

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Thursday, 30<sup>th</sup> July 2015

The House met at 2.30 p.m.

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

### PRAYERS

### PETITION

#### AMENDMENT OF THE CANCER PREVENTION AND CONTROL ACT

**Hon. Deputy Speaker:** Hon. Members, I have a petition seeking to amend the Cancer Prevention and Control Act, 2012.

Hon. Members, Standing Order 225(2)(b) requires that the Speaker reports to the House any petition other than those presented through a Member. In this regard, I wish to convey to the House that I have received a petition, signed by one Solomon Muriungi Mburung'a, requesting the National Assembly to urgently amend the Cancer Prevention and Control Act, 2012.

Hon. Members, in seeking to amend the Act, the petitioner suggests that the National Assembly makes provisions in regard to the following proposals:-

- (i) provision of free cancer diagnosis and treatment of patients;
- (ii) provision of free prosthesis or artificial breasts to all who undergo mastectomy;
- (iii) categorization of cancer patients and survivors as persons with disabilities with a view to exempting them from paying income tax, in line with the Persons with Disability Act, 2003;
- (iv) outlawing all forms of discrimination and stigmatization of cancer patients in public and media; and,
- (v) introducing cancer education in the curricula of secondary schools and tertiary institutions as a way of increasing awareness on this killer disease.

Hon. Members, in accordance with Standing order 227(1), I hereby refer the petition to the Departmental Committee on Health for consideration.

Thank you.

### PAPERS LAID

**Hon. A.B. Duale:** Hon. Deputy Speaker, I beg to lay the following Papers on the Table of the House:-

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The Report of the Auditor-General on the Financial Statements of Machakos University College for the year ended 30<sup>th</sup> June 2014 and the Certificate of the Auditor-General therein.

The Report of the Auditor-General on the Financial Statements of Higher Education Loans Board (HELB) for the year ended 30<sup>th</sup> June 2014 and the Certificate of the Auditor-General therein.

The Report of the Auditor-General on the Financial Statements of The Commission for University Education for the year ended 30<sup>th</sup> June 2014 and the Certificate of the Auditor-General therein.

The Report of the Auditor-General on the Financial Statements of the Constituencies Development Fund (Embakasi Central Constituency) for the year ended 30<sup>th</sup> June 2014 and the Certificate of the Auditor-General therein.

The Report of the Auditor-General on the Financial Statements of Rural Electrification Authority (REA) for the year ended 30<sup>th</sup> June 2014 and the Certificate of the Auditor-General therein.

The Report of the Auditor-General on the Financial Statements of South-Eastern Kenya University for the year ended 30<sup>th</sup> June 2014 and the Certificate of the Auditor-General therein.

The Report of the Auditor-General on the Financial Statements of Kenyatta International Convection Centre for the year ended 30<sup>th</sup> June 2014 and the Certificate of the Auditor-General therein.

The Performance Audit Report of the Auditor-General on the delivery of healthcare services to spinal injury patients by the National Spinal Injury Referral Hospital.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Chairman of the Justice and Legal Affairs Committee!

**Hon. Chepkong'a:** Hon. Deputy Speaker, I beg to lay on the Table the Report of the Departmental Committee on Justice and Legal Affairs on its consideration of the following Bills:-

- (i) The Constitution of Kenya (Amendment) (No.2) Bill of 2015;
- (ii) The Constitution of Kenya (Amendment) (No.3) Bill of 2015; and,
- (iii) The Political Parties (Amendment) Bill, 2015.

**Hon. Deputy Speaker:** Hon. Harrison Kombe, are you on a point of order?

**Hon. Kombe:** Yes, Hon. Deputy Speaker. I sought a Ministerial Statement from the Committee on Lands; unfortunately, six months down the line, I am yet to receive it. I do not know what is happening. Could you ask the Chairperson of the Committee to deliver it?

Thank you.

**Hon. Deputy Speaker:** Hon. Harrison Kombe, I believe you have been coming to this House for many sessions. I wonder when you lastly heard us reading any Ministerial Statement here on the Floor of the House. I am sure you know that we changed the procedure for Statements. They are now directed to Tuesday morning Committee sittings where Cabinet Secretaries appear and present the Statements.

Maybe, you should be talking to the Leader of the Majority Party to find out whether your question or Statement has been scheduled for action by his office. That is where it is and he is the one who coordinates between the Government and the various Ministries on one hand and the Committees of the House on the other. Please, try and acquaint yourself with exactly where

the Statement is, or you may need to rewrite it if it has not been considered since we started this new Session. Maybe, you need to present the Statement a fresh, so that it can be considered under the new arrangement.

Next Order!

## STATEMENTS

### BUSINESS FOR THE WEEK COMMENCING 4<sup>TH</sup> TO 6<sup>TH</sup> AUGUST 2015

**Hon. A.B. Duale:** Hon. Deputy Speaker, pursuant to Standing Order No.44(2)(a), on behalf of the House Business Committee (HBC), I rise to give a Statement regarding the Business of the House for the week beginning Tuesday, 4<sup>th</sup> August 2015.

The HBC met on Tuesday this week to give priority to the business of the House next week. On Tuesday, the Committee of the whole House will consider the Companies Bill and the Private Securities (Regulations) Bill. For the Second Reading, we shall be dealing with the Insolvency Bill and the Insolvency Legislation (Consequential Amendments) Bill, 2015). The House will also continue with Motions of various Sessional Papers, which have been scheduled for debate in today's Order Paper if they are not completed.

Hon. Deputy Speaker, the HBC has taken a conscious decision to also schedule for consideration several pending committees reports and 15 Senate Bills. It is worth informing the House that we had 15 sittings in this Session, and we are remaining with only eight sittings before we proceed for the long recess. On Thursday, there will be a Motion of Adjournment to pave the way for a very short recess, from 9<sup>th</sup> to 15<sup>th</sup> August 2015 in order for Members to attend the Africa Region Conference of the Commonwealth Parliamentary Association.

Regarding the CSs appearing before Committees on Tuesday 4<sup>th</sup> August 2015, the schedule is as follows:-

**Hon. Deputy Speaker:** Hon. Kombe, I hope you are listening to the Leader of the Majority Party.

**Hon. A.B. Duale:** The CS for Transport and Infrastructure will appear before the Committee on Transport, Public Works and Housing at 10.00 a.m. to answer questions from the following, Hon. Kimani Ichungw'ah, MP; Hon. Irshadali Sumra, MP; Hon. Kisoi Munyao, MP; Hon. Kenneth Okoth, MP; and Hon. George Omondi, MP.

The Cabinet Secretary for Health will appear at 11.30 a.m. before the Departmental Committee on Health to answer questions from Hon. Kangogo Bowen, Hon. John Waluke and Hon. Stephen Mule.

The Cabinet Secretary for Lands, Housing and Urban Development will appear at 11.30 a.m. before the Departmental Committee on Lands to answer questions from Hon. (Dr.) Wilberforce Ottichilo, Hon. Phillip Rotino and Hon. Alex Mwiru, who happens to be the Chairperson of the Departmental Committee on Lands.

The House Business Committee (HBC) will reconvene on Tuesday, 4<sup>th</sup> August 2015 at the rise of the House to consider business for the rest of the week.

I now wish to lay the Statement on the Table of the House.

*(Hon. A. B. Duale laid the document on the Table)*

**Hon. Deputy Speaker:** Hon. Chepkong'a.

**Hon. Chepkong'a:** On a point of order, Hon. Deputy Speaker. I rise on a point of order pursuant to Standing Order No.83 as read together with Standing Order No.91. This matter came up yesterday on the Floor of the House. It was raised by Hon. Chris Wamalwa.

**Hon. Deputy Speaker:** Can we have some volume on the microphone? We cannot hear him.

**Hon. Chepkong'a:** It is not my voice that is low, Hon. Deputy Speaker. The volume on the microphone is low.

This is a matter that was raised yesterday by Hon. Chris Wamalwa, the Member of Parliament for Kiminini, with regard to the investigations that were said to have been undertaken in his constituency that appeared to be targeting him with the intention of intimidating and frustrating him in his constitutional function as a Member of Parliament (MP). I took it upon myself, as I undertook yesterday, to discuss with the Ethics and Anti-Corruption Commission (EACC) just to find out whether they have a vendetta against Hon. Chris Wamalwa. They have written to the Clerk. The letter is dated 29<sup>th</sup> July 2015. It is copied to Hon. Chris Wamalwa. He received a copy yesterday. I had discussions with him yesterday.

In the letter, the Commission said that pursuant to its constitutional and statutory mandate, it undertakes investigations on its own initiative or on receipt of reports. The investigations that they undertake are very professional and in total observance of the law. However, with regard to the issues that were raised by Hon. Chris Wamalwa, they confirm, and it is in writing, that they informed him that they had not commenced any investigation against Hon. Chris Wamalwa or in his Constituencies Development Fund (CDF). Therefore, what was stated was not correct in that investigations had not been commenced. However, they have stated that they are undertaking a study/research on evaluation of corruption in devolved funds in Kenya. The study/research is not restricted to a single constituency, county or even region, but is on a selected sample size cutting across the county. This is a research exercise and not an investigation. What is being undertaken by the EACC is not an investigation. To support that, they have attached the status of the evaluation of corruption in the devolved units.

Part of the mandate of the EACC is to carry out civic education with respect to corruption. As a result of that mandate, they undertook the first phase of research starting on 17<sup>th</sup> May 2015, which they concluded on 11<sup>th</sup> June 2015, having interviewed persons in at least nine counties and 21 constituencies. In the first phase, one of the nine counties that they undertook the research in was Kakamega and the constituencies that they carried out the research in were Lugari, Malava, Shinyalu and Butere. In Murang'a County, they carried out the research in Kiharu and Kandara. In Kitui they carried out the research in Kitui Central, Kitui Rural and Mwingi North. With respect to Mombasa County, they did this in Kisauni. In Kilifi they did the research in Bahari and Magarini. This information is all contained here.

The second phase commenced on 27<sup>th</sup> July 2015 and is expected to conclude on 7<sup>th</sup> August 2015. The counties that have been covered in the second and final phase are six. In West Pokot County they have conducted the research in Kapenguria. In Trans-Nzoia they have Kiminini and Cherangany. In Kajiado they did it in Kajiado Central. In Kisii they did it in Bonchari and Nyaribari Masaba. In Isiolo they did the research in Isiolo South. Finally, in Tharaka Nithi they conducted the research in Chuka and Tharaka.

To support that, I have been given letters that have been written to all these offices. One of the sample letters that was received by the Hon. Member for Kiminini, Dr. Chris Wamalwa, was dated 24<sup>th</sup> July 2015. A similar letter went to the CDF Accounts Manager in Cherangany Constituency in Kitale and it is also dated 24<sup>th</sup> July 2015. A similar letter went to the CDF accounts managers in Kapenguria Constituency and Tharaka Nithi County and to the Governor of Isiolo. It also includes governors. It is not restricted to one particular constituency.

What they are undertaking is purely to assist them in their civic education. It was not intended at all to investigate Kiminini. We would like to have it on record that those were purely interviews. It had nothing to do with investigations. I guess your people may have thought that they have now arrived without any notice. Unfortunately, those were just interviews. They are not inimical. It was not intended to cause harm or fear on the part of Hon. Chris Wamalwa.

We would like to have this matter put to rest. I would like to assure him that if he receives any communication that he thinks is unlawful or unconstitutional, he should come back to the Departmental Committee on Justice and Legal Affairs and we will deal with it. For the time being we would like to assure the House that we believe in fair and impartial investigations. There is nobody who will be targeted or intimidated; people will not be vindictive in carrying out their duties as State officers.

I wish to table the document.

*(Hon. Chepkong'a laid the document on the Table)*

**Hon. Deputy Speaker:** Thank you, Hon. Chepkonga. I do not think we need further discussion on that. We sufficiently dealt with it yesterday and I believe that Hon. Chepkonga has given us a clarification.

**Hon. (Ms.) Odhiambo-Mabona:** On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** What is your point of order, Hon. Millie Odhiambo?

**Hon. (Ms.) Odhiambo-Mabona:** Thank you, Hon. Deputy Speaker. I would request your indulgence.

My point of order is not on the issue that has just been raised. I recognise that it might have been raised when I had walked out. I am currently sitting in a meeting of the Departmental Committee on Agriculture, Livestock and Cooperatives. It has been brought to my attention that on the Order Paper annexure, we have a Committee of the whole House for the Fisheries Management and Development Bill. I would request the Leader of the Majority Party to kindly indulge me and listen to what I am saying.

I can see on the Order Paper for Tuesday, 4<sup>th</sup> August 2015 that there will be a Committee of the whole House on Fisheries Management and Development Bill. We had discussed this with the Leader of the Majority Party. I sit in the Pan-African Parliament (PAP) and I may not be here next week, yet I am taking the lead in the Fisheries Management and Development Bill in our Committee. I wanted clarity on the matter, so that I can go back to the Committee meeting. It has just been brought to my attention that the Bill is on the Order Paper.

**Hon. Deputy Speaker:** Hon. Member, what is written in bold on the Order Paper reads “tentative”. The Leader of the Majority Party has just read out the business for Tuesday and I did not hear the mention of the Fisheries Management and Development Bill. However, Leader of the Majority Party, can you clarify?

**Hon. A. B. Duale:** Thank you, Hon. Deputy Speaker. We had a brief meeting with Millie Odhiambo and the Chair of the Departmental Committee on Agriculture, Livestock and Co-operatives. We agreed that we would do the Committee of the whole House on 20<sup>th</sup> August 2015. Next week, as the Hon. Deputy Speaker has said on the Committee of the whole House, we will only deal with the Private Security (Regulations) Bill and the Companies Act.

**Hon. Gikaria:** On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Gikaria, what is your point of order?

**Hon. Gikaria:** On a point of order. Thank you, Hon. Deputy Speaker. I am seeking your guidance and maybe a directive. I sit in the Committee on Implementation as a Vice-Chair. Recently, we looked into the resolutions, petitions and the Executive undertakings. We agreed that the issue which was brought by the President in his State of the Nation Address regarding corruption and the people who were named--- He gave a directive on 60 days. We had sought to summon the Ethics and Anti-Corruption Commission (EACC) officials and the Director of the Public Prosecutions (DPP) to indicate that the Executive directive period is over. There are people who are innocent and others are guilty and when we sought, through the Clerk, to be given some guidance whether we should summon them we were told we could not do that. If you look at Standing Order No. 209(2) it says that the Committee shall scrutinise the resolutions of the House (including adopted committee reports), petitions and the undertakings given by the national Executive, and examine--- It goes on from (a) to (c).

Hon. Deputy Speaker, we were seeking your guidance as a Committee because when we sought to have the officials come to the Committee, we were told by the office of the Clerk that we could not do that. So, we seek your guidance regarding that directive. The 60 days in the President's directive are over.

If you look at today's newspapers, it is said that the EACC is way ahead and it does not know when it will finish this investigation. Does it mean that innocent persons will have to stay away from their offices for as long as the investigations are still being undertaken? And, again if they are guilty, we need to be told the right position, or whether they are supposed to be taken to court and so on. We need to have clarity on the issue.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** I think that is valid. On further examination, it talks about undertakings given by the national Executive. The question will then be: Does the President's Address on the state of the nation treated as a national Executive directive? Can it fall under that category? Before I give a comprehensive answer, let us give it a bit of time; more thought can go into that and we can get a proper ruling on the same.

Hon. Gikaria, you will get a report on Tuesday.

**Hon. (Eng.) Gumbo:** On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. (Eng.) Gumbo, what is your point of order?

**Hon. (Eng.) Gumbo:** Thank you, Hon. Deputy Speaker. Regarding the notice given by the Leader of the Majority Party, allow me to thank him for prioritising the Report on the hire of an aircraft for the Deputy Speaker for a tour of African countries, which was debated and concluded this morning. The Public Accounts Committee (PAC) recently tabled the Special Audit Report on the Judiciary and the Judicial Service Commission (JSC). That Report is generating a lot of public interest. Some of us have received death threats on account of that Report. I would request that it be prioritised, so that we debate and dispense with it, so that it

makes some of us free. It is now looking like bondage and there is too much of unnecessary interest; in my opinion, it is a fairly well-balanced Report. The sooner we discuss and get rid of it, the earlier some of us will be free from an obligation.

**Hon. Deputy Speaker:** That goes to the Leader of the Majority Party to see if he can fit it in the reports schedule, having in mind the time left.

Before we proceed, I would like to recognise in the Public Gallery the presence of some distinguished guests who are from:

1. Kibirichia Primary School, Buuri Constituency, Meru County;
2. Ubarini Primary School, Tharaka Constituency, Tharaka Nithi County,
3. Deliverance Church, Kahawa Sukari and,
4. St. Leonard's Exeter of the United Kingdom.

In the Speaker's Gallery, we have Tengecha Boys High School, Bureti Constituency, Kericho County.

You are all welcome to the National Assembly.

Next Order!

## PROCEDURAL MOTION

### REDUCTION OF PUBLICATION PERIOD

**Hon. A.B. Duale:** Hon. Deputy Speaker, I beg to move the following Procedural Motion:-

THAT pursuant to the provisions of Standing Order No. 120, this House resolves to reduce the publication period of the Constitution of Kenya (Amendment) (No.4) Bill (National Assembly Bill No. 38) of 2015) from 14 to six days.

The reduction of this publication period for this Bill, which has a constitutional timeline of 27<sup>th</sup> August 2015, is vital to this House, since it addresses the gender principle equation. The Supreme Court has given a ruling that Parliament should enact a law to address this matter by 27<sup>th</sup> August 2015 to give effect to the two-thirds gender principle under Article 81(b) of the Constitution. This is in accordance with Standing Order No. 129 which reads:

“A Bill to amend the Constitution shall not be called for Second Reading in the National Assembly within 90 days after the First Reading of the Bill in the National Assembly.”

That means that we reduce the publication period so that the 90 days period begins as soon as possible and that this Bill comes among the Bills that we shall accord an extension time because the 90 day period will not be achieved before 27<sup>th</sup> August 2015.

Hon. Deputy Speaker, without going into the merits and demerits of this Bill, I would like to note that this Bill seeks to amend the Constitution to ensure that the membership of the National Assembly and the Senate comply with the requirement that not more than two-thirds of its members are of the same gender. While the Bill may have similarities with the Two-thirds Gender Rule Laws (Amendment) Bill 2013 that is already before the House, the two Bills have serious differences in context.

I would like to urge my colleagues that the publication period of the Constitution of Kenya (Amendment) (No. 4) Bill 2015 be reduced from 14 to six days as this will allow the Bill to go through the First Reading and then be committed to the relevant Departmental Committee for public participation in accordance with the Standing Order No. 127. This is a Procedural Motion.

The great women of this House treated us to a great dinner in a five star hotel. They did the lobbying, they convinced us and this is the route today. We started the journey from last night. I was not there until 11.00 p.m. but I will ask my good friend and deputy, Hon. (Dr.) Naomi Shaban, to second the Procedural Motion so that the journey to attaining the two-thirds gender principle starts with the Procedural Motion today. I am sure that those of us who go to mosques, churches, and those who do traditional prayers as Hon. Sakaja is telling me here, the two-thirds gender rule that the Kenyan people in the Referendum in 2010 gave to the women of Kenya will be achieved through Bill on which work is starting today.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Naomi Shaban.

**Hon. (Dr.) Shaban:** Thank you, Hon. Deputy Speaker. I beg to second the Bill on realising the gender rule of not more than two thirds of Parliament should be of either gender. The time for publication should have been shortened. It is high time we discussed this. Although the timeline is 27<sup>th</sup> of August, we are still within the time limit, but the time frame should start ticking immediately. It is important for us to go by what the court ruling was.

I beg to second.

*(Question proposed)*

**Hon. Members:** Put the Question.

*(Question put and agreed to)*

## **BILL**

### *First Reading*

#### THE CONSTITUTION OF KENYA (AMENDMENT) (NO.4) BILL

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

## **MOTIONS**

#### PERIOD OF SERVICE FOR SPECIALIZED POLICE OFFICERS

*(Hon. Waluke on 8.7.2015)*

*(Resumption of Debate interrupted on 29.7.2015)*



*(Hon. (Dr.) Shaban walked on the aisle)*

**Hon. Deputy Speaker:** Hon. Naomi Shaban, you are an old Member of the House.

*(Hon. (Dr.) Shaban took her seat)*

Hon. Members, this Motion had been debated and completed. Only putting the Question remained. I will then proceed to put the Question, having ascertained that we are properly constituted.

*(Question put and agreed to)*

*Resolved accordingly:-*

THAT, aware that the Kenya Police Service spends considerable resources on training officers among the cadre of trainees; further aware that many of the police detectives are hired by other Government and private institutions as soon as they acquire the necessary expertise and experience; deeply concerned that this results in delayed, botched investigations and failed conclusion of critical prosecutions plus a high number of acquittals due to perennial shortage of specialized officers in critical departments such as ballistics, forensics, document examinations, fraud detection, money laundering, transnational crime and cyber-crime; cognisant of the fact that private employers are able to offer superior terms, this House urges the Government to ensure that any Regular Police Officer, Administration Police Officer and Prisons Officer who benefits from specialized training at the taxpayers' expense serves in the public sector for at least 10 years before leaving for the private sector or refunds the public funds used in their training, and further that the Government in turn considers proper remuneration, accommodation and welfare of all police officers.

**Hon. Kinoti:** On a point of order.

**Hon. Deputy Speaker:** Hon. Member for Buuri, Hon. Gatobu, what is your point of order?

**Hon. Kinoti:** Thank you, Hon. Deputy Speaker. I am rising under Standing Order No.209 on an issue over which you said you will make a ruling next week raised by the Vice-Chairperson of the Committee on Implementation on Executive undertakings. I wanted to get your guidance on whether the undertakings referred to as National Assembly Resolutions that include the Statements to the House--- Some Statements have been delivered to the House regarding our constituencies like roads that should be done and so on. Unfortunately, the Executive has not honoured those resolutions. So, I am requesting your guidance on whether the Committee on Implementation should, in your ruling next week, be tasked with the role of following up on implementation of House resolutions. I request your guidance.

Thank you.

**Hon. Deputy Speaker:** Has the Committee on Implementation understood the request from the Hon. Member? Statements made in the House concerning constituencies. Is that what you are saying?

**Hon. Kinoti:** Yes, Hon. Deputy Speaker. An instance is a road that the Executive, through the Cabinet Secretary, for Transport and Infrastructure resolved to make two years ago but it has not been implemented. I was wondering whether it is the Departmental Committee on Transport, Public Works and Housing or it is the Committee on Implementation to follow up on Executive undertakings.

**Hon. Speaker:** Okay. So it is a question. The Committee on Implementation only comes after. It is not during the time the task is being done. Please acquaint yourself with that Standing Order on the stage at which the Committee on Implementation comes in.

**Hon. Kinoti:** Yes, Hon. Deputy Speaker. The period has lapsed. In the ruling you have said you will give next week, I was requesting whether you can rule that the Committee on Implementation should come in and scrutinise the matter.

**Hon. Speaker:** Okay. In other words, we also add that to trying to determine whether a Presidential Address is a national Executive pledge and should be treated as coming from the national Executive? You are adding any undertakings given concerning constituencies?

**Hon. Kinoti:** Okay, Hon. Deputy Speaker. I stand guided. Thank you.

**Hon. Deputy Speaker:** I believe our clerks have understood. That shall be done. Hon. Members, we can now move on to the next Order.

## MOTION

### ADOPTION OF SESSIONAL PAPER NO.2 OF 2013

THAT, this House adopts Sessional Paper No.2 of 2013 on the National Industrial Training and Attachment Policy laid on the Table of the House on December 3<sup>rd</sup> 2013.

*(Hon. Sakaja on 8.7.2015)*

*(Resumption of Debate interrupted on 29.7.2015)*

**Hon. Deputy Speaker:** Okay, Hon. Members this is yet another Motion that had been debated sufficiently and was only left with the putting of the Question, which I proceed to.

*(Question put and agreed to)*

Hon. Members, let us proceed to Order No. 12, which is the Committee of the Whole House.

## COMMITTEE OF THE WHOLE HOUSE

*(Order for Committee read)*

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

IN THE COMMITTEE

*[The Temporary Deputy Chairlady  
(Hon. (Ms.) Shebesh) took the Chair]*

THE TRANSFER OF PRISONERS BILL

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Hon. Members, we are now in the Committee of the whole House to consider the Transfer of Prisoners Bill, 2014. We will move very fast because this Bill does not have any amendments.

*(Clauses 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42 and 43 agreed to)*

*(Clause 1 agreed to)*

*(Title agreed to)*

**The Temporary Deputy Chairlady** (Hon. (Ms.) Shebesh): Hon. Members, we are through with the Committee of the whole House on the Transfer of Prisoners Bill.

The Mover can now move reporting.

**Hon. A.B. Duale:** Hon. Temporary Deputy Chairlady, I beg to move that the Committee doth report to the House its consideration of the Transfer of Prisoners Bill (National Assembly Bill No. 23 of 2014) and its approval thereof without amendment.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

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

REPORT AND THIRD READING

THE TRANSFER OF PRISONERS BILL

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): The Chairperson.

**Hon. Washiali:** Hon. Temporary Deputy Speaker, I beg to report that a Committee of the whole House has considered the Transfer of Prisoners Bill (National Assembly Bill No. 23 of 2014) and approved the same without amendment.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): The Mover.

**Hon. A.B. Duale:** Hon. Temporary Deputy Speaker, I beg to move that the House do agree with the Committee in the said report.

I request Hon. Washiali to second.

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

*(Question proposed)*

*(Question put and agreed to)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): The Mover.

**Hon. A.B. Duale:** Hon. Temporary Deputy Speaker, I beg to move that the Transfer of Prisoners Bill (National Assembly Bill No. 23 of 2014) be now read the Third Time. I request Hon. Washiali to second.

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

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Yes, the Leader of the Majority Party.

**Hon. A.B. Duale:** Thank you, Hon. Temporary Deputy Speaker. This is a very great day for the people of Kenya, more so for those whose loved ones are jailed in foreign lands. As I said during the Second Reading of this Bill, so many Kenyans used to accost me in malls and on the streets and they would tell me: “Hon. Duale, you and your colleagues, please enact into law the Transfer of Prisoners Bill”.

This Bill sets the stage for Kenyans who are jailed in foreign lands to be brought back home to spend the remaining part of their jail terms in a prison in their own country, where they can access Kenyan food, their relatives and the spiritual guidance of their country. So, this is a very important Bill.

I want to thank my colleagues in the National Assembly. I am sure the moment the President assents to this into law, many of our daughters and sons who are jailed in China, Asia, Europe and Africa will have an opportunity, under this law, to be transferred to our country and serve their jail terms here. It will also give an opportunity to foreigners who are languishing in our jails to also spend the remaining part of their jail term in a prison in their own country.

I thank the House most sincerely.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Before I give somebody else a chance, let me acknowledge the presence of Kabemba Primary School from Chepalungu Constituency, Bomet County.

*(Applause)*

Hon. Makali.

**Hon. Mulu:** Thank you, Hon. Deputy Speaker, for giving me the chance also to say one or two things on this Bill which has just gone through the Committee Stage. I must join the Leader of the Majority Party in thanking Members of this House for passing this Bill for this country. I plead with the President that the Bill is assented to as soon as possible.

My constituency, Kitui Central, has two or three people who were jailed somewhere out there in this world. We all know that being in jail is not good. It is a bad experience. It is even a worse experience when you are in jail outside your country. Imagine somebody is out there in China in a jail where maybe the language spoken there cannot be understood. So, this Bill is going to go a long way in ensuring that Kenyans who commit criminal offences, or whatever offences, out there and they are jailed, will serve their jail terms in this country, where they can be visited by their relatives. It is not to get out of jail but to get moral support. This is very important.

I support and thank hon. Members for enabling this country get this Bill. Thank you, Hon. Temporary Deputy Speaker, for giving me this chance.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Lelit.

**Hon. Lati:** Thank you, Hon. Temporary Deputy Speaker. I also want to appreciate the passage of this Bill. Emotionally, it is a good thing to unite people with their families, and particularly to bring people home so that they can be visited. It brings a lot of emotional relief to the families and the loved ones; they should not suffer the same way the person in jail suffers.

But on the contrary, we have to be careful because we have given so much discretionary powers to both the Cabinet Secretary and the Attorney-General on how to get these people back; this process should not be misused, particularly in political situations and we end up bringing back only people who are politically correct.

We have also to think about the status of those getting back to Kenya. We are not bringing back to Kenya a foreign student who could not get a ticket to come back to the country. We are actually bringing back criminals, or people who have committed civil crimes. So, they must receive here in Kenya the same punishment they would have received abroad. The only thing this Bill should provide is the emotional relief, so that loved ones of the person who is brought home can have the relief of seeing them, but the punishment that was given abroad should still be enforced here at home, because these will be bad people. We will not just be bringing ordinary Kenyans back.

Thank you, Hon. Temporary Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Oburu.

**Hon. (Dr.) Oginga:** Thank you, Hon. Temporary Deputy Speaker for giving me a chance. This Bill is appropriate and is on time. As you know, the purpose of jailing people is not actually to punish them forever. The purpose of jailing people is to correct them, so that they become good people or good citizens. So, when you jail them in countries where they cannot even understand the local language, the effect of it that the person will come out worse than he was before he was jailed. Therefore, it is very important that we bring these people home with a view to correcting them to become good citizens when they are eventually released.

I know they are people with many problems. The Ministry of Foreign Affairs has sometimes been trying to help some people to come back from friendly countries to be jailed

here in Kenya, but they have been very selective. Sometimes they say that people who have been charged with murder, or robbery with violence, should not be brought back home. The law now makes it clear that citizens have a way of coming to be jailed back at home.

Thank you, Hon. Temporary Deputy Speaker. I appreciate the Bill.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): I see many Members. I do not know whether they want to talk to this particular Bill.

Hon. Kathuri.

**Hon. Murungi:** Thank you, Hon. Temporary Deputy Speaker. I also want to echo the sentiments of my colleagues. Many Kenyans are out there in foreign jails. This is a good opportunity for them to come back home. In some of the countries, Kenyans are suffering in detention, especially in South Sudan. I remember just the other day many Kenyans were detained in undisclosed areas in our neighbouring country, South Sudan. So, as we support Kenyans who are serving jail terms to come back, we should also consider intervening in areas where Kenyans are detained in undisclosed areas for investigations for months and months, especially our neighbour, South Sudan. The Ministry of Foreign Affairs can intervene in such circumstances. Even the President can talk to his colleague, so that Kenyans, especially in South Sudan--- Let me repeat that many Kenyans are suffering in that country, though we are very friendly to these brothers and sisters of ours. The concerned Department of this Government can intervene and set free these Kenyans.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Members, we have ventilated enough on this.

Next Order.

## MOTION

### ADOPTION OF SESSIONAL PAPER NO.3 OF 2013 ON NATIONAL PRODUCTIVITY POLICY

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): The Chairperson Departmental Committee on Labour and Social Welfare, or the Leader of the Majority Party.

**Hon. A. B. Duale:** Hon. Temporary Deputy Speaker, I am not the Chairperson of the Departmental Committee on Labour and Social Welfare.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): You can explain to us whether they are around.

**Hon. A. B. Duale:** It is very sad that in the House Business Committee priority was given and I am sure Hon. Makali Muli, Hon. Sakaja and Hon. Deputy Leader of Majority, are aware that the Chair of the Sessional Paper was notified. Yesterday we reduced the time to speak. I am told Hon. Were is out of the country. I do not know where Hon. Tiyah is, but it is very sad. I think even the Clerk's Office were---

*(Hon. T.G. Ali walked into the Chamber)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): There she is.

**Hon. A.B. Duale:** Hon. Tiyah Galgalo, you are supposed to come and move Order No.13. Are you ready? The Chair must do something because Hon. Tiyah, my very good friend-- I am saying she can put in the card and get ready.

So, the next time you have something on the Order Paper, even psychologically, Prof. Nyikal will say, it is good to sit here, relax and prepare yourself. I am sure my great sister is around. Through the Chair, the Floor is hers.

**The Temporary Deputy Speaker** (Hon. Shebesh): The Chairperson, Committee on Labour and Social Welfare. Go ahead. You have been given the microphone.

**Hon. (Ms.) T.G. Ali:** Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Shebesh): You should remember that yesterday we put time limits on these Sessional Papers.

**Hon. (Ms.) T.G. Ali:** Thank you, Hon. Temporary Deputy Speaker. Yes, I have 10 minutes.

Hon. Deputy Speaker, I beg to move the following Motion:-

THAT, this House adopts Sessional Paper No.3 of 2013 on the National Productivity Policy, laid on the Table of the House on Tuesday, 17th July, 2013.

Productivity is defined as the relationship between input and output in production of goods and services. Socially, productivity is viewed as an attitude of mind, which seeks to continuously improve what already exists. Productivity is also the efficiency and effectiveness with which factors of production are combined and utilised in an economically and environmentally sustainable manner to produce quality and cost-effective goods and services. Kenya has in the past made several attempts---

**The Temporary Deputy Speaker** (Hon. Shebesh): Hon. Member, there is a point of order. What is your point of order, Hon. Oburu?

**Hon. (Dr.) Odinga:** On a point of order, Hon. Temporary Deputy Speaker. The Chair appears to be calling you Chairperson consistently. She did it the first time, I excused her and then she continued the second time. I think she should realise that you are Madam Speaker and not the Chair.

**Hon. (Ms.) T.G. Ali:** Thank you, Hon. Temporary Deputy Speaker. I thank the Member for that correction.

Kenya is faced with a low productivity level, with a total factor productivity index of less than a unit. The country's labour and capital productivity index was between 0.84 and 0.46 respectively in 2009. This is in contrast with the benchmark of productivity index of at least 5 for global competitiveness.

This implies that Kenya has low competitiveness as compared to other countries. She is ranked behind Tunisia, South Africa, Mauritia, Egypt, Morocco, Algeria and Liberia in terms of global competitiveness. Generally, productivity has been incorrectly equated to production that is the only benefit of the employer. It also shows that productivity improvement leads to loss of jobs and it is just a means of working harder. However, productivity is about efficiency in resource mobilisation in the production of quality services and goods. Productivity leads to increased production, available resources and job creation and retention.

The policy scope also addresses the issue of multi-challenges impending productivity and is advancement in an economy under four pillars, namely productivity culture, labour market, development, technological changes and innovations and institutional and legal arrangements.

When we look at the rationale for developing a productivity policy, Kenya has implemented several productivity improvement interventions in the past few years and the current level of productivity remains dismal as it is responsible for the low, unstable and unsustainable economic growth. The previous productivity improvement interventions lacked focus on comprehensive poorly co-ordinated and hardly implemented policies. The country also lacks policy, legal and institutional framework to anchor productivity initiatives, and provide the required impulses for effective productivity management in the country.

When we looked at the emerging issues and challenges, the following emerged:-

1. There is poor productivity culture and work ethics in Kenya.
2. We also realised that there is weak human resource base and a well-educated force, but lacking key skills that could equate to creativity and skill match.
3. We also looked at the weak labour management partnership manifested in poor investment of employees in decision-making.
4. There was poor work environment.
5. There was lack of productivity measure.
6. There was low priority for research and development, which is critical for innovation and inventions.

From the presentation done by the Ministry, the Committee observed the following:-

1. The country level of productivity remains low and this is responsible for unsuitable economic growth.
2. The country also lacks policy and legal institutional framework to anchor the existing initiative and provide the required impulses for effective productivity and management in the country.

Kenya is a country with high productivity organization; for it to spur growth to the next level, we need to produce more quality and cost-effective goods and services with the same amount of resources that are competitive in local, regional and global markets. Productivity has also acted as key driver in economic and growth of newly industrialised countries in Asia, for example Japan, Malaysia and China. The Ministry intends to transform the current Productivity Centre of Kenya into a strengthened National Productivity Council to effectively deal with productivity in the country.

The Committee recommends the following:-

1. That the House adopts the National Productivity Policy as contained in Sessional Paper No.3 of 2013.
2. The Ministry of Labour, Social Security and Services should ensure that our policy:-
  - (a) reflects productivity across all the sectors of the economy;
  - (b) incorporates the aspect of quality in productivity clearly;
  - (c) articulates the objective of the policy.

I ask Hon. Gatobu to second the Sessional Paper.

**The Temporary Deputy Speaker** (Hon. Shebesh): Hon. Gatobu Kinoti.

**Hon. Kinoti:** Thank you, Hon. Temporary Deputy Speaker. I rise to second and highly support the Sessional Paper No.3 of 2013. I take this opportunity first to thank God because Kenya is now realising that the core of its progress depends on itself and not on outside forces. We are really focusing on issues that matter.



I also want to thank the Departmental Committee on Labour and Social Welfare, which I am a Member of, led by the Chair and the Vice-Chair, who has just moved the Sessional Paper. What we did yesterday and what we have done today is of importance to this country. As we noted yesterday, some of the main resolutions that have moved this country forward have been based on Sessional Papers. One of the most popular has been Sessional Paper No.10, which was moved in this House by the late. Hon. Tom Mboya. Yesterday, we discussed the Sessional Paper on National Industrial Training. Today, we are discussing Sessional Paper No.3 on the productivity of Kenya.

As I second this important Sessional Paper, I wish to make a few observations. First, I want to note that Kenya is really behind in terms of the productivity of our people. If this country is to move forward, that will depend on how we use our resources, especially the human resource. In the journey to developing Sessional Papers, and some of the resolutions that we pass in this House, we, as the Members of the Committee on Labour and Social Welfare have interacted with many people across the world. One of the issues that were a big problem was the two-thirds gender rule. The issue of gender being under our Committee, we interacted with some advisors from Norway on this issue. We asked them: "This country appears to have a very stable economy and a social structure and you have oil and the neighbouring countries are also very prosperous like Sweden, what is the difference between the two countries?" They said that Sweden does not have oil but they have been able to build a very strong Gross Domestic Product (GDP), because of just utilising their human resource really well, making them technically very competent people and developing companies like Nokia and so on. Out of that, I wish to note that if only we could empower our human resource to make it more efficient so that--- Currently the productivity level of our human resource is at 2.2. Countries like the United States of America (USA), Japan and so many others are well over 7. If we are at 2.2 and wish to grow our economy, it shows that we really have a lot to do. I wish to thank the Ministry of Labour, Social Security and Services for introducing this very important document in the House and tabling it in the National Assembly. I plead with my honourable colleagues that we approve this Sessional Paper, so that we can devise ways and means through which we can empower the human resource and ensure that our human resource, which is the most important and the strongest resource we have--- To us it means much more than the oil, land, infrastructure and everything else. I believe the core of our competence as Kenya is that we have a qualified human resource. That is why we are attracting a lot of admiration from all over the world. An example is Rwanda. Rwanda was a French speaking country just a few years ago, but now when so many Kenyans have moved there, they have admired our work ethics and they are moving towards adopting English as their official language; there are so many things that they have admired in Kenya. That means we should follow the same trend, especially in our public sector, to make sure that people employed by the Government are not just there to make money, but are there to deliver to Kenyans and to work in every minute for which they are paid. They are there to deliver on the main productivity business that they are given by the Government and the essence of performance contracting and so many other performance measures that make our people stand out as the Kenyans to build the Kenya we want.

Hon. Temporary Deputy Speaker, I beg to second and support the Sessional Paper No. 3 of 2013.

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Members, I hope those whose requests I see have put them to speak on this. I will start with Hon. James Nyikal.

**Hon. (Prof.) Nyikal:** Thank you, hon. Temporary Deputy Speaker for giving me the opportunity to make a contribution on this. Productivity is the main issue of economic stability and the wealth of a nation. The main factors of productivity are basically land, capital and human resource. The other important factors have been mentioned in the content in the Sessional Paper.

We have land and human resource in this country. Capital can always be raised. I am convinced that the growth of this country must be agro based. It is actually the biggest resource we have. If you look at many parts of this country, our agriculture is still backward in many ways. A lot of it is still peasantry and it can neither raise income nor bring foreign exchange.

The other resource is the human labour, particularly the youth and women. This is an area that we have been talking on and off. We are still faced with the issue of lack of skill, particularly among the youth. I have interacted with the youth. We have made effort like the Uwezo Fund but what increasingly comes on and on is the lack of skills for the youth to take advantage of the land that we have and catapult us into modern production.

Again, there is lack of motivation. Our education system has, to a large extent, produced people who come out to seek employment and not to find out how they can use the resources that are available to create livelihoods for themselves. Again, there is lack of support systems. However, I know this Government has made a big effort. It has brought in the Youth Enterprise Fund. We have changed the laws on procurement - I can see Hon. Sakaja, who has led this process where a lot has been done. I still think we need a lot more to be done in this area. Even if we have the Fund, if the youth do not know how to actually use its funds, how to do simple book-keeping, how to use modern equipment in the agro-industry and how to get into value addition, I do not think we will go far.

The other area that I do not think we have done much is the identification of markets. A lot of young people can actually go into production, particularly in the agro-industry area and they are not able to get markets. Therefore, this creation of a centre in this policy is going to go a long way in helping us, particularly the youth, make use of the resources that we have like land, and move towards growing the agro-industry as our take off point in industrialisation.

Therefore, this Sessional Paper is welcome. However, I also say that we have had many policies and Sessional Papers quoted, but a lot of them are actually lying on shelves gathering dust, and have not been implemented. The Ministry has done a good job by bringing this Sessional Paper. However, the most important thing is that immediately we pass it, and I appeal to Members to pass it, the Ministry should immediately put in place a strategic plan of actually implementing it, so that we can benefit from it; I believe we are going to pass it.

With that, I support this Sessional Paper and I think we should pass it.

Thank you.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Ali Rasso.

**Hon. Dido:** Thank you very much, hon. Temporary Deputy Speaker. I rise to support the adoption of Sessional Paper No. 3 of 2013.

Sessional Papers are very important documents, or instruments that provide us with the roadmap to move this country forward to a level where we will be competitive, and able to catch up with the forerunners, or the developed countries of this world. The importance of this Paper cannot really be gainsaid. To an extent, the first paper that we had as a country in 1965 grounded this country in terms of where it should go. Although fault lines which developed in terms of making some parts of this country marginalised because of the focus it had, we really thank those forbearers of our country who provided the impetus from the beginning on how we should move forward as a country.

In this particular one, human capital is the most important resource for any country, industry or any institution. We have been able to provide our human resource to Uganda, Rwanda, Botswana, the United Arab Emirates (UAE) and many other countries.

Hon. Temporary Deputy Speaker, what has lacked for many years are instruments to guide the bureaucrats working in Government and different departments as far as checking the growth of human development is concerned. Over the last few days when the President of the United States of America was in our country, one thing that was clearly demonstrated to the world is the human capital and Kenya being competitive. If we so desire and if we all wake up and do our bit, we will be able to place Kenya among the competitive nations. Without focusing on the human capital production, we will not be able to do that.

With those few remarks, I beg to support. Thank you.

**Hon. Kobado:** Thank you, Hon. Temporary Deputy Speaker for giving me this chance to support this Sessional Paper.

Productivity is about value addition in various sectors of the economy. It can generally be understood to mean reduction in wastage of resources. When we talk about reduction of wastage in resources, we are referring to various resources available to us, including the human, physical, monetary and even time as a resource. Take for instance, the human resource. There is a serious wastage of the human resource in terms of under-employment. Some of those workers have master's degrees, but due to lack of employment opportunities, they are made to do clerical work. That impacts negatively on productivity. Look at the Auditor-Generals' Report on financial impropriety. There is a serious wastage of resources. Funds are not used prudently and there is no accountability. This, too, impacts negatively on productivity.

Productivity is like a diet. It must be balanced and must be sustained. One area that has made this country uncompetitive is productivity. The concept of productivity is that there are two main drivers that reduce productivity, particularly in this country. These are wastage and inefficiency in various sectors of the economy. If productivity is to be successful, then associated human factors must be addressed. I am talking about awareness and attitude. Unless that is done, then this nation is going to lag behind in terms of productivity. The bottom line is enhancement of competitiveness. Look at our products and services. If you are going to deliver a service that is likely to take double the amount of time that you should use to deliver it, then it is already affecting productivity. If you are going to make a product which should be made in ten minutes and then take one hour, it is going to impact negatively on productivity. It is important that this Sessional Paper is here with us.

The only concern I would like to raise as a Member of the Committee on Labour and Social Welfare is that when this idea of productivity was mooted, it was a tripartite arrangement that was meant to include the workers, employers and the Government. The workers are

represented by Central Organization of Trade Unions (COTU), the employers by the Federation of Kenya Employers (FKE) and the Government, the Ministry of Labour, Social Services and Security, which is a tripartite Ministry. We should have involved the participation of those key stakeholders so that we own it. In my view, this was not properly done. Productivity is an attitude. There must be productivity in mindedness. This will involve all the workers in this country at all levels and sectors. Actually, it must be addressed at domestic, sectoral and national levels. It, therefore, means that we have to pull together to be able to enhance and increase productivity in this country. Productivity is a cross-cutting issue. It is not an issue that you would direct to a particular sector of the economy. It is important that this policy paper is before us. We need to pass it so that it can inform legislation. We do not have legislation covering this area of productivity. I am aware that the Ministry was already working on the National Productivity Council Bill. It is important that we have this Sessional Paper so that what is contained in it informs the preparation of the Bill.

With those many remarks, I strongly support the adoption of this Sessional Paper on national productivity.

I thank you.

**Hon. Kitungi:** Thank you, Hon. Temporary Deputy Speaker. Let me also join my colleagues in supporting the adoption of this Sessional Paper No.3. As we know, productivity is very important in the economy. This Paper has given us guidelines. If those guidelines are followed, then we will know that we are moving ahead. The Paper has given us areas where we can improve our production like making our people aware of their productivity. They should be made aware of what to produce, when to produce and where to deliver their products. It is also important to note that while we are carrying out production, the areas of production must also be very favourable to the workers. We are also aware that we should train those people who are producing so that they know what and when to produce. The Paper also gives us guidelines that we should also come up with institutions of training those workers. If this Paper is adopted, I am sure we are going to be equipped in production.

Thank you, Hon. Temporary Deputy Speaker.

**Hon. Sakaja:** Thank you very much Hon. Temporary Deputy Speaker for giving me this opportunity.

First, I want to congratulate the Departmental Committee on Labour and Social Welfare for the time it has spent on a number of Sessional Papers. Those Sessional Papers – and that is what we were just discussing with the Chairman of the Departmental Committee on Justice and Legal Affairs - are very important. That is the exposition of Government policy in those areas. It is from these Sessional Papers that actual legislation, ideally, should be drawn from. Laws should always follow the policy.

This is a very important Policy No. 3 of 2013 because it looks at a key area in our countries economy, which is productivity. Productivity is just a relationship between inputs and outputs in production of goods and services and how to most effectively and efficiently align those inputs to have the best output in a country. We have had a lot of different policies in this country around productivity dating from the 1960s. I was not there but I know the first National Development Plan was the one of 1964 to 1970 and the next one was that one of 1997-2001. The most recent is our blue-print now - the Vision 2030. That is the economic blue-print that even takes into account matters of productivity.

If you look at our country today, Kenya is, indeed, driving the African renaissance in terms of economic matters. I think this is well timed. Just this past weekend, the focus of the entire world has been on this country in terms of seeing Kenya as the new hub for entrepreneurship, innovation and largely productivity. Indeed, we have been doing well. I would like to really congratulate the Jubilee Government because at this point, we have a Gross Domestic Product (GDP) of US\$53.4 billion and per capita income of US\$1,246. We had underrated our economy by 25 per cent. Once it was re-based in September, we acquired middle income status. We have been noted to be one of the fastest growing economies in the world. This is the right time for us to focus on the productivity and in the most important sectors. If you go through this Sessional Paper, there are four pillars that it is looking at. One of the pillars is productivity culture. The second pillar is labour market development where there is the issue of technological change, innovation, institutional and legal framework. It has been done well.

The issue of productivity culture must be addressed in the same way we are trying to address the culture of entrepreneurship. This means that in the entire narrative by Government in encouraging Kenyans to be more productive and to use the factors of production well - whether it is land and whatever resources they have and even infusing this into the education system right from primary school - is just about good stewardship. We talk about being a good steward of what you have in the church. If you are a good steward with the little you have, you get more. That is a culture that must be infused and this is more or less a social issue. It is not even a matter of planning but we must infuse this into the education system such that by the time a child is leaving Class VIII or Form IV, he or she knows that their work is to make the most out of what they have wherever they are. That culture must be addressed. If you look at the productivity even in Government jobs, people, for a long time, used to come and put their jackets on the chair. We used to measure productivity by the number of hours you are in the office. That is self-defeating because as opposed to measuring productivity by the hours you put in, we should measure it by what you are able to bring out.

Hon. Temporary Deputy Speaker, I can see that my light is on. So, I will try to wind up. I wish we had more time because this Sessional Paper is quite big. Let me talk about technological change and innovation. In February, I was in San Francisco as part of a delegation of this House. We went to the Institute for the Future. We know San Francisco as being the Silicon Valley and the home of innovation in the world. Even there, they were realising that the Silicon Savannah - which is what Kenya is now - is giving them competition. In as much as the tools being used in Information Technology (IT) are the same, necessity is the mother of invention.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Your time is up, Hon. Sakaja. Wind up.

**Hon. Sakaja:** I am winding up. I have seen that the light has gone. Because of the need with the tools being the same, the entire world is focussing on our young people. As I wind up, I would like to support this and really congratulate the Departmental Committee on Labour and Social Welfare and the Government for---

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Patrick ole Ntutu.

**Hon. ole Ntutu:** Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to contribute to this Sessional Paper No. 3 of 2013. I rise to support. Before I say a few things, I want to thank the Departmental Committee on Labour and Social Welfare for bringing this Sessional Paper to this honourable House. The economy depends on the

productivity of any country. There is a correlation between labour and growth of the economy of any country. Many times, people in Kenya mistake labour, land and capital. We have those in plenty. When you look at the land mass that we have in this country, it is a lot. If we were to use that land, the economy of this country would grow very fast and become big. We are called a third world country because we are not using it.

Labour is a very important factor of productivity. In this country, we are not using it properly. When you go to most of our Government offices, you look at people just sitting down and reading newspapers because they are just waiting. They ask: "What time is this? Is it time for us to go for a break, lunch or go home?" In fact, we have not even done better in this House. When you look at the chairs, they are all empty. We are supposed to be discussing this very important Sessional Paper. That just tells you if the leaders who are called Members of Parliament are not in the House, the same thing applies to people who are sitting in the offices. They are looking at us and we are not doing it. They will also not do it.

The Chairman of the Departmental Committee on Justice and Legal Affairs, Hon. Chepkong'a, is harassing me. I would wish that he stops harassing me because I am just telling the country the truth. I also want to say that unemployment is caused by lack of skills in Kenya. I must say that the Jubilee Government has tried a lot. This time around, we are building Information Technology Training Institutes (ITTIs) so that we can begin to train our young people. They can get skills and be employed. The problem we have in this country is that we all want to work in the offices - white collar jobs - because we do not want to use our hands and get dirty. We all want to wear suits.

When you visit those western world countries--- I visited China about two years ago. When you look at their factories, people get heart attacks. When you look at the process of making a car, you see that somebody must make sure that everything goes as planned because the moment you relax a little bit, then something will go wrong and, probably, the product that you are trying to get will not be perfect. That is what we want to do in this country. We want to make sure that our people work very hard for raw materials that we want. The same thing applied to our county governments. In the beginning of this year or last year, when we started our devolved governments, so many people were recruited in the county governments. However, today, when you go to those county governments, particularly the offices, you see that nothing is being done. So many people are earning salaries and they are not doing anything. There is nothing that they can say they are producing to help the counties go forward. They are only making the counties to go backwards. So, I want to say that time has come for us to make sure that we use our labour properly. I stand to support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Oburu Odinga.

**Hon. (Dr.) Oginga:** Thank you, Hon. Temporary Deputy Speaker. This is a very important Paper. The history of productivity in this country is long. You remember the first Paper which was written on the productivity of land, labour and capital was Sessional Paper No.10 of 1965 which was titled *African Socialism and its Application to Development in Kenya*. That Paper was good. It called itself African socialism but there was no socialism in it at all because the emphasis of the Government was directed towards productive areas of the country which grow coffee, tea and maize. Our country is composed of more than 75 per cent of arid and semi arid land. There was no policy there to distribute development across the country. When we talk of productivity, we must also take into consideration the policy of equity and distribution.

Productivity is regarded as a return of investment per unit of capital. That is what capital produces when it is invested together with labour and land.

Hon. Temporary Deputy Speaker, labour is a very critical area. We need to be competitive in the world market. If we outprice ourselves in terms of the cost of labour, our country becomes uncompetitive. We have to be very careful when we are negotiating benefits, salaries and remunerations for our people. Countries like India and Japan have managed to catapult themselves almost into the First World. In fact, Japan is ahead of the First World. They have maintained very low cost of labour.

India is a very good example because they are more or less our counter-parts around here. If you look at the cost of paying an engineer in India and our engineers here, the difference is almost 100 per cent. I know some people might say I am anti-labour, but we also want to be competitive as a country. We must maintain a reasonable remuneration for our people, but we must not do it to the extent of out-pricing ourselves out of the international market. Labour is our only advantage that we have. If you look at the world, we are disadvantaged in terms of capital. We do not have that much. Therefore, the only reason why we can attract investors to our country is to make our labour cheap.

Kenya has a lot of trained skills. We still need to train more of our people, but we need to make sure that while we train and create employment, we should keep our labour cost reasonably low.

This is a very important Sessional Paper. It is an improvement of what was there in the past. I hope the Government will soon follow it up with a Bill to concretise some of the very good provisions which are in this Sessional Paper.

With those few remarks, I beg to support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Let us have Hon. Makali Mulu.

**Hon. Mulu:** Thank you, Hon. Temporary Deputy Speaker for giving me the chance. I support the adoption of this Sessional Paper on national productivity, bearing in mind that this is an important policy statement to this country.

The whole essence of this Sessional Paper is to ensure that there is effective production and, at the same time, ensure that productivity issues are managed properly. The end result of that is to have low cost goods and services. Those of us who have a bit of background in economics know that when goods and services are priced in a fair manner, then the cost of living in a country goes down. This is very important for the Kenyans who are in the poverty blanket.

So, it is very important that we support the adoption of this Sessional Paper. I must appreciate what the Committee has done together with the Ministry in coming up with this Sessional Paper. If you do a comparative analysis, you will realize that, as a country, we are not doing very well in terms of productivity. We register very low growth rates compared to countries like Japan. That basically means that our goods and services are likely to be highly priced so as to factor in that high cost of labour because of low productivity. At the same time, it means that you need many more hands to produce the same goods as it would be required elsewhere. It is very important that we support this Sessional Paper.

This country has been having a National Productivity Centre. It is unfortunate that even though that centre has been in existence for some time, it has not helped the country to register high productivity rates. Even as we adopt this Sessional Paper, it is important for us to make this centre to be more active in terms of what it is supposed to do. If it is a matter of supporting it

financially or resource-wise, the Government should go that extra mile to make sure that, that centre is supported. Improving our productivity rates will be very important to this country.

The Sessional Paper is trying to address issues of weak human resource base and weak labour management systems. This is very important in terms of the way we manage our human resource. The fact that the Paper is appreciating that there is need to have that managed properly; that is going to be very good to this country. Another area which is very important to this country is the whole issue of poor working environment. Even as we think about improving our productivity, it is important that, as a country, we should address the issue of the working environment. This is a motivating factor to the human resource in terms of productivity.

As I conclude, as a country, if we are thinking about serious growth and, more so, economic growth, the issue of productivity must be addressed seriously. This Sessional Paper is going a long way in ensuring that, as a country, we achieve that goal. I want to urge my colleagues, the Hon. Members of this House, to adopt this Paper. After the adoption of this Paper, I would want us to move to the next level of ensuring that the policy is implemented. We need to come up with a very clear actionable plan in terms of how we implement this Sessional Paper. Otherwise, it is just going to remain a Paper on our shelves and it is not going to change anything in this country.

With those remarks, I support the adoption of the Sessional Paper.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): I now give the Floor to Hon. Mishi Juma

**Hon. (Ms.) Khamisi:** Ahsante sana Mhe. Spika Naibu wa Muda. Naichukua nafasi hii kuunga mkono Hoja hii ambayo inazungumzia Karatasi No. 3 ya Mwaka 2013 ambayo inazungumzia sera za kuwezesha uzalishaji wa kitaifa. Inazungumzia kuhusu uzalishaji katika kuleta bidhaa ambazo zina bei na pia kuleta huduma njema katika nchi yetu ya Kenya.

Hapo nyuma, nchi yetu ya Kenya ilikuwa katika daraja moja na nchi kama Korea na Malaysia. Hivi sasa, nchi hizi zimechukua hatua kubwa sana katika uzalishaji. Zimekuwa zikizalisha bidhaa zenye dhamani na pia kuweka huduma bora sana katika ulimwengu. Hiyvo basi, tutakapoweza kuratibisha Karatasi hii na kuleta Mswada tutaweza, hata sisi kama Wakenya, kuingia katika daraja ambayo hizo nchi zingine zimeingia.

Katika mambo ya uzalishaji, tumekuwa na changamoto katika mambo ya utafiti ambao kwa Kiingereza inaitwa “research”.

Wakati tutaelekea kuratibisha jambo kama hili na kupata Mswada, tutaweza kufanya utafiti wa hali ya juu kuhusu rasilimali ambazo tuko nazo kama Wakenya. Pia, tutaweza kukusanya rasilimali ambazo tuko nazo ili tuziboreshe na kuzizalisha katika mambo ya bidhaa na huduma. Jambo hilo litatusaidia kujenga ajira na kuzithibiti ajira hizo. Kwa muda mwingi sana, Wakenya tumekuwa tukitengeneza ajira lakini je, ajira hizo tunazithibiti ziweze kuendelea ili watu wetu wafaidike?

Jambo hilo litatuwezesha kuepukana na changamoto kama hii ambayo tuko nayo. Pia, katika kuangalia mambo kama haya, hapo awali, tumekuwa na mikakati fulani kama vile Shabaha 2030. Jambo hili la Shabaha ya mwaka 2030 ni jambo ambalo, kwa hivi sasa, kama tungekuwa na mikakati mizuri katika uzalishaji wa huduma na bidhaa, tungekuwa tuko katika hali ya karibu kulifikia. Hivyo basi, hatujachelewa. Tukiendelea na jambo kama hili, tutaweza kufikia shabaha yetu tunayoitaka.



Vile vile, tunaona ya kwamba kama nchi, tumekuwa na changamoto kadhaa katika kuboresha uzalishaji wa bidhaa na huduma katika nchi yetu. Changamoto ni kama kujua teknolojia na kuambatana na teknolojia ya kisasa. Tunaona kuwa nchi ambazo zimestawi kiuchumi zimeweza kuingia katika teknolojia ya kisasa na kufanya uzalishaji katika mambo ya bidhaa na hata katika huduma. Ukitembea katika nchi kama China hivi sasa, utaona katika kijiji fulani pengine wana kiwanda cha kutengeza vibiriti, vijiko na vinginevyo. Hii yote ni kwa sababu wamekuwa na mikakati na wamekuwa na sera mwafaka ambazo zimekuwa katika kila sekta katika nchi yao. Tukiiga hayo, tutaona ya kwamba tumeboresha hali yetu ya uzalishaji katika huduma na bidhaa ndiposa mambo ya kusema kuwa hakuna ajira kwa vijana wetu litakuwa ni swala ambalo litazikwa katika kaburi la sahaa.

Vile vile, katika hali ya kufanya mambo kama hayo, tutaweza kuboresha taasisi zetu zinazohusika na kuboresha uchumi wa nchi yetu. Tutaboresha taasisi zetu, miundu misingi na hata kuangalia njia za kisheria ambazo zitakuwa zinatusaidia katika kufanya mambo kama hayo.

Naomba Wabunge wenzangu wote, tulizingatie jambo hili. Hata juzi, Mheshimiwa Obama alipokuwa hapa, alisema kwamba Kenya imesonga na inaendelea mbele. Katika kuendelea mbele, mambo kama haya ambayo yalikuwa ni changamoto ni lazima tujue tutaweza kuyaratibisha vipi. Pale ambapo tulikuwa tumezembea tuweze kuhakikisha tumebadilisha na nchi yetu iendeleo mbele. Tunajua kuna watu wengi na wanafunzi wanaosoma, wanafika vyuo vikuu na wanapata shahada. Lakini utapata kuwa mtu anapata shahada lakini hataki kufanya kazi ambayo inaweza kuboresha ajira ama inaweza kutengeneza bidhaa ambazo ni za thamani katika nchi yetu ili ziende katika masoko la ulimwengu.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Your time is up. Hon. Naomi Shaban.

**Hon. (Ms.) (Dr.) Shaban:** Thank you, Hon. Temporary Deputy Speaker. I also stand up to add my voice to congratulate the Departmental Committee on Labour and Social Welfare on the Report on Sessional Paper No.3 of 2013 on the National Productivity Policy.

Whereas it is very good for the Government to have a policy on this, I have a few concerns on the issues which have been affecting our country, where productivity is concerned. If you look at the productivity index, it is less than one and to be competitive globally, you require an index of, at least, five. That is of major concern. When we are ranked, you find that countries like South Africa are ahead of us and yet, most of the professionals that they use, considering that the country came from apartheid, are from other countries and, more so, from Kenya. We have had a major brain flight from here to those countries and they are benefitting from our people. This Policy Paper should have also gone ahead to look at ways and means of making sure that we do not just train, but we also retain our people and our human resource is retained here, so that we can make use of them. It is not a wonder that people who are so well-trained locally have ended up building the productivity of other nations. Those are the major challenges that we are facing.

I believe that Kenya is now moving in the right economic trajectory. As we move in the right economic trajectory, we need to see our professionals well utilised. It is not a secret that Kenya is an agricultural based country and yet, the number of agriculturalists that we train is not enough. Even the few that we have, have been taking off.

On the other hand, in the health sector, you cannot have a productive nation if you do not have healthy people. We have all our professionals and, more so, doctors and other medical

professionals in the medical department being trained and taking off from our country simply because we are not absorbing them. We require them to work within this country and yet, at the same time, we are not absorbing them as fast as they are being trained and, so they are forced to run elsewhere and give their services. We can only work so much but we need to look at how we are going to retain our human resource for us to be productive maximally.

I thank you and I beg to support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Members, the time allocated to this Motion is over. I, therefore, ask the Mover to reply.

**Hon. (Ms.) T.G. Ali:** Hon. Temporary Deputy Speaker, thank you for giving me this opportunity. I take this opportunity to reply.

First, I want to thank the Members for supporting this Sessional Paper. We have not had any Member speaking against this particular Sessional Paper. The issues that were raised by some of the Members, which include the issue of the productivity index of Kenya, are also worrying. The Ministry and other stakeholders will be able to look at this and ensure that we, at least, improve with the passage of the Policy Paper. The economy of this country also depends on the productivity that we have in this nation.

I thank all of you and urge the House to pass this particular policy.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Members, I will defer putting the Question due to obvious reasons. We can move to the next Order.

## MOTION

### ADOPTION OF SESSIONAL PAPER NO.4 OF 2013

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Chairperson of the Committee.

**Hon. (Ms.) T.G. Ali:** Thank you, Hon. Temporary Deputy Speaker. I beg to move the following Motion:-

THAT, this House adopts Sessional Paper No.4 of 2013 on the Employment Policy and Strategy for Kenya, laid on the Table of the House on Tuesday, September 17, 2013.

This Sessional Paper No.4 of 2013 is on Employment Policy and Strategy for Kenya. I want to give a small background for Members to understand more about this particular policy. Aspirations of Vision 2030 are dependent on the ability of the country to create and nurture a competitive and adaptive human resource base. All the three pillars of Vision 2030 are anchored on existence of a skilful, productive, competitive and adaptive human resource base. The creation of productivity employment opportunities is very central in terms of achieving Vision 2030 goals.

The existing legislations, for example, the Constitution of Kenya 2010, the International Labour Organization (ILO) Convention, Target 1 (b) of the Millennium Development Goals (MDGs), the ILO Global Job Pact of 2009 and the East African Community (EAC) Common Market Protocol advocate for creation of full, productive and sustainable employment opportunities for any country.

Kenya has had many employment creation interventions before but, despite all those, the employment, under-employment and working poor remain a challenge in Kenya. Kenya's

employment challenge is manifested in terms of 12.7 per cent of open unemployment rate, 21 per cent of under-employment, 46 per cent of working poor and 750,000 new entrants in the labour market. The rapid growing youth population or increased rapid youth population of 67 per cent of the adult population also indicates that the slow rate of job creation has put a lot of pressure on the labour market and there is an urgent need for intervention to address this pressure.

Hon. Temporary Deputy Speaker, promotion and full employment is a priority in a nation's socio-economic policy. It enables an economically active population to attain and sustain livelihood through full productive and free chosen employment. The objectives of this employment policy are as follows:-

1. The proposed policy will help in terms of comprehensive strategy to encounter employment.
2. It will promote full productive and decent work that will enable those willing to work and secure jobs.
3. The creation of decent employment opportunities.
4. To build a pool of skilled adaptive self-reliant and enterprising labour force.
5. To improve labour market efficiency.
6. It will strengthen the labour administration system and social dialogue.

Hon. Temporary Deputy Speaker, having gone through the employment policy document, there emerged some critical challenges, namely:-

1. Low unsustainable economic growth – this has already been said during the discussion we had earlier on.
2. Limited growth and development of micro and small enterprises.
3. Unexploited potential of social and solidarity economy.
4. Low levels of productivity and competitiveness and technological gaps - the previous sessional papers have already indicated that.
5. Weak linkages between education, training institutions and industry.
6. Non-integrated industrial training and attachment systems.
7. Un-coordinated administration of labour migration - we know that quite a number of our unemployed people have gone out there and they have had quite a number of issues.
8. Gender inequality.
9. Weak framework for elimination of child labour and trafficking of persons.

Hon. Temporary Deputy Speaker, there are quite a number of proposed interventions in this particular policy; namely,

1. Re-energizing the sectoral growth to exploit the potential of the social and solidarity economy.
2. To establish and maintain labour market information system which is currently lacking.
3. Strengthened the framework for elimination of child labour and trafficking of persons.
4. Scaling up of best practices from past employment creation intervention and establishment of the National Employment Authority that should deal with matters of actualising the policy.

The Committee's observations on this policy are as follows:-

1. A strong dynamic and responsive labour and employment sector is critical in catalysing and driving the transformation required for employment of Vision 2030.
2. The Constitution advocates for decent work in accordance with human rights conventions. However, high unemployment rate currently estimated at 12.7 per cent is a major challenge.
3. Employment creation interventions in the country have to be comprehensive, coordinated and robust enough to significantly contribute to the employment creation.
4. There is need for an integrated policy framework based on focus strategies and strong institutional and legal foundation which should be a mandate of an established authority to deal with employment issues.
5. The Committee proposes establishment of the National Employment Authority to be a leading agency in coordination and actualisation of the policy.
6. A policy to place more emphasis on minimising the employment of foreigners particularly in sectors where skills are available locally.

The Committee's recommendations are as follows:-

1. That the House adopts Sessional Paper No. 4 of 2013 on the National Employment Policy and Strategy for Kenya.
2. The Ministry of Labour, Social, Security and Services should:-
  - (a) Develop a policy implementation plan specifying sectoral and annual employment creation targets, responsible institution reporting mechanisms and timelines.
  - (b) Develop a national time bound action plan for implementation of an employment policy and cascade the policy to the county levels.
  - (c) Place more emphasis on minimising employment of foreigners particularly in sectors where skills are readily available.

Hon. Temporary Deputy Speaker, I would like to request Hon. Oyoo to second.

**Hon. Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Oyoo!

**Hon. Oyoo:** Thank you, Hon. Temporary Deputy Speaker. Being a member of the Departmental Committee on Labour and Social Welfare, I would like to take this opportunity to second this Sessional Paper No. 4 of 2013.

Hon. Temporary Deputy Speaker, it is a very ambitious program. It will help the Government to spruce up its policy on employment. Currently, we are not doing very well as far as employment is concerned. I believe this will give the Government the necessary gadgets to know the unemployment indexes as compared to other countries. Recently, I toured Switzerland in a delegation and a challenge was posed to us by our counter-parts. They were very inquisitive why Kenya, which at one time was at par with them, has more than 70 per cent unemployment ratio while they have reduced theirs to 13 per cent. They were sort of reducing this to massive corruption in our country. However, because when I am outside the country I am a Kenyan and neither Coalition for Reform and Democracy (CORD) nor Jubilee, I told them that they only happened to move higher than us because of massive corruption on their side. That is because many African leaders steal money and keep it in their country which they use to do business.

Hon. Temporary Deputy Speaker, back to the subject, I think this Sessional Paper will help the Government to read proper indexes in good time. I hope the players will use it to make sure that proper regulatory measures are taken. What is consternating however is that as much as I support this Bill--- I want to reiterate what I said yesterday when we were discussing Sessional Paper No. 2 and it went on record. In future, we should learn from example. President Obama was our guest the other day and he showed us in practice what patriotism means when it comes to America. We should ape that as Kenyans. We know very well that Obama is a democrat. However, he came here with a plane full of Senators and Congressmen from across the divide of the American politics. Therefore, in Kenya, we must learn from this policy and also the spirit of inclusivity. Whatever you do, whether you differ with somebody or you do not want him for reasons best known to you--- If you think Jubilee has something to offer, you should ape it. I am very happy that President Uhuru has shown by example because recently, he poached one of us, Maj. Gen Nkaissery, who was a good brain from the CORD coalition. He has already made a difference and we can see that across the board. This Sessional Paper is very ambitious for this country. The Ministry of Labour, Social Security and Services is a tripartite Ministry.

There is nothing a serious Cabinet Secretary for Labour, Social Services and Security, who wants to run the country and achieve serious industrial harmony for His Excellency who has employed him, that will cost him in involving Central Organisation of Trade Unions (COTU) and Federation of Kenya Employers (FKE) in whatever aspects of this nature that he needs to undertake. But, as at the time of us debating these Policy Papers, both COTU and FKE, who are the umbrella workers body, were not brought on board. Their sentiments are not factored into this. I believe it is not late and we will still call them as a Committee on Labour and Social Welfare and anchor their feelings and, if possible, bring some of their feelings and amendments in this House. In future, we should learn the policy of embracing all, regardless of whether we differ with somebody in Jubilee. If he or she is better at something, bring him or her on board.

In the same vein - and as the Committee on Labour and Social Welfare - I want to say that we did all we could to spruce up the Paper. It is a good Paper. We should push it albeit giving room to both FKE and COTU when the time for amendments comes.

Thank you very much. I wish to second.

*(Question proposed)*

**Hon. Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Francis Nyenze.

**Hon. Nyenze:** Thank you, Hon. Temporary Deputy Speaker, for giving me this chance to contribute to this very important Motion. I support it. I want to say that productivity is defined as a relationship between inputs and outputs of the production of goods and services.

This country has been compared to the tigers; the countries of South East Asia such as Malaysia, Singapore, Thailand and so forth. A lot has been said about them; that we were on the same footing with them when we attained our Independence. But, somehow, we have been overtaken and our growth has stagnated. Various reasons have been given. One, there is a lot of corruption. Another problem is mismanagement. Another one is lack of focus and management of our labour. This Sessional Paper No.4 has a very good policy and strategy. If it is well implemented, it would move Kenya from the level it is to achieve productivity, efficiency and effectiveness so that our goods can become very competitive in the international markets.

For us to achieve that level of productivity, we have to create awareness amongst Kenyans. They have to be conscious about labour management and how we can make our products competitive in the world.

If we manage our labour properly after we adopt this Sessional Paper No.4, Kenyans will attain higher living standards. We will increase our per capita income like those tigers of South East Asia which were at par with Kenya at Independence. Our exports will be competitive in the world market. Today, we are talking about the labour market that is not properly regulated. It is not very competitive. When developed countries are working on robots and other gadgets to improve productivity and to fill in the gap where they have a shortage of work-force, most of our products are exported raw. We do not add value and that is why we get very small incomes from our exports. The products are exported when they are raw. We have to increase our exports. Most of them, because of training a good labour force, will improve the economy of this country. The Sessional Paper on National Productivity contains specific measures that, if undertaken, will address the past weaknesses that we have witnessed before. It will create productive and sustainable jobs. We will have rapid economic growth and most of the Kenyan labour force that goes to the market will get jobs.

I want to say that in order for us to succeed in this policy, we have to promote national values. We have to be very focused, modernize the labour management and make sure that Kenya's low productivity is changed. We have to embrace a paradigm shift and improve in areas where we are weak. The weak---

**Hon. Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Your time is up. Hon. Ali Rasso.

**Hon. Dido:** Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity.

**Hon. Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Ali Rasso, please, give me a minute.

Hon. Wamunyinyi, please, put back your intervention card into its place. It disappeared when you were to be given a chance. Just press.

*(Hon. Wamunyinyi inserted his card in the Intervention Slot).*

Yes, that is fine.

**Hon. Dido:** Thank you very much, Hon. Temporary Deputy Speaker, for giving me this opportunity. I rise to support the adoption of Sessional Paper No. 4 of 2013. The import of this Paper is that it provides a policy framework upon which both employers and employees are able to see fundamental rights of institutions and employed individuals.

It is quite worrying sometimes under what policy individuals are employed by industries or institutions in Kenya. You can only realise the problems when you go to listen to what actually goes on at the Industrial Court. Because of lack of that policy framework, individuals are employed without any memorandum or papers signed and they are fired by the employer at will. I believe this Sessional Paper gives us a way forward.

The other area that is really important is equal opportunity in employment and the comprehensive strategy. I think it is Karl Marx who said: "Everybody according to their abilities." That is how people should be paid and rewarded.

If you look at one of the major employers or institutions, it is teaching. Whereas you find that teachers are well remunerated and are among the best paid civil servants in those countries, we may not say as much in our country.

The other area that this Paper alludes to is the area of decent employment opportunity. This is very important because I think 70 per cent of the Kenyan work-force does not work in high paying jobs. Sometimes, they do the back-breaking jobs. That is why it is important for this House to examine such a document with a tooth-comb so that we can be able to look after our labour force.

The other challenge we experience in our country is the employability in terms of the relevance of the Kenyan education system to the job market. The other challenge is in the area of labour migration. We are all aware of Kenyans who go to work in places like the Middle East where there are many complaints. With this Sessional Paper, the Ministry of Labour, Social Security and Services will take cognizance so that Kenyans working out there are not wasted.

Hon. Temporary Deputy Speaker, I beg to support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Wamunyinyi.

**Hon. Wamunyinyi:** Thank you very much, Hon. Temporary Deputy Speaker, for giving me the opportunity to contribute to this Sessional Paper. This is one of the important papers that have been brought before the House. It seeks to set up the framework for addressing issues and weaknesses which have been witnessed in the past in order to enhance productivity and competitiveness.

This country has been evolving and we must move towards ensuring that we are able to compete effectively with the international community. As a growing economy, clear strategies are necessary for the realization of desired results and goals. The enhancement of livelihoods of our people will result from clear objectives and implementation plans. It is, therefore, important that this Paper is in place and followed to ensure that we realize what we want to achieve. A number of issues have been raised including Vision 2030, job creation, productivity and enhancement of efficiency in order to have our people lead better lives, *Mheshimiwa* Temporary Deputy Speaker. More specifically---

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

**Hon. Wamunyinyi:** No! Do not worry, *Mheshimiwa*.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Sakaja, I suspect I know what you want to raise.

**Hon. Wamunyinyi:** Let me get back to the point, Hon. Temporary Deputy Speaker. I also know what he wants to raise.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Sakaja, what is your point of order?

**Hon. Sakaja:** Hon. Temporary Deputy Speaker, because we are a House of procedure and rules, if we allow such things to go on, they will become the norm. Is the Member in order to use two languages by referring to you as *Mheshimiwa* while he is contributing in English? Could he kindly stick to one language? I do not like interrupting him because he is a fellow bearded Member.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Wamunyinyi, actually, I wanted to correct you on that. Please, refer to me as Hon. Temporary Deputy Speaker.

**Hon. Wamunyinyi:** Thank you, Hon. Sakaja. In order for this Paper to succeed, it will be important for us to be guided by principles. Those will include promotion of national values, focus on customer total quality improvements including in the *jua kali* sector, innovation in management and technology, the requisite investment in research and development (R&D), fair redistribution of productivity gains and modernization of labour and management. For us to get this done, employee involvement and human resource development are necessary. Some of the policies that are provided in this Paper are directed at the issues and principles that I have just mentioned.

Kenya's low level of productivity can be attributed to various factors. Those include lack of productivity consciousness and awareness, a weak human resource and lack of marketing of our personnel. We have qualified people in this country, but we have not been able to support them, particularly on the international scene. The other countries, even in the East African region like Uganda and Rwanda, fight for their people in positions within the region and in organizations such as the East African Community (EAC), African Union (AU) and other blocs. So, this policy paper will go a long way in ensuring that we put things in order and place the country in a competitive position.

With those few remarks, I support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Wanjiku Muhia.

**Hon. (Ms.) Muhia:** Thank you, Hon. Temporary Deputy Speaker. I stand to support this Sessional Paper. I am glad this Paper is here because we are all aware of how skilled labour has not been marching with the opportunities in this country. Time and again, we have had cases of abuse and mistreatment mainly of our girls who go for domestic jobs in Saudi Arabia and other Arabian countries. That is because of few opportunities available in the country. With this Sessional Paper in place, we will have a data-base which will create harmony and enhance coordination. It is not so clear why we lack opportunities to the extent that our girls have to go to Arabian countries. If that data-base was there, I want to believe that Kenyans would visit it and get the available opportunities.

At the same time, this Sessional Paper will address the challenge of employability that we face in our country today. Graduates have very beautiful papers, but when you employ them, they hardly perform to the expected level. As a result, employers have continued asking for experience, which again locks out our fresh graduates from getting jobs because they hardly have work experience. So, we want those people to be employed and show the results of what they can do. This will be made possible through the regulations to be put in place. I want to imagine that this will be done through collaboration with the Ministry of Education, so that they can be advised on what can be included in the system so that fresh graduates can demonstrate their abilities when they are employed.

This shall save our country from insecurity that is caused by radicalization. Many graduates look for jobs without success. As a result, they engage themselves in illicit brews. That is a disturbing challenge on a daily basis. Others go ahead and engage in evil Al Shabaab activities. If that data-base was there, even if the students have graduated and have not got any opportunities, they would have hope. That is because they would be seeing students who graduated ahead of them securing opportunities. Lack of hope is the reason why those young men and women are engaging themselves in Al Shabaab activities.



This is one of the best sessional papers that have been presented in this Parliament. Opportunities could also be available if the Government provided exciting opportunities for the graduates to be self-employed. I want to see entrepreneurship opportunities for those who do not opt to go for white-collar jobs. Today, some professionals do not get into entrepreneurship by choice because they lack opportunities. With that, I support this Motion and await the day it will become law.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Nicholas Gumbo.

**Hon. (Eng.) Gumbo:** Thank you, Hon. Temporary Deputy Speaker, for giving me the opportunity to contribute to this Motion which is on the Adoption of Sessional Paper No.4 of 2013. As I contribute to this Motion, let me say it is a good attempt. The only problem I can see is that I did not hear particular mention with reference to Article 232 of the Constitution which is very clear on the values and principles of public service, particularly with issues to do with high standards of professionalism efficient, effective and economic use of resources. Representation of Kenya's diverse communities and affording adequate and equal opportunities for appointment for training and advancement at all levels of public service on men, women, members of all ethnic groups and persons with disabilities.

This is very important. Part of the problem we have had in this country - and it was adequately addressed during the conferences that went on during the weekend - is the problem of inclusivity in our country. That was the intention of Article 232 of the Constitution. As it has been said eloquently by my good friend and MP, Hon. Onyango Oyoo, the involvement of labour organizations particularly the Federation of Kenya Employers (FKE), Central Organization of Trade Unions (COTU) and even the new labour unions and human resource experts is very important.

I am glad that this policy finally wants to tackle the issue of employment of foreigners. It is true we cannot live as an island. We have to work and employ citizens from other countries. One of the biggest problems I have noticed in this country, particularly in professional cadres, is that you get people who are not qualified coming here and taking jobs which can be done by Kenyans. It should be clear that, as much as we open our arms to people from outside because we also need Kenyans to be employed in other countries, please, let it be for only those services that cannot be found locally. It has been very disappointing for those of us who are in professional fields to get outsiders coming here particularly, from the so-called developed world as technicians. They start working as engineers and architects and thus, taking up big jobs. Some of those big jobs here in town are held by people who masquerade as architects, engineers and quantity surveyors. Initially, those people found their way into this country as technicians. This is wrong and this policy must address that so that we account for all the foreigners who are working in our country, and particularly those who offer professional services.

We are at a level now where Kenya has an over-supply of professionals. It is wrong for us, instead of nurturing our own professionals, to get masqueraders coming here, some merely because of the colour of their skin, taking up jobs which should be taken by Kenyans. This is something that we have to speak about very courageously because the problem shall always be ours. Most of those people do jobs which Kenyans can do. They take the money out there and, at the end of the day, we lose the wealth of our country.

We must also solve the problem of the so-called “sacred cows”. I have seen a tendency in this country where you find somebody sitting in more than four boards. I have seen a tendency in this country where somebody is a lecturer, she is a chair of a parastatal and the husband also sits in another board. Honestly, what are we trying to do here? It is happening. We need an audit to find out. If my wife already sits on a board, why should I also be sitting on a board of a parastatal? Those are the disparities which make Kenya look like there are not enough jobs for everybody.

As I conclude, it is for Kenya to find its own league. As a Kenyan, I was very disappointed when the job of the President of the African Development Bank came and Kenya was not in the mix. Even small countries like Cape Verde were there. I know that Kaberuka was from the East but let us get in the mix. I want to see Kenya vying for the post of Vice-President of the African Development Bank.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh: I now give the Floor to the hon. Johnson Sakaja.

**Hon. Sakaja:** Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity again but now to speak on the Sessional Paper on Employment Policy and Strategy for Kenya.

This is a matter that is, indeed, very close to my heart and I have proposed legislation that draws from this particular Sessional Paper. My Bill, the National Youth Employment Authority Bill, has passed the Second Reading. I was just being asked now how my Bill came before this policy. This policy paper was tabled in September 2013 and I have been reading it ever since. It is now on the Floor. It has now overtaken it and everything will come together.

The Sessional Paper is well done. It touches on all the important issues that we need to look at when it comes to creating employment opportunities in this country. We have a working age of around 20 million Kenyans and a very high unemployment rate. Our unemployment rate, in fact, is one of the worst in the Continent. All efforts must be made to address the issue of unemployment. Even as we tackle different challenges in this country, for example, insecurity, I just would like to let Members know that the biggest threat to this country is not Al Shabaab. The biggest threat to this country is disillusioned idle and unemployed young people who have no hope. That is the biggest threat to this country. That provides fodder for all of those other ills in society that we are trying to fight. If we think the cost of addressing that is high, the cost of not addressing it is much higher. There are many young people across this country that have no hope that they will get an opportunity.

Part of the problem is within our education sector and I am glad that the Sessional Paper talks about the linkages between education, training institutions and industries. Many of our young people are studying courses that are just postponing the unemployment because no one is employing people in those courses. Even when you go earlier, I can tell you, for example, two years ago, 400,000 students did the Kenya Certificate of Primary Education (KCPE). But if you go back eight years in 2005, there were 1.3 million who joined Class I. Only 400,000 did the KCPE. Where did the rest go? Of those 400,000, I am sure it is less half who got chances in Form One. Because of our inadequacy and lack of investment in education, every year we tell so many young people that they are not clever enough to go Form I from Class VIII because we have not invested in building classes. I am sure Members will attest that each and every primary

school in rural areas has space for a secondary classroom but, because we have not done that, we let children get out of the system in primary school. Those who fall out before Form IV are very many and that is why I support what this Sessional Paper is talking about in terms of the retention and the transition rate going up to 100 per cent. Unless we do that, a child at Class VI cannot decide whether he wants to be a cobbler or a mason or whatever else. When you tell them to go to technical institutions, you are just postponing their unemployment and despair. Every year, hundreds of thousands of children are left out.

One of the issues that I have picked out of this Sessional Paper that is in the Bill is to create the Labour Management Information System which is the data-base within the National Employment Authority Bill. I had agreed with the Committee to drop the word youth so that it is open to everyone, in as much as the youth are the majority. Those job centres will be all over the country. The reason for this is that a child who leaves university today and, maybe, he or she is from a poor background and goes back home in Lukwale in Turkana or Nakuse or to Matisi in Kitale, may not have access to a newspaper every day to know where to apply for a job. We need to have job centres where young people, no matter where they are, whether it is Samburu, Maralal or Taveta, can get information on opportunities that are available to them.

Secondly the Bill I am proposing out of this Sessional Paper creates mandatory internships for young people in secondary schools and colleges because the Government has space for those young people. If all the 175 parastatals, Ministries and county governments took just 20 or 50 of those young people, we will have very many.

I have a lot of things to talk about, but I do not have enough time. If you could use Standing Order No.1 to just to give five more minutes or two--- That is because there are many issues such as linkages between education training institutions and equal employment opportunities.

The equal employment opportunity commission that we picked from the State is something that we are incorporating, so that every Kenyan, no matter where he or she is knows that he or she has equal chance to get a job. That is one of the pillars of ensuring there is cohesion. I have a lot to say, but I will leave it there.

I support.

**The Temporary Deputy Speaker** (Hon. Shebesh): I now give the Floor to Hon. (Dr.) Naomi Shaban.

**Hon. (Dr.) Shaban:** Thank you, Hon. Temporary Deputy Speaker. I also want to add my voice in supporting the Report on the Sessional Paper No.4 of 2013 and the National Employment Policy. What has really excited me about this policy that the Government is putting in place is the issue of having a National Employment Authority.

There are laws which protect our children and yet child labour is the order of the day. Everybody looks aside even when they know that children who are supposed to be in school are instead being misused by Kenyans. The National Employment Policy will look into all these laws and make sure that child labour is a thing of the past.

We have seen situations where our young people are admitted to courses that they never applied for. For example, a graduate who had wanted to be an Engineer and was qualified to be one with a Mean Grade "A", A in Mathematics and Physics; the right subjects for doing Engineering, is admitted to funny courses. Such students are admitted to courses like the Early Childhood Development, which they never applied for.

These things will bring us together. We should look into issues that concern our Kenyan youths, so that they can study courses that they qualified in, join professions that are useful to this country and then they can get the right employment.

The other day, the International Labour Organisation (ILO) and the United Nations (UN) had indicated the minimum wage that our domestic assistants should be earning and yet public servants of the lowest cadres do not earn as much as domestic assistants. How are they supposed to pay the domestic assistants? The National Employment Authority is going to harmonise and put all the players together, so that we can get the right way forward. This will ensure that the disparities of the minimum wage in our people are a thing of the past.

Employees of the national Government and the county government earn different salaries. You will find a nurse who has just been employed by the county government is earning far much more than a nurse who had been seconded to the county government. This has brought a lot of disharmony in our employment sector. This policy has come at the right time.

Hon. Temporary Deputy Speaker, the National Employment Authority should look into issues of our people who go and work out there. This is more so, the major issue in the whole country of our women dying in the Middle East because of being mistreated. They sneak out of this country and proper modalities are not put in place for them to get employment. It should be a Government to Government arrangement, so that our people are protected.

Once this policy is in place and the Authority is able to work with all the stakeholders, then everything will be done in the right way. This policy is coming at the right time. It should have been there some years back. As it is, even the confusion in terms of whether the Salaries and Remuneration Commission (SRC) should look into the salaries paid by the Teachers Service Commission (TSC) should be dealt with.

The other day, a judgement was pronounced on that issue that the SRC has no right to give guidelines on how the TSC should pay teachers. All these things should be looked into through this policy and harmonized.

I beg to support.

**The Temporary Deputy Speaker** (Hon. Shebesh): Hon. James Nyikal.

**Hon. (Prof.) Nyikal:** Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. I must say that today, we are discussing extremely important documents. Therefore, I rise to support Sessional Paper No.4 of 2013.

I must start by applauding the Committee and the Ministry for the layout of this Paper. It is a brave document which starts by looking at the issue of full employment as a priority in national economic and social policy. It seeks to enable the economically active population to attain and secure sustainable livelihood.

What worries me most as a representative of the people is the level of poverty that we witness in the rural areas particularly amongst the youth and women. There is a lot of disempowerment. This document tries to address those issues. It looks at the weak linkages between education and training institutions.

As I said earlier on, the big issue for the youth is lack of skills and appropriate education and training. If that is looked into, it is going to be an extremely important point.

The Paper again looks at the issue of industrialisation and micro and small enterprises. The real employers of people in large numbers are the micro and small enterprises that take up

many people and encourage self-employment. If we develop the skills of our youth and link them with industries as indicated here, we will go a long way.

Yesterday, we discussed the issue of skills and attachment to industries. The issue of apprentice is extremely important. Real production is in the people who can go out and do something that can be sold, consumed or that will bring an income from within and outside, gaining us foreign exchange.

Industrial training in this country has had a problem and we have killed all the middle level colleges. We have situations where you have a large number of engineers and few technicians but no technologists. In that situation, you will not get much going on. That has been addressed in this document.

Again, I like the document because it looks at the problems, puts policy solutions and then strategies. This means that this is a document that you can implement immediately. That is extremely important for any document. I like the idea of getting an information system that gives proper data. Members of Parliament get many job applications. We get young people who got good scores, but do not even know how people get employed. They do not even know when advertisements are done. Somebody attained Mean Grade “B”, has been at home for two years and did not even know when the Kenya Medical Training Institute last advertised for training. That information should be available to policy makers. We must find a way of getting it out there.

Another issue that I like about this policy is that most of our entrepreneurs, to a large extent, are middlemen. Very few people go into actual production hence there is very little employment. We need our people to invest in industries, create wealth and not just transmit wealth from one area to the other and accumulate it. That is extremely important.

In conclusion, the policy again brings in the issue of planning. We know about our population growth, but we do not have a clear job creation plan to match that. This document brings that into existence. Job creation and employment is also wealth distribution.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Your time is up. Thank you.

Yes, Hon. George Ogalo.

**Hon. Ogalo:** Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity to address myself to this Motion. I will cynically support this Policy Paper because as a country, we are very good at making policies but we do nothing with them. Our policy books are full. The shelves are full with policies made on each and every subject. People use our policies to develop their countries. We never utilise those policies in Kenya to develop our economy. There are no other shortcuts. If you want people to be employed, the economy must grow and the investment environment in this country must improve. As the economy expands, opportunities will emerge and people will get jobs. Even if we write many policies but we do not work on the environment to ensure that we create jobs here in Kenya, there is no way they will help us.

I want to tackle one issue, which is corruption. Corruption is the biggest hindrance to employment in Kenya. Any foreign investor coming to this country has very many corruption hurdles to clear before he or she can start business in this country. This is a big problem. For us to employ Kenyans, we must make the environment friendly for foreign investors to come in, invest and pay proper wages. Once the investors settle in Kenya, we have the labour officers who are supposed to ensure compliance with wage policy in Kenya. These labour officers become

other toll stations for the investors and there is nothing they do in the interest of the employee. All they do is collect money from investors and our people remain poorly remunerated.

You should look at the National Budget. Corruption in the implementation of development budget in Kenya is hindering employment of Kenyans. This year alone, we have over Kshs800 billion budgeted for development programmes in Kenya. Those development programmes require hiring of people and buying of equipment. If there is corrupt consumption of the development budget there will be no money to employ people. Even the Small and Medium Enterprises (SMEs) we are talking about will not manage to penetrate and access opportunities to supply goods and services to the Republic of Kenya if there is corruption in procurement. The biggest consumer of goods and services is the Government. If there is corruption in that sector there is no way we will create jobs.

The other day I was prosecuting the petition of some people from Homa Bay on Geothermal Development Company (GDC). What we realised in the implementation processes in the GDC is that that organisation became a hiring agency on its own with some internal database which Kenyans do not know. They are employing all relatives and children of high ranking Kenyans. This is the kind of corruption that is hindering employment in this country. I will support this policy document but with a rider; that if we do not address the economic environment capacity for this country to reduce corruption to the extent that this economy can grow again, there is nothing that a policy paper will do for us.

With those remarks, I support.

Thank you.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): I now give the Floor to Hon. Lelelit.

**Hon. Lati:** Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. That is the quickest I have ever got in this House. Thank you very much.

Sessional Paper No. 4 of 2013 is very important for our country because it sets out a holistic view of our economy and at the same time recognises Kenya's regional and international commitments.

More importantly, the strategies tend to cluster down into counties recognising the diversities of our counties' needs of employment and diversity in terms of those areas of employment. As we know, labour is a key factor of production in any economy in addition to capital and technology. So, there must be a good policy programme for any country to look at how to develop our labour so that we increase our productivity. This is a step in the very right direction. I particularly think it came a little late because these are things we should have done much earlier.

The statistics in our country are not good. According to this Paper, youth unemployment is about 12 per cent. The information that is out there is that we have an unemployment rate of about 40 per cent. It is one of the worst in the world. There is something that is very positive about Kenyans. For those of us who have spent time working outside this country, Kenyans are known for being creative, hardworking and well behaved. So, we have people outside this country that are giving a very good face about Kenya while lacking employment at home. That is where we need to correct ourselves so that Kenyans can have opportunities here and we use the skills that we have that are very essential for this country and abroad so that they can be productive in our country and help it move forward.

We are sort of a sleeping giant because if you consider a population of about 65 per cent being youth, then we are a country that can explode into high development if these youth are utilised. Our country will be one of the best in this world in the coming years if we utilise that talent that is coming up.

Let me also commend the Jubilee Government for taking a good direction. In my constituency today, we have the National Youth Service (NYS) working with the youth in programmes you could only dream of in a county like Samburu. We have youth earning money and the best way to develop the economy is to have people in various sectors earn a living so that they can fit into the expenditure framework of the economy and push our Gross Domestic Product (GDP) up. That is exactly what the NYS is doing today. They are paying youth and making them spend and expand our economy. That is just one. They are also developing skills of these youths so that they can be productive people for our country. They are not only being patriotic to the nation but they also have productive skills. Learning business skills in far flung places like Samburu is a new thing. I commend this Government for being the first to have considered people of those areas.

As Hon. Sakaja has said, there is something that is really needed in this country and I am glad that people like Hon. Sakaja are pushing for them. These are things like job centres. As he said, it is just fair that everybody gets a fair chance to apply for a job that exists in Kenya today. However, people in far flung places like Samburu rarely see these job advertisements and so they do not even apply. This also gets into the insecurity part of our country.

All those bandits that we see in the papers and on television are human beings, and apart from being human beings, they are actually youth. The reason why they go stealing cows and risk their lives and the lives of others is because they have no opportunity in life. If we can develop a policy framework like this one that will take care of those things or that will take care of those youths, we can also help secure our country in very many ways. I support this Paper because it is the first step to make sure that we are moving in the right direction to develop labour, a key factor of production for our country.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Thank you. Hon. Members, the time that had been allocated for this Sessional Paper is up so I ask the Mover to reply.

**Hon. (Ms.) T.G. Ali:** Thank you, Hon. Temporary Deputy Speaker. Let me thank all the Members who have contributed to this policy document. I particularly thank Hon. Sakaja for the contribution that he has made because of the Bill he is pushing. Most of the things he is proposing in his Bill are basically covered here. He is going to be very instrumental in terms of helping the Departmental Committee on Labour and Social Welfare give some input on what is emerging in the policy document.

I also thank the other Members who have clearly indicated that we have a lot of weaknesses in terms of employment in this country. All of them have articulated the weak linkages between education and training institutions and industry. They have also indicated that there is lack of up to date labour market information and that there is a very big absence of a comprehensive wage policy in this country and that all these must be put together through this policy.

All the speakers who spoke talked about the establishment and maintenance of labour market information system that can help all Kenyans ensure that, at least, we have proper information on job opportunities that are in this country.

I beg to reply.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Members, I will not put the Question for obvious reasons. So, we will move on to the next Order.

#### ADOPTION OF SESSIONAL PAPER NO.9 OF 2013

**Hon. Sakaja:** Hon. Temporary Deputy Speaker, I beg to move the following Motion:-

THAT, this House adopts Sessional Paper No.9 of 2013 on National Cohesion and Integration, laid on the Table of the House on Thursday, July 31, 2014.

The Joint Committee on the National Cohesion and Equal Opportunities is established under Standing Orders No.214 and 217, and its mandate is stipulated in our Standing Orders. The membership is available in the website, and I do not need to read out that.

Even as I go on, I want to acknowledge the offices of the Speaker and the Clerk for the logistical and technical support during our sittings. This is something that we have gone through as a Committee. I also wish to acknowledge the Ministry of Interior and Co-ordination of National Government, particularly the Directorate of National Cohesion and National Values and the National Cohesion and Integration Commission (NCIC) led by the very able and indomitable former Speaker, Francis Kaparo. We have had a lot of sessions on this.

Our recommendation is simple that since we considered the Sessional Paper extensively, we resolved to adopt it, and we appeal to the House to consider and adopt it.

On the background, this Sessional Paper came up after extensive consultation for a long period of time. It was tabled in 2013 and it was prepared through the Presidency pursuant to Article 131(2)(c), which provides that the President shall promote and enhance the unity of the nation. The constitution further enhances this theme of National Cohesion and Integration in Article 10 by providing for national values and principles of governance key among them being patriotism and national unity.

The Sessional Paper provides a more definitive framework within which challenges that we face in this country that are well known to everyone on national cohesion can be addressed in a structured way. It provides both the legal and institutional framework for addressing matters of national cohesion. We have looked at it in three dimensions.

The first one is the institutional dimension. Through it, we can look at issues of cohesion, the equity dimension and the perspective dimension. It gives effect to the aspirations of the Constitution. It talks about certain issues within the Act and we are bringing in substantive amendments to the National Cohesion Act and probably even an overhaul. The Committee has also brought in certain amendments, for instance, we will be dealing with issues of cattle rustling and others in a bid to foster the unity of this country.

This policy is specifically aimed at fostering the general understanding of cohesion and integration and guiding all efforts of all stakeholders towards a cohesive integrated society. It is aimed at enhancing consistency and efficiency with which the Government and other stakeholders design and implement appropriate interventions. Such interventions are aimed at



promoting national cohesion and enhancing stakeholder compliance with legal and regulatory requirements regarding cohesion and integration. They also help in mitigating the risks that predispose a country to conflict and promoting sustainable growth and development. The report is going to be tabled for Members to go through it, but either way we can still discuss this.

President Barrack Obama was here last weekend and he said many things. There is nothing special about the world that he said. He just took us back to the basics. He left me with one quote that I will never forget. He said that we should not view the world as it has always been, but as how it should be. For our context as Kenyans, we should not view this country in terms of how it has always been but how it should be.

This country has had a lot of ethnic friction since the time of Independence till today. We forget the fact that Kenya is only 583,000Km<sup>2</sup> and we can all find a way to get along.

Hon. Temporary Deputy Speaker, I want to implore upon us and especially our young people. Every Kenyan wants the same thing at the end of the day; to go about their lives peacefully and to make something out of their lives. However, for far too long, we politicians and other leaders have used ethnicity to divide Kenyans and we forget that we have more that can unite us than that which differentiates us. I have observed in this House that there are people who are deep friends across tribe and political divides. But whenever we stand up on a podium it is very easy, because of our interest, to bring up ethnic sentiments and emotions. That will not give us a sustainable future as a country. If we can provide for equal opportunities and the framework for that is already provided for in this Sessional Paper--- If a Kenyan, deep in Wajir knows that he has the same opportunity as a Kenyan in Kakamega or Nairobi or Kitui, we will have nothing to fight about. However, for far too long, we have been dividing Kenyans along ethnic lines and not based on the content of their character. As a Committee we are committed to implement this Sessional Paper to make sure that we have the correct framework.

One of the issues I spoke about in the earlier Motion was that of equal employment opportunities. Whenever there is a list of appointments, people are quick to say that their communities have been left out. It is as if having somebody from your community there means that they are going to bring something home. I have seen deep poverty in all parts of this country. Nonetheless, no Kenyan should feel that because of where they come from, they are being discriminated against by the Government in power. We need to equalize all those opportunities and provide equity.

Another issue we are dealing with is devolution. We did not propose that system so that we can create ethnic Balkans in this country. The County Government Act is very clear, that not more than 30 per cent of those people hired in a county should come from the dominant community. But a Report that we have received from the NCSA shows that very few countries have been able to achieve that. There are many Kenyans in the third generation who have been in counties that are not--- I do not know how I can put it.

For example, if somebody's great grandfather is from Nyeri, but his grandfather moved to Kakamega, and that person's grandfather, father and the rest are from Kakamega, it has become very difficult for that person to get a job in Kakamega and so they are told to go back to Nyeri and vice versa. Somebody called "Wafula" in Nyeri will also have a very difficult chance to get a job. That is something we must be very hard on, as a Parliament, so that we remove many of these artificial barriers that we have had in this country and that have been dividing us.

Even as we move forward, we could have politics that is not based on tribe, but politics that is based on issues. Until we have politics that is based on issues, we will not go far as a country.

This Sessional Paper puts up certain strategies in achieving integration and cohesion. One of them is strengthening and transforming the political and governance institutions which overtime have been characterized by excessive centralization of power and patronage. That is, indeed, the essence of devolution. Since I have realized that my time is almost getting over, I will move up to one of the recommendations.

One, we have recommended that there is need to pragmatically deal with historical injustices perpetuated on some communities and regions in this country especially with regard to national cohesion. When I say pragmatically, I mean that in addressing historical injustice, we must not create a new injustice.

Two, the manner in which internal administrative boundaries were drawn at Independence has had a significance impact and so we need to deal with some of these issues of boundaries particularly county boundaries. I have heard that there is an issue with Makueni and Kajiado. First of all every Kenyan should be able to live anywhere. If the Kenyan is from Kajiado, he should be able to live in Makueni. However, we need to have very clear demarcated boundaries.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Sakaja, I will give you one more minute to wrap up your recommendations.

**Hon. Sakaja:** Let me wrap up the recommendations. We must deal with the issue of boundaries. Number three, we must deal with the issue of equitable sharing of employment opportunities as well as the Equalisation Fund. The regulations have come to this House. We need to bring up certain communities and areas in this country that have been successfully marginalised by previous regimes.

Five, and we are very keen on this one as a Committee is that we need to ban the use of vernacular languages in public spaces and offices. It is very disheartening when you go to an office and everybody is trying to talk to you in one language, whether it is at the national or county level. There is a reason why Kiswahili and English are the languages that we have decided to be the official languages in this country. If you board a *matatu* in Tanzania with all your village mates and start speaking in your own language, it is frowned upon. It is not prohibited by law but it is just frowned upon. Let me finish because of time.

Finally, we need to capture and implement the views and findings set out in the Truth, Justice and Reconciliation Commission (TJRC) Report. I would like to ask the Deputy Leader of the Majority Party to second this and even go into depth. However, we need to set up a serious campaign even as we implement this to bring this country together. There is no bigger challenge to our unity as a country today than ethnic divisions and tribalism.

Thank you.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Shaban.

**Hon. (Dr.) Shaban:** Hon. Temporary Deputy Speaker, I rise to second this Motion on Sessional Paper No. 9 of 2013 on National Cohesion and Integration. Prior to everything up to where we have reached, we had several items in the agenda that were discussed following the Post-Election Violence (PEV) of 2007 to January, 2008. They culminated in the promulgation of our Constitution in August, 2010 which has put very many things in place that need to be followed.

This Sessional Paper should have been brought here yesterday and not today. However, it is here and some of the things that have been spelt out in it are being implemented. If you can recall, after the PEV when the agenda under the National Accord were being discussed, one of the issues that was being tackled ended up giving us the National Cohesion and Integration Commission (NCIC) which has played a role. However, I do not think that they have played the maximum role that they were supposed to play. They have gone a long way in trying to solve some of the issues that we are facing.

Devolution is one of the things that were put under Agenda Four in the Constitution so that we can devolve and people can make decisions at the county level. It is sad that, today, nobody is looking at the fact that the law is being flouted. Governors and their County Service Boards have refused to do the right thing. You will see that people can even converse in their mother tongue in a meeting and that would be quite in order because they all speak the same language. It is sad that even though the Constitution has sought to look at it and cure the problem of tribalism in our country, it is more ingrained now. This is the case and yet we thought that devolution was coming in to solve some of those issues.

The law is very clear that 30 per cent of the jobs are meant for people who are marginalised in every county. Even communities which are larger elsewhere but are small in every county should also be given an opportunity to serve in those County Executive positions. If the law is very clear, why have we not seen any steps being taken towards solving this problem which is the main problem everywhere? We stand here, complain and talk about it at the national level without really looking at what is happening in our own counties. I believe this Sessional Paper should put together all the issues that have been spelt out in our law and more so in our Constitution and make sure that they are implemented.

Historical injustice has been a bone of contention. I believe the intention of the President and the Deputy President is to take us from there. However, we must also live by example even at the national level by showing that even our offices have a national outlook. Even here in Parliament, can we have a national outlook amongst the staff so that we can work together as Kenyans?

I beg to second this Sessional Paper.

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Yes Hon. Francis Nyenze.

**Hon. Nyenze:** Thank you, Hon. Temporary Deputy Speaker for giving me this chance to contribute to this very important Motion on the adoption of Sessional Paper No.9 of 2013 on National Cohesion and Integration. I just want to start by saying that national solidarity and togetherness is very important for this country.

Sessional Paper No.9 is very important and good. I have listened to Hon. Sakaja and the Deputy Leader of the Majority Party contributing. The way this Paper is written is very good but its implementation is the biggest challenge. The reason why we have challenges in national cohesion is inequality in the distribution of natural resources, employment in the Government and in every aspect of development. So, there are some Kenyans in some regions who say: “*Tunajivunia kuwa Wakenya*” while others say: “*Tunavumilia kuwa Wakenya.*” We have to

change that by showing the face of Kenya in employment in this country. Unity and harmony are very important in fighting external aggression.

When the Westgate incident happened and President Uhuru Kenyatta, Hon. Raila, Hon. Kalonzo, Hon. Ruto and Hon. Wetangula were seen together visiting the injured, the value of the shilling improved because Kenyans want to see this cohesion and unity of purpose. When our leaders are united, we benefit more, as a country. We are doomed to fail when we are divided because we have not promoted equity and sharing of the national or State resources and appointments. We know that there are historical injustices in very many places whether in land or resource distribution. Marginalisation of some areas has to be addressed openly for us to be cohesive as a nation, and for all of us to cite the Kiswahili saying: “*Najivunia kuwa Mkenya.*”

Devolution has helped in the sharing of resources between the national Government and the counties. However, that is not enough. We crave for 50 per cent of the devolved funds so that this country can develop. This will ensure that some areas do not prosper while other people’s children learn under trees.

Hon. Temporary Deputy Speaker, you have seen people going to Europe by crossing the Mediterranean Sea in very dingy boats. You have seen people risking their lives to go to other countries. Our girls are suffering in the Middle East. People are migrating to other countries because they have no opportunities in their countries. Let us teach our people the importance of cohesion and tell them to change their attitude and culture.

I urge the leaders to be very sensitive in their pronouncements. They should not be insensitive to culture, religion and other traditions. We should respect every tribe because we can only be united once we respect each other in our diversity. The biggest drawback to our unity is dishonesty when we are distributing resources. This is because people from some areas are treated differently from others. Let us see the face of Kenya in all offices. Let us not have people from certain communities occupying some offices only.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Thank you.

Yes Hon. Antony Kimaru.

**Hon. Kimaru:** Thank you, Hon. Temporary Deputy Speaker. I support this Motion on National Cohesion and Integration. Our nation is at a point where we need to come together. We are more disintegrated than 20 years ago and yet the situation should have been the opposite.

Where we are today has been as a result of the activities of politicians. We have seen in subsequent elections politicians campaigning using tribal cards. Before, we had a situation where it was 41 versus one. I do not know how we arrived at that, but you can see the extent to which politicians can go to advance their agenda. I was supposed to be in one and not in 41. When I look at that, I do not see myself, at any given time, causing any atrocity or iniquity in this society. So, such generalisation is not good. I know, for example, that many Kikuyus have not been beneficiaries of State largesse, but they are lumped into one group. It is not just the Kikuyus, but many other tribes may have found themselves in that situation.

It is important for us, as a nation to bring all our people together. If there have been historical injustices, let them be dealt with in a proper manner. I have seen peasant Kikuyu who have a quarter of an acre which they got by toiling and sweating. When somebody says that they are taking away that quarter of an acre that they have struggled to get over time in the name of putting right historical injustice, it cannot be allowed. This has gained currency and it is being employed widely today. For example, in my county where people were disposed of their land,

the rule of law is disregarded. All the values in the Constitution are thrown away. They are not followed and at times you wonder whether you have a Government. The Government should enforce law and order. We have to worry a lot when that is not happening.

The new Constitution has tried to rectify the problem of the areas that were marginalized before through devolution. At least, every area in this country is being allocated resources. The marginalized areas will get additional resources from the Equalization Fund. The question we should ask ourselves is whether this is rectifying the situation because some counties have received large amounts of money. Has there been any change in the lives of those who are supposed to benefit? Or, is graft taking the greater part of that revenue? We have seen in the Auditor-General's Report that the money that is supposed to go towards transforming the lives of Kenyans finding its way into individuals' pockets.

Hon. Temporary Deputy Speaker, jobs should be equitably distributed. It should not be one or two tribes getting all the jobs and others not getting. If we do not share these resources equitably, we will make the situation worse. We will go far if everybody who is involved can look into this and put in the correct measures to remedy the situation.

Therefore, I support. I hope that this Motion will go a long way in rectifying the situation that we have had.

**Hon. (Ms.) T.G. Ali:** Thank you. Hon. Temporary Deputy Speaker. I support Sessional Paper No.9 of 2013 on National Cohesion and Integration.

If, for example, we do not pass this Paper, ethnicity and tribalism will bring down this country. That is why we need to support it. We do not have a proper policy to ensure that we have equal opportunities for everybody and there is proper resource allocation to the different parts of this country. This Sessional Paper will cure that problem. We have devolution and 47 counties, but what is emerging is that many of the counties are practicing the same things that we have complained about at the national level.

The majority tribes or clans in different counties are the ones that are getting jobs in counties. Even after devolution, some of the areas that were marginalised are receiving the lowest amounts. Examples are Isiolo, Lamu and others. These areas have been marginalised over the years, but still, they are receiving little funding. We need to invest in this policy and ensure that it is fully implemented. It will be a big problem if we pass policies especially this one but fail to implement them. This policy must receive enough resources, so that we can have Kenya that we have always wanted.

Many a times when there are crisis in this country, Kenyans stand with each other. We have had initiatives like "Kenyans for Kenyans". During disasters like drought and Kenyans are starving, Kenyans come together. That is the spirit that we want to see in this country. Let us not just stand together when there are difficulties. We should stand together at all times. It is high time that we cultivated brotherhood, sisterhood and patriotism in our country because this country belongs to all of us. We do not have any other place to go. It is important that this policy is passed so that we have a good country where we have a sense of brotherhood and sisterhood.

I remember when I was a teacher 13 years ago we used to have the quota system for those who would go to national schools. During that time, some of us had an opportunity of mixing with other Kenyans. We were able to learn languages that we might not have learnt if we stayed in our respective areas.

I went to a school in Nyandarua and I was able to learn a bit of Kikuyu. I am still proud of having learnt that language. This time the trend is different because students who are joining national schools from marginalised communities are not treated equally. We have children who are in Isiolo Girls or Isiolo Boys before they join Alliance High School. When it comes to university placement, they will not get opportunity. That is forcing students to go back to their respective areas so that they can have placement in courses that they want in different universities. That is one of the things that we need to look at to ensure that we, at least, promote national cohesion.

This Policy, if passed and adopted will help this country have a new lease of life. A number of things have happened in this country. We had the Westgate terrorist attack, the post-election violence and a number of things that have put us at loggerheads with each other.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): I give the Floor to Hon. George Ogalo.

**Hon. Ogalo:** Thank you Hon. Temporary Deputy Speaker. I want to take this opportunity to support the Policy Paper as proposed by Hon. Sakaja.

Our country has had an official State policy of marginalisation of certain communities and religious groups. Over time, this has had an effect on the way Kenyans relate. There is a feeling in certain quarters that certain ethnic groups have advantages in this country that others do not have. If you heard what President Obama said which has been repeated over and over about a child born in Nyanza, it shows you that certain regions of this country, whereas they have been actively participating in economic economy of the country, have not got back as much as they would have if there was equity.

Since the 2013 Elections, we the people who represent certain segments of the population have a feeling, and we get reports that there is another unofficial State policy for the removal of those segments of the population from the public service. Because certain ethnic groups and religious communities feel that they are targeted negatively by the State, people tend to gang up within themselves for survival reasons. They gang up together as a way of protecting themselves. If these things are not addressed, then the state of division among communities and ethnic groups will continue.

I am glad that this Policy now sets the agenda. It is not the beginning. Our Constitution has provisions that require that these preferences and disadvantageous practices do not occur. We have a Constitution that requires that equity prevails in all segments of the population. If I were to give advice, these policies should necessitate an audit of the entire Public Service to ensure that there is compliance with Article 232 of the Constitution, which is very clear that the public service of Kenya should reflect ethnic and regional diversity. If you do that audit today you will find the disparities that have occasioned the divisions that you see in this country.

If today we carried out an audit of all the infrastructural investments which have taken place in Kenya, you will find that there are regions where a Class E road is tarmacked and there are areas where a Class A is not tarmacked. If you go to another place, you will find a Class C road is not tarmacked. This cannot happen although there is something important there.

Hon. Temporary Deputy Speaker, if you look at the history of how we have been writing off loans to segments of the economy, you will find that certain segments have had loans written off over and over and today, the people of Western Kenya are saddled with huge debts incurred by our sugar companies. Nobody was ready to write off those loans before the counties came in

and took over the running of those factories as it is provided for in Schedule 4 of the Constitution.

Centralization of Government services in Nairobi is bleeding resources from the peripheral areas. Why would somebody move from Turkana to Nairobi to get a service that Article 6 (3) of the Constitution already demands that it should be available there? These things make people from such areas feel that they are not as Kenyan enough as they should be.

The other thing I would like to talk about is unequal application of the law. That is two individuals committing the same offence being treated differently by the same law enforcement system. How is this person treated unfairly supposed to feel? How is his community also supposed to feel? These are things that should be addressed to bring Kenya back to where it is supposed to be. Let all Kenyans be treated equally and they will look at Kenya as Kenyans. If our allegiance is to Kenya and not to our ethnic groups, Kenya will be a very great nation.

Thank you, Hon. Temporary Deputy Speaker.

**Hon. Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): I will now give the Floor to Hon. Lelelit.

**Hon. Lati:** Thank you, Hon. Temporary Deputy Speaker. I would like to thank the Joint Committee on National Cohesion and Equal opportunity. The concept of having an equal, just, cohesive and integrated society in itself is not only palatable to Kenyans and everybody in this world, but it is something that we must embrace. We have no option but to go in that direction.

I would like to advise the Committee that listening to all Members is very important. From what I know about Kenya today, for us to get that just, cohesive and integrated society, economic disparity and availability of economic opportunity equitably across Kenya must be looked at. That is where the whole problem lies today. The framers of our Constitution saw that.

Amongst the few funds that are constitutionally provided for, is the Equalisation Fund. Those framers saw that, and everybody visiting Kenya like Obama would see in a single day that the country is very different in terms of economic opportunities and that something was required to bring this country at par.

As we talk today, the sad thing is that there is not a single project of the Equalisation Fund that has been implemented. We all have to blame ourselves. For how many years should things that are rightfully provided for by the Constitution not be given to our people? What else can we get in this country equitably if we cannot get things that are provided for by the supreme law of this land? We call upon the Jubilee Government to speed up the implementation of the Equalization Fund. The Government should release that money so that a kid in Taita Taveta, Samburu, Ukambani and Kibera can try and catch up with the rest of the kids in Kenya.

Hon. Temporary Deputy Speaker, employment opportunities are economic opportunities. We need to provide a level playing field with the areas that are marginalised by giving some sort of affirmative action. We have to be honest here. There are jobs that are given today in this country but apart from the educational qualifications that all of us have, there are other reasons why people get them. I have seen people in this House saying: "Because so and so was fired, we must get somebody from our community." If we truly want to get a cohesive and integrated country, how do we deny a Kenyan who is more qualified than the person from your community who lost the job simply because he does not come from your community? Kenyans see this, the world sees this and we cannot move away from these problems we are having in terms of

integration unless we provide all people with equal opportunities irrespective of who is in power at that time.

There is something that is common and similar across the different presidents that we have had in this country. People who have a president or are in power tend to benefit more. I am not saying one community but all of them. So we need to change from that so that we do not fight. The reason Kenyans fight over who becomes president even to losing our lives and having all these Internally displaced Persons (IDPs) is because we know that once one of their community members gets to State House they will benefit. We need to move out of that so that whoever becomes the President, and is in charge of power provides equal opportunities to all Kenyans and Kenyans will stop fighting for the presidency.

On historical injustices, we have very many historical injustices particularly in communities where some of us come from. We know that we cannot correct all these historical injustices but just the will that you want to do this will provide relief and integrate Kenya better.

The starting point should be the release of the Equalisation Fund so that people in far flung areas of Kenya that are marginalised can catch up and start looking like Kenyans.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): I now give the Floor to Hon. (Eng.) John Kiragu.

**Hon. J.K. Chege:** Thank you, Hon. Temporary Deputy Speaker. I rise to support the adoption of this Sessional Paper on National Cohesion and Equal Opportunity. As I stand, I want to acknowledge that this country has made progress. Sometimes we blame ourselves too much. Sometimes we need to look around and see what our neighbours are going through.

One of the challenges that we currently have is the fact that when we adopted the new Constitution, some of our colleagues around the country thought that we created 47 states. They started equating this country to what they hear about the United States of America. This is the case and yet we know this country is one and we have one Constitution. We may have challenges of different levels of development. We also have the luxury of having very many communities in this country who, in fact, make the Kenyan nation. One of the most important things in this area is for us to create and build bridges between those who have and those who do not. We should know that for us to build a strong country, all of us must see this country as one.

One of the key things in making sure that all the communities and areas have equal opportunities is providing education to every Kenyan. We can say that we all need to be represented in all areas even in the job market but some of our people do not have what it takes in terms of educational skills. It will not be possible to fill some of those positions. My position is that, even as we continue debating these matters which are important and over which we cannot just have a solution overnight, it is a commitment for us to make sure that we stay on course.

There has been the mention of the USA and the visit of our famous President Barack Obama. However, those who watched TV last night must have been shocked to watch a traffic police officer shooting a black person on the highway just because they are asking whether one has a licence or not. So, even as we complain about this country, we must acknowledge that we have made progress. However, we need to do more.

In the next 50 years, the divisions we seem to be creating in this country will not be there. The youth in this country do not know the differences that we have. I believe that they will not



see the badness that we have created and they will want this country to join the rest of the East African countries to make a federation. We will have a bigger country and economy. We have been engaged in very small things instead of looking at the bigger picture. We should make this country a leader in regional economy and help other countries around us to move forward.

As we create the opportunities, my emphasis is that we make sure that opportunities are given to every Kenyan. In fairness, it is true some areas in this country started well, but we know why. Historically, the white settlers came and settled in certain areas and not others. So, some of these developments are just accidental. I thank the Committee for a job well done. Going forward, let us be open and focused in terms of the way we want to see this country.

Thank you.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): I now give the Floor to Hon. Millie Odhiambo.

**Hon. (Ms.) Odhiambo-Mabona:** Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. I am glad that this Sessional Paper is before the House. Ordinarily, policy papers should come before the law, but the Bill came ahead of this. I am very glad to note that I was the Chairperson of the sub-committee that worked on the Bill. I did a lot of work and we visited very many countries when we were developing it. Before I came to Parliament I worked hard in Kenya and Africa on issues of equalisation of opportunities based on gender, race, age and disability. So, this is a matter that is very close to my heart.

In the last Parliament I served in the Committee on equal opportunities. This year I was tempted to go back to that Committee save for the reason that I had opportunity to serve in only one Committee. So, I chose to serve the people of Mbita in the Departmental Committee on Agriculture, Livestock and Co-operatives. Serving the people of Mbita is a matter of equalising opportunities because I serve a people that are historically marginalised. I am partially a minority. As a Luo I am a majority, but as a Suba I am a minority. So, I do not know how I would be classified. Some Members are telling me I am a Luo-Suba, but if I had my husband that would change. I have said before that I am a citizen of the world as my husband describes himself.

I am very happy that this Sessional Paper is coming shortly after the visit by the President of the USA, Barack Obama. It is sad that sometimes we have to wait for people from elsewhere to come and tell us the ills that bedevil this country such as ethnicity, exclusion and discrimination. I know he is our son, but in a way he is also an outsider. There is something that he spoke to that many people took negatively until he threw what was purported to be a jibe at the Opposition.

He talked about the disparities between the vulnerability of a child from Nyanza dying than a child from central. We do not want to talk about these issues. Until we reach a level where we talk about the issues that divide us instead of the issues that include us, this country is travelling the wrong path.

I know we have made strides in many other areas, but we will be cheating ourselves if we think we are making strides in bringing unity in this country. We may have made strides in building infrastructure and everything but we are doing very badly in values and principles that unite this country. I hope that part of President Uhuru's legacy will be in unifying this country. He comes from a younger generation and despite the fact that I am in the Opposition, I will

challenge him on a number of issues but, I hope as part of this younger generation that if there is one thing he can do for Kenya is unite it.

Hon. Temporary Deputy Speaker, I have been writing a book which is semiautobiographical called "*The Things We Lost With Freedom*". I can tell you that when I grew up, I went to school with many people of different tribes and yet I did not know their tribes because it was not important. But right now when you meet a person, the first thing you ask them is which part of the country they come from. Not because you think the part of the country they come from grows a lot of potatoes or has a lot of fish or grows a lot of vegetables but so that you can get an opportunity to discriminate against them. It is a disease that has infected even our young ones.

If you listen to young people even in schools and elsewhere you will find that the issue of ethnicity is a cancer in this country that we must fight with every fibre in our being.

I support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Members, our time for that particular Sessional Paper is done. So, I ask the Mover to reply.

**Hon. Sakaja:** Thank you, Hon. Temporary Deputy Speaker. I thank all the Members who have contributed to this. As you can see there is a realisation and acceptance that lack of cohesion is, indeed, the single biggest challenge that we must deal with in this country.

Development cannot be sustainable if there is no cohesion. We can take four years to build the Standard Gauge Railway spending billions of shillings on it but it will take only one day to uproot it and one day to destroy buildings. We must ask ourselves what is the fabric that holds our society together.

If you were to eradicate a negative value like tribalism, you must replace it with a positive value. The challenge has been that we have never been able to truly define what a Kenyan is and what our identity is. Because of lack of our identity, people default to the closest identity they have which is the tribe. Where the tribe is one identity, for example, if you look at many areas in North Eastern, they default to the next identity which is a clan. We must define what it means to be a Kenyan. There is something more than just being found within these same borders and that we must get along. We must create that identity. There must be a serious campaign on building that identity and what values we stand for as a country. Unless we do this, we will always be one election away from disintegration as a country.

Before 2007, we always used to say that Kenya is an island of peace within a sea of turmoil but, that one election made us question the foundations of our self belief. On that day, we saw neighbours who had lived together for many years, say 20 or 30 years turning on each other. Some said that it is the devil that got into their minds but, it was an exposure of the lack of depth in identity as a country.

Some of the issues that have been raised are issues we are looking at as a Committee. One of the ways we are thinking of solving the challenge in our public service boards in the counties that have employed people of the similar community is by proposing to have a forum where all county public service boards can transfer these people.

The County Governments Act is very clear that 30 per cent of those employed in the county should not be from the dominant community. If someone has been employed in Homa Bay County, he or she can go and work in Kakamega. If someone has been employed in Nairobi

County he or she can as well go and work in Mandera. We can keep transferring these people. We can have an exchange programme. That is one of the issue we are trying to address.

The other issue is cattle rustling. Hon. Lelit will attest to you that I have gone with my Committee to Baragoi, West Pokot, Turkwel, Sindai, Nginyang', Loruk in Baringo County and Turkana South with Hon. Lomenen. We have seen what ethnic animosity has done to people. We have already proposed amendments to the Penal Code to fully outlaw cattle rustling and give capital punishment.

For a long time, when somebody takes cows from another community, kills, and shoots and rapes somebody, we tell *wazee* to sit down together and talk about it because it is cattle rustling. There is no such crime as cattle rustling. It is actually rape, murder and robbery with violence. That is the amendment that we are bringing to the Floor of the House. We have seen that it is an economic activity. We have seen that a lot of the meat that we eat in Nairobi is a product of the cattle rustling that we are reading about. So, it has been turned into an economic activity on the premise that it is a cultural thing going on between communities. That is one thing that we are dealing with.

A lot of public service audits have been done. There is one that is being done by the public service to tell us how communities have shared out positions in the public service. Even as that comes, we need to have a very honest conversation as a country in terms of how we deal with that. Do we fire certain people because of their communities or do we provide a framework going forward? This is also covered in my Bill entitled The National Employment Authority Bill, where if somebody is being hired, it will never be on the basis of his or her tribe. In fact, until the person comes for the interview, you will not know what his or her last name is or which community he or she comes from. We should base it purely on merit.

As I have said, we need to focus, as leaders, on the things that unite us. The hunger that a child feels when there is hunger in Samburu is the same one that a child will feel when there is hunger in Kakamega or Suba. The joy a mother feels when a child succeeds in Turkana is the same joy that a mother feels when a child succeeds in Kilifi. Let us do all we can to unite our country.

With that, I beg to reply.

## ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. Shebesh): Thank you, Hon. Members. I will not put the question for obvious reasons.

Therefore, the time being 6.30 p.m., this House stands adjourned until Tuesday, 4<sup>th</sup> August, 2015, at 2.30 p.m.

The House rose at 6.30 p.m.