

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 4th May, 2005

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

NOTICE OF MOTION

PROVISION OF LOANS TO STUDENTS IN MIDDLE-LEVEL COLLEGES

Mr. Koros: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:- THAT, in view of the significant contribution made by the graduates trained in our tertiary institutions in national development; aware that many brilliant young people cannot access tertiary education due to lack of fees; this House calls upon the Government to provide loans to all needy students in middle-level colleges throughout the country.

QUESTIONS BY PRIVATE NOTICE

ARREST OF UNARMED *Busaa* CONSUMERS

Mr. Bifwoli: Mr. Deputy Speaker, Sir, I beg to ask the Minister of State, Office of the President the following Question by Private Notice.

(a) Is the Minister aware that officers from Bungoma Police Station invaded the home of Mr. Constant Mechumo of Miluki Village, Bumula Division, allegedly to arrest residents drinking *busaa* on 16th April, 2005 but in the process assaulted an old woman, breaking her hands and legs?

(b) Is he further aware that the same officers shot and injured a schoolboy in the same area?

(c) Could the Minister inform the House why the officers used excessive force to arrest unarmed consumers of the traditional brew?

The Assistant Minister, Office of the President (Mr. M. Kariuki): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Yes, I am aware that regular and Administration Police while on normal patrol in Miluki Village, Muhonja Sub-Location in Bungoma District, came across a group of people taking *chang'aa* in the compound of one, Mr. Constant Mechumo. They arrested 15 people while the rest escaped. Those who escaped regrouped and raised alarm. The attackers were all men and no complaint of an injury to an old woman was received in the police station.

(b) No, I am not aware that a schoolboy was shot in the same area. However, I am aware that a male attacker aged 18 years was shot and injured in the abdomen during the incident.

(c) The officers did not use excessive force. The mob that responded to the alarm had armed themselves with *pangas*, spears, *rungus* and stones which they used to attack the officers seriously

injuring one of them. The following were recovered and held as exhibits: One spear, three *pangas*, two *rungus* and five stones.

Mr. Bifwoli: Mr. Deputy Speaker, Sir, the truth of the matter is that these people were drinking *busaa* and not *chang'aa*. That is the correction I want to put across to the Assistant Minister.

Mr. Deputy Speaker: What is the difference between *chang'aa* and *busaa*? Are they not brews?

Mr. Bifwoli: Mr. Deputy Speaker, *chang'aa* is illicit while *busaa* is not and it is even consumed by some hon. Members here.

(Laughter)

My next question is: Is taking *busaa* in Kenya illegal?

Mr. M. Kariuki: Mr. Deputy Speaker, Sir, the offence of illicit brews is being in possession of them. If somebody is found having consumed some *chang'aa* nobody will know what is in his stomach, but if you are found in possession of it then you have committed an offence. I just want to say that it is not normal for police to use force to arrest people, but in this particular case a police officer was stripped naked by this mob, beaten up and injured. So, it was a serious matter.

Mr. Ojaamong: Mr. Deputy Speaker, Sir, cases of police officers using excessive force to arrest consumers of traditional brews is on the rise in Busia and Bungoma districts in general. *Busaa* is a poor man's drink. The poor people cannot afford these other commercial drinks which retail at Kshs70 per bottle. Could the Assistant Minister consider banning the consumption of alcohol regardless of whether it is commercial or traditional so that we do not discriminate against the poor?

Mr. M. Kariuki: Mr. Deputy Speaker, Sir, it is this House that makes laws. We have a Traditional Liquor Act and if one complies with the conditions within that Act, one will be able to consume his or her traditional liquor. However, any breach of the law will be dealt with firmly. So, if the idea is that we legalise traditional liquor, let the Motion come before this House for deliberation. As far as we are concerned, we have to enforce the law and we will do it to the letter.

Mr. Deputy Speaker: Hon. Members, are we not diverting the attention from a serious matter of a schoolboy being shot and getting injured by dwelling on whether beer is legal or not? I thought we should be pursuing the issue of excessive force used to injure a schoolboy rather than whether liquor should be legalised or not.

Mr. Manoti: Mr. Deputy Speaker, Sir, it is a known fact that when police officers raid *chang'aa* and *busaa* dens, they normally do so without the presence of the area chief or assistant chief. If these local leaders were involved, such cases would not arise. The police know that if they involved chiefs and their assistants they would not take the bribes offered by the villagers. Could the Assistant Minister instruct the police to be accompanied by the local chiefs whenever they undertake such raids?

Mr. M. Kariuki: Mr. Deputy Speaker, Sir, the police have a statutory mandate to deal with crime and enforce law and order. The chiefs have a duty under the Chiefs Act to ensure that there are no illicit brews within their areas of jurisdiction. We have tried to promote that co-operation. However, that is not to say that a police officer cannot discharge his duty because the chief is not around. If it becomes necessary, we will have to engage the chief and police to have a teamwork.

Mr. Serut: Mr. Deputy Speaker, Sir, cases of police shooting Kenyans whenever they are found drinking *busaa*, or any other brew, are on the increase. On 27th March, 2004, a student aged 16 was shot in Mt. Elgon District. We were given just the same story that is being given today in this House. When will the Assistant Minister set up an independent body that will be investigating cases where police officers themselves are suspects, especially in an incident like this one which has happened in Bungoma District? We are most likely to see a cover-up in this case.

Mr. M. Kariuki: Mr. Deputy Speaker, Sir, as I said, the police are not above the law. They

are not entitled to break the law in the course of enforcing it. If there are any police officers who are involved in an incident where it results into death or any breach of the law, we have dealt with them firmly. Last year alone, 57 police officers were arraigned in court for breaking the law.

Mr. Deputy Speaker: Last question, Mr. Bifwoli!

Mr. Bifwoli: Mr. Deputy Speaker, Sir, before I ask the last question, I want to dispute the answer given by the Assistant Minister because the old woman is admitted in Bungoma District Hospital. Secondly, the person he claims to be 18 years old is a schoolboy who was shot. He is also admitted in Bungoma District Hospital. I can bring evidence to support this, if I am ordered to do so.

Mr. M. Kariuki: Mr. Deputy Speaker, Sir, when the police officers raided this *chang'aa* brewing den, there was no individual in school uniform. Consequently, it is not possible to say that there was a schoolboy. There was an 18 year old adult who was involved. If he is a schoolboy, that is a matter of detail. But we have given the information as we received it from the police officers on the ground. Those who assaulted the police officers have been arraigned in court and their cases are pending. If this lady was injured, we have no information so far. But I will be quite happy to receive the information from the hon. Member for further action.

Mr. Bifwoli: What is your ruling, Mr. Deputy Speaker, Sir?

Mr. Deputy Speaker: There is no ruling. The Question is finished, if the Assistant Minister has offered to discuss with you the issues you have just raised, particularly of the injured woman. Parliament is not a court of law. We are not going to receive evidence, counter-evidence and then make a ruling. I think the Assistant Minister has done his best. The rest is for you to follow up with him.

Next Question by Mr. M. Maitha!

NON-ADMISSION OF MISS GRACE
MBATHA INTO SECONDARY SCHOOL

Mr. M. Maitha: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Education, Science and Technology the following Question by Private Notice.

(a) Is the Minister aware that an orphan, Miss Grace Mutheu Mbatha who was a pupil at Sunflower Junior Academy in Makutano, Kapenguria attained over 300 marks in last year's KCPE, but cannot be admitted to a secondary school, as she is pregnant?

(b) What immediate steps will he take to assist the pupil continue with her education?

(c) Could the Minister further transfer her two siblings from Sunflower Academy to an orphanage in Nairobi where their grandmother can be able to easily access?

The Assistant Minister for Education, Science and Technology (Mrs. Mugo): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that Miss Mutheu Mbatha was a pupil at Sunflower Junior Academy in Makutano, Kapenguria, and that she obtained over 300 marks in last year's KCPE examination. However, I am not aware that the girl is or was pregnant and she was denied admission into Form One on that ground. I would like to add that the Ministry has a provision which allows girl students who have delivered while at school to resume studies. We even organise for them to transfer to another school.

(b) The Ministry can identify a suitable secondary school for the girl, commensurate with the marks that she obtained in KCPE. This can be done if the girl's guardian, or any other concerned person, visits the Ministry headquarters or the relevant DEO's office for the arrangement.

(c) The Ministry of Education, Science and Technology cannot transfer the siblings from Sunflower Academy to an orphanage in Nairobi, because orphanages fall under a different Ministry. But my Ministry can identify a primary school for the siblings in Nairobi. However, I would like to add

here that, if it is absolutely necessary that the children, because they are orphans, go to an orphanage, then we can also discuss with the relevant Ministry.

Mr. M. Maitha: Mr. Deputy Speaker, Sir, the reason why Miss Mutheu was not admitted to Form One is because she was in Kapenguria police cells. She had stayed there for three months on allegations that she was a friend to the Manager of that school. As I speak, this girl has given birth to a baby girl. This girl was taken from Kangundo in 1987 when her mother was murdered. In fact, her two sisters are still in that school. If she was in a school that has enough security, who impregnated her?

Mr. Deputy Speaker: Madam Assistant Minister, that is a big question for you!

(Laughter)

Mrs. Mugo: Mr. Deputy Speaker, Sir, even in my quest to protect girls in this country, sometimes, it is completely impossible to know their movements. So, I cannot really know who impregnated this girl even if there was security in the school. However, this matter was definitely not reported to us at that time. Had it been, we would have investigated. Even today, if all the facts are given to us and there is a complaint, we still can investigate. So, I do not have an answer to that.

Mr. Osundwa: Mr. Deputy Speaker, Sir, there is something curious about the answer given by the Assistant Minister. She says that they make arrangements to transfer pregnant girls to other schools. I would like her to tell this House, which are these schools. In my constituency, last year, nine girls were impregnated and they have not been allowed to join any school. Where are these schools which admit pregnant girls?

Mrs. Mugo: Mr. Deputy Speaker, Sir, any school can admit them. We only move them if they feel uncomfortable in the school where they are when these acts take place. If they are happy to remain in the same school, we leave them there. Sometimes, it is their parents who request us to remove their children from one school to another because they are unhappy where they are. We do not have any schools somewhere where we admit pregnant girls. They go to the same normal schools.

Dr. Khalwale: Mr. Deputy Speaker, Sir, Mr. M. Maitha has told us that this girl was arrested in the first place because she befriended an officer at the Sunflower Junior Academy. Could the Assistant Minister tell us what action she will take against the police officer who arrested a school girl purely because she was suspected to be a friend of a boss in the school? Is it an offence?

Mrs. Mugo: Mr. Deputy Speaker, Sir, as I said, there is no complaint that has been launched with the Ministry. When it is done, then we will go through the right process. We will get, first of all, the DEOs and Provincial Director of Education to investigate the truth behind that matter. After that we will take the necessary action.

Mr. Deputy Speaker: We have taken a lot of time on this Question.

Last question, Mr. M. Maitha!

Mr. M. Maitha: Mr. Deputy Speaker, Sir, this is a very sensitive matter. This is because this girl was taken from Kapenguria by the OCPD, Kapenguria, who left her at Machakos Bus Stage to find her way to Kangundo where she left when she was three years old. The reason I am requesting for the transfer of her sisters is because there is nobody to take care of them. The mother I am referring to is sister to the grandmother who passed away. They are not secure now in that school because the wife of the manager is the one who made sure that the girl was arrested and taken to the cells on allegations that she was having an affair with her husband. Could the Assistant Minister ask the Vice-President who is here now to consider transferring these two children from that school to another one because of their security?

Mrs. Mugo: Mr. Deputy Speaker, Sir, I said that, if there was need to take those children to an orphanage, we would support the process. We can consult with the relevant Ministries. You do not expect the Vice-President and Minister for Home Affairs to come and answer that now. We will look

into that matter and if, there is merit, we will help the children to go to an orphanage. But what I am offering now is to transfer them to another primary school near the grandmother's house here in Nairobi. Then, the rest of the process can follow.

MEASURES TO PREVENT
OUTBREAK OF MALARIA

Dr. Khalwale: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Health the following Question by Private Notice.

(a) Is the Minister aware that pregnant mothers and children in many districts face imminent death due to malaria during the current long rains?

(b) What emergency measures has she taken to safeguard them and prevent the disaster from happening?

The Assistant Minister for Health (Mr. Konchella): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am not aware of any imminent death of pregnant mothers and children due to malaria since the Ministry has put in place adequate preventive and control measures.

(b) The Ministry has put in place the following measures to prevent a malaria outbreak:-

(i) Adequate stocks of anti-malarial medicine has been supplied to all health centres countrywide.

(ii) There is an on-going exercise of spraying houses in all epidemic-prone districts and further, spraying equipment worth about Kshs40 million is being procured through World Health Organisation (WHO).

(iii) An amount of Kshs130 million from the Global Fund for HIV/AIDS, Tuberculosis and malaria is being sent to 46 districts with the most burden of malaria to strengthen the control activities. That will include public sensitisation through public barazas, training and full involvement of communities in the control measures. Under the same Fund, 200,000 bed nets worth Kshs46 million are being procured for distribution to children and pregnant mothers countrywide at no cost.

Dr. Khalwale: Mr. Deputy Speaker, Sir, it is surprising to hear the Assistant Minister say that he is not aware that those people face imminent death and yet, by the end of today, malaria will have killed more pregnant mothers and children than any other disease in the country. The question is: If we are going to spend Kshs46 million to buy nets, how will the Ministry ensure that the distribution of the same is done fairly to all deserving pregnant mothers and children?

Mr. Konchella: Mr. Deputy Speaker, Sir, the distribution of nets will be prioritised on endemic areas. The Ministry of Health will distribute the nets to all health centres and dispensaries in the districts.

Mr. Billow: Mr. Deputy Speaker, Sir, the Ministry of Health is so steeped in corruption that the building where they are housed is known as "Mafia House". In spite of the billions that are voted to that Ministry, malaria continues to be an epidemic in many parts of this country. Three weeks ago, in our Supplementary Appropriations, the Ministry reduced the commitment from the Global Fund for the Fight Against HIV/AIDS, malaria and Tuberculosis by Kshs1 billion! Could the Assistant Minister tell the House why the Ministry was not able to utilise that money and, therefore, it had to be reduced in the Supplementary Appropriations when, in fact, thousands of people are dying of malaria every year?

Mr. Konchella: Mr. Deputy Speaker, Sir, it is not true that the Ministry of Health is housed in "Mafia House". It used to be housed in "Mafia House" during the regime of hon. Members on the other side of the House. At the moment, the Government has put in place serious measure not only to control corruption, but also to ensure that it does not happen in future.

Mr. Maore: On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Order! Continue, Mr. Assistant Minister. Do not be intimidated.

Mr. Konchella: Mr. Deputy Speaker, Sir, the money that the Global Fund had given to the Ministry of Health has been utilised. But there are problems because the Fund insisted on some structures being in place before the funds would be released. The Ministry of Finance was required to set up some accounting systems but it has taken too long. As a result, the utilisation of that money was delayed. But, right now, we have received Kshs350 million purely for malaria. All that money will be utilised in malaria prone areas.

Dr. Khalwale: Mr. Deputy Speaker, Sir, the Global Fund, over the last 12 months or so, gave us billions of shillings to combat the HIV/AIDS pandemic. That money lined the pockets of a few individuals who were in control. What precautionary measures has the Assistant Minister put in place to ensure that the money that has been brought by WHO to combat malaria does not also end up being corruptly used by individuals?

Mr. Konchella: Mr. Deputy Speaker, Sir, the impression given by the hon. Member that money is being corruptly used is not true. If there is any corruption within the Ministry, bring the issue here, so that it can be debated or taken to court. The courts are there to deal with such issues.

Mr. Boit: Mr. Deputy Speaker, Sir, is the Assistant Minister in order to tell us that there is no corruption in the Ministry when the nets that they are distributing to pregnant mothers and children are being sold, instead of being given free? How much money did you receive?

(Laughter)

Mr. Konchella: Mr. Deputy Speaker, Sir, corruption is an issue of individuals. If any individuals in the Ministry of Health or other health institutions are corrupt, let us deal with them as individuals. The Government does not condone corruption. There is zero tolerance to corruption today. The Ministry will take care of what the hon. Member has raised. But I promise that corruption will be dealt with seriously.

ORAL ANSWERS TO QUESTIONS

Question No.029

DISMISSAL OF MR. GICHOBE
WAGURA BY TWAJENGA HOLDINGS

Mr. Wamwere asked the Minister for Labour and Human Resource Development:-

(a) whether he is aware that Mr. Martin Baughtner of Twajenga Holdings, P.O. Box 13880, Nakuru, dismissed, without pay Mr. Geoffrey Gichobe

Wagura on 26th February, 2003; and,

(b) what the Ministry is doing to ensure that Mr. Wagura is paid his dues and subsequently reinstated to his job.

The Assistant Minister for Labour and Human Resource Development (Mr. Khalif): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Yes, I am aware that Mr. Martin Baughtner of Twajenga Holdings terminated the services of Mr. Geoffrey Gichobe Wagura on 26th February, 2003, following a disagreement over work performance. As a result of the disagreement, Mr. Wagura sought assistance from the District Labour Officer, Nakuru, on 19th March, 2003.

(b) Through the intervention of the District Labour Office in Nakuru, Mr. Geoffrey Gichobe Wagura was given full payments as follows:-

- (i) One month's notice in lieu of Kshs4,000.
- (ii) Full wages for February, 2003 amounting to Kshs4,000.
- (iii) Pro-rata leave for eight months worked at Kshs1,866. The total amount came to Kshs9,866.

Finally, Mr. Wagura did not seek reinstatement.

Mr. Wamwere: Mr. Deputy Speaker, Sir, the truth is that after his dismissal, Mr. Wagura first sought to be reinstated. It is only when he was not reinstated that he then sought the help of the labour officer to have his dues paid. Given that in the course of asking for his dues to be paid he was also seeking to be reinstated, could the Assistant Minister explain what action he will take against labour officers who misled him with the information, that Mr. Wagura never wanted to be reinstated?

Mr. Khalif: Mr. Deputy Speaker, Sir, since it was a normal termination contrary to summary dismissal, that was in accordance with the law. The employer is not compelled to reinstate him. In an employment relationship, the labour officer cannot under the law force an employer to reinstate a terminated employee, provided the employee has been paid his or her terminal benefits. It is only the Industrial Court which is empowered under the law to ask for reinstatement of an employee.

Maj. Madoka: Mr. Deputy Speaker, Sir, I think it is common knowledge that labour officers throughout this country do not do their work. You will find that employees who have been dismissed or had their services terminated go to their offices and it takes a year or two to settle their cases. Is there a time-frame by which these labour officers should deal and finalise these cases, including payment of workman's compensation?

Mr. Khalif: Mr. Deputy Speaker, Sir, there is no time-frame for labour officers to conclude their work. It all depends on the kind of disagreement or job they are dealing with.

Mr. Ndolo: Mr. Deputy Speaker, Sir, the issue of labour officers collaborating with industrial company owners, especially here in Nairobi is a very serious one. What steps is the Assistant Minister going to take on those labour officers to make sure that workers who leave employment are paid their dues? Some of them have not received their dues for more than 10 years. The labour officers are collaborating with these industrialists in Nairobi.

Mr. Khalif: Mr. Deputy Speaker, Sir, first and foremost, I am not aware of labour officers who collude with industrialists as the hon. Member is alleging. If the hon. Member knows any labour officer who colludes with industrialists, he should let us know.

Mr. Wamwere: Mr. Deputy Speaker, Sir, since the Assistant Minister is asking for names of labour officers whom he can take action against, I am willing to let him know that the labour officers that dealt with this case were officers who were guilty of, probably, inducement in order to make a ruling against this particular worker. What action will he take against those particular labour officers that dealt with this case?

Mr. Khalif: Mr. Deputy Speaker, Sir, if the hon. Member feels that the District Labour Officer who particularly dealt with this Question is corrupt, let him report to us. We will investigate, and after a thorough scrutiny, if we feel, for any reason that, that person is corrupt then we will definitely do something about it.

Question No.146

COMPENSATION OF MR. JACKSON WAYAYA BY
MUMIAS SUGAR COMPANY

Mr. Osundwa asked the Minister for Labour and Human Resource Development:-

- (a) whether he is aware that the family of the late Mr. Jackson Masai Wayaya, a former employee of Mumias Sugar Company who died on 5th April, 1982 due to

electrocution while on duty at the company premises, has not been compensated to date; and,

(b) what action he is taking to resolve this matter.

The Assistant Minister for Labour and Human Resource Development (Mr. Khalif): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that the late Mr. Jackson Masai Wayaya was an employee of Mumias Sugar Company up to 5th April, 1982 when he died as a result of electrocution while on duty. After the fatal accident, the employer, that is, Mumias Sugar Company reported the case to Kakamega Labour Office vide the prescribed form; Form LD104, in accordance with the Workman's Compensation Act, Cap.236, Laws of Kenya, dated 6th April, 1982.

(b) Upon receipt of the forms, the necessary action was taken by the labour office to have the dependants compensated in accordance with the above said Act. The compensation dues payable to the deceased workman were computed and an amount of Kshs29,150 was claimed. The company, vide letter Ref.No.PER/G/5, dated 18th September, 1982 remitted a payment cheque for Kshs29,150 to the District Labour Office, Kakamega.

Mr. Deputy Speaker, Sir, it should be noted that the maximum dues payable for fatal accident was Kshs29,000, while the Kshs150 on top of the amount was for court fees. All the dependants of the late Mr. Jackson Masai Wayaya as listed in the certificate of dependency, LD132 by the District Commissioner, Kakamega, were paid their rightful dues through the Senior Resident Magistrate, Kakamega, on 28th April, 1982. They all signed to confirm receipt which was accepted by the Senior Resident Magistrate, Kakamega.

Mr. Deputy Speaker: I hate to interrupt you, but that is a very long answer. Have you finished now?

Mr. Khalif: Yes, Mr. Deputy Speaker, Sir.

Mr. Osundwa: Mr. Deputy Speaker, Sir, I want to thank the Assistant Minister for giving me a written reply in time, but the facts on the ground are that the family members disputed this amount of Kshs29,000 only being compensation for a lost life. They filed a case in Bungoma through Nakhone Advocates. They won the case. A cheque was written to Nakhone and Company Advocates and the administrator of the estate of the late Masai has not released this cheque. Could the Assistant Minister undertake to assist this family get the money since they are too poor to afford money for litigation?

Mr. Khalif: Mr. Deputy Speaker, Sir, during the period that Mr. Wayaya was electrocuted that is in 1982, compensation payable for fatal cases was a maximum of Kshs29,000. Contrary to what the hon. Member has said, I am not aware of any case that is pending in court.

Mr. Mwandawiro: Bw. Naibu Spika, ni wazi kabisa kutokana na jibu la Waziri Msaidizi kwamba, sheria za kazi za nchi yetu ni za kikoloni, kinyama, kuchukiza na kushangaza kabisa. Huu ni mwaka wa tatu tangu hii Serikali ichaguliwe, na mpaka sasa haijarekebisha hizo sheria za kinyama kabisa dhidi ya wafanyakazi. Inaendelea kuwangandamiza hata miaka 40 tangu ukoloni uangamizwe. Je, ni lini hii Serikali italeta Mswada wa kurekebisha hizi sheria za kinyama?

Mr. Khalif: Mr. Deputy Speaker, Sir, I concur with the hon. Member that our current labour laws are outdated having been formulated during the colonial times. However, we are in the process of reviewing these laws, which will soon be taken to the Cabinet for endorsement. It will then be brought to Parliament for legislation.

Mr. Osundwa: Mr. Deputy Speaker, Sir, I have not said that there is a pending case in court. I said the case was concluded and more than Kshs29,000 paid. The cheque is lying with M/s Nakhone & Company Advocates in Bungoma. I mentioned that this family is too poor. They cannot even afford court fees to take the lawyer to court. I am pleading with the Assistant Minister to assist the family to get their money since they have not been paid to date.

Mr. Khalif: Mr. Deputy Speaker, Sir, I am not aware of what the hon. Member has said, but

I will investigate and do something about it.

Question No.250

NUMBER OF POLICEMEN KILLED
BY ROBBERS IN THE COUNTRY

Mr. Mukiri asked the Minister of State, Office of the President:-

- (a) how many policemen have been killed by robbers in the line of duty in the country in the last five years;
- (b) what steps he has taken to enhance the safety of the officers; and,
- (c) what measures the Government has taken to compensate the families of the deceased.

The Assistant Minister, Office of the President (Mr. M. Kariuki): Mr. Deputy Speaker, Sir, I beg to reply.

(a) A total of 126 police officers have been killed by robbers in the line of duty in the country for the last five years, up to 30th April, 2005.

(b) To enhance the safety of police officers in their line of duty, officers on patrol and investigation duties are issued with bullet-proof jackets; security personnel have been given further advanced training on crime combating techniques to meet the new challenges; we have equipped police officers with modern sophisticated weapons and equipment to out-match those used by criminals; officers have been sensitised on personal security and endeavouring team work approach in fighting crime; police officers are given frequent briefing when proceeding on operational duties; police officers attending to scenes of crime have been directed to have adequate strength and the right equipment; those deployed in operational fields are given adequate training to suit such environment to enhance workmanship; and, the Police Air Wing has always been put on a 24-hour surveillance to give support to ground officers whenever need arises.

(c) To compensate the families of deceased police officers, the Government, through the Director of Pensions at the Ministry of Finance pays death gratuity as provided for in Section 18, Cap.189, Laws of Kenya, and "Killed on Duty Pensions", as provided for under Section 19 of the same law.

Further, families of deceased officers on the line of duty benefit from a Group Personal Accident Scheme by an insurance firm and the Permanent Secretary, Ministry of Finance, makes payments. Also, families of deceased officers benefit under the Workman's Compensation Act, Cap.236, Laws of Kenya, which payments are made by the Registrar, Workman's Compensation, under the Ministry of Labour and Human Resource Development.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Mukiri: Mr. Deputy Speaker, Sir, the answer to the Question looks very nice. However, even the Assistant Minister knows that this answer is not truthful. I do not believe that all the policemen, especially those who go on patrol, are provided with bullet-proof jackets. Otherwise, we would not have 126 police officers shot dead.

However, I am more interested in his reply to part "c" of the Question. How much money would an officer be compensated under the so-called "Killed on Duty Pension"? For instance, if the victim happens to be a corporal, how much would his family be compensated?

Mr. M. Kariuki: Mr. Deputy Speaker, Sir, that is a point of law, which is provided for under Section 19, Cap.189. The figure is not uniform. It varies depending on the status of the officer.

Mr. Maore: Mr. Deputy Speaker, Sir, if you listened carefully, you must have realised that the Assistant Minister has hidden behind the Group Personal Accident Scheme, the Workman's Compensation Act and then Cap.189 Laws of Kenya. He did not want to go to the specifics. Could

he, comprehensively, give details of what compensation they give to officers when they are killed in the line of duty?

Mr. M. Kariuki: Mr. Deputy Speaker, Sir, I need your guidance. When the law states the procedure, is it for me to reiterate what it states? I have said that Sections 18 and 19 of Cap.189, Laws of Kenya, provide for procedures for compensation. I have also said that the payments are not uniform.

Mr. Deputy Speaker: Hon. Members, I understand the Assistant Minister. The payments cannot be fixed for all officers. They vary from one officer to another depending on rank, age and other factors, which are expounded in the laws he has referred to.

Now, could I have Mr. Gitau?

Mr. Gitau: Thank you, Mr. Deputy Speaker, Sir. Compensation is not a way of improving safety. Recently the Office of the President, through the Department of Defence, bought a naval ship that was completely unnecessary for this country. Why can they not consider improving the equipment that they have and purchasing motor vehicles for the police officers so that they can work more safely? We have criminals with more sophisticated firearms than the ones being used by our police officers. When will the Ministry get its priorities right?

Mr. M. Kariuki: Mr. Deputy Speaker, Sir, we have our priorities right, subject to this House giving us the necessary resources. As far as purchase of motor vehicles for the Police Department is concerned, there was no Vote for the purchase of the same in the current financial year. However, I hope that we will seek a substantial Vote in the next financial year to improve transport for the police. As far as equipment is concerned, we are looking for the most sophisticated equipment. We now have detectors which can detect a firearm from a distance. However, this is a very expensive device. One piece costs Kshs2 million. That means, if we are going to have adequate equipment, we need a substantial Vote for them.

Mr. Deputy Speaker: Hon. Members, due to time constraint, I will take the last question from Mr. Mukiri. We have only ten minutes to the end of Question Time, and we have many Questions remaining unanswered.

Mr. Mukiri: Mr. Deputy Speaker, Sir, I asked a very clear Question, although the Assistant Minister tried to evade it. Section 19 of Cap.189 provides for the formula to be used to calculate one's compensation. It provides for percentages which are calculated in Kenya Pounds. The Assistant Minister has evaded the Question because he knows that they pay police officers and their families peanuts. The formula is there, and I had asked him to give us an example of one police officer whose family has previously been compensated, even if it is a police constable, so that we could have an idea of how much money an officer is compensated for dying in the line of duty. Could he accept that the Government has been treating the families of deceased police officers badly by paying them peanuts?

Mr. M. Kariuki: Mr. Deputy Speaker, Sir, I would be very happy to deal with a specific case of a police officer who was under-paid under that particular section of the law. We do not make the laws. It is this House that makes the laws. If there is a raw deal that has been given to the family of a deceased police officer, let us deal with that specific case and I will be able to respond in very fine details.

Question No.089

NYS DAIRY FARM (TURBO)
TO BENEFIT FARMERS

Dr. Kibunguchy asked the Minister for Home Affairs:-

(a) whether he is aware that the National Youth Service (NYS) camp and the dairy

farm at Turbo in Lugari District do not interact with the local community and that its existence is not useful to the area residents; and,

(b) what measures he is going to put in place so that the NYS dairy farm can be of benefit to the local dairy farmers and the NYS trainees can be actively involved in community work.

Mr. Deputy Speaker: Hon. Members, His Excellency the Vice-President, who was to answer this Question, had a very urgent appointment. He had to leave and he requested that the Question be deferred. He, indeed, consulted Dr. Kibunguchy and an agreement was reached. Therefore, the Question will be deferred to tomorrow in the afternoon, because the answer is ready.

(Question deferred)

Question No.174

POVERTY ERADICATION PROGRAMMES
FOR GANZE AND KINANGO

Mr. Kingi asked the Minister for Planning and National Development:-

(a) whether he is aware that Ganze and Kinango in Coast Province are the poorest constituencies in the country; and,

(b) which poverty eradication programmes have been put in place to arrest the situation in these constituencies.

The Minister for Planning and National Development (Prof. Anyang'-Nyong'o): Mr. Deputy Speaker, Sir, I beg to reply.

I am aware that Ganze and Kinango are the poorest constituencies in Coast Province. The Central Bureau of Statistics, a department in the Ministry of Planning and National Development, completed the [**The Minister for Planning and National Development**] estimation of poverty for every constituency in October, 2004 and through the Minister, shared the results with the Constituency Development Fund Committees. The Bureau is currently finalising the report that gives the details of the poverty estimates and their social economic dimensions. The final report is expected to be launched before the 20th of June, this year.

The overall poverty head-count index for Coast Province is about 63 per cent. The poorest constituency in this province is Ganze, with head-count poverty index of 84 per cent. That means that 84 per cent of the residents in Ganze are below the rural absolute poverty line of Kshs1,239 per person, per month. The second poorest is Kinango District with a head-count poverty index of 75 per cent.

Mr. Deputy Speaker, Sir, the Government, together with other development partners, is undertaking various projects and programmes in Ganze and Kinango constituencies to arrest the poverty situation. These projects and programmes include regular Government projects undertaken in all constituencies in Kenya, and other special ones negotiated between the Government and development partners, but are being implemented by other development partners like NGOs.

Mr. Deputy speaker, Sir, finally, in summary, Ganze received a total of Kshs308.6 million during the 2004/2005 financial year from the Government and other development partners. Kinango, on the other hand, received a total of Kshs162.2 million in the same financial year.

Mr. Kingi: Mr. Deputy Speaker, Sir, while I want to thank the Minister for that answer, I want to take note of the fact that the actual projects that benefited from the amount of money listed there by the Minister have not been enumerated. Could he, therefore, table a list of the projects that benefited from Government of Kenya (GoK) funding in the financial year under review?

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, I thank the Member for that supplementary question. I would like to reply as follows:

The following are the projects that are under way in Ganze Constituency, supported by both the GoK and development partners. First, the District Roads Board Programme with an amount of Kshs211 million; Local Authority Transfer Fund (LATF) with Kshs2,558,662; Constituency Development Fund (CDF), Kshs34,708,762; Poverty Eradication Commission Fund, Kshs1,710,000; National AIDS Control Council funds, Kshs2,603,000; Community Development Trust Fund, Kshs22,682,711; Kilifi District Development Programme, Kshs17,779,529. That brings a total of Kshs293,422,604. These are GoK and development partners funds. There are other partners, too, which are implementing projects independent of GoK collaboration. In other words, these are donor-funded projects on their own in Ganze Constituency. They are; Plan International, Kshs20,813,567, and Oxfam (UK), Kshs2,800,150, bringing a total of Kshs23,613,717 independent donor financing projects in Ganze Constituency. In total, Ganze has, in terms of overall poverty eradication funding, Kshs307,036,421.

Mr. Kembi-Gitura: Mr. Deputy Speaker, Sir, this is a very important Question because it goes to statistics on which development of this country depends. In the CDF funds that we got last year, each constituency, regardless of the poverty index, got 75 per cent of that fund equally. I have not personally seen at any one time these statistics being taken in the rural areas to make out the poverty indexes. How sure are we that these figures are not manipulated with a view to benefiting certain areas at the expense of others?

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, the responsibility of the Ministry of Planning and National Development is not to manipulate figures but to provide statistics.

Mr. Rai: Mr. Deputy Speaker, Sir, while we are talking of poverty and looking into ways of alleviating it, could the Minister explain to this House what was the cause of delay in including these two constituencies in the Arid and Semi-Arid Lands (ASAL) programme?

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, while the hon. Member is asking a completely different Question, let me assure the House that the idea of delaying areas in being included in the ASAL programme is not the intention of the Ministry. If, at any time, a programme starts late, the Ministry will be very happy to discuss with the Members, ways and means of fast tracking projects, because our interest is to ensure that poverty is eradicated in Kenya, and not for the eradication process to be delayed.

Mr. Kembi-Gitura: On a point of order, Mr. Deputy Speaker, Sir. I do not think it is fair for a Minister to be contemptuous of a Member's question. We know that it is not the responsibility of Government to perpetuate corruption, but we know there is corruption. It is not the responsibility of Government either to do certain things, but those things happen. My question was pure and simple. How sure can we be that those figures are not manipulated? I think I deserve an answer, not a contemptuous reply.

(Applause)

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, I will table those figures in this House and I will request hon. Members to look at them and check them against what is going on at the district level with the District Development Officers (DDO), and the particular Member of Parliament can get back to me. If, indeed, these figures do not correspond with the reality on the ground, I as a Minister responsible for this Ministry, and conscious of my constitutional duty, will ensure that they are not manipulated.

Prof. Oniang'o: Mr. Deputy Speaker, Sir, we know that in order to eradicate poverty, the communities themselves must be involved. Could the Minister tell us what strategy he has put in place

to ensure that communities are involved to create their own wealth and to be able to absorb this money and actually use it? Maybe these projects would be better put up in areas where the communities are prepared to use them.

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, if you take, for example, the Constituency Development Fund (CDF), you know that it is in the hands of Members of Parliament who represent their people in this House. I believe that the Fund was introduced to ascertain community participation. If you also look at the Community Development Trust Fund (CDTF) and the manner in which it is disbursed, you will realise that, first and foremost, it is meant to ensure community participation. It is the communities themselves which start the programmes and then when they report to the Community Development Trust Fund, it comes in to help the communities to finish the programmes. The school bursary programme follows the same method.

Mr. Deputy Speaker, Sir, there is a process going on in Kenya and whose impact in the next three to four years is going to be profound. I am talking about the process of decentralising the disbursement of resources to the rural areas and particularly using Members of Parliament and councillors. I wish to appeal to them to ensure that there is effective community participation in these projects. They should not only involve communities, but also ensure that the projects result in poverty eradication.

Mr. Billow: Mr. Deputy Speaker, Sir, the high poverty levels in Ganze, Kinango and other parts of the country is as a result of the glaring inequality, which is courtesy of the enduring patronage and skewed allocation of resources we have seen in the Government. There is no way we can fight poverty in these areas unless there are infrastructural resources in those areas. Could the Minister tell this House in what way the Government puts into consideration the statistics on poverty when preparing the Budget so that resources are allocated fairly and equitably? He should not be talking to us about the CDF and the Constituency Roads Committee. After all, they only get small percentages of the total amount of money allocated in the Budget annually.

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, the Ministry of Planning and National Development, in its public expenditure review last year in October, discovered that last year's Budget was not in line with the Economic Recovery Strategies (ERS) priorities, nor was it in line with meeting the Millennium Development Goals (MDGs) in the long-run. Subsequently, we have ascertained that this year's Budget will be more in line with the ERS and the MDGs. For that matter, we have actually increased budgetary allocation to both health, education and infrastructure development. For example, with regard to the health sector, the budgetary allocation has been increased three times and the education sector, three times too. So, rather than spend 3 per cent of the budgetary allocation on the health sector, we intended to spend about 9 per cent. Again, rather than spend 6 per cent of the budgetary allocation on agriculture, we shall spend about 11.75 per cent. Likewise, in line with the NEPAD infrastructural development; I have participated in several NEPAD meetings and Kenya being a focus for NEPAD in the Eastern Africa region, we are going to access the African Financial Facility (AFF) to ensure that infrastructure, particularly, cross-territorial, helps us improve our infrastructure.

Finally, with regard to infrastructure in the rural areas, the Minister for Roads and Public Works has already said that the Roads 2000 programme is being restored as from June this year, and many constituencies, particularly in the Western part of the country, will benefit.

Mr. Kingi: Mr. Deputy Speaker, Sir, as hon. Billow said, Ganze, Kinango and a few other constituencies in this country were totally ignored by the previous regimes. Now that the Minister of Planning and National Development has revealed the actual state of affairs in those areas, what special programmes; not the CDF and other ongoing programmes, has the Government put in place in order to jump-start the activities in these areas?

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, you will realise that the number of programmes or projects being mentioned with regard to Ganze and Kinango Constituencies, quite a

number of them, are special to these constituencies. Not all constituencies in the Republic of Kenya have, for example, Plan International working therein, nor do all constituencies have Oxfam working therein. However, that notwithstanding, I am aware that the Ministry of Planning and National Development, as well as the Ministry of Finance, through the Poverty Eradication Commission and a special programme that we are working on called the Kenya Social Action Fund, will, indeed, put into consideration constituencies with high poverty indices and make sure that we do more in such constituencies than we have done before.

Mr. Deputy Speaker, Sir, the Kenya Social Action Fund will probably be rolled out as from June, this year, but we are still awaiting the final papers from the African Development Bank (ADB).

Mr. Deputy Speaker: Hon. Members, you are all aware that we have run out of time and, therefore, I seek the indulgence of hon. Shaaban, hon. Ojaamong and hon. Karaba and the Ministers to defer these Questions until tomorrow in the afternoon. However, the Question by hon. Bahari had been deferred last time. We will spend some few minutes on it.

Question No.139

LACK OF AMBULANCES IN
MANDERA DISPENSARIES

(Question deferred)

Question No.055

DEBTS OWED BY TESO, MALABA
AND BUSIA COUNTY COUNCILS

(Question deferred)

Question No.248

EXTRAORDINARY INSPECTIONS FOR
ISIOLO COUNTY COUNCIL

Mr. Bahari asked the Minister for Local Government:-

- (a) how many extraordinary inspections have been conducted for Isiolo County Council;
- (b) if the Minister could table the reports on the inspection; and,
- (c) how have the findings been addressed.

Mr. Deputy Speaker: I recall that the last time we talked about this Question, there arose an issue about laying on the Table the Report of Inspection. Is that true, hon. Bahari? I thought the Question was dealt with.

Mr. Bahari: Mr. Deputy Speaker, Sir, not exhaustively.

Mr. Deputy Speaker: What is the problem then?

Mr. Bahari: Mr. Deputy Speaker, Sir, from the onset, the Assistant Minister for Local Government said that he could not table the Report, but hon. Members wanted to see the Report so that they could ask appropriate questions.

The Assistant Minister for Local Government (Mr. Kamanda): Mr. Deputy Speaker, Sir, it is true that this Question was deferred by the Chair and there was a ruling that I lay a report on the

Table of the House. Today I have come with two reports, although one of them is dated many years back; I think before the hon. Member was born. One is dated 1975 and the other 1996. I wish to lay them on the Table.

*(The Assistant Minister for
Local Government (Mr. Kamanda)
laid the documents on the Table)*

Mr. Deputy Speaker: Very well, hon. Kamanda. The Reports have now been laid on the Table. So, what is it, hon. Bahari?

Mr. Bahari: Mr. Deputy Speaker, Sir, from the answer which the Assistant Minister read to this House---

Hon. Members: When were you born?

Mr. Bahari: Mr. Deputy Speaker, Sir, I wish to confirm to the Assistant Minister that I was born around the time when these Reports were being written. I was very much in school and although my face may appear differently because of other things, he should not underestimate my age.

In the answer given by the Assistant Minister, a lot of very important issues, such as the books of accounts, imprests and tender procedures, were ignored in this particular case and yet it is the cardinal responsibility of the council officials to ensure that things are up to date. What action has he taken against those officers?

Mr. Kamanda: Mr. Deputy Speaker, Sir, I answered part of that question. According to the 1975 Inspection Report, the then Clerk of the Isiolo County Council was suspended and eventually sacked. Unfortunately, he later died. However, with regard to the case of 1996, I would like the hon. Member to go through the Report because in the recommendations therein, there is nowhere we are told to take disciplinary action against any officer. We have, however, given them guidance on how to implement the report.

Mr. Abdirahman: Mr. Deputy Speaker, Sir, this problem is not only in Isiolo County Council. It is being faced by councils national-wide. If there is any Ministry that encourages corruption, it is the Ministry of Local Government. The Ministry keeps on recycling officers and preparing inspection reports that are never acted on.

However, I want to touch on financial guidelines. We had asked for policy guidelines in relation to the use of the Local Authorities Transfer Funds (LATFs). Over the last four years, the Ministry has been disbursing funds through councillors. This has been a very big problem in our constituencies. Could the Assistant Minister clearly tell us what is the mode of disbursement of the LATF funds, particularly the funds which are meant for community development?

Mr. Kamanda: Mr. Deputy Speaker, Sir, the guidelines for the disbursement of the LATF funds are stipulated and they were tabled here. The Ministry will consider repealing some of the rules because we have had complaints from the hon. Members and even from the public. However, I want to tell the hon. Members that part of the LATF funds is not used for development. It is used to clear debts and if need be, to pay salaries. Many councils were created by the former KANU Government in total disregard to the wishes of the people on the ground, and as a result, those councils are unable to perform. They have no sources of revenue and they depend on the LATF funds.

Mr. Bahari: Mr. Deputy Speaker, Sir, like the hon. Member has said, the Ministry of Local Government is encouraging corruption. The Clerk against whom the Ministry took a disciplinary action was one of the best clerks that that council has had to date. Failure to prepare accounts, operationalise all the books of accounts and comply with tender procedures are very serious offences. I have said that the Ministry is encouraging corruption because the Minister has not taken any action against the concerned officers. Could the Assistant Minister take action against the concerned officers?

Mr. Kamanda: Mr. Deputy Speaker, Sir, at the moment, Isiolo County is one of the best performing councils. It does not have unpaid salary arrears of the workers. However, I would like to state that there is a problem of clanism in that particular area. The hon. Members within that council do not agree. The officer the hon. Member is referring to was posted to Kwale and he performed very well. We took him to Murang'a and he also performed very well. Right now, he is in Nairobi City Council. We should not go back to the history of nine years ago. Maybe this officer is now a born-again man. He has reformed and is working well.

Mr. Deputy Speaker: We will defer Mr. Karaba's Question.

Question No.170

REVENUE COLLECTED BY
KIRINYAGA LANDS OFFICE

(Question Deferred)

MINISTERIAL STATEMENT

INCURSIONS INTO KENYA BY
RAIDERS FROM TANZANIA

The Assistant Minister, Office of the President (Mr. M. Kariuki): Mr. Deputy Speaker, Sir, hon. ole Ntutu rose on a point of order to demand for a Ministerial Statement on the incursions by raiders from Tanzania into Kenya. He wished the Statement to address two main issues. Firstly, he asked what urgent plans the Government has put in place to provide shelter, food and security for those displaced Kenyans. Secondly, he asked whether there are any efforts by the security team on the ground to recover the stolen livestock. I wish to state the following:-

It is true that on 20th April, 2005, about 200 members of Sonjo Clan from Ngongoro District of Tanzania invaded Mause Village in Loita Division of Narok District in Kenya. During the incident, the raiders killed one Kenyan and injured two others. It is estimated that they took away 200 heads of cattle, 300 sheep and goats, nine donkeys and 42 iron sheets. Further destruction caused includes the burning down of Mause Primary School buildings, including furniture and books, three posho mills and granaries. Following the incident, security personnel were deployed at the border village on the same day. The District Security Intelligence Committee visited the scene on 25th April, 2005, and urged the villagers to be calm and not to revenge, as the Government made arrangements for the recovery of the livestock.

Subsequently, there was a joint security meeting between Kenyan officials and their Tanzanian counterparts on 27th April, 2005, at the Narok District Commissioner's office. The Tanzania delegation, on their part, also alleged that the Kenyan Loita Clan raided their Sonjo Clan of Tanzania at dawn on the same day of 20th April, 2005, and killed one person, injured two people, burnt 38 houses and took away 300 heads of cattle. The Kenyans were allegedly repulsed and pursued back to the Kenyan side, leading to the raid on the Kenyan Mause Village. Investigations are already under way to establish the truth about the incident. In the meantime, the Government is assessing the levels of basic needs for assistance that may be required by the 30 or so affected families.

Mr. Deputy Speaker, Sir, some of the security measures taken to ensure the safety of the people at the border village are the establishment of a police post and an administration police camp at Mause. The Tanzanians are also to establish a security camp on their side to minimise, if not to eliminate, the recurrence of such incidents. As I stand here now, the scene of the incident is calm. I

wish to inform the House that this is an isolated incident and we hope it will not recur in the future.

Mr. Deputy Speaker: Mr. ole Ntutu is not here. He asked for the Statement. Is there any hon. Member who wishes to ask for a clarification in relation to that incident?

Capt. Nakitare: Mr. Deputy Speaker, Sir, I am concerned that the boundaries of Kenya in all corners are not well protected. The invasion from the neighbouring country is a big concern. What is the Assistant Minister doing to bring order on our borders, to ensure that we are not invaded or put under seige, particularly in Kajiado and Trans Nzoia Districts?

The Assistant Minister, Office of the President (Mr. M. Kariuki): Mr. Deputy Speaker, Sir, your caution was not observed by the hon. Member. You had cautioned hon. Members to seek clarifications in relation to this particular incident.

However, we are trying to have security meetings with our neighbours. As I have said, the concerned Tanzanian District Commissioners are liaising very well with our District Commissioners, and at the provincial level, our Provincial Commissioners are liaising with their counterparts in the neighbouring states. That is the way forward. We are also encouraging our leaders to meet the leaders across the border to see whether we can have peace in the region.

MOTION

INTRODUCTION OF NUTRITIONISTS AND DIETICIANS BILL

THAT, aware that nutritionists and dieticians have no law to regulate their practice, this House do grant leave to introduce a Bill for an Act of Parliament entitled the Nutritionists and Dieticians Bill to provide for training, registration and licensing of the nutritionists and dieticians and for related purposes.

(Dr. Ojiambo on 27.4.2005)

*(Resumption of Debate interrupted
on 27.4.2005)*

Mr. Deputy Speaker: Dr. Ojiambo, you were on the Floor. You have 15 minutes more.

Dr. Ojiambo: Mr. Deputy Speaker, Sir, I had just introduced the Motion on Nutritionists and Dieticians. I said that this discipline has received recognition by the Ministry of Health, the Ministry of Planning and National Development, the Ministry of Agriculture and the Ministry of Education, Science and Technology, in collaboration with many Non-Governmental Organisations, including the United Nations Fund for Children (UNICEF). I said that nutrition and dietetic is a very important subject for Kenyans because it regulates nutrition for growth and development. Workers in this field are not recognized in this country because there is no employment cadre for their kind and, therefore, they needed to come under a law that will also look after their welfare.

But, Mr. Deputy Speaker, Sir, what is more important is to ask ourselves a question: Is there a real problem in Kenya? That is the area I want to concentrate on for a while this morning by saying; yes, there is a problem, because in our country today, we recognize that even the level of growth of young Kenyans today is 30 per cent less. That means that there is 30 per cent stunt in the growth of children under the age of five years. Even the weight of Kenyan people today is 20 per cent under-weight, particularly in children, and there is also a lot of muscle wasting. This is all related to the type of food they eat because last time, I said that what we are is what we eat.

More significantly, Mr. Deputy Speaker, Sir, is the revelation that in Kenya today, we have iron deficiency or anaemia to the tune of 43 per cent. This means that almost 50 per cent of the

population suffers from anaemia. The important thing here is that iron status is very significant for the economic development of this country, because with every 1 per cent drop in iron status of the people, there is also a corresponding 1 per cent drop in productivity, and that is very fundamental to our economic development. There is also evidence of Vitamin "A" deficiency to the tune of 76 per cent. Vitamin "A" is very important in the functioning of the body.

There are many other micro-nutrients that are deficient in our nutrition in this country, and for this reason, it is important that this subject be taken seriously. Today, the nation recognizes that, in the treatment of HIV/AIDS, nutrition is fundamental. It does not matter how much Anti-Retrovirals (ARVs) you can give to patients, because the bodies cannot utilize those drugs unless they are well nourished. Therefore, it is important that nutrition is taken on board as a very important intervention in the treatment of HIV/AIDS.

Mr. Deputy Speaker, Sir, in our own ordinary life situation, the world today is currently faced with an epidemic of non-communicable diseases, and Kenya has not been left out. These diseases include hypertension, obesity, cardiovascular diseases, diabetes, gout, renal diseases and renal failure, arthritis, cancer and many other diseases. These conditions have a lot of their causal factors in inappropriate consumption of certain foods. Our populace needs to be guided by scientifically tested food guides to be able to know the qualities and quantities of food nutrients and substances that are required in order to live healthy lives.

Mr. Deputy Speaker, Sir, we also talked about development, and besides physical growth that we have said is stunting at 20 per cent, nutrition is important for intellectual and general mental development. Manifestations of this include stunting, that I have already talked about, but also more importantly, the children who go to school must be well nourished and properly fed for their brains to continue growing and for them to be able to perform well, and that is all we need, even for intellectual performance at different levels as a nation. The Kenya Demographic Health Survey indicates that the prevalence of stunting growth, that I have already referred to earlier, is now at 31 per cent, and this is much higher than it was 30 years ago. This means that we are retrogressing. There is also a prevalence of chronic malnutrition among children, and this is estimated at 35 per cent, a level which is 17 times higher than it should be at this time.

Mr. Deputy Speaker, Sir, because of these and many other reasons, I want to believe that this nation requires a lot of nutrition work to be done, especially on the improvement of the status of nutrition of our people. Good nutrition is a human right; the right to adequate and nourishing food is a right of every individual, and this is also included in Article 25 of the Universal Declaration of Human Rights since 1948. All the nations of the world have taken serious acknowledgement of this article and have used it to set up institutions to look after the welfare of their people.

Mr. Deputy Speaker, Sir, today we are very enthusiastic about introducing measures to increase food yields, and we are rushing to Genetically Modified (GM) foods. I also want to note here that nutrition is very important in this subject, because although the GM foods are going to be a boon in increasing the yields, they also have problems which nutritionist should be able to interpret to our nation. There are risks, allergies and a number of unknown effects on human health included in GM foods, and we need to carry out research in those areas so that the interfering substances in GM foods can be identified, and nutritionist have the knowledge on how to do this.

Therefore, there is need for legislation in this country to monitor nutrition and dietetics, so that citizens could be given the correct information. There is also need for a legislation to give expert guidance so that the Government can be guided on what kind of food supplements or food aid they can give to the nation, knowing well that nutritionists can also serve as a mechanism for early sensing of various nutrients that may become inadequate in the diets of the people and, therefore, help the Ministry of Agriculture and the Ministry of Health to guard against this. Legislation is important so that a framework of controlling all the activities of the workers in this field, including research and

training, can be streamlined. Legislation is also important to ensure that standards are set to regulate activities and curriculum for training.

Today, we have a lot of manpower in this country trained at certificate, diploma, undergraduate, masters, PhD and post-doctoral degree levels, but all these people are not recognized. So, we want them to be recognized as part of the national manpower. I also want to mention here that most of those people work in this country and, as of now, we have recorded over 1,000 people having recognized degrees. But a majority of those people have been trained outside this country. This country must realise that other nations have taken this training as very important. It should also set up training and research institutions in nutrition and support them. We should recognise that legislation is important to enhance the manpower potential in this profession. We want legislation in this area so that our research institutions can also be set up to direct Kenyan nutritionists and dieticians on how to draw up daily allowances for food. This is important in health institutions and for the national food security. Unless we know how much food the nation requires, we cannot know the number of sacks of maize, beans or vegetables we require.

Mr. Deputy Speaker, Sir, this legislation will promote consumption of nutritious foods. We have professionals, for example, Prof. Oniang'o, in indigenous foods. She will elaborate on those foods. We want to open a register of all the trained nutritionists and dieticians so that we can know what they have specialised in, so that Government Ministries and departments, NGOs and individuals who need their services can reach them.

More importantly, we need a legislation in this area which can control our linkage with the outside world because other countries have done a lot on this profession. We need to know what we can emulate from those countries and modify it to assist Kenyans. Therefore, the law is important because it stipulates the scope and kind of work to be implemented by nutritionists and dieticians. It will define for us who nutritionists and dieticians are. In Kenya, these two categories of experts are hardly known in many quarters. They are regarded as cooks even in hospitals, and yet they are not. Nutritionists and dieticians are the ones who direct what is best for the cooks to prepare for patients. They also know the quantity and quality of food we should give to our people at a given time. So, nutritionists and dieticians are not in hospitals to buy food and cook. However, they are in health institutions for specific reasons and which are very important.

In my introductory remarks, I had said that nutritionists are fundamental to the diagnosis of diseases because all doctors are not nutritionists. It is only doctors who have taken interest and have been trained as nutritionists who can profess to do nutritionists' work when they treat patients. This is because nutrition is an extensive science and requires people who have spent time doing food analysis and biochemistry of food utilization by the body. This is very significant in the diagnosis of diseases.

The law is also important because it controls the integrity of the profession. Today, anybody can stand up and profess to be a nutritionist or a dietician, and there will be no reason for us not to believe him or her. However, we want qualified professionals. This is why we are saying that those who have qualified as laboratory technicians should be in the laboratories to assist us diagnose an epidemic.

Mr. Deputy Speaker, Sir, I beg to move, and request Prof. Oniang'o to second the Motion.

Prof. Oniang'o: Thank you, Mr. Deputy Speaker, Sir. First of all, let me thank my *mwalimu* for moving this Motion and requesting me to second it. Let me also confirm that Dr. Ojiambo made me study nutrition. She was my teacher in my days as a student. I resolved to study the subject she had studied when I saw how she looked like.

Indeed, nutrition or food makes a person. You look like the food you eat. This is a young science which many people do not understand. However, some of us have studied it to the doctorate (Phd) level. We have educated students up to the Phd level and some have been educated overseas. So, as we regularise this profession, I would like to say that the professionals are there.

I want to confirm that the Ministry of Health has seen the light and has already employed 100 nutritionists. The main reason for doing this is that, key diseases, for example, malaria, Tuberculosis (TB) and HIV/AIDS, which are now plaguing us, attack our immunity system. It is important, as we counsel and manage these diseases, we have a nutritionist on board who understands what the nutrition science is all about.

Unfortunately, because we have not regulated this profession, we have many quacks who go round and call themselves nutritionists. It is unfortunate that not many hon. Members are here to be educated on the science of nutrition. Hon. Members get approached by people who carry tablets and who tell them that they contain all the nutrients that their bodies require. One then asks: "Why do we eat food?" We eat food because it is the first medicine and source of the nutrients which our bodies require. Our bodies utilise the nutrients from food more effectively than they utilise the nutrients we get from tablets. Mr. Deputy Speaker, Sir, we have people who go round and sell tablets at very exorbitant prices only to the people who can afford them and good food. So, it is ironic that there are people who, rather than depend on the quality food they can afford, buy those tablets. Many of those people who claim to know the science of nutrition take a week to learn it when some of us have taken many years to learn it up to the Phd level. So, what we are saying, and I want to compliment my *mwelimu*, Dr. Ojiambo, for bringing this Motion before this House, is that we have Kenyans who work under very difficult circumstances and their profession is not well recognised because many of us believe in doctors. We respect doctors because they are amongst the most brilliant professionals we have in this country and our health entirely depends on them. However, they have their limitations as well. We have looked at their curriculum and it does not cover much nutrition. Over the years, some of us have tried to see that proper nutrition is integrated in the training of doctors because the patients totally rely on them. However, doctors have their own issues which they should address. Therefore, this Motion seeks leave to bring a Bill before this House for the enactment of the profession of nutritionists and dieticians.

Mr. Deputy Speaker, Sir, we also need to address the issue of nutrition from the life cycle point of view. When a woman becomes pregnant, the quality and health of the child she is going to deliver depends very much on the nutrition that she carries on when she is pregnant. Therefore, the health of our babies and nation starts right from conception. The cognitive development of our children starts when they are foetuses.

We know that Kenyans value education and performance of their children. It does not just come by accident. We know that it is these nutrients which support brain development and, therefore, determine how people are going to perform intellectually. We also know that during teenage years, children need to be fed well so that as they enter into the reproductive stage, they can perform properly and become proper and good adults. We are also aware that this is important during aging.

Mr. Deputy Speaker, Sir, you are aware that we have our health facility where we go to do exercises. We have appealed to those who manage it and Parliament, to make sure that it is coupled with proper nutrition counselling. It is not enough to just exercise for a whole hour and then go to Kariokor and eat *nyama choma*. It is not enough to do so if you do not take care of your nutrition. In fact, nutrition is a first medicine. Nutrients protect our immune system and, right now, given the level of HIV/AIDS in this country, all Kenyans have their immune systems compromised, whether you are infected or not because you are exposed. We need to improve our food systems. We are aware that our own indigenous foods are the most rich in nutrients. However, we have forgotten them. We have forgotten our indigenous vegetables, *muthokois*, beans and fish. What do we do? We expose our children to Western diets which are not good for them. What happens? We now have obesity in children as young as ten years old. They are going to die of heart attack before they reach 30 years old. We have many cases of hypertension and diabetes that has now reached alarming proportions. We also have our people dying of heart attacks and we believe that with proper dietary management, we can

off-set many of these conditions.

We hope that today this Motion will pass so that we can give nutritionists and dieticians their legitimate place. Dieticians work in hospitals to manage diseases. We are aware that when you are ill, you convalesce better when you are in a better nutritional status. We want to thank the Ministry of Health and the Minister for having seen the light. She is already giving this issue recognition. We want to appeal that, as they restructure the Ministry of Health, they should give nutrition and dietetics a department of its own. Indeed, there are people who can manage it. Even as we work towards a Bill and its enactment, we believe that there are changes that we can already begin to make even as we head there.

Mr. Deputy Speaker, Sir, with those few remarks, I beg to second.

(Question proposed)

The Assistant Minister for Lands and Housing (Mrs. Tett): Thank you, Mr. Deputy Speaker, Sir. When we talk about this Motion, we must understand the benefit and contributions that it will bring into the nation and its development.

It is, indeed, our duty as hon. Members, to bring such beneficial Motions like this one. I believe that this Motion will go a long way to help our people. Currently, there is no law regulating this profession, either in terms of a code of practice or recognition for the over 1,000 nutritionists. They are under-utilised and are not recognised whatsoever. We hardly hear about them. Even in hospitals where they are supposed to be felt and seen, we hardly see them because most of the times, they are grouped together with cooks, as my colleagues said. You will find them in the kitchen and all over the place instead of doing what they were trained to do because they are not recognised.

*[Mr. Deputy Speaker left the Chair]
[The Temporary Deputy Speaker
(Mr. Khamasi) took the Chair]*

Mr. Temporary Deputy Speaker, Sir, there are no ethics like in other disciplines. At the Kenyatta National Hospital (KNH), and other hospitals, you will find home economists being employed as nutritionists. This is, indeed, very sad because home economists have not trained as nutritionists. Moreover, there is no standard salary scale. So, they are very demoralised and have a very low status. As I said, they are deployed to the kitchen or anywhere else because they do not know where they belong. If this Motion is passed, and I hope it will be passed, it will provide for a legal framework which is lacking at the moment.

There is no law regulating imported foodstuffs. There is no standard whatsoever. Some of the foodstuffs that we see in the supermarkets are not compatible with our health. Some of them, I am quite sure, are very bad for our bodies as they contain a lot of fat and sugar. In Europe, it is very cold and they make these foods to cater for such weather. Here in Kenya we do not need such foods because they are very bad for our health. Since it is very hot in this country, we do not need fatty and sugary foods which are very bad.

We need to train a bigger number of nutritionists and dieticians and we have to be serious like we normally are when we train the doctors, lawyers and other disciplines. We must be serious with this discipline. We have to start even at the village level and schools to encourage our young boys and girls to take this as a profession so that, at the end of the day, when we shall need them from every quarter, we shall have enough of them. We need them at the hospital level. We need them to have certificates so that they know exactly what they are doing. We also need them to learn up to degree level and PhD level so that they are not quacks and they exactly know where they are heading to and what they are

talking about.

Mr. Temporary Deputy Speaker, Sir, when you look around Kenya, you see a lot of kiosks. All over the country, in every corner, we eat a lot of bad food. Do we know exactly what is cooked in those kiosks? We might be eating rats. I am not saying that rat meat is bad, but we need to know whether it contains diseases. We might be eating donkey meat or other foods that are harmful to our bodies and dangerous to our health. Nutritionists and dieticians will be able to go round the country to make sure that whatever we eat, or we are offered in the kiosks, is fit for human consumption.

Doctors are not nutritionists. We need these people to work with the doctors and look at diseases such as heart problems. We have many other problems like diabetes and HIV/AIDS. These people are needed because food is a medicine in its own right. Instead of taking medicine, there are certain foods we can eat that can assist our bodies fight certain infections such as common colds. These nutritionists and dieticians will also work hand-in-hand with doctors, so that doctors can advise patients on which foods are best for them.

Mr. Temporary Deputy Speaker, Sir, research is also a vital component of this discipline. These professionals need also to work in our national laboratories. This way they will be in a position to make their input at that level. At the moment, they are not even recognised. They are not even requested to give their input.

There was a recent calamity in Ukambani where a lot of people lost their lives after consuming contaminated food. These deaths could have been avoided if we had these professionals in place. That is why we really need these professionals to come on board fully.

Mr. Temporary Deputy Speaker, Sir, we have seen what is happening all over the world with regard to the issue of food. There is now increased consumption of the so-called junk food. It is a pity that some of our children after consuming such foods, become overweight at a very tender age. If we are not careful, we will have serious problems in this country. We leave our very good food to consume junk products. Our farmers are growing the best food, but because people think junk food is the in-thing, they buy it for their children.

Now, chronic malnutrition in children stands at 35 per cent. This is about 17 per cent higher than the normal level. Malnutrition affects a child's mental capability and physical health. If a child is affected mentally, his or her life is doomed. This is all as a result of the food our children are consuming. We have a right to protect our children. It is human nature to do so. It is our duty as hon. Members to ensure that we protect them.

Mr. Temporary Deputy Speaker, Sir, the HIV/AIDS patients also need good food to stop the progression of the disease. They need to contain and boost their immune systems. This discipline is a very important science. Currently, we have more than 1,000 professionals in this field. However, we must have as many nutritionists as possible, so that we can ensure that they work in hospitals, kiosks and laboratories, among other areas. We must also introduce nutrition courses in all levels of our learning institutions, including primary schools, so that a child understands everything about nutrition. When a child is given a choice of food between *sukuma wiki* and bread, he or she will know it is better to eat *sukuma wiki* rather than bread.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to support.

*[The Temporary Deputy Speaker
(Mr. Khamasi) left the Chair]*

*[The Temporary Deputy Speaker
(Mr. Poghisio) took the Chair]*

Mr. Boit: Thank you, Mr. Temporary Deputy Speaker, Sir for giving me this opportunity to

contribute to this Motion. I stand to support this Motion which seeks to give nutritionists and dieticians a law to operate under and regulate their practice.

I have been a trainer in this field for nearly 30 years in this country. I have been training nutrition technicians and technologists. I know what these people have learnt. It is only unfortunate that we have not given them the regulations they require. This nation requires nutritionists and dieticians. The previous speakers have mentioned why we need this cadre. If I go back to my own home where we have low lands and highlands, we find that there is prevalence of malaria and diarrhoea. However, if we visit areas where children eat natural foods such as cassava, millet, wheat, goat milk and camel milk, they are not affected by these diseases. In fact, when it rains, children run naked and they are not even affected by pneumonia or other related diseases. However, if you visit the cold highlands of Kabartonjo, you will find children dressed in all manner of clothing, but they still get pneumonia. Why? It is because the strength and nourishment in their bodies is not sufficient enough to fight diseases.

Many hon. Members have spoken of junk food. I would like to say that we have really been Westernised. The sugars that are consumed by our children through sodas, biscuits and chocolates have really ruined them. In fact, children from low lands get more A grades in exams than children from highlands. The mental capacities of those children are higher than those of the so-called urbanised people.

Mr. Temporary Deputy Speaker, Sir, we have a problem with these nutritional issues. We need to create awareness thoroughly to everybody in the community. As it has been said by professors and other speakers in this House, this legislation would really bring up these nutritionists to our communities. We need to put them in every location and sub-location, so that they create awareness of the kind of food we need in this country. Their training should also be increased because the number being trained at the moment is still very low. We must distribute the few nutritionists and dieticians to all parts of this country.

Students in our schools also require training. If we can develop curriculum; I am sure, there is some element of nutrition taught in our schools and colleges. Even teachers, doctors and nurses must learn a bit of elementary training in this discipline. However, we need to give them enough information. There are nutritionists who can be hired by schools and colleges to give health education and nutrition lectures. I happened to travel to Japan some time back. I was surprised when I visited a university that specialises in teaching nutrition. This was a highly developed kind of training. I thought that their lectures are similar to what we find in this country. But I was amazed when I found that students in that university had taken a pregnant mother as their case study. In fact, they were studying the nutrition of the foetus and the health of the mother. I was made to understand that, the study was to be conducted all through from the time that child is born until he or she grows up. I was sure that would have taken them about 40 years. Why can Kenyans not have such a thing? That will only happen when we regularise and bring that kind of study in this country. Our universities and middle level colleges have enough staff to conduct that kind of training. That is long overdue. We need to train those people. We have enough colleges. In fact, here in Nairobi, there is a college for nutritionists in Karen. I am just asking the Government to give them enough money. We have the infrastructure. All we need is a curriculum and the college takes off.

Mr. Temporary Deputy Speaker, Sir, we are going to reduce all those heart diseases, including arthritis. Nowadays, arthritis is even affecting women! It is as a result of poor eating habits. People are eating funny things and leaving out the sugars. They are not even using honey. It is very unfortunate that people die at a young age because they do not have that kind of information. I just wish that we have that regulation as soon as possible. I strongly hope that this Motion will go through.

With those few remarks, I beg to support.

Mr. Muchiri: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to

contribute to this Motion. I think there is a great need to have a law to regulate nutritionists and dieticians. As you are aware, we have a number of professions that are recognised by the law. I need not mention all of them, but we have architects, quantity surveyors and engineers. I am a valuer myself and we are regulated under Cap.532. We have the Estate Agents Act. Doctors and lawyers are also regulated under the law. Therefore, there is a good case for nutritionists and dieticians to be recognised by an Act of Parliament.

Mr. Temporary Deputy Speaker, Sir, this law will not only regulate the practice of nutritionists and dieticians---

(Dr. Ojiambo crossed the Floor)

The Temporary Deputy Speaker (Mr. Poghisio): Order, Dr. Ojiambo! Were you walking on the right side of the House?

Dr. Ojiambo: Yes, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Poghisio): All right!

Mr. Muchiri, please, proceed!

Mr. Muchiri: Mr. Temporary Deputy Speaker, Sir, the Act to regulate nutritionists and dieticians will not only regulate the practice, but it also recognises a number of programmes and degrees. Although the Mover did not tell us what professions would fall under this Act, I have in mind people who train under the programme of Home Economics and Bachelor of Science in Family and Consumer Studies. I think Prof. Oniang'o, from Kenyatta University is very much aware of that. There are others which are within the related discipline of nutrition. I think it is important to know which programmes will be included in this particular law.

Mr. Temporary Deputy Speaker, Sir, the need for nutritionists cannot be under-estimated in this country - not even in the whole world! I need not underscore that the way you eat is the way you live. Our eating habits have to do with many ailments that have been mentioned by the previous speakers. A number of people are spending a lot of money on the so-called supplements, mainly because they fail to eat proper foods. If you go to a doctor, you are told: "You need supplements for Vitamin C!" That is because we have not taken what we eat seriously. I think this may sound like kitchen business. But this is a very important subject to many people. It is not long time ago that we were taught the rule of three. The rule of three is rarely practised by people. That is, maybe, because they cannot afford the food. We know that many people in this country come from very poor backgrounds. But the rule of three can be practised even when you do not have a lot of money. Most of the foods that fall within the rule of three; that is, vitamins, proteins and carbohydrates, can be found in the rural areas. In Nyandarua, we grow maize and potatoes, but many people do not take care of the greens. Even when we go to Harambees, we are given rice! That is really not the kind of food we need. Even in areas where vegetables and cabbages are available, the people have not been sensitised to utilise them. So, we need to call upon Kenyans to eat vegetables and foods that are not from supermarkets.

Mr. Temporary Deputy Speaker, Sir, as we practise the rule of three that was taught to us in schools and colleges, I wish to underscore the need for exercises. That is one area that people have really forgotten. They have ignored the fact that, it is necessary to exercise. That is particularly for those of us who always jump into cars and travel. They need to exercise their bodies because those exercises are medicine themselves. So, I was very encouraged by one technician from Nyahururu who has constructed a gymnasium machine. The machine is costly, but you can place it at a corner of your house and keep on exercising. I was very encouraged and bought one to encourage that type of innovation.

When people start talking about Members of Parliament being offered saunas and all that, Kenyans should understand that we do not need Members of Parliament with big bellies like those of

yester years. That is not healthy. I think that is important. Kenyans should not just criticise things out of ignorance. I am not sure whether it is out of ignorance or not. The whole purpose of a gymnasium is to ensure that Members of Parliament are fit. We do not want a Member of Parliament who is not fit. He cannot think properly and will be susceptible to all kinds of ailments. So, we are asking Kenyans to support us when such facilities are offered to us. It is not because we want to be luxurious. It is the normal way of life.

Mr. Temporary Deputy Speaker, Sir, it is even cheaper to buy a bicycle at home. There are no gymnasiums in the rural areas. If you ride a bicycle, you have exercised enough. How much is a bicycle anyway? Kshs3,000 or so. I am sure many of us can afford that. Even jogging, for that matter, is important. Those are the kind of things that we should advocate to Kenyans. A number of Kenyans are not aware that there are a number of things that are not good for their health. Too much fat is not good because it has a lot of cholesterol. Too much sugar, again, is not healthy for your body, as much as we are talking about the shortage of sugar in the country. A lot of salt is also not healthy. I think most of the sweet things that most people like are not good. We need to tell our children and Kenyans that most of those sweet things are not good for their health.

Mr. Temporary Deputy Speaker, Sir, it is important that people are sensitised. When we have occasion to talk to people for instance, in a *baraza*, if there are any nutritionists or dieticians within the location, they should address Kenyans on how to eat. That way, the message will sink in the heads of Kenyans. Although we are looking at a law which will regulate the practice, it will also close doors to other people. It is, a fact, that if one is not qualified, they will not be covered by that law. If one is not a valuer, they cannot be recognised by the Valuers Act. However, there are technicians who assist professionals. These people can be deployed in locations. I want to call upon our health technicians in locations to bridge the gap that exists between professionals and lay people. Whenever there is a meeting, Harambee or even a chief's *baraza*, we should utilise the time properly. People who are trained in agriculture and home economics are there in locations. They should be used to tell Kenyans what they should eat or not.

Many people seem to have stopped having kitchen gardens. We need to establish kitchen gardens. We are concentrating more on flower gardens around our buildings as opposed to kitchen gardens. Why can we not substitute flowers with french beans? They would do well. I have tried growing them and they did well. We can have flowers on one corner of a garden and grow french beans on the other. These beans would be very suitable for breakfast. Many people think that they only require to have tea and a slice of bread for breakfast. That is not enough. We need to have other foods that can be eaten for breakfast. This would help one go to work with enough energy.

Many people like rushing home to take supper but Kenyans should know that it is more important to take more food during lunch as opposed to taking supper. We do not need to take a lot of food for supper because we do not need it at night. Many people do not know this. They skip lunch and eat a lot of food for supper. One should take enough food for lunch and little for supper.

With those few remarks, I beg to support.

Mr. Sungu: Thank you, Mr. Temporary Deputy Speaker, Sir. I want to apologise because my voice is not very clear today. I will, however, try my best to be audible. I think both the Mover and Seconder of this Motion and all hon. Members who have spoken before me have completely explained the need to have regulations to control nutrition and dietician issues.

The need for trading, licensing, and registration of those who are in the noble profession cannot be overemphasised. Although this is an important part of human life, I dare say that, in fact, we, as a country and as a Parliament, have ignored this important profession. I want to congratulate the Mover of this Motion. It is time that Parliament came in to make sure that there are regulations which can be put in place to properly organise this sector. I want to say that, in many professions, there are people coming up. These people award themselves titles which do not belong to them. This is

happening in many professions. We have people in villages who call themselves engineers, yet they are not registered and qualified. We have many people who call themselves doctors, yet they end up killing people because they are not trained. There is need to recognise professionalism which relates to this sector. This should ensure that professionals are registered and that ethical practices are followed. It would then be possible to identify training needs which can be standardised. It will also provide self-regulations for those who are practitioners in this field. Such regulations are an important factor. As a Parliament, we can make laws but not all the rules. If we can get a part of the professional category to set their own regulations, then it would be good. Those people in the professions are the ones who know what their professions entail. They know all the nooks and corners of their professions. Once we empower them with these, they will act professionally and competently.

There is an issue which cannot be divorced from the major issue on every hon. Member's mouth and mind. This is the issue of food security and poverty. We know that as we speak, there are floods in my constituency. Those floods will destroy all crops which were almost ready for harvesting. As I talk to you, there are over 2,000 people who are displaced. All the crops, livestock and chicken will be destroyed by the floods. We need to find a way of helping the affected people and giving them the right food. Even if we will give them one proper meal a day, this would help them get their full nutritional needs. This has also affected all the other drought-stricken areas.

Mr. Temporary Deputy Speaker, Sir, I know that you come from one of the areas referred to as the Arid and Semi-Arid Lands (ASALs). We need to identify food---

The Temporary Deputy Speaker (Mr. Poghio): I do not come from any of those places.

Mr. Sungu: Mr. Temporary Deputy Speaker, Sir, I apologise and withdraw. I was saying that there is a clear need to identify food crops that have proper nutrients, which can help our people without going for quantity but quality. As I said, there are few Kenyans who can afford one balanced meal a day. There is need to ensure that there is food value in whatever we give to our people. It should be adequate to cater for nutritional standards, which will be recognised by the law we intend to pass in this House.

One thing that people tend to ignore is that, indeed, this country is subdivided between the rich and the poor. The rich are now suffering from obesity because they have too much to eat. Some of them have pot-bellies. If they had the professional expertise of nutritionists and dieticians to advise them, the need to go to gymnasiums to keep fit would not be necessary. In America and even in Kenya, there are many people who suffer from obesity. We know that if they were able to correct the nutritional value of the food and junk food we eat day in, day out, we would save a lot of money.

There is an advent of the genetically modified (GM) foods which the Developed World has advanced. These are foods which are modified to resist diseases among other things. This is something that we should not rush into. I have always wondered if we were to introduce rice or other genetically modified foods in the Kano plains, whether the modification would affect the animals which live in that area. The ordinary *Omiere* is now 20 feet long. Supposing the snake became 40 feet long, what would happen? We would have a different kind of a problem. We must, as a country, look at means and ways of ensuring that whatever comes to this country is checked to our satisfaction. I am saying this because I know for a fact, that we have enough qualified people in various fields. As the brain drain game goes on, we must ensure that we have a way of maintaining our people and benefiting from their professional expertise because every country has a unique need for its people. That is why I am supporting this Motion. We must empower our professionals, some of whom are around in the galleries and, particularly, dieticians and nutritionists, so that they have a proper law to regulate their area of operation. With those few remarks, I beg to support.

The Temporary Deputy Speaker (Mr. Poghio): I will give this chance to the Government Responder to make his remarks. Hon. Members, that does not mean the end of the debate at all. It means that after the Government Responder has contributed, a few hon. Members will contribute and

then the Mover will finally respond.

The Assistant Minister for Health (Mr. Konchella): Thank you, Mr. Temporary Deputy Speaker, Sir. First and foremost, I would like to congratulate the hon. Member for bringing this Motion. I wish to say that the Government approves this particular Motion. One hon. Member said here that what you eat is what you look. It is true because if you eat junk food you will look like---- I do not know. If you eat a lot of *nyama choma* you will end up with a very big belly. You will look like a *mheshimiwa* but the threat of a heart attack and other related problems will be higher. So, we can only regulate our eating habits if we eat the right food with the right nutrients. We can only do that if we have professionals advising us on what to eat and how to cook it.

Mr. Temporary Deputy Speaker, Sir, the Ministry of Health is also keen to have this Motion passed into a Bill and become law because this particular cadre of our citizens have for a long time worked in various places, most of them in the private sector. It is only the other day when the Ministry of Health employed a number of them to carry out VCT work and other related activities in the Ministry. It has been a department within the Ministry that has been awkwardly placed. They have been complaining to me and we talk about the way forward and at last they have a way out. Unless they are within the law, then the Ministry can do very little. I will urge the hon. Members to support this Motion so that we have a law that is going to structure the operations, practice and training of nutritionists and dieticians.

Mr. Temporary Deputy Speaker, Sir, one of the things that the Government needs to do, since HIV/AIDS is endemic in our country is to invent ways of keeping our people alive without much expenditure. The only way the Government can spend less money is to keep its people healthy and one way to do that is to ensure its people eat healthy food. This can be achieved through the advice of nutritionists and dieticians. We always hear that So-and-so is HIV-positive or a carrier of this virus but is healthy. One can actually carry this virus for the rest of his or her life without dying early so long as one eats healthy food. I am not encouraging the carriers to eat healthy food but I would rather advise them to go to hospital so that they do not infect other people. However, I can assure you that there are carriers of the HIV/AIDS virus who live long because they eat healthy food. So, before their level of immunity drops and they need anti-retrovirals, they should eat healthy food.

Mr. Temporary Deputy Speaker, Sir, one of the things that this Motion is going to do is to regulate the training of nutritionists and dieticians so that there is a syllabus and colleges will be able to train our students to a level where they can be able to work in the country and elsewhere in the world. Apart from providing training, they should also provide research facilities because the world is changing. Right now, there is genetically-modified food which is the order of the day. I know a lot of hon. Members have questions to ask about it. The Ministry of Health is aware and keen to follow up the goings on in the scientific world in terms of genetically-modified food because there are various stories about it which I would not like go into here. However, we need a Bill to ensure that when we introduce these sort of foods which may be foreign to us, our own traditional food will not die. We should still maintain the high value of our traditional foods like what one hon. Member talked about while introducing others because we have to compete with the rest of the world.

We have to be competitive as other parts of the world; by having all these things within our midst. However, the storage of this food is very crucial. We saw what happened recently in Machakos District where aflatoxin killed many people because of poor storage. This Motion should now ensure that standards for storage are regulated properly, so that people do not eat food which is contaminated. A lot of foods comes from overseas and we really do not have any regulatory mechanism to check them and ensure that they are actually good for human consumption. Many products are being floated in our supermarkets, for example, tinned fish and meat, among others, but we do not know their quality. The only way we will know their quality is if we have a law to protect our people from what they eat, import, sow and supply.

I think one of the concerns of the Minister for Health and, probably, this is what this Motion will correct, is to ensure that all Kenyans who are employed are not only structured within the Ministry's system in terms of hierarchy, but are also provided with an employment opportunity. There is a need for a nutritionist to be at every dispensary and health centre. When people visit those dispensaries and health centres for medical treatment, they will also be advised on what to eat and cook. The mothers will now be able to know what to do. The malnutrition level in the country, as the Motion shows, is very high in the rural areas. In fact, the infant mortality stands at 73 per cent in the rural areas. This is caused by lack of sufficient food which contains the necessary minerals. The infant mortality rate in urban areas stands at 59 per cent. However, people in urban areas access quality food and good health facilities. People die in rural areas because of lack of knowledge.

The proposed Bill should provide that in every health centre and dispensary, there be a nutritionist. In that way, we can employ a good number of the qualified Kenyans who are unemployed. We should enact a law to ensure that all private hospitals should have a certain number of dieticians and nutritionists, among their staff, so that we ensure that Kenyans who go for treatment in those hospitals are also taken care of in terms of nutrition. I also wish to encourage the Mover of this Motion to liaise with the Ministry of Agriculture, Ministry of Planning and National Development and the Ministry of Education, Science and Technology. This will ensure that we do not only have a law, but also practise part of the goodness of this law within our education system, so that we train our children on nutrition; right from primary school level. In conjunction with the Ministry of Planning and National Development, we will ensure that we plan our poverty eradication strategy with nutrition in mind. This is because people will not work if they are not healthy. The Budget should actually provide this.

For a long time, the Ministry of Health has not been able to provide the money for prevention purposes. As you heard this morning, from the Minister for Planning and National Development, the Ministry of Health will have its budget allocation increased by some percentage. We anticipate that we will get substantial funding next financial year to address some of these issues. Right now, our budgetary allocation by this House stands at 7 per cent. We are hoping this will go up to about 9 per cent. However, the African Union (AU) recommends that the Ministry of Health's budget be raised to about 15 per cent of the total national budget of each member state. It is that 15 per cent level that the Ministry of Health requires to take care of the requirements of hon. Members, like ambulances and infrastructure development. As a Ministry, we will allocate more resources to preventive health. It is an area that has been neglected for a long time. But since that Bill is coming, we will allocate more money to preventive health.

Mr. Temporary Deputy Speaker, Sir, that is what I would like to say for now. I would like to say that the Ministry of Health supports this Motion. We look forward to when it will become law. We encourage the hon. Member to do exactly that.

Thank you, Mr. Temporary Deputy Speaker, Sir.

Mrs. Kihara: Mr. Temporary Deputy Speaker, Sir, I would like to support this Motion, which is very important, and also congratulate the Mover. As we talk now, 70 per cent of patients admitted in various hospitals have ailments related to diet. We know that, everywhere in life, we eat to live. If you do not eat the right food, you die very fast. Nutritionists would tell us that the very famous African male dish of meat, *ugali* and beer is a killer. African men think that good living is that kind of diet. We know that all sorts of diseases like diabetes, gout, hypertension have something to do with the diet. If we give nutritionists a legal framework, they would be able to assist the nation, so that we do not die early.

Mr. Temporary Deputy Speaker, Sir, I have been working with disabled persons in Naivasha. We have realised that the increasing cerebral palsy disease has a lot to do with the diet. That situation can be improved if those people were feeding on the right food.

Mr. Temporary Deputy Speaker, Sir, to give you an example, when I went for breakfast this morning, an hon. Member asked for an omelette. There were carrots and tomatoes on the side. I am not a nutritionist, but I was disappointed because he ate the omelette and left the carrots and tomatoes on the plate. If you ask a nutritionist, that is not a good eating habit. That is because the carrots and tomatoes would have neutralised the high levels of cholesterol that the hon. Member had just consumed.

It is good to register a body to regulate the nutritionists. I usually go round with a young nutritionist who gives a lot of advice to the care-givers of those children with cerebral palsy. That is something that an ordinary person like me would not be able to provide. This is a very common problem and it should be addressed so that every institution has a nutritionist, considering that we all have to eat.

Mr. Temporary Deputy Speaker, Sir, there are many nutritionists and dieticians who are very educated, but they are not being utilised. This is wasteful resource, as far as the Government is concerned, while there is so much they can do for this country. I would like to ask the Government to create jobs for them. We would like to have a healthy nation. We would also like to encourage farmers to grow the right food. This will also create jobs. As one hon. Member said here, a kitchen garden is very important. The woman out there should be given a chance to farm the right food and get a market for it. We should encourage people not to eat roughage just to fill their tummies, but to consume what is valuable as far as human life and health is concerned. I would like to urge that this Motion is supported by all hon. Members.

Thank you.

Mrs. Mwendwa: Thank you, Mr. Temporary Deputy Speaker, Sir. I would like to support this Motion and look forward to seeing the Bill to be enacted to law, in this field which is very important but which we have ignored for a very long time.

Mr. Temporary Deputy Speaker, Sir, you are what you eat. The problem sometimes is that, we do not even know what we eat. We do not have to go very far. You need to come to our own dining room and you will notice that when we are having tea, we are given fried *mandazis*. These are definitely very bad for us. As hon. Members of Parliament, we have got to refuse.

*[The Temporary Deputy Speaker
(Mr. Poghio) left the Chair]*

*[The Temporary Deputy Speaker
(Mr. Sungu) took the Chair]*

Mr. Temporary Deputy Speaker, Sir, we need a nutritionist right here in this Parliament. They should not give us fried food, especially those of us who are advanced in age, because you will grow old according to what you eat. Nutrition is very important, but you will find that we ignore it, especially in the developing world.

For a very long time, we have aped the white man's ways. We think we should eat what is eaten by the Westerners. We use highly polished maize meal to cook *ugali*. If we could learn to cook *ugali* with flour which has not been processed, it will be very good for us. Therefore, I support this Motion and the Bill that will follow. I hope that we will have well trained nutritionists, who should be in every village, especially at every dispensary and health centre, to talk to the people on the ground. You will not believe it, but mothers do not want to breast feed their own children, because it is not "modern". They want to feed them with the bottle. So, I hope these nutritionists will go right to the villages and hold *barazas* to educate mothers on the importance of breast feeding.

Mr. Temporary Deputy Speaker, Sir, a woman becomes a mother because of the first milk she

breast feeds her baby. If you do not give that milk to the child, you cannot be a mother. You can carry a baby for nine months or 12 years, but what is important is the milk from your breast, which cannot be substituted with anything else. Therefore, this law should come into effect, so that we can have trained nutritionists, who must be backed up to pass this information to our people. If this is done properly, within a short time, we will have a better nation, because we will have healthier people.

Mr. Temporary Deputy Speaker, Sir, if we just ignore and do things the way we are now doing them, and insist on eating the foods as advertised on television, we will have problems. Some of the information we get is definitely distorted. Do you know the type of food somebody suffering from cancer is advised to eat? The food recommended by nutritionists and doctors for cancer patients is what we regard as a poor man's food. This includes sorghum, very dark beans; *mawele*, and vegetables which are readily available. However, we have the notion that the food that is regularly advertised on television, which is eaten by the white people, is what is good for us. We need proper information which should come from the ground. Dissemination of such information should start at the primary school level and then be passed over to our people at dispensaries and health centres.

Mr. Temporary Deputy Speaker, Sir, if we eventually pass this Bill, the quality of this profession will be enhanced, so that professional nutritionists can take their rightful place in society. At the moment, they are being wasted, because we take it for granted that nutritional information is not important. It is very important. As the Assistant Minister for Health said, today, even if an HIV/AIDS patient is given anti-retroviral drugs for free, they will not help that patient if he or she eats the wrong food, or if they take them on empty stomachs. Instead, they could even kill them faster. Therefore, what you eat when you are being treated for whatever illness is very important.

Mr. Temporary Deputy Speaker, Sir, some of us who claim to be educated tend to get nutritional information from tables, indicating what amount of food nutrient is contained in a particular food, for example, iron, vitamins, magnesium, the other minerals, *et cetera*. Unfortunately, we cannot get such tables giving that information from our own nutritionists. We have to get such information from tables that have been done elsewhere. Those tables have been done out of this country yet we have trained people. But because they do not have any faith in our system, they cannot develop these tables. In fact, we go as far as looking for slimming diets from outside. I can assure you that our food has no relevance to the western world.

Therefore, if we have this Bill and we have our nutritionists as professionals doing their job, they can develop some of these things for us. But what is very important to me is that we should take nutrition seriously. If there is any information which is needed by our people, even if they are educated, they should be given. There is nothing wrong with educated people seeking knowledge on nutrition, if they have not done nutrition like I have not done law. I am a lay woman when it comes to law, and the same applies to those of us who have not done nutrition. They need information in their own homes. I am sure if they knew, they would eat much less of *nyama choma* and *ugali*, or greens with *ugali* or even meat with greens, because it is not healthy.

Mr. Temporary Deputy Speaker, Sir, this Motion is long overdue. I hope we are going to have proper campaigns for knowledge so that our people are knowledgeable in food nutrition.

With those remarks, I beg to support.

Capt. Nakitare: Thank you, Mr. Temporary Deputy Speaker, Sir. This is my field. I rise to support this Motion because I believe that nutrition begins in the gardens, not in hospitals or market places or shops.

Mr. Temporary Deputy Speaker, Sir, we have talked about perils of eating. Of course, urban life has changed people's eating habits. I say so because nobody has talked about organic food in this House, and yet I brought in a project where Prof. Oniang'o was one of the trustees.

Mr. Temporary Deputy Speaker, Sir, we have the technology. We do not need a nutritionist to be registered to be recognised. Even pregnant mothers are nutritionists. I have, as a young boy,

watched a pregnant mother going round the house looking for soil to eat out of ant hills because she is looking for calcium. That is nutrition. She is a nutritionist.

Mr. Temporary Deputy Speaker, Sir, I have never seen a dentist because I was not raised in the urban life. The performance of life is dependent on what you eat. But what you eat is not supposed to be removed from where it is grown. I have lived in the first world where junk food or fast food is common. People talk about sugar and they do not say what it causes. I can tell you that sugar in children causes hyper-sensitivity and hyper-performance. A child completely becomes a busy-body in the house and that is a problem to parents.

Some time back, there was a big debate, which was even captured by the World Health Organisation (WHO), but it was not captured here.

Mr. Temporary Deputy Speaker, Sir, we have been talking shallowly about indigenous foods. Urban life has really changed our people. We need to change our lifestyles and go back to where we came from. Africans live longer because of what they eat. It is unfortunate that Europeans used to regard our food as "primitive food". On the contrary, it is that "primitive" food that built us. I have seen people go to supermarket shelves to look for calcium products in order to strengthen their bones. What they forget is that nutrition begins at infancy.

Dieticians are people who know the importance of diet in a person's life. The cooks we have in our houses are supposed to be dieticians, that is, they should be able to know what elements are found in so many kinds of food. Some hon. Members have talked about kitchen gardening. I wish to talk about a "sack of plenty". This entails the growing of all kinds of vegetables. Our bodies do better when we eat a lot of vegetables, less starch and sugars. Hon. Mwendwa talked about ugali. That is basically carbohydrate. I am afraid that nothing has been mentioned about beans and yet they are supplementary to meat. These are some of the things that we ignore everyday.

Mr. Temporary Deputy Speaker, Sir, I think we have been taken for a ride. It is believed that when you are educated and you eat indigenous foods, then it is to your own detriment.

*[The Temporary Deputy Speaker
(Mr. Sungu) left the Chair]*

*[The Temporary Deputy Speaker
(Mr. Poghisio) took the Chair]*

We have talked about legalising the activities of nutritionists and dieticians. However, this Motion, in the real sense, ought to have been brought in this House by the Minister for Health. The Motion is addressing the issue of nutritionists and dieticians in hospitals, but not in schools and yet our children spend much of their time in school. Are we going to wait for people to fall sick before we tell them what foods are good for their bodies? This is the opposite of life. We need to begin from the grassroots. Let us talk about nutrition to our children. That way, we shall be able to build a healthy nation. We need to talk about nutrition right from the kitchen and not from the table. We need to select food in the kitchen before we cook it. In fact, that is why bio-intensive agriculture, which I introduced in this country, is helping 900,000 small-scale farmers in this country.

We have to be proud of organic farming. You do not need a book on cookery to prepare African foods. It is, therefore, important that we legislate the Nutritionists and Dieticians Bill so that these professionals can get recognised and be paid better. However, the principal matter here is that nutrition has to be taught from the grassroots. When you teach a child about dietary needs, he will go to the shamba and look for food crops that make up a balanced diet. If you set up a farm laboratory for your child, he will be able to know the different kinds of crops to plant. For instance, you could make seven seedbeds and in each one of them you plant different kinds of crops. During harvest time you

will end up with food crops that represent a complete diet. We are not talking of going to the market to buy cowpeas or beans. We are talking about a dietary system where you are required to eat more than five different kinds of food at the same time and in little quantities; not big quantities. You do not need to eat ugali the size of Mt. Elgon to realise that you have eaten. Your body requires very little in terms of dietary elements required to sustain our lives. Obesity has been talked about here and I know what it means. The hon. Member has also talked about the genetically modified foods. This is a very serious issue and I want to move a Motion on these foods, so that companies from Mexico do not dump these foods here. The genetically modified foods reduce the lifespan of our people. Our ancestors lived beyond 80 years. The current lifespan of our people is 45 years. Americans buy steers from Mexico, they fatten them and in three months, they become big bulls and they are slaughtered. These are genetically modified. In Kenya today, Kenchic slaughters 78 day old chicken, which are genetically modified through the chicken feeds that we buy from overseas. That is the technology that we are looking at.

If we train more nutritionists and dieticians, we will improve our lifestyles and elongate our lifespan. Blindness is caused by lack of certain food elements, for example, K1, which is found in carrots. Our people do not like eating raw carrots. They cook it and in the process, they kill all the vital food elements. This Motion is very important and I congratulate Dr. Ojiambo for bringing it to the House.

With those few remarks, I beg to support.

Mr. Ojaamong: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity. I just need a little time to support the gracious lady, Dr. Ojiambo, for having brought this Motion.

Dr. Ojiambo must have been motivated by so many factors. First, just recently, she was in Uganda and she saw the eating habits of the Ugandans. They are quite different from ours. Ugandans know how to combine their foods just like the Kikuyus of Kenya. The *irio* of the Kikuyus is a combination of so many foods. It has starch, proteins, vitamins and many other nutrients. That is why they were even able to short-change the Luos and the Kambas in the Memorandum of Understanding (MoU).

Mr. Temporary Deputy Speaker, Sir, proper nutrition even improves the intellectual capacity of a person. If you go to Uganda, you will find that Ugandans rarely use artificial foods. We need to train more nutritionists, so that they can work in our institutions. We need them in hospitals and even in prisons. If you look at the state of our prisoners currently, you will find that they are malnourished just because they are fed by people who only know how to operate guns. When they come out of prison, they are emaciated and they suffer from so many diseases. Therefore, we need to have many nutritionists in our prisons.

Mr. Temporary Deputy Speaker, Sir, I want to emphasise one issue here. There are many food manufacturing companies in this country and if you look at the foods they make for us, you will find that they manufacture crisps and juices. If you look at the conditions and the type of people who work in those factories, you will find that they are unprofessionals who do not know the nutritional value of food. But they combine these things and bring them to the market and we consume them. If you look at the Asians who run those factories, some of them are just bicycle repairers in their countries! But when they get permits to come here, you find that they make juices for us; even for hon. Members of Parliament, the juices we take come from the Asian factories who do not even employ professionals!

So, Mr. Temporary Deputy Speaker, Sir, it is my considered opinion that, if we have enough trained nutritionists, they should be absorbed in those factories in order to have quality foods coming out of them. Recently, I visited my district hospital and I found somebody handling food for the patients, and when I asked what her title was, I was told that she was a nutritionist. The type of food she was making for patients in the district hospital was terrible and I could not believe it! But later on,

I discovered that she was just a quack who had just been absorbed because she could accept a very small salary. That very action of giving patients very sub-standard food continues to worsen the problems the patients have.

So, I want to support Dr. Ojiambo's Motion totally, so that when it is enacted into law, we can have laws which guide nutritionists in our country.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Mr. Poghisio): Mr. M. Kariuki, you have two minutes to contribute to this Motion.

The Assistant Minister, Office of the President (Mr. M. Kariuki): Thank you, Mr. Temporary Deputy Speaker, Sir. I want to take this opportunity to pay glowing tribute to all the women and mothers of this country for having taken good care of our health, because the main nutritionists in this country are the mothers.

Mr. Temporary Deputy Speaker, Sir, I have been informed that 80 per cent of the human brain mass grows between the age of one year and five years. Therefore, it is important to appreciate that the nutrition of good citizenry is very critical. If you look at our medical budget, most of the measures that we employ and spend on are expenses that can be avoided. Preventive medicine is the way forward and the greatest step we can take is to address the issue of diet and nutrition. All these problems we have about gout, high blood pressure, heart conditions, kwashiokor and obesity are dietary problems and doctors spend a lot of time addressing them and we are putting a lot of our money into this. This is an area which has not been addressed and a legal framework is long overdue. Nutritionists cannot work in isolation.

The problems that we face in our foods today, basically arise from the pesticides we use during cultivation, and I think the Ministry of Agriculture has to come on board. The nature of pesticides that we apply create a problem for the quality of foods that we are consuming today. Traditional foods today are the way forward, and if you go to a supermarket today, *terere* and *managu* are now in high demand among the other foods that we know today. We have begun to realize, rather belatedly, that our traditional foods are the best for our health. For a long time, we have been running to fastfood shops picking some *mandazi* here and there, and these are of no use.

With those few remarks, Mr. Temporary Deputy Speaker, Sir, I beg to support.

The Temporary Deputy Speaker (Mr. Poghisio): Order, Members! I will now call on the Mover to reply.

Dr. Ojiambo: Thank you very much, Mr. Temporary Deputy Speaker, Sir. I would like to donate three minutes of my time to hon. Omingo and hon. Githae, respectively.

The Temporary Deputy Speaker (Mr. Poghisio): Proceed, Mr. Omingo!

Mr. Omingo: Thank you, Mr. Temporary Deputy Speaker, Sir. I support this Motion which is quite timely.

I will make a few remarks. The African eating habits were the best. I want to put it on record that in the olden days our young children did not have worms simply because they ate pumpkins which are natural de-wormers. We should go back to our traditional foods so that we can have a healthy and working, and not a walking nation.

The diseases which afflict human beings are as a result of poor eating habits. We have embraced foreign eating habits which are not only health hazards but also reduce our life expectancy.

The Ministry of Health and the Ministry Agriculture should consult each other and find out whether we should have genetically modified food at the expense of the nation's health. We also have artificially processed food which our infants are given. These foods make kids develop skulls like a football. You will find a child who eats cerelac looking healthy but he cannot even support his head. That is where we are heading to. We should come up with such controls in order to give our children quality food. If rats can be produced naturally, then I support Mr. Githae that we should also eat them.

Mr. Temporary Deputy Speaker, Sir, we should also look at the Government Chemist. Let us not use that institution only when we have a crisis of food poisoning. The Government Chemist should be funded and be operational so that it can also check the genetically modified food which comes from other countries. We export live livestock to the USA and import genetically bred livestock into our country. I think that is immoral and we should address this issue.

You must eat well in order to recover. The food served in our hospitals is pathetic. It is simply because we do not have professional nutritionists.

Finally, the Ministry of Agriculture should consult with the Ministry of Health when it comes to the food we eat so that our health bills can come down. The Ministry of Health will be relieved of the burden of high bills if we eat healthy natural food.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I support this Motion, and hope that the Bill will come into force quickly to save our nation.

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity.

First of all, let me take the earliest opportunity to congratulate Dr. Ojiambo for bringing this Motion before this House.

I am a happy man because the debate which I wanted to start has started and action has been taken. I will repeat what I said but was completely misinterpreted to the effect that I told Kenyans to eat rats. I will repeat exactly what I said. I said that we need to go back to our traditional foods which had three main advantages; namely, pest and disease resistant, and needed little rainfall. We must tell our people the truth. For example, I told my constituents that we have many rivers in Ndia Constituency but they do not eat fish which they say *ni ya Wajaluo*. I told them that they are wrong and, therefore, they should start eating fish. I also told them to start eating bananas, which they do not eat. They say that bananas are for women and children. I told them that, that was wrong and they must change. The people of Uganda have survived on bananas and we have never heard of any famine in that country. We need to go back to our traditional foods like yams, cassava, *ndengu* and cowpeas. Unless we eat those foods, we will continue going to gymnasiums. I also told my people to start taking *uji* and not tea. When we were in school, we were told that *uji* is for the African *shenzi* and yet it is the most nutritious breakfast you can ever have unlike sausages, bread and tea.

Mrs. Kihara: On a point of order, Mr. Temporary Deputy Speaker, Sir.

(Mrs. Kihara resumed her seat)

The Temporary Deputy Speaker (Mr. Poghisio): What is it Mrs. Kihara?

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, she has graciously accepted not to raise the point of order because of time. I wish to thank her for being so kind.

Mrs. Kihara: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to say that he has advised his people to eat bananas because they say that they are meant for women and children? Are women and children not his people?

(Laughter)

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, women and children are my people. However, I am talking about everybody. I was telling the men that they should also start eating bananas.

This is a very serious debate and let us not ridicule it by saying that Mr. Githae advocated for the eating of rats. I never said that!

With those few remarks, I beg to support.

Dr. Ojiambo: Thank you very much, Mr. Temporary Deputy Speaker, Sir. I rise to thank hon. Members who have contributed to this Motion for their very rich contribution and support.

The debate has been very encouraging. I want to promise the House that if it approves this Motion, I will work with the Ministry of Agriculture, the Ministry of Health, the Department of Economics, the Ministry of Planning and National Development, the Office of the President, Non-Governmental Organisations (NGOs) and industries to ensure that all the issues that have been raised during this debate are brought together into a Bill to constitute a law for nutritionists and dieticians.

I also want to assure the House that we will look at genetically modified foods (GMs) but in terms of organic farming where we look at the positive side.

*(Messrs. Gumo and Wamwere
consulted loudly)*

The Temporary Deputy Speaker (Mr. Poghisio): Order, Messrs. Gumo and Wamwere! Proceed, Dr. Ojiambo!

Dr. Ojiambo: Mr. Temporary Deputy Speaker, Sir, I want to assure the House that we will bring back to this House a Bill as soon as possible so that we can pass it into law.

With those few remarks, I beg to move.

(Question put and agreed to)

The Temporary Deputy Speaker (Mr. Poghisio): Next Order!

ESTABLISHMENT OF SELECT COMMITTEE ON
ANTI-CORRUPTION INSTITUTIONS

Mr. G.G. Kariuki: Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, noting with concern the misappropriation of funds and the endemic corruption that has pervaded the both the public and private sectors; and in view of the commitment of Kenyans to curb this vice; and considering that a number of agencies have been put in place to investigate and collate evidence on the rampant misuse of public resources; this House resolves to establish a Select Committee to report on the performance and limitations of the Anti-Corruption Institutions, so far, established by law and make such recommendations as necessary to create an environment that will facilitate zero tolerance to corruption and related economic crimes; and that the following be appointed as Members of the Committee:-

The Hon. Kembi-Gitura, MP

The Hon. Kenneth Marende, MP

The Hon. (Dr) Sammy Ruto, MP

The Hon. Ekwee Ethuro, MP

The Hon. Wafula Wamunyinyi, MP

The Hon. (Prof) Ruth Oniang'o

The Hon. G.G. Kariuki, E.G.H., MP

The Hon. Kiema Kilonzo, MP

The Hon. Hassan Abdirahman, MP

The Hon. Mganga Mwandawiro, MP

The Hon. (Dr) Adhu Awiti, MP

QUORUM

Mr. Munya: On a point of order, Mr. Temporary Deputy Speaker, Sir. We do not have quorum.

The Temporary Deputy Speaker (Mr. Poghisio): Yes, there is definitely no quorum. Ring the Division Bell.

(The Division Bell was rung)

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members! We now have quorum.

Mr. G. G. Kariuki, you may proceed!

Mr. G. G. Kariuki: Mr. Temporary Deputy Speaker, Sir, the purpose of this Motion is contained in the terms that I have just read out. It is important for this House to know that the idea or intention of this Motion is not to fight any existing committee on corruption. The purpose of this Motion is to make sure that all existing committees or agencies fighting corruption are doing the right job. We must make sure that they are effective and transparent. As you know, since Independence, we have never had a law against corruption, until now! A total of 42 years of Independence is a very long time. We have produced good and extremely bad people in the process. Those who are infected with the virus of corruption have multiplied their seedlings. Currently, we have about 17 agencies which fight corruption in this country. It is important to know that, out of those 17 bodies, it is only one that is supposed to report to this House - that is the Kenya Anti-Corruption Commission (KACC). When we were enacting the law to set up the KACC, we made several errors. It is now that the Government has realised that, the errors contained in the first law need to be rectified. This House needs to have an opportunity, as a national institution, to study and get all the information that can lead to perfecting all the agencies and laws that we have enacted. If you look at how we are fighting corruption today, the 17 or more agencies have been investigating and forwarding their findings to the Attorney-General for action. The Attorney-General's Chambers has been hit with so many investigated cases. The Attorney-General does not have the capacity to do all that is required by the law. The Attorney-General is the Chief Government Prosecutor. He is the only person mandated by the law to take people to court. That is a constitutional office. The biggest question is: When we started thinking about the idea of creating laws to fight corruption, did we actually understand whether those laws will effectively be dealt with by the Attorney-General? Suppose the Office of the Attorney-General, because there was no change of office, was full of corrupt people and they decided not to take those cases to court? What would happen? We have no machinery to make sure that whatever has been investigated by KACC will be taken to court.

Mr. Temporary Deputy Speaker, Sir, the Attorney-General has powers to say "no"! He also has power to proceed at his own time. I think it is important for this House to study that confusion and come up with recommendations to amend the law to give KACC more power and facilities to perform properly.

Mr. Temporary Deputy Speaker, Sir, if you look at KACC which was created recently, you will find that they have been in office for the last seven to eight months---

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member of Parliament for Laikipia West Constituency to say that KACC has been in existence for the last seven months, when

we know that a Director was only appointed the other day? In fact, they only recruited staff in February this year. They have only started working.

The Temporary Deputy Speaker (Mr. Poghisio): What, really, is your point of order?

Mr. G.G. Kariuki: Mr. Temporary Deputy Speaker, Sir, it is unfortunate that some hon. Members do not take time to understand the difference between a point of order and that of argument. That is why the hon. Assistant Minister has stood up to tell us what they have done so far. He should not interrupt us when we want to know more. He should keep whatever he has to himself and bring all the information he has, in form of contribution.

I would like to say that the law has been there for the months I have just mentioned. There is a problem in movement of cases because some of them have to be referred to the Criminal Investigations Department (CID). When we were enacting this law, the Attorney-General and the Ministry of Justice and Constitutional Affairs ought to have seen the loop holes, which they have now started to detect. Out of 17 anti-corruption agencies formed to fight corruption, I will read, for the benefit of the House, those which are still involved in the job. These are, the Kenya Anti-Corruption Advisory Board (KACAB), National Anti-Corruption Steering Committee (NACSC), Attorney-General and Director of Public Prosecution offices which play the prosecution role in the war against corruption. Fifth is the Ministry of Justice and Constitutional Affairs headed by hon. Kiraitu Murungi, which acts as a coordinator of the organs charged with the responsibility of fighting corruption.

It is important for this House to try and find out, at what stage the Ministry of Justice and Constitutional Affairs gets involved in fighting corruption; at what time it co-ordinates other agencies which are supposed to fight corruption? We should find out if this Ministry is the cause of all the entire confusion which we have today. All these things need to be looked into by the Committee. The Kenya Police Force is also mandated to deal with corruption. This should be the normal situation, where we already have professionals trained to fight corruption. The Police Commissioner and his team would do this job better than a newly established commission.

We are building mountains out of nothing. Corruption is a crime just as any other. I do not know why we think we should employ special people who are paid a lot of money but end up doing nothing in fighting corruption. I think there is a lot that is left to be desired in the entire organisation of fighting corruption. Those who are in these institutions are ahead of us in understanding what is happening. They know what to expect. For example, if you look at the report by KACC, it says that, out of the 90 per cent of the cases presented to it, it was mandated to deal with only two. The rest were referred to the CID. I think there is a lot that this House needs to take into account. We cannot let the entire nation rely entirely on groups of people which are created politically by some people in order to provide jobs for their friends.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members! Mr. G. G. Kariuki, you have 10 minutes left. Hon. Members, it is time to interrupt the business of the House. This House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 12.30 p.m.