, find out why they have not come back home? This is where the story started to become complicated.

Eventually, when we unearthed the whole story, it was very simple. The agents have contracts with employees. When they leave the country, they go on contracts. This does not apply to all of them. I am talking about some of the cases that have not been highlighted.

When they reach there, they finish their contract and they try to get on under the table deal with the employer directly to remove the agent. The moment that is allowed, the employer then understands that this worker is no longer protected and no longer belongs to an agency. Therefore, they can do whatever they want to do with the worker. This is where the stories start going south.

The first thing that we also have to ask is, at the point of the end of the contract, what expectations do we have from the agents and the worker?

For instance, on issues of licensing, if your contracts are ending at a certain period, then as an agent it should be your responsibility to ensure that the person has come back home. If they refuse to come back home, this is the point where you report to the agencies.

If Gloria Orwoba has gone to Saudi Arabia to work through an agent and my contract ends, I should not think that I could make more money by engaging an employer directly and extending my stay without papers. My agent should immediately reports me to the Kenyan Embassy to be tracked because I am staying there illegally and must be removed. If that person does not want to be removed, they will be held accountable when they come to report that they are being mistreated. Kenyans must now see why it is dangerous to remain in a country without a contract. We must also look at it from the other side.

There are so many agents who are genuine and are providing opportunities to Kenyans, fairly, respectfully and with security. However, there are the rogue agents who do not care. Those are the ones we should be targeting. Any agent who is seeking a renewal of their license, should be held accountable by stating the number of people they have taken abroad and how many have come back. If an agent states that there are people who have not come back, they should state what they did about it. They should be asked whether they reported it to the Kenyan Embassy for it to be recorded as a statistic. The agents should state whether they worked with the Ministry of Foreign and Diaspora Affairs and try to bring those Kenyans back home. There is no accountability at this point. If you go with the contract and choose to stay, no one holds you accountable. That is where all the problems begin.

Finally, the issue of the payments being made to Kenya, in terms of foreign remittance, cannot be ignored. We need it. There are families who are dependent on this money. There are families who use the money remitted from diaspora as a source of capital to set up business. The remittances from Saudi Arabia, just like any other money coming from the United States of America (USA), from the expatriates such as doctors who are in India or wherever, this money has the same value as that money.

One of the policies that Sen. Veronica Maina should look into is that; we can control that remittance by saying that a certain percentage of the salary that is being paid to this person must be paid to their Kenyan bank accounts. That way, when my contract comes to an end, I must come home because my money is home.

If I have worked for eight months or more, my money will be available and accessible in my Kenya bank account. If we do that, we can also hold the employers on the other side accountable. This is because the moment they stop paying me in my Kenyan bank account and I have not come back home, then you know there is a deal being done under the table where cash payment are being done and that is where the problem begins.

Madam Temporary Speaker, we need to look into policies that govern Kenyan immigrant workers. This is an industry that should not be shut down. It is an industry like any other and should be regulated.

I beg to support the Motion.

**The Temporary Speaker** (Sen. Mumma): Thank you, Senator.

Sen. Kibwana, you have the Floor.

**Sen. Kibwana:** Asante, Bi. Spika wa Muda. Naunga mkono Hoja hii ambayo imeletwa na Sen. Veronica Maina. Kusema kweli, huu mjadala unatatanisha sana. Tumeona kweli waschana wetu wameumia, wamenajisiwa, wananyimwa pesa na waajiri wao na kunyimwa chakula, wanapokonywa pasipoti na simu zao ili wasiweze kuwasiliana na Familia zao. Hii ni kisa tu cha waschana wale tunaona. Nashuku pia kuna vijana wetu ambao wanalawitiwa na hawawezi kuzungumziwa kwa sababu wanaona haya, ambao. Vijana pia hueenda kutafuta kazi hizo za nyumbani.

Bi. Spika wa Muda, haya ni mateso tumeyaona kwa hawa watoto wetu, dada zetu na ndugu zetu. Kusema ukweli, Serikali ingechukuwa sheria kali dhidi ya mawakala wale wamewatelekeza hawa watoto ama ndugu zetu kule. Lazima sheria iwe kali ili mawakala hao wakamatwe na kuwekwa ndani. Nchi hii lazima iwe na sheria zitakazowezesha kila mtu anayeenda nchi nyingine, afanye kazi na kurudi salama.

Ni miaka mingi sana kuona watoto wetu wanarudi wakiwa maiti na wengine wakiwa na ugonjwa wa roho. Juzi, tuliona Mhe. Sonko akiwaokoa wengine wakiwa in a *comma* na kupata ugonjwa wa kiharusi na kutojiweza kabisa. Kusema kweli, inasikitisha sana.

Bi. Spika wa Muda, juzi tulitembelewa na balozi wa Qatar. Alisema ni kweli ameona Wakenya nchi yao na wanazungumza vizuri sana. Ukifika Doha vile Seneta Orwoba amesema, Wakenya ndio wanakukaribisha kwa furaha.

Mimi pia nimekuwa hapo na kusema ukweli, wale Wakenya niliwapata -kwa sababu kusema kweli Airport ya Doha ni ya Wakenya- kila mtu anakuonyesha furaha. Ilibidi niulize kama ni airport ya Wakenya au wameajiriwa.

Nilipozungumza na hao Waarabu, walisema wanapenda Wakenya. Wao huajiriwan zaidi kwa sababu ya bidii yao ya kufanya kazi na pia kuwa watu wazuri sana. Balozi wa Qatar, Jabor Bin Ali, alipotembelea Bw. Spika aliuliza kwa nini hatujasikia mambo ya

Qatar. Pia alisema kama kuna shida kama hiyo, twende kwa Balozi, tukae chini tuweze kuiangalia kwa kinaga ubaga.

Kila Mara, mimi huuliza kwa nini ni Saudi Arabia peke yake? Kwingine kwaonekana lakini sana ni kwa Saudia na mpaka sasa sijaelewa. Nataka kueleza Seneta Veronica Maina ya kwamba juzi nilikuwa na Balozi wa Saudia aliyerudi tu juzijuzi. Alinipa kadi yake na akalianika kwake kuzungumzia jambo hili.

Kitu cha kwanza nilizungumza naye ni hayo mambo ya vijana wetu kwenda kule na kusumbuliwa, kuadhibiwa na kuuliwa. Alisema labda tukae chini kuzungumzia haya mambo.

Ningetaka kumwalika Seneta Veronica Maina ile siku tutakuwa na nafasi twende naye kwa sababu Balozi wa Saudia amenialika kwake ili tuzungumzie mambo haya. Pia, ningeomba “hustler Nation” kwa hii Serikali ya Mhe. Rais William Ruto itafute nafasi na kupea watoto wetu kazi hapa. Tusiwasumbue sana. Watoto wetu wanaenda kutafuta riziki yao kwa sababu imekosekana hapa.

Tuliambiwa mama mboga na vijana wote watasaidiwa na pia kuna mambo ya “bottom-up.” Serikali hii imepewa nafasi ionyeshe ubingwa wa kupea vijana wetu kazi.

La mwisho, nawapa pole wazazi na familia za wale wote wamepoteza watoto wao na ndugu zao huko Saudi Arabia. Inasikitisha sana kuona maiti ikiletwa kila siku. Kwa nini Saudia Arabia? Saudia Arabia iko karibu na kule sisi Waislamu tunaita Mecca.

Tunashangaa ni kwa nini unyama huu unatendewa watu wetu wetu. Sisi tunajua Wakenya wana bidii katika kazi na wengi wao ni waaminifu. Labda nchi zingine zinalia vile sisi tunalia kwa hawa watu wetu.

Bi. Spika wa Muda, hili ni jambo la unyama na kusikitisha. Tunaomba Serikali ya Kenya na ya Saudi Arabia zitatue haya mambo. Pia, tuone wale waliotendewa unyama wakirudishwa au kulipwa fidia.

Kama umepoteza jamaa wako, pesa haiwezi ikakusaidia. Lakini, hizo pesa zitasaidia wazazi ambao wasichana na vijana wao walioenda kufanya kazi lakini wakarudi kama maiti.

Namshukuru dada yetu, Sen. Orwoba, kwa kutufungua macho kupitia mambo ambayo amelea hapa. Amesema tuangalie mambo mengine ili tujue kama shida hizi zinaletwa na mawakala au kwenye wakaazi wa Saudi Arabia na kazi yao. Ikiwa mikataba yao imeisha, inafaa iangaliwe ili tujue mbona wanakumbwa na shida hizo. . Naomba kuunga mkono Hoja hii.

Asante.

**The Temporary Speaker** (Sen. Mumma): Asante. Proceed, Sen. Murgor.

**Sen. Murgor:** Thank you, Madam Temporary Speaker, for giving me the opportunity to also air my views on this topic. I also want to thank Sen. Veronica Maina for bringing it up.

This is a discussion that has been going on even before some of us came here. This matter was discussed in the previous Senate. This issue has become a puzzle. It is similar to that of which one came first, between the chicken or the egg because there is no end to the topic or the discussion.

I am a Member and Chairperson of the Committee on Labour and Social Welfare and we had an opportunity to sit with the Cabinet Secretary (CS) on Labour and Social Protection this week. The CS is new in the office. She told us that she took notes that were

left with the others and she apologized because she had no input and cannot authoritatively put a finger on the things that need to be done because she is still new in the office.

In conclusion, we realised that there are contributions made by individuals that bring about the situation our children find themselves in. Some of our children sneak and go through agents that are not registered. They do this on their own unaware that they are risking their lives. Their minds are always fixated on the good fortunes that they hope will come at the end.

Along with that is child trafficking that is caused by unregistered agents. When somebody goes illegally to Saudi Arabia, they begin to lose their documentation. Their passports are taken and they end up with no documents when working. When the situation worsens, they run away and become vulnerable to the police and any other situation that takes advantage of them.

It was reported that a large percentage of our young people are working well and making money. We were told that they remit home large sums of money - like Sen. (Dr) Khalwale said report - and that they even contribute to their own welfare kitty while there.

However, we get these reports from a few of them who end up having these problems. It is true that a few of them are indeed suffering. Since the situation there is bad, there are deaths; it must be magnified and reported because when someone is going on well and making ends meet, there is nothing to report about.

However, the few alarming situations that have been reported are about death and suffering. So, the first category is the contribution made by individual girls or boys or mostly girls. The second problem is registered versus unregistered agents. It is like a game of ping pong or volleyball whereby the registered group and the unregistered group blame each other.

So, our children have become victims of the blame game between the two groups of agents. Therefore, we emphasize that the Ministry of Labor and Social Welfare must bring the registered agents to book as to how many they are, how many people they have sent to Saudi Arabia, how many are still there, how many have come back and what kind of jobs they do.

This is because it was reported that Saudi Arabia is very large and even our Embassy is not able to cover everywhere because it is four times the size of Kenya. So, if you have an Ambassador in Riyadh, Doha or whichever major city, they cannot cover other places where our children are.

The other reason was the financial situation in our embassies. It was even reported to us today in the Committee of National Security, Defense, and, Foreign Affairs that our embassies and ambassadors have no money. It was reported that one ambassador is in the hospital because of depression for having no money. His children are not going to school. They have no money at all.

The Ministry of Labour and Social Welfare has also been weakened by the fact that they do not have money such that they are unable to help in responding to the plight of these citizens. The Government should respond to the situation with conclusive action that must be taken now.

I agree with my colleagues who spoke before that this is the time to bring this thing to an end and not debate the issue forever while our children are dying. It must be brought to an end if we want to save our children.

So, we sent the Ministry of Labour and Social Welfare back to go and write a very comprehensive report that will come back to us and we shall thereafter bring it to the House.

I support the Motion so that we can save the lives of our children.

**The Temporary Speaker** (Sen. Mumma): I see no other person interested to speak. I, therefore, call upon the Mover to reply.

**Sen. Veronica Maina:** Madam Temporary Speaker, I thank you for this opportunity. I also thank all the Senators who have supported this Motion with a lot of dedication and sat through the process. These are the kind of Motions that save lives.

Madam Temporary Speaker, if you notice, the final plea that I made was for a resolution that Hellen Kemuto be rescued and brought back to Kenya. I am grateful and happy that Hellen is on her way back since we gave a notice of this Motion. So, this has become a House of action that is causing the right steps to be taken towards saving Kenyans and securing their lives.

All the contributors and Senators who have supported this Motion have enriched the discussions and the debate.

I can only say that I fully agree with them. I now know that Kenyans working in Saudi Arabia and such other locations will henceforth be safe once this Motion is passed and tangible action is taken.

I am particularly happy that the Senate Majority Leader has given the history of the debate that has happened in this House before we came. He told us about a comprehensive report that we need to look at.

I will take the next challenge to look into possibilities of bringing a Bill to this House so that we secure the livelihoods of Kenyans working outside this nation so as to make our Gross Domestic Product (GDP), lives of their families and of Kenyans better.

Madam Temporary Speaker, I once again thank you.

I urge this House that this Motion be passed as prayed.

**The Temporary Speaker** (Sen. Mumma): Pursuant to Standing Order 84(2), I wish to make a determination that the matter does not affect counties.

*(Question put and agreed to)*

The Mover of the next Motion is not here. The Motion is therefore deferred.

## MOTION

### INTEGRATION OF CLIMATE CHANGE EDUCATION INTO NATIONAL EDUCATION CURRICULUM

AWARE THAT climate change is a complex social and scientific issue which is characterized by uncertain and context specific knowledge, demanding that educators engage in inquiry and co-learning with students, while noting the lack of time and curriculum opportunities to address climate change in the classroom;

COGNIZANT OF THE FACT that the Constitution of Kenya in Article 42 provides for the right to a clean and healthy environment for

every Kenyan, which includes the right to have the environment protected for the benefit of the present and future generations;

NOTING THAT Climate change is a global nightmare with consequences that are already quite visible and should be a priority for the national education curriculum, in accordance to Article 12 of the Paris Agreement which espouses the enhancement of climate change education, training, public awareness, public participation and public access to information;

FURTHER NOTING THAT climate change education explores mitigation and adaptation at both local and global level, critical and creative thinking and capacity building that will enable youth to engage with the information, inquire, understand, ask critical questions and take what they determine are appropriate actions to respond to climate change;

ACKNOWLEDGING THAT the Climate Change Act 2016 addresses the integration of climate change into various disciplines and subjects of the national education curriculum at all levels, as well as requiring that the National Climate Council advises public agencies responsible for regulating universities and tertiary institutions curricula on integration of climate change into their curricula;

NOW THEREFORE the Senate calls upon the Ministry of Education in liaison with the Kenya Institute for Curriculum Development to-

1. Mainstream climate change education throughout formal education systems through integrating climate education in the school curriculum to creatively prepare children and young people for a rapidly changing, uncertain, risky and possibly dangerous future; and
2. Train and equip teachers and school administrators with the necessary information and skills to teach climate education and explore new approaches to learning that can contribute to the transformation of unsustainable climate systems, values and routines.

*(Motion Deferred)*

**The Temporary Speaker** (Sen. Mumma): Let us move to the next Motion.

DROUGHT AND HUNGER MITIGATION  
IN TURKANA COUNTY

THAT, AWARE THAT Turkana County continues to experience extremely dry weather conditions with the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) reporting that the aggregate rainfall for the six-month period ending September 2022 represented only 21 percent of the normal rainfall;

FURTHER AWARE THAT the prevailing weather conditions have resulted in the drying up of wells, boreholes, loss of pasture, and crops, therefore rendering any form of farming impracticable;

ACKNOWLEDGING THAT the residents of the County are predominantly pastoralists who keep cattle, donkeys, camels, and goats for food and income, and that the loss of these livestock is a loss of livelihood for them;

NOTING THAT the prevailing drought has resulted in the death of more than half of the livestock in the County thereby pushing eight hundred thousand residents to the brink of starvation and resulting in the highest ever rate of acute malnutrition in the County at 33%;

FURTHER NOTING THAT residents have been forced into migration with their livestock in search of pasture and water which has exposed them to raids by bandits and resulting in children dropping out of school;

CONCERNED THAT droughts have been recorded in the County since the 1960s and that the frequency of their occurrences has progressively increased with drought in the County becoming a yearly phenomenon;

COGNIZANT THAT Article 43 of the Constitution of Kenya, 2010, stipulates the rights of every person to be free from hunger, to have adequate food of acceptable quality, and to clean and safe water in adequate quantities, and obliges the State to provide social security to persons unable to support themselves and their dependants;

FURTHER COGNIZANT THAT Article 11 of the United Nation's International Covenant on Economic, Social and Cultural Rights (ICESCR) places further emphasis on the fundamental right to food and obliges the State to take progressive steps towards achieving full realization of the right to adequate food;

NOW THEREFORE the Senate urges the Ministries of Agriculture and Livestock Development; Water, Sanitation, and Irrigation; Education, and the Ministry of East African Community (EAC), the ASALs and Regional Development through the National Drought Management Authority, to come up with a policy framework to address the perennial drought in the County and to come up with policy programs addressing the current needs of the County to include: -

- i. a roll out of a Rapid Response Initiative (RRI) programme of providing foodstuffs to the affected residents of the County to address immediate critical needs;
- ii. an introduction of feeding programme in schools across the County;
- iii. the drilling of water boreholes; and
- iv. an institution of a livestock off-take programme to buy weak livestock.

**The Temporary Speaker** (Sen. Mumma): The Mover is not here.



*(Motion deferred)*

Next Order.

**ADJOURNMENT**

**The Temporary Speaker** (Sen. Mumma): Hon. Senators, there being no other business on the Order Paper, the Senate stands adjourned until Tuesday, 29<sup>th</sup> November 2022, at 2.30 p.m.

The Senate rose at 6.20 p.m.