



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

Second Assembly – Fourth Session

Tuesday 29th September, 2020

The House met at 9.30 a.m.

[The Hon. Deputy Speaker (Mr. Geophrey Majiwa) in the Chair]

PRAYERS

QUORUM

Hon. Deputy Speaker: Clerk, do you have quorum? Okay, proceed!

STATEMENTS

REQUEST FOR STATEMENT ON DIRECTION AND RULING REGARDING THE PROBABLE SWEARING IN OF HON. PERPETUA MPONJIWA

Hon. Deputy Speaker: Minority Leader!

Hon. Michael Ogada: Thanks a lot *Bwana* Speaker. I have a statement to make as the Minority Party Leader. Hon Speaker pursuant to Standing Order no. 42 (2)(b), I wish to request for your direction and ruling regarding the probable swearing in of Hon. Perpetua Mponjiwa.

Hon. Speaker Article 177(2) of the Constitution of Kenya, 2010 read together with Section 37(1) of the Elections Act 2011 is express on the nomination of special seat members and allocation for the special seat respectively. Hon Speaker it is enlightening to note that it is the political parties that nominate such Members to the special seats positions. Hon Speaker in view of this it will be in total contravention of the law for this honorable House to give a nod and proceed to swear in a member who resigned from the ODM on the 8th May 2017 and as such has never been recognized by the very party she purports to cling on.

Hon Speaker a political party of the stature of Orange Democratic Party Movement (ODM) has its own mechanisms and structures particularly the National Executive Council which the member could have used to have her issue resolved amicably and in good time. Hon Speaker cognizant to the fact that it is the sole task of political parties to nominate their members for the positions of special seats, and

notwithstanding the recent court ruling on this matter, in light of Hon Perpetua, it is the considered opinion and position of the Minority Party of this Assembly that the anticipated swearing in of the said be halted.

Hon. Speaker as a minority party we implore you to intervene on this matter and give proper directions and guidance to this House. Hon Speaker Sir, as a Leader of the Minority Party, our party is greatly concerned in this House because there is a plan to swear in a stranger to the party purported to really represent the interests of our political party. The said person who is about to be sworn in this House resigned several years ago from the party and according to our party she isn't a member of the party, neither did the party nominate her to represent her in this House.

Mr. Speaker Sir, the other concern which I have and that is why am really seeking for your indulgence is that since I came to this House, the Speaker of this House has never declared that seat vacant. And according to what we are hearing is that there are court papers which ordered IEBC to declare a seat vacant. So my question is, what is the procedure of declaring a seat vacant? I thought the courts are supposed to advice the Speaker of this honorable House to declare a seat vacant, thereafter IEBC is supposed to be instructed.

Mr. Speaker am saying that we need your guidance because what we know or what we understand as a party is that the declaration of a seat being vacant is supposed to be made by the Speaker. But for those years that declaration has never been made by the Speaker of this House. We understand that IEBC did the de-gazettement, so what is supposed to be ahead of the other, is it the IEBC to de-gazette or the Speaker to declare a seat vacant.

So Hon Speaker that was our request and we need your ruling, because this thing is going to set a very bad precedence. For example, I was just looking the other day, Members of this House, several of them received letters from the Ethics and Anti-Corruption and they are now planning to take each and every Member to court because of abuse of office or something like that. And if the courts are going to start now declaring the seats vacant, soon Mr. Speaker you are going to be surprised that all your Members in this House had been taken to court, a case won against them and IEBC has been instructed to declare all our seats vacant without your knowledge. And I think this thing is going to be dangerous in all the Assemblies in this country. So we need to know; is it the courts that are supposed to instruct IEBC to de-register a Member or the courts are supposed to advise the Speaker to declare a seat vacant then the Speaker gives a right to IEBC to de-register a Member.

So we need your guidance because the Member that you are planning to swear in in this House is not a member of our political party and we cannot allow a stranger to represent the interests of our party. That position is a preserve of our political party ODM. So we cannot have a member who belongs to a different party being imposed on us. So that is my request, we need at least your ruling on that. Thank you Bwana Speaker.

Hon. Deputy Speaker: Yes, Minority Whip!

Hon. Peter Imwatok: Speaker I was consulting with my leader on something, he has just clarified, he has just touched on it. It's very important what he has said.

Hon. Moses Ogeto: Hon Speaker I want to give my submission on the same because this is a very serious statement which belongs to the party. Hon Speaker before you make a submission or ruling on

the same statement, under Standing Order No. 2(c) Hon Speaker you must understand that precedents have been set even by the courts.

(Point of order)

On which point of order, Hon Speaker, because am engaging on the same Standing Order no. 2(c) where before you make a ruling Hon. Speaker. Maybe she may guide me, she is my colleague.

Hon. Deputy Speaker: Yes, Hon. Waithera!

Hon. Waithera Chege: Thank you Mr. Speaker, am just wondering whether we are going to sit here and debate a statement. You need to give us guidelines.

Hon. Deputy Speaker: Thank you. That was just a rider but not actually a statement, he's just putting a rider.

Hon. Moses Ogeto: Hon Speaker that's why I wanted my colleague to state the Standing Order but I am here on a rider on Standing Order 45(2) (c) where my colleague, as a party, being the Leader of Minority Party, and Deputy Chief Whip, that's why I wanted to state the Standing Order, by illustrating that I wanted your determination to consider also the case which was settled by the Court of Appeal in the year 2006 for your consideration before you make a ruling, to jog your mind also.

That case was between Simeon Nyachae *Versus* Kipkalya Kones, where in the nomination of a member of a political party, the list must originate from the political party. That's why I wanted to make you to understand as you give your guidance, that there is a Court of Appeal ruling which has never been challenged, where political parties gave names directly to the IEBC.

Under the Constitution of the Republic of Kenya Article 172, 173, it is also very clear, Hon Speaker, that it's the Speaker who declares a seat vacant; also be cognizant of that fact. The Election Act is also very clear on how nominations are to be done so I could wish in your ruling that you consider all those facts.

Hon Speaker, you've been given a prerogative under Standing Order No. 1 which states that in matters of constitutionalism, you must realize even the other day, the Chief Justice of the Republic of Kenya gave an opinion to the President that he should dissolve parliament. But Section 165(2) was not considered and that's why even I want to urge you to consider such sections of the constitution in your ruling, which are in violation so that in anticipation of swearing in a member who doesn't belong to a political party, which even a political party has denounced himself, in those submissions I indulge you to consider in the same submissions. Thank you Hon. Speaker.

Hon. Deputy Speaker: Thank you Hon. Member. That being a statement that has a lot of legal implications it looks likely I will need a little time to look through the laws. I therefore want to request the Assembly to allow me to give my ruling in the afternoon today. Thank you.

REQUEST FOR STATEMENT REGARDING PERENNIAL WATER SHORTAGES IN
WOODLEY/KENYATTA GOLF COURSE WARD

Hon. Jeremiah Themendu: Hon. Speaker on behalf of Hon. Mwangi Njihia, MCA Woodley Kenyatta Golf Course, I have two statements to read.

Hon. Speaker Pursuant to Standing Order 45(2) (c) I wish to request for a statement from the Chairperson of the Select Committee on Water and Sanitation regarding the perennial water shortages in Woodley Kenyatta Golf Course Ward.

Hon. Speaker, economic and social rights are entrenched in the constitution of Kenya 2010 and in particular Article 43(1)(d) which provides for the right to clean and safe water of adequate quantities. Hon Speaker there has been acute water shortages in Woodley Kenyatta Golf Course ward especially and the defunct Nairobi City Council houses and senior staff quarters. The lack of water continues to paralyze business operations in the area forcing residents to resort to the only alternative of purchasing water from water bourses and vendor which is expensive.

Hon. Speaker in the statement, the Chairperson should inquire into and report on: -

1. Reasons for constant lack of water in Woodley Kenyatta Golf Course area;
2. The measures the Nairobi Metropolitan Service and county executive are putting in place to ensure the area has a reliable water supply; and
3. The completion status of Northern Water Collector tunnel project expected to supply about 140,000 meters per day to Nairobi and which the residents of Woodley will benefit.

That is statement by Hon. Njihia, MCA for Woodley ward. Hon. Speaker, can I proceed?

Hon. Deputy Speaker: Chair Water, any Member of Water Committee. Give her the mike.

Hon. Rose Ogonda: Thank you Mr Speaker, two weeks can be good.

Hon. Deputy Speaker: Is that okay

Hon. Jeremiah Themendu: I think it is okay.

Hon. Deputy Speaker: Proceed to the next statement.

REQUEST FOR STATEMENT REGARDING THE RATES AND RENT WAIVERS GRANTED BY COUNTY EXECUTIVE THROUGH ADVERTISEMENTS AND INFORMAL DECLARATIONS BY THE GOVERNOR

Hon. Jeremiah Themendu: Hon Speaker pursuant to standing order 45(2) (c) I wish to request for a statement from the Chairperson of the sectoral committee on County Finance, Budget and Appropriations regarding the rates and rent waivers granted by the County Executive both formally through advertisements and informally through declarations made by the Governor.

Hon. Speaker in a couple of months the Governor announced a waiver for house rent arrears owed to the Nairobi City County Government by tenants who had failed to clear their debts due to financial challenges. The move was meant to ease the debt burden in rental arrears for most of the tenants and bring a new chapter in management of rental payments for the houses.

However, Hon. Speaker the tenants continue to receive threats of eviction and harassment from county government employees on the pending rent arrears despite the Governor's directive. Hon Speaker, in the statement the Chairperson should inquire into and report on:

1. Status on both formal and informal waivers made by way of declaration by the Governor and their enforcements
2. Measures taken by officers of the planning department to enforce the Governor's declaration and if not, reasons for failure to do so.

3. Actions taken against officials who continue to harass and intimidate tenants on the waived rent arrears despite the directive by the Governor.

Hon. Deputy Speaker: Chair Budget and Appropriation? Any Member?

Hon. Fredrick Okeyo: Thank you Speaker. We think it's a weighty matter and we request for three weeks since the currently the Budget Committee has a lot of in- trays, so we request for a minimum of three weeks, thank you.

Hon. Deputy Speaker: Is that okay?

Hon. Fredrick Okeyo: Hon. Speaker I think we can give them three weeks, it's okay.

MOTIONS

AIR QUALITY POLICY AND LEGISLATION FOR APPROVAL BY THE COUNTY ASSEMBLY

Hon. Waithera Chege: Thank you Mr. Speaker. I beg to move the following Motion:

That aware that Article 42 of the Constitution 2010 provides that every person has the right to clean and healthy environment including the right to have the environment protected for the benefit of present and future generations through regulations and other measures.

Further aware that section 5 of the Nairobi City County Solid Waste Management Act 2015 provides that every person within the county is entitled to a clean and healthy environment and has a duty to safeguard and enhance the quality of the environment. Cognizant that the functions of the control of air pollution are vested on county government pursuant to paragraph 3 of part 2 of the Fourth Schedule to the constitution; concerned that air pollution is a perennial concern across the globe, especially because it has the greatest environmental risk to the health of vulnerable populations as shown by the studies which I have pointed out that air pollution has a negative effect on a child's neurodevelopment and is linked to some behavior disorders such as autism and attention deficit hyperactivity disorder; further concerned that according to the National Bureau of Statistics in 2014, the leading causes of morbidity and mortality among children in the county are respiratory diseases; noting that World Health Organization estimate shows that 90 percent of people worldwide breathe air containing high levels of pollutants where many people are exposed to fine particles in polluted air that penetrates human body system causing respiratory and cardiovascular diseases; acknowledging that the county government developed a 2019/2023 air quality action plan with the objective of building capacity to develop, implement and enforce improved policy and regulatory frameworks for air quality management in the county; this Assembly therefore urges the county executive in conjunction with Nairobi Metropolitan Services to urgently develop the air quality policy and legislation to provide for mechanisms for improving air quality in the county and submit the same to the County Assembly for approval.

Thank you, Mr. Speaker, for allowing me to bring this Motion before the House. Allow me to acknowledge shared effort between myself and Hon. Ngengi Muigai whom we have been working with on this Motion. Let me also remind this House that an international conference attended by international partners in the month of September 2018 declared air pollution a silent public health emergency. And looking at the statistics especially in Kenya, we have seen that 18,000 Kenyans die every year because of

issues of air pollution and WHO had also declared air pollution as the 5th largest cause of death and disability after alcohol.

Mr. Speaker sir, this Motion was supposed to be debated last week on Thursday. I am also aware that United Nations Environmental Program has identified areas in Nairobi and key among them is Kariokor, Baba Dogo and Donholm as the air pollution blackspot in Nairobi. Going forward, Nairobi South, which I represent in this chamber is number six in matters of priority. The same Thursday that this Motion was supposed to be debated, NEMA, which has been mandated by an act of parliament to supervise and coordinate issues with air pollution was holding a meeting in one of the estates in Nairobi. And in my opinion and also looking at the statistics that have been presented by both WHO and the Kenya Bureau of Statistics, one of the reasons why we have these respiratory diseases and putting into consideration that we also have COVID-19 with us here, respiratory diseases, as indicated, for sure is number five killer in this country.

Mr. Speaker, the third reason why I brought this Motion is because if you look at most of my statements since I came to this chamber, they concern issues of air pollution in Nairobi South Ward. We were able to name between mid-last year and end of last year three companies that three companies have become so notorious in polluting the air not only in Nairobi South but also in Industrial area. And that was Powerlex, Edible Oils and Usafi Plus.

Mr. Speaker, putting into consideration that NEMA has been given power by the constitution of Kenya 2010 that they should coordinate and supervise environmental matters and not forgetting that within Schedule Four of the devolved functions, the county government has the power to control air and noise pollution in this county. NEMA has gone to an extent of giving a clean bill of health to Edible Oils Company. This company has in the past one year been declared one of the biggest companies polluting the air within Mombasa Road, Industrial area and Jogoo Road.

Therefore, when I bring this Motion on board, I am also looking forward to requesting the President of the Republic of Kenya to declare NEMA as one of the most corrupt institutions in matters environment. We have tried our best both as the residents of Nairobi South Ward and also our partners from Imara Daima. I thought my colleague, Obuya would be here because Imara Daima went to court in 2015 trying to have NEMA declare Edible Oils as one of the most notorious companies giving sleepless nights to our residents.

Powerlex Company which is situated behind Road C had also been given a headlight on the issues and the way they are operating because the company was mentioned in this chamber last year as being one of the companies that have been polluting the air along Road C. Since NEMA has failed, the county government, through the department of environment has also failed to bring these people on book. I am now moving forward to ask the county government to bring regulations to this chamber so that we can approve them and start enforcement immediately.

I want to remind you, Mr. Speaker, that some of the causes of air pollution not only in Nairobi, but worldwide, are very serious issues that include pneumonia, bronchitis, irritation of the eyes. I will give you an example of Ego Plains Estate whereby we even had a pregnant mother who gave birth prematurely because of air pollution within Nairobi South Area. We have had cases of seven school-going kids whose

documents from the hospitals we have because of this company we call Edible Oils that totally refused to shut down its doors to prevent more diseases and deaths.

We also have some long term effects of air pollution and remember it can last for a life time. It can also cause death. We have not experienced any deaths so far, but we can be sure if we keep on moving the way we are moving today, air pollution will be a cause of death in our area. Heart disease and lung cancer are also caused by respiratory issues. We are also requesting the residents of Nairobi especially those who use wood to warm their houses to stop because they are also causes of air pollution.

As I summarize, I would wish that this house agrees to pass this Motion to help us deal with issues of air pollution and request the county government, since the world of control of air pollution is vested in the county government and NEMA.... As I call my colleague to second this Motion, we urge the national government to kindly consider amending the act so that some of these second hand vehicles coming into this country which are also controlled since they are causing air pollution. We look forward to partner with the national government to see that because issues of air pollution can be connected to traffic. When you go to railways, you cannot stand there for more than two hours because of the smoke emanating from the vehicles and traffic. So, allow me to call Mr. Mbugua Kabiru to second this Motion. Thank you.

Hon. Mbugua Kabiro: Thank you very much Mr. Speaker sir. It is my honor to also congratulate you on your appointment to be the Deputy Speaker of this House. I would like to second this Motion that seeks to develop and air quality policy and legislation to improve the air quality in the county. The air quality in any neighborhood or in any place cannot be ignored. That is the agent which us and the future generations will continue living on this earth knowing that it is safe and sound.

I would like to start by saying that Robert Orben said that there is so much air pollution in the air that if it were not for our lungs, there would be no place to put it all. And it is indeed true. Look at the industrial area. Look at the areas where factories are so close to the neighboring estates. It is so unsafe to breathe. We should encourage that there be masks whenever we breathe. Why? Because it is unsafe to even breathe normal air. Industries are emitting high amounts of air pollution.

We cannot underscore the importance of the lungs in our body. We all know the situations over which the lungs clean our blood. We do not want to kill a generation. Resolution 7 of the United Nations Environment Assembly that was passed way back in 2015 says that we should encourage that be no air pollution anywhere. The emissions and air pollutions should be kept at a level of zero to 50. That is good air quality. We are in the range of between 51 and 100 which is quite high when you look at it.

Air quality is a right. We have the right to make sure that our children survive and the only way to do that is to make sure that we provide them with the future agent of survival and that would be the air that we breathe.

I thank the Hon. Esther Waithera Chege for making sure this has come to the limelight. I have seen several news articles regarding the surrounding neighborhood and the industrial area and the toxic emissions by those companies. It is quite disheartening to know that someone would profit by killing people. Someone would find joy making money when others are dying. We have seen it happen in many parts of the country as well and it is time we call it a stop. Let us start within Nairobi and let us say that this

is the end to air pollution and we are not only going to plant trees to clean our air, but also check out our carbon index so that the emissions that we give should be equivalent to within the acceptable minimum.

I also thank the Hon. Ngengi. He has also been very instrumental to make sure air in the CBD is made clean with statements after statements and legislation after legislation. Thank you. I second this Motion.

(Question proposed)

Hon. Deputy Speaker: Members. Hon. Mary Ariviza.

Hon. Mary Mwami: Thank you Mr. Speaker sir. I thank Hon. Waithera and Hon. Ngengi for this great Motion. We know that we have climate change worldwide and this climate change is connected with the way we have handled our environment including pollution. We are having Lake Victoria rising up and the latest is that all the lakes in the Rift Valley have already started overflowing.

For example, the gates of Naivasha where we normally go for our meetings are already flooded. So, it is important for us to take care of matters of environment. Pollution is part of what destroys the environment. So, I stand here to support this Motion. It is important for us to know that from the neuropsychological aspect that Hon. Waithera has mentioned, we know that in the long run, when we have air pollution, it has effect on the mothers that carry babies in the womb and the children that are born and eventual the IQ of the people.

So, we are going to have, in the long run, children with lower IQ because we have exposed our mothers and children to pollutants. The idea of what happened in Imara Daima caught my attention because a child there passed away because of asthma. The child had complications of asthma. If the company knows what they are doing is right, why are they operating at night? There is a company between Imara Daima and Syokimau that operates at night and a particular parent was in the media expressing the fact that the child had asthma problem but it was complicated because of the air pollution that is coming from that particular company.

I know that our President has got between now and 2022 when we are still in this House; the idea of us having the cover of trees improved from 7.5% to 10% which is what is needed for a country to be safe. While we are doing that as a country and while they are setting up mechanisms for that – because we know trees also absorb carbon monoxide which is supposed to be bringing part of these pollutants- we must put in measures. This particular one producing oil for us to use in our homes to cook vegetables, if it cannot be able to make sure that pollution- and I would like to know what measures that need to be taken into consideration as we make food products we must make sure that we are not killing the same people that we are using these products.

I stand here to support this Motion, let us set up a very serious framework that would be approved by this House that will govern. I was privileged last year to visit Addis Ababa with the Transport Committee and it has a problem of air pollution but their government has put measures in place to help in preventing pollution. Because of the hilly nature of Addis, you can see clouds on the hill but not rain clouds but pollution clouds.

Our climate has changed especially in Nairobi for those of us who have lived in Nairobi for all our lives. There is a serious climatic paradigm shift in this city. When I came here you would get droplets of water on the head until it would look like you have grey hair, we never had rain in September. Right now we are supposed to have rain around October and a bit of November but not in September. In June, if you noted, June and July were not cold and this is because of climatic change. We must mitigate this so that we Nairobi can be the green city in the sun. Remember we also have an animal ecosystem and I don't hank there is any city in the world that has a national park with animals. It is great to say that the national government has added the acreage but as we add the acreage we must be able to make sure that Nairobi is not going to be polluted that will kill those animals.

I stand here to support this motion of the Hon, Deputy Majority Whip and Hon. Ngengi who is also my Chair for Trade. This is a great motion which needs to be expedited very fast so that we don't die. It should be noted that we have these masks because of Covid 19 but I told that doctors are very worried in this country because by wearing it there are lesser people going to hospital. If we can control air pollution caused by our industries, there will be fewer people who will be getting sick and going to hospital. Thank you very much Mr. Speaker sir.

Hon. Temporary Deputy Speaker: Any member on zoom and would like to contribute, please press the 'raise hand' button on your phone. Any Member? Mover?

Hon. Waithera Chege: Thank you Mr. Speaker sir for allowing me to move this motion. I want to take this chance to thank Clerks, Kibwana and Wasike who have put their effort for the job well done. I also want to thank Hon. Ngengi for the effort made and Hon. Mbugua Kabiro and I want to assure Hon. Kabiro that we are not going to allow any company to make profit on behalf of the residents of Nairobi. Hon. Mary Ariviza thank you for reminding this house that air pollution can make a huge reduction in intelligence, I hope that our members get aware of that.

Finally, Mr. Speaker, I would like to remind you that World Health Organization reported a 17 microgram in particulate matter for outdoor within Nairobi which is a 70% overload on our air. You therefore see the importance of this motion and I hope that the Executive will move in speed to make sure that the issues of quality air are implemented in Nairobi. Thank you Mr. Speaker and the Members of this Chamber. *Asante sana*. I beg to reply

(Question put and agreed to)

Hon. Temporary Deputy Speaker: Next order!

ESTABLISHMENT OF UNEMPLOYMENT INSURANCE FUND

Hon. Kabiro Mbugua: Thank you Mr. Speaker sir. I beg to move the following Motion; whose subject is the establishment of the Unemployment Insurance Fund. That, Article 6 of the Constitution of Kenya 2010 provides for two levels of government, the national and the county governments which are distinct and interdependent and require to conduct their mutual relation on the basis of consultation and co-operation. Further; aware that Article 41 of the Constitution provides for the right to fair labour practices including forming, joining or participating in activities and programmes of trade union. Acquainted that in the recent months have witnessed increased cases of job losses not only in Kenya but globally with an

estimation of one million job lost by June across all sectors in Kenya due to the Corona Virus pandemic. Concerned that: a majority of people in Nairobi has high hopes and ambitions in the beginning of this year. However, poor micro-economic performance and lack of labour market opportunities and the current pandemic has resulted in reduced revenue losses of business opportunities, loss of market for goods and services, shortage of raw materials and restructuring due to tough economic times. Noting that: high expectation, disappointing employment and high prospects have fueled frustrations and desperation among many people who have turned to criminal behavior, violence, substance abuse, commercial sex work and eve suicide. Acknowledging that; the national government has developed several economic stimulus programmes and measures to cushion the economy from the impact of Covid 19 pandemic, this assembly urges the County Executive to develop a policy to establish an Unemployment Insurance Fund to which employers and employees contribute and from which employees who become unemployed or their beneficiaries as the case may be, are entitled to benefit in order to alleviate the harmful economic and social effects of unemployment.

Mr. Speaker sir, I would like to ask this Hon. House to support this motion that seeks to create the Unemployment Insurance Fund which will alleviate the population of Nairobi from harmful economic and social effects of unemployment. Margaret Thatcher is one of the renown United Kingdom Prime Minister who served between 1979 and 19990 and she said, that, inflation is the parent of unemployment and the unseen robber of all those who have saved'. This has proved to be true in the face of this pandemic.

We have had the inflation rate go down but that should not fool you. It is not going down because it is a good thing that is happening but it is because it is a terrible thing that is happening within the global sphere. Inflation is defined as the percentage change in monthly consumer price index. If you check the Central Bank of Kenya, you would know that the inflation rate for the month of February was standing at 7.17 and the month of March dropped to 5.84 and that I when the pandemic started hitting us.

We went up in the month of April to 6.801, May 5.33, June 4.59, e stabilized in June and August at 4.36 each. The economy is judged by the Big 4 and the President was right when he was putting up the Big 4 Agenda saying that his is what will drive the agenda and will present the economic growth in this country. The manufacturing has been hit the hardest, we have seen reduced production and massive layoffs. People have even gone to live in the streets basically, because they do not have any income.

It's likely that Kenya's inflation will go up by the end of the year according to financial analysts. This is to say that we are sitting on a time bomb which will erupt one day and all of us will be found in places where we do not want to ever have been in life and I am very sorry for those who found themselves early enough. But we are all following suit if we do not enact such a legislation that I am calling the Unemployment Insurance Fund. The unemployment rate currently stands at 10 per cent, and I would like to bet that his rate has gone up from the month of March up to September. It has actually gone up, I would like to predict that it is probably between 15 and 20 per cent. Leave alone the Kenyan one, the youth one is alarming. It stands at 35 percent.

The number of youths being churned up from colleges and universities are 800,000 every year. We may say that this year there is not going to such a number but every year 8000,000 youths who have been churned into the labour market but they do not have anything to do. The relationship between labour and

good, is directly proportional. If you have a good job you will basically have a good life. Mr. Speaker 80 per cent of the unemployed are between the age of 25-35 which is quite the youth bracket in Kenya according to how it is defined in the Constitution. This is quite a huge number.

Jen Adams one of the American Settlement Activist who lived between the years of 1860 and 1935 stated in one of her nice statements; she said that, 'in all aspects of misery nothing is so heart breaking as unemployment'. Indeed, unemployment has ripped off the lives of those people who used to work. Let us talk about the National Social Security Fund which in one of the news clip that was carried by KTN just the other day.

People have gone to claim their NSSF contribution to large tunes. People who have been laid out of work have gone to claim their social protection. I understand that this social fund is contributed so that it can assist someone during the time of retirement. You will get young people of my age who have gone and probably they have just contributed for ten, five or three years but they go and claim their contributions. The pension claims have surged. In march there were 5741 applications claiming their pension. This is quite huge number. That predicts the trend. Kshs 330 million was paid out in that month alone.

In the month of April 1536 people went to claim their contributions and Kshs 77 million was paid. In May 2373 went to claim and Kshs 123 million was paid out by NSSF. In June it was one-person shy of 6000 that went to claim their benefits and from that month alone Kshs 322 million was paid. In July we had the highest- 11831 from which Kshs 235 million was paid. In August it was 8603. What am I talking about? Interesting numbers? High numbers? But this is trouble. In the next couple of months, we are going to have high rate of unemployment. We are going to have high rate of inflation and we cannot caution people. Where are people going to go? They are going to go to crime, commercial sex work, evils we can't speak about here.

Mr. Speaker I am calling upon this assembly to support this Motion that the executive develops an unemployment insurance fund from which employers and employees will then contribute and it will be more of that when you don't have employment or fall out you are supported by the government for up to six or three months depending on your contributions. That is something we can do.

Hon Speaker it is nothing new and it has happened in many parts of the world but also I think my brother or grandfather Mr. Atwoli would then quote that the world lacks unemployment insurance protection. Seventy-five per cent of the 150 million people who are unemployed in this world do not have unemployment insurance. They cannot go back to anything when they are hard hit in time of economic struggle. Countries like Austria, Belgium, Denmark, Finland, France, Germany are among the fourteen countries which are considered to provide generous employment protection systems. I am not talking of something new. It is something that is doable and it is actually being done. Actually in the Massachusetts Institute in United States where most insurance is paid, they pay up to 827 dollars per week for the unemployed. It is not something that we cannot contain. It is something that is possible.

Australia, Canada, Ireland, Japan, New Zealand, United States and United Kingdom belong to the medium level type of system where fewer people receive the benefits but is better you give to the few but you save a generation of people who are going to withdraw their benefits in the schemes that support their retirement.

Mr. Speaker I will like to reiterate and call on members to support that we are creating an unemployment insurance fund that will alleviate the harmful economic and social effects of unemployment for the youth, women, marginalized and for all group of people who are employed and those who will be employed in formal and informal sectors. I would like to thank you and call on Hon Millicent Jagero to second this motion, thank you much.

Hon. Millicent Jagero: Mr. Speaker thank you. I rise to second this Motion of Hon. Mbugua Kabiro. First I would like to thank him for bringing this noble Motion on board and secondly I also want to congratulate you for being the Deputy Speaker of Nairobi County Assembly.

Mr. Speaker the unemployment insurance fund will be of major benefit to this county which I also believe the country will do a copy. We know that the loses that came with the Covid 19 pandemic was so huge that so many workers were laid off involuntary and again we know that hunger pangs have risen. In the SDG and Millennium Development Goals we know that they are fighting extreme poverty, zero hunger, sustained cities and communities and ensuring that responsible consumption and production of goods and services are in place.

Mr. Speaker the importance that this policy will bring on board will act as replacement of lost income to those who have been laid off from work places. The employers and employees will be able to engage each more in social and economic activities that will be beneficial to them in future like coming up with income generating activities that will be able to sustain them even when they are not in work.

Another importance it will come with is it will provide additional support to workers during recession without large negative impacts. Another importance will be it will enable workers to maintain consumption while spending more time searching for a job. Lastly it will encourage workers to accept job that are of importance to this community not necessarily the jobs they were linked to or knowledgeable and skilled in.

Mr. Speaker when the county will be formulating this policy I will urge them to look at the following: the eligibility requirements that is which employer or employee will be eligible for this fund once it comes in place because you find that some people will just be employed for the benefit of being beneficiaries of this fund. Then the benefit level and the maximum duration of the befit once the employees has been laid off from work.

Mr. Speaker we will need a monitoring of the employees once the policy is in place on how the executive or the team in place will have to monitor whether the companies or employers have followed the regulations on that they need to do. We also need to come up with regulations on how the employers will be in this policy and the employees that will refuse to follow the policy. Thank you. I second the Motion.

(Question proposed)

Hon. Deputy Speaker: Members on Zoom you may wish to press the 'raise hand' button on your phone if you want to contribute to this Motion. Deputy Majority Leader?

Hon. Peter Wanyoike: Thank you Mr. Speaker for giving me this opportunity. Let me thank Hon Mbugua Kabiro for coming up with such good Motion. Mr. Speaker establishment of unemployment insurance Fund is a noble idea where the employer and employee will contribute for this fund. We are going through a very hard time of Covid 19 which has brought a delicate balance that those who are employed their jobs hang on balance.

Mr. Speaker most countries in the world lack this unemployment insurance fund. Kenya with the National Employment Authority has not yet established this fund which will protect those whom are unemployed.

There are those who are losing their jobs at early age whereby they don't even earn pension; and also retirees. They survive on their pension so that they can cater for their medical fees. With this I will urge this county of Nairobi to come up with this fund so that it can help our employees, thank you. I beg to support.

Hon. Deputy Speaker: Mover!

Hon. Mbugua Kabiro: Thank you very much Mr. Speaker sir and thank you for the support. I will like to thank the Hon. Millicent Jagero for seconding this Motion. Indeed, that was a very nice input to the Motion. I would also like to thank the deputy Majority Leader for supporting this initiative. Indeed, he has been my chairman for Labour committee and if he would not have spoken I would have taken it as an offence. I would like to end by saying that Hubert Humphrey, an American politician and 38th Vice president of USA who lived in 1911-1978 said that there is no such thing as unacceptable level of unemployment because hunger is not acceptable, poverty is not acceptable, poor health is not acceptable and ruined life is not acceptable. Therefore, let us protect our young, let us protect our old, let us protect our women, let us protect the marginalized, let us protect the formal and informal sectors in this country in order for us to have a prosperous country; on that the Big Four that is affordable housing, universal healthcare, manufacturing and lastly but not least food security will be something that will be realized in this current political dispensation. I would like to thank Kenya and thank this county of Nairobi for allowing this to happen. Thank you very much and I beg to reply. Thank you.

(Question put and agreed to)

ADJOURNMENT

Hon. Deputy Speaker: Hon Members there being no any other business we adjourn the assembly to 2.30 p.m. today.

The House rose at 11.50 a.m.