

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 30<sup>th</sup> April, 2014

The House met at 9.00 a.m.

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

PRAYERS

QUORUM

**Hon. Speaker:** Hon. Members, we do not quorate and, I, therefore, order that the Bell be rung.

*(The Division Bell was rung)*

Hon. Members, we now have quorum.

PAPER LAID

**Hon. Keynan:** Hon. Speaker, I beg to lay the following Paper on the Table of the House, today, Wednesday, 30<sup>th</sup> April, 2014:-

The Public Investments Committee Special Report on the procurement and financing of the construction of the standard gauge railway from Mombasa to Nairobi, Phase I.

NOTICES OF MOTIONS

ADOPTION OF REPORT ON CONSTRUCTION  
OF STANDARD GAUGE RAILWAY

**Hon. Keynan:** Hon. Speaker, I beg to give notice of the following Motion:-

THAT, this House adopts the Report of the Public Investments Committee Special Report on the procurement and financing of the construction of the standard gauge railway from Mombasa to Nairobi, Phase I.

CONVENING OF AU ASSEMBLY TO INTERVENE  
IN SOUTH SUDAN CRISIS

**Hon. Oyugi:** Hon. Speaker, I beg to give notice of the following Motion:-

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THAT, aware that the ongoing crisis in South Sudan has reached alarming levels that amount to civil war; further aware that inaction on the part of the African states will result in the loss of more civilian lives and property; noting the urgent need for a more holistic manner of addressing the crisis in our neighbouring country; cognizant of the fact that Parliament has recently approved the deployment of the Kenyan Defence Forces to assist as part of the protection and deterrent force and other peace keeping efforts, this House resolves that the President requests for the urgent convening of an extraordinary session of the Assembly of the African Union in line with Article 6(3)(b) of the Constitutive Act of the African Union and that the Assembly of the African Union makes use of Article 4(h) of the Constitutive Act giving the right to intervene in a member state pursuant to a decision of the Assembly in respect of grave circumstances, namely, crimes against humanity, genocide and war crimes.

### STATEMENTS

**Hon. Speaker:** Hon. Members, we are on Order No.7 on Statements and today being Wednesday, it is a day for responses. There are five responses from various Chairpersons of Committees.

The House Business Committee in its meeting of last evening, 29<sup>th</sup> April, 2013, decided that these responses or particular business will only take one hour. This is in order to give room for the very many Private Members' Bills that are on the Order Paper today and because this is a House that does legislative work, we want to give effect and meaning to those initiatives by Members who have proposed several Bills. In fact, if you look at today's Order Paper, it has not less than 12 Private Members' Bills, indeed a commendable move by Members.

Therefore, this Order will only last for one hour from now, quarter past nine. At quarter past ten we will go to the Motions that follow, on Order No.8 and the others that follow. Of course, Members will be at liberty when we get there, if you decide to do so, and make full use of your own Standing Order No.97 to determine how many of those Bills you want to discuss today. The House has the power to allocate specific timelines or periods within which debate on one particular Bill may be concluded, but that is for you as the House to determine when we get to that.

The first response is by the Chairperson of the Departmental Committee on Lands, regarding resettlement of squatters, requested by the Member for Saboti, hon. David Wafula. That Communication from the Speaker cannot elicit a point of order.

**Hon. Speaker:** Use the Dispatch Box and be brief. What that communication means is that Chairs are asked to summarize and the Members who sought the Statements are also requested, in the interest of sharing with the rest of your colleagues, not to engage in lengthy and sometimes tedious repetitions on the issues you are raising.

### RESETTLEMENT OF SQUATTERS IN TRANS NZOIA

**Hon. Mwiru:** Thank you, hon. Speaker. The first response is for the Statement that was sought by hon. David Wafula Wekesa, Member of Parliament for Saboti Constituency. He sought to know:-

(i) whether the Government has a database of all squatters in this county and if so, how many they are from Trans-Nzoia County;

(ii) why the Government in its policy for resettlement of squatters, does not consider giving priority to squatters who originated in the areas earmarked for resettlement;

(iii) when the Government plans to seek approval of Parliament to replenish the Settlement Fund to facilitate resettlement, and;

(iv) plans by the Government to resettle all squatters in the county, particularly those in Trans-Nzoia.

I wish to answer as follows:-

(i) The Government has no database of all squatters in the country. However, it has settled 282,783 households in existing 500 settlement schemes country wide. To date, 48 of the settlement schemes fall in Trans-Nzoia County which is approximately 9.5 per cent of other settlement schemes.

(ii) The Government has always given priority to resettlement of squatters in the affected areas, through the District Settlers Selection Committees (DSSC). The DSSC has been mandated to allocate 60 per cent of settlement plots to beneficiaries from the local areas and 40 per cent of the plots to beneficiaries from other parts of the country.

(iii) The Government will be seeking funds for resettlement programme as provided by the Land Act, 2012, during the 2014/2015 Financial Year, which they have already sought.

(iv) The settlement programmes were previously guided by the Agriculture Act, Cap. 318. The promulgation of the Constitution in 2010 and the enactment of the Land Registration Act and the National Land Commission Act in 2012, critically affected the settlement functions.

(v) There is need for concerted effort by the national Government and county governments to avail adequate funds for procurement of land for resettlement of squatters. In the recent past, no funds have been set aside for purchase of new farms to resettle squatters, except for the resettlement of the 2007/2008 post election victims and forest evictees from Mau Forest.

(vi) The national Government and county governments need to establish an authentic database of the squatters and land banks for future implementation of the resettlement exercises.

That is the answer for the Statement sought by hon. Wafula.

**Hon. Speaker:** I do appreciate that the machines are still not working in all places; you can use the Dispatch Box. Hon. Wafula

**Hon. Wekesa:** Thank you, hon. Speaker. Let me thank the Chairperson who is my good friend for this very brief Statement. The fact that the Government does not have a database for all squatters in the country is very serious and I know the Government has not been taking the issue of squatters, the way it is supposed to be handled.

From this Statement that has been read by the Chairperson, you can easily tell that the Government has no intention of giving land to squatters. In Trans-Nzoia County, the

majority of squatters have a history, their forefathers used to work for colonial masters and when the Government took over these pieces of land through the Agricultural Training Centers (ATC) and Settlement Fund Trustees (SFT), they took over or inherited these squatters.

These are the very squatters who are forced to take payment in form of milk and *unga* because of being frustrated by ATC. They delay their payments. These are the same squatters who are languishing and wallowing in abject poverty in Trans-Nzoia County. When will the Government give these squatters their own land; the land they will call their own?

Thank you, hon. Speaker.

**Hon. Speaker:** Hon. Wamalwa.

**Hon. Wakhungu:** Thank you, hon. Speaker. I want to seek clarifications from the Chair who has just given the Statement, and my good friend. Indeed, you have just mentioned that the Government does not have any data to show this. What plans is the Government putting in place so as to have this data and when will that be effected? We understand that recently, His Excellency the Deputy President was in Trans-Nzoia issuing title deeds, and some of the people who benefited are regrouping with the intention of benefiting a second time.

Again, among the people who benefitted, some were not genuine squatters and we raised this issue and it is on record. The regions County Commissioner even indicated that some of the beneficiaries, indeed were not genuine and he was very categorical. Even His Excellency the Deputy President was very categorical that anybody who benefited and is not genuine, the law is going to take its course. So, I am seeking clarification to know up to date how many of these people have been identified and what steps the Government has taken in terms of apprehending them. I also want to know what plans are in place to settle the remaining people of Trans Nzoia.

Hon. Speaker, Trans Nzoia is the mother and father of the squatters. Unfortunately, other squatters have come from other regions. We know very well some came from Rift Valley and were settled in Trans Nzoia.

Thank you, hon. Speaker.

**Hon. Speaker:** You are not bearing in mind my direction that these five Statements will only be there for one hour. So, you must be economical with time. Hon. Wanyonyi, because you also come from there---

**Hon. F.K. Wanyonyi:** Hon. Speaker, I have looked at the response from the Chairman of the Departmental Committee on Lands and I want to tell him, just like my colleagues have mentioned, the issue of settlement in Trans Nzoia is a very serious one. I think the Government is not serious in settling the squatters in Trans Nzoia. I want to make it very clear and I think what the Chairman is intending to do is actually below what he expected to tell me. He is even talking about 48 settlement schemes from Trans Nzoia. I do not know where this figure is coming from.

I want to ask him two things: One, where are the 40 per cent he is talking about coming from? This is because he says they come from outside. Where are these people coming from? We already have so much. We already have so much in our hands. I want the Chairman to tell us where the 40 per cent is coming from. We already have enough.

**Hon. Speaker:** Resume your seat.

**Hon. F.K. Wanyonyi:** Please, I cannot resume my seat. I am not done.

**Hon. Members:** That is the order of the Speaker.

**Hon. Speaker:** Hon. Dr. Pukose.

**Hon. (Dr.) Pukose:** Thank you, hon. Deputy Speaker. I seek clarification from the Chair on whether those squatters have been classified and what classification has been used. This is because in Trans Nzoia we have several categories of squatters. There are those who were the original inhabitants of the place, those who came from other places and those who were workers. Then there are also those who were born there. This is so that we can know whether that can assist us in terms of settling them in future.

Secondly, I seek clarification whether there is any land within Trans Nzoia County that these squatters can also be settled or whether there is any land somewhere else which the Government has identified. Is there such a plan?

**Hon. Speaker:** Hon. Serut.

**Hon. Serut:** Thank you, hon. Speaker. Trans Nzoia County neighbours my constituency and most of the people who have settled there are from my community. The clarification that I am seeking is this: Can the Chair tell us whether the Settlement Fund Trustees (SFT) which is supposed to be purchasing land has been devolved to the county? This is because what he has said is that data has to be collected by the county governments. Is it the county government to purchase land or is it the national Government?

Thank you, hon. Speaker.

**Hon. Mwiru:** Hon. Speaker, on hon. Wafula's question or clarification on the issue of the database, indeed it is of great concern because there is no database at the moment and I have said it. However, I think it is one of the responsibilities that we have to push through as a Committee to make sure that this database is also provided for this country. So, I think it is a responsibility of this Parliament that we are able to get the data from the Ministry and from those authorities that be.

On the issue of the Agricultural Development Corporation (ADC), well it is an issue which has been noted with concern at the moment. As a committee, we could not dig deep into that because it was not part of the question. However, if it requires further interrogation, I will be able to take it up and maybe bring the list of those people who were left out by the ADC. However, certainly the talk is there that there are people who were left out and I think it is a matter that can be followed up later.

On the question raised by hon. Wamalwa, on when data shall be availed, certainly that ties up with the first answer that I have given. So, I think I can follow it up to make sure that this one is speeded up. I am happy that hon. Wamalwa has noted that there is professional squatting all over the country and without this kind of a database, we cannot mitigate this problem. We should have even done this earlier so that at least we are able to finish up with the issue of the squatters. It should not be a recurrent issue. It is a matter that we can still follow up. It is an area that I know. Most of them are genuine; they collude with committee members and when the issue reaches the national level, it becomes very difficult to say who is genuine and who is not.

On where the 48 schemes are, we know quite a number are in Trans Nzoia. I cannot name all of them at the moment but I know schemes like Chepchoina. So, it

should not be a big problem because those are things that are already documented. On the issue of where they come from, they come from Kenya.

On hon. Dr. Pukose's question, there are so many categories of squatters. One, there are forest evictees. They became squatters because they are not in their natural habitat. We have people who had been working on the ADC farms and they were left out, as hon. Wamalwa has pointed out. We also have people who were victims of historical injustices, who were chased out of their native land by the *wazungus* or the colonialists. Therefore, there are quite a number of categories and I think all these summed up together are squatters in this particular country, not only in Trans Nzoia. This is the same thing that is happening at the Coast.

On hon. Serut's question, it is not the county governments that are supposed to purchase land for settlement of squatters or displaced people; it is the national Government. Indeed the Tenth Parliament was able to give that mandate to the National Land Commission (NLC). They are the ones who are supposed to provide that policy and the money is supposed to be provided from the Consolidated Fund and other donors.

Thank you, hon. Speaker.

**Hon. Speaker:** Very well. The next Statement is again from the same Chairperson. This is to respond to a Statement sought by hon. Grace Kipchoim.

Proceed.

#### ISSUANCE OF TITLE DEEDS TO MOCHONGOI SETTLEMENT SCHEME

**Hon. Mwiru:** Thank you, hon. Speaker. This is a second Statement that was sought by hon. Grace Kipchoim, Member for Baringo South. She sought to know the following: One, when the degazettment of the Mochongoi Settlement Scheme will be done. Two, plans to issue title deeds to the residents of Mochongoi Settlement Scheme in Blocks One, Two and Three and other residents of settlement schemes in the country. The answer is as follows:

The Ministry of Lands undertakes to commence the process of degazettment within the next three months. However, it should be noted that the process will be done in consultation with the local forest conservation committee in the county and the Ministry of Forestry and Wildlife. Thereafter, a Cabinet Memorandum will have to be done for approval by Parliament.

Two, squatters in Phase One of Mochongoi Settlement Scheme were issued with title deeds through a presidential decree of 2007 before the degazettment was done. Residents of Blocks Two and Three will be issued with titles once the degazettment is done and other pending issues resolved.

Hon. Speaker, it is good to note from this juncture that, that was already an illegality to begin with. Issuance of title deeds in settlement schemes is an ongoing exercise which is normally done once the process of planning, survey and allocation is completed.

Hon. Speaker, I wish to offer some background information on this particular statement. Mochongoi Settlement Scheme in Baringo County was established in 1989, and falls within the boundary between Laikipia and Baringo counties. It was created from

parts of Marmanet and Ol Arabel Forest to settle people whose land had been acquired by the Government for public use for example, Kiri Dam, which supplies Kabarnet Municipality; schools, hospitals, amongst other public utility facilities. The land has not been de-gazetted. It remains part of the forest to-date.

The exercise was initiated and spearheaded by the Provincial Administration, and not the Ministry of Lands. Demarcation and survey works were undertaken by the Department of Survey and facilitated by the Department of Land Adjudication and Settlement. Plot allocation was initially done by the Provincial Administration rather than the Director of Land Adjudication and Settlement, who is supposed to do so after planning and survey is complete. The names of the allottees were forwarded by the area District Officer, Mochongoi, to the Commissioner of Lands and thereafter to the District Lands Registrar for issuance of title deeds.

Hon. Speaker, the District Development Committee (DDC), at a meeting held on 26<sup>th</sup> September, 2008, under Minute No.07/09/08, recommended that Mochongoi Settlement Scheme be de-gazetted. However, the DDC members did not direct the request to the then Ministry of Forestry and Wildlife, under whose docket the forest falls. The issues to be resolved include the fact that the settlement scheme land has to-date not been de-gazetted to actualise the scheme. The earlier registration of titles amounts to double-registration, which should be addressed.

There is no clearly defined boundary between the settlement scheme and the forest. This has resulted in cases of increased encroachment on the forest land. Although a number of settlers have title deeds in Phase One, there is another category of people who have only letters of offer. Others have neither title deeds nor letters of offer but they are on the ground. A number of allottees have made payments to the Settlement Fund Trustees (STF) for the plots even before getting letters of offer.

Hon. Speaker, cases of double allocation have raised concern over the authenticity of the issued title deeds. There are very many complaints on ownership, succession and boundary disputes. Some allottees took title deeds without repaying STF loans, and have sold off their plots. Members of the Endorois have already accused the Republic of Kenya before the African Commission on Human and People's Rights. Their complaint was that their land had been allocated to strangers while they had been left out. The matter has not been finalised to-date.

Registry Index Maps (RIMs) have not been amended to reflect mutations done to create new land parcels. There is already a pending court case before the Arusha-based African Court filed by members of the Ogiek community, who are seeking parts of the Mau Forest complex to be recognised as their ancestral land.

Thank you, hon. Speaker.

**Hon. Speaker:** Yes, hon. Kipchoim!

**Hon. (Ms.) Kipchoim:** Thank you, hon. Speaker.

I really concur with the Chairman but three months is too long a period. The people of Mochongoi have waited for a very long time.

**Hon. Speaker:** Hon. Grace Kipchoim, the Statement that has been read out is from the Ministry. When you tell the Chairman that three months is too long, what do you want him to do? Do you want him to begin the work of carrying out survey? Even

when we complain, the complaints must be directed at the relevant persons. This is what he has been given. I am even looking at it. So, please, just seek clarifications.

**Hon. (Ms.) Kipchoim:** Hon. Speaker, I agree with the Chairman on what he has said about the settlement scheme and the de-gazettement. The people who are living in Mochongoi are about 30,000. Evicting them from that land will disarm them. I want to thank the Committee for the good work that they have done. Cases of double allocation are minimal. The settlers who are living in Mochongoi paid for that land. We paid the SFT 100 per cent. We agreed that if the Government settles those people and issues title deeds to them, they can do much in that area.

Thank you very much.

**Hon. Speaker:** Committee Chair, is there anything to respond to? She has thanked you.

**Hon. Mwiru:** Hon. Speaker, I am happy that the hon. Member has agreed with me but because of the myriad problems that are facing the settlement scheme, it is only necessary for the Government to move in to make sure that some of the problems are sorted out. This is a matter that affects not only Mochongoi but many other settlement schemes in Kenya. Therefore, I am happy that she has agreed with me on this point. Of course, once this matter is settled, the economic activities of those people can be enhanced.

Thank you, hon. Speaker.

Let us have the next response from hon. Asman Kamama to a Statement requested by hon. Sarah Korere. We have taken 25 minutes so far. We have a balance of 35 minutes. All the three Statements remaining are supposed to be issued by hon. Kamama.

#### INVASION OF CONSERVANCIES BY ARMED GRAZERS

**Hon. Abongotum:** Hon. Speaker, on 19<sup>th</sup> March, 2014, the Nominated Member of Parliament, hon. Sarah Korere, requested for a Statement regarding the invasion into community conservation areas by illegal grazers. The hon. Member claimed that in February this year, some heavily armed illegal grazers invaded and settled in Lekurruki and Kijabe conservancies. A security officer's attempt to evict them led to a shootout between the two parties. The hon. Member particularly wanted to know about the following:-

- (i) the origin of the illegal grazers;
- (ii) why the security agencies were withdrawn from the conservancies, resulting in the closure of Tassia Lodge in Lekurruki;
- (iii) measures that the Government has put in place to address resource-based conflicts in Laikipia, Samburu and Isiolo counties;
- (iv) the criteria used by the Government to issue police---

**Hon. Speaker:** Hon. Kamama, if you go that way, you will take the entire 35 minutes. The hon. Member has already made the request. Why do you not go straight to the response?

**Hon. Abongotum:** Thank you for your guidance, hon. Speaker.

The invasion of private or community conservancies in Laikipia by illegal grazers has been a perennial problem, especially during periods of dry spell, when there is



scarcity of pasture and water for livestock. Some of the conservancies affected by this perennial problem include Ol Lentille, Lekurruki, II Ngwesi and Makurian conservancies, among others. During such instances, the Kenya Police Reservists (KPR) normally enter into dialogue with illegal grazers, appealing to them to move out of the conservation areas.

Hon. Speaker, during a recent invasion of Lekurruki Conservancy, KPRs based at the conservancy appealed to the grazers to move out of the conservancy, but they did not. The matter was reported to the police, who moved to the conservancy on 24<sup>th</sup> February, 2014 and started the process of removing the illegal grazers. The exercise went on smoothly until 28<sup>th</sup> February, 2014 at about 7.30 a.m., when the police officers were attacked by Samburu *morans* at Mirinyata area, along the border between Laikipia North and Isiolo North sub-counties.

During the incident, Administration Police Constable (APC) Godfrey Muchemi, Service No. 221906, was injured on his right hand, with police vehicle, GK B080E, belonging to the Administration Police Commander, Laikipia North and Motor Vehicle KBB 085A, belonging to Lekurruki Conservancy, were extensively damaged. One AK-47 Rifle magazine was also stolen during the incident. The police called for reinforcement, which arrived under the command of the Laikipia County Commissioner but found that the illegal grazers had already escaped to their respective counties of Isiolo and Samburu.

Hon. Speaker, the Government has employed the following measures to address resource-based conflicts in Laikipia, Samburu and Isiolo Counties:-

- (i) frequent *barazas* through the Office of the County Commissioners of the respective counties;
- (ii) security patrols have been beefed up---

*(Technical hitch)*

**Hon. Speaker:** Hon. Kamama, I was wondering whether hon. Korere is able to hear the response.

**Hon. Abongotum:** Hon. Speaker, the problem is technical. Is the microphone working now?

**Hon. Speaker:** Maybe, you could use the one on the Dispatch Box.

**Hon. Abongotum:** Thank you, hon. Speaker. I think I am more audible. I will summarize as follows:-

- (iii) revitalizing of community policing;
- (iv) encouraging cultural exchange amongst communities and education as the drivers of cultural change;
- (v) beefing up security by deploying Anti-Stock Theft Unit in various cattle rustling prone areas;
- (vi) encouraging setting up of institutions like schools and vocational training centers to diversify economic activities;
- (vii) encouraging other stakeholders such as NGOS to venture into arid areas for peace building and advocacy campaigns; and,
- (viii) security officers have not been withdrawn from any of the conservancies.

The alleged closure of Tassia Lodge has nothing to do with insecurity. Security has been beefed up in that particular area.

On recruitment of National Police Reservists, the candidates are subjected to rigorous vetting by relevant security agencies, in respect of security and intelligent committees before being recruited and issued with Government firearms. This ensures that only persons of good conduct are issued with firearms.

Thank you, hon. Speaker.

**Hon. Speaker:** Hon. Korere.

**Hon. (Ms.) Korere:** Thank you, hon. Speaker. The casual manner in which the Cabinet Secretary is treating this crucial issue of insecurity is annoying. I do not know if security has acquired a new meaning, according to the security agencies of this country. When I listen to the responses given by hon. Kamama, as much as he is not the architect of this Statement, I would honestly plead with him and the Committee on security to scrutinize these Statements before they bring them here. It is annoying when a Cabinet Secretary misleads this House; brings white lies, purportedly saying that it is a response. I was from the constituency yesterday and I can confirm---

**Hon. Speaker:** What clarification are you seeking?

**Hon. (Ms.) Korere:** I am seeking the clarification---

**Hon. Speaker:** You are telling us about some white lies. White lies is not a clarification. He does not know about red, white or blue.

**Hon. (Ms.) Korere:** The clarification I am seeking is, Tassia Lodge is closed, but the Cabinet Secretary is saying that it is not closed because of insecurity. Then, why is it closed? I am a member of that group ranch and I can confirm that the group ranch is not bankrupt, it not closed because they are broke!

**Hon. Speaker:** Can he respond now.

**Hon. (Ms.) Korere:** Secondly ---

**Hon. Speaker:** It is not a debate. I said that these five responses would be dealt with within one hour. If you take the entire time, your other two colleagues will not get a chance because we need to finish after one hour. So, please be considerate to your colleagues who have also sought Statements.

**Hon. (Ms.) Korere:** I understand, but the whole response has made my temperatures go very high.

**Hon. Speaker:** No! Do not raise temperatures. Lower them. I think I should ask the Clerk's Office to ensure that the temperatures here are cool.

**Hon. (Ms.) Korere:** Secondly and finally, I want to seek a clarification. Since I have confirmed that there are no security agencies as they were withdrawn, can the Chairman liaise with the Cabinet Secretary and confirm to us that, that security which is a constitutional right to the residents of Laikipia North is assured? What happened to the right to protection of life and property? Is Laikipia North excluded in these rights?

**Hon. Speaker:** Hon. Kamama, respond.

**Hon. Abongotum:** Thank you, hon. Speaker. The hon. Member has a right to raise her temperatures. The situation, I know is really sensitive. I want to confirm to the hon. Member that, we will inform the Cabinet Secretary to actually send security officers to that particular place. If she is not satisfied with the answer that we gave, we are going to

meet the Cabinet Secretary on Tuesday. I will welcome her to the Committee if she wants further clarification but I know they will maintain the same position. That is the situation.

On the issue of beefing up security in that area, we will inform the Cabinet Secretary in writing.

**Hon. Speaker:** Very well. Hon. Sarah Korere, you could go but, allow your temperatures to be low when you appear before that Committee on Tuesday. You have been invited. The Cabinet Secretary will be present to give you responses as you desire. Make sure that you attend the Committee meeting.

Let us move on to the next Statement that was sought by hon. Aburi. Yes, hon. Kamama.

**Hon. Abongotum:** Hon. Speaker, hon. Aburi had directed the Chairperson of the Committee on Regional Integration, hon. Kajuju, to ask for the response on his behalf. The Statement will be responded to by my deputy. He can take over.

**Hon. Speaker:** Hon. Lentoimaga.

#### KILLING OF ZAKAYO KATHIA

**Hon. Lentoimaga:** Okay. Thank you, hon. Speaker. I want to read the response for the Statement raised by hon. Aburi. The hon. Member had asked ----

**Hon. Speaker:** Please, read the Statement. He read the Statement here, so just read the response.

**Hon. Lentoimaga:** On 26<sup>th</sup> March---

**Hon. Speaker:** No, the Statement starts "On 18<sup>th</sup> of March, 2014".

**Hon. Lentoimaga:** Hon. Speaker, on 18<sup>th</sup> March, 2014 at about 10.00 pm, along Maua-Lare Road, Mr. Zakayo Kamenchu Kathia alias Musete, deceased, was riding in a motor vehicle KBJ 346D Toyota G-Touring which was being driven by Mr. Jacob Mutwiri from Maua to Lare. On reaching KK Market, they found two motor cycles which were in the middle of the road and appeared to have been involved in an accident with some shop merchandize, cigarettes and dry cell batteries scattered on the road. The driver slowed down to inquire from some people who were standing on the roadside what was the problem. Suddenly, one person stepped out from the group and shot Zakayo Kamenchu Kathia on the head killing him instantly. Everyone, including the attacker, scattered in different directions. The incident was reported vide OB No.63/18/3/2014 by a driver, Jacob Mutwiri. Officers from Lare Police Station led by the Officer Commanding Station (OCS) rushed to the scene where preliminary investigations established that, moments before this particular incident, a businessman, Mr. Moses Gikunda Kamenchi had been robbed of assorted shop goods. The robbers had shot one round to scare away members of the public. One round of cartridge caliber 7.62 millimeter was recovered from the scene. Several statements have so far been recorded from witnesses. However, no arrest has been made and police are following several leads to establish the identity of the attackers and the motive.

Hon. Speaker, the following measures have been put in place to ensure security of the residents in the area:-

(i) all crime prone areas in the county have been mapped out and security beefed up;

- (ii) collection of intelligence has been enhanced;
- (iii) police have enhanced reinforcement of the law to ensure *boda boda* operators do not operate during the night;
- (iv) patrols have been enhanced;
- (v) frequent *barazas* are being held to boost good relations and confidence between the police and residents;
- (vi) prompt response to distress calls and reports have been enhanced; and
- (vii) *Nyumba Kumi* Community Policing initiative has been reactivated.

**Hon. Speaker:** Hon. Kajuju, you are the one to seek clarification.

**Hon. (Ms.) Kajuju:** Hon. Speaker, hon. Aburi is now present in the Chamber, but I can proceed to seek my own clarification. I believe he has the liberty to seek clarifications. According to the Statement that has been read by the Chairman, you will notice that since March, when this incident occurred, a month and a half down the line, I do not think anything much has been done. I am just worried because the Cabinet Secretary ought to know that if there is delay in the course of investigations, then we might not be able to have the culprits arrested. So, I would like the Chairman to indicate what timelines they expect to ensure that this issue is settled because it has taken too much time to be settled or for the culprits to be arrested.

**Hon. Lentoimaga:** Hon. Speaker, I totally agree with the hon. Member that it is a long time since this incident happened. However, there is an issue that indicates that somebody has been gunned down by the police. We do not know whether it is this particular person who was involved but on 31<sup>st</sup> March, policemen gunned down a notorious criminal within the same area by the name Karithi Itimutu, aged 36. A G3 rifle with four rounds of ammunition was recovered. That particular G3 rifle is with the ballistic examiners to determine whether this particular rifle was used during the attack on the diseased.

**Hon. Iringo:** Hon. Speaker, that young man was shot in my constituency. According to the report from the Chairman, I totally disagree with the information which he has given us. He is talking of patrols by the police and I am worried. He should clarify when they started doing it because when I visited that place, the OCS told me that they do not even have a vehicle to do patrols at night. We had a *baraza* with the Officer Commanding Police Division (OCPD) and he agreed that they should stop the *boda bodas* from operating after 7.00 p.m. but this has not been done. Could the Chairman go back to the Cabinet Secretary and confirm that what he has read is true because it is not? If need be, we can sit with him and I prove the same because they have no transport and the *boda bodas* are operating throughout the night, therefore, that is why this impunity, robberies and killings are going on. So, we cannot know who killed that man and why he was killed because nothing was stolen from him. I would request the Chairman to go back to the drawing board and come with information that will clarify those matters.

**Hon. Lentoimaga:** Hon. Speaker, I agree with the hon. Member. I know they are the ones on the ground; they know these issues more than us but I will request that when we call the Cabinet Secretary, we will invite him to come so that he can elaborate on these issues more.

**Hon. Speaker:** Hon. Iringo, I think it is important that if you are available on Tuesday, as the Vice-Chairman has said, you can be there so that those questions--- The

Cabinet Secretary most likely would be accompanied by other officers from that department so that they can give you a proper response.

The last one is the Statement sought by the Member for Lamu West.

#### KILLING OF SIMON MUGURO BY POLICE OFFICER

**Hon. Abongotum:** Hon. Speaker, I will go straight, in the interest of time, to the Statement. On 11<sup>th</sup> February, 2014, at about 1.00 p.m. police officers who were on patrol received information that there were three suspicious persons who were planning to commit crime within that particular area. When those officers confronted the suspects and ordered them to surrender, two of them ran away in different directions while the third one drew a pistol prompting the officers to shoot him thus sustaining gunshot wounds. The officers recovered a homemade gun from the suspect with two rounds of ammunition of 9 millimeter caliber. Thereafter, the officers called the Deputy OCS, Jogoo Police Station who visited the scene and contrary to the hon. Member's allegation, assisted the wounded suspect to Kenyatta National Hospital where he was pronounced dead on arrival. The incident was booked at Jogoo Police Station as OB No.17 of 11<sup>th</sup> February, 2014 and subsequently an inquest file No.2/2014 was opened. Further, the homemade pistol and ammunition were later forwarded to the ballistics experts for examination. The examiner was of the opinion that the homemade gun and the ammunitions were firearm and ammunition respectively within the definitions under Firearms Act, Cap.114, Laws of Kenya. I have handed over the ballistics report to the hon. Member and it is signed by somebody called Mr. Alex Chirchir.

**Hon. Kariuki Ndegwa:** Hon. Speaker, it is a great pleasure to get that feedback but the matter was interrogated in a shallow manner. I can start by saying that the Cabinet Secretary referred to me as hon. Kariuki Ndirangu whereas I am hon. Kariuki Ndegwa. It seems whoever was answering this was not serious. I am an hon. Member and I am a very sensible person who will not just ask questions which have no significant findings. I would like to request the Chairman to call the Cabinet Secretary because I have the entire and comprehensive evidence that when the Deputy OCS was called from the police station, he found Simon Muguro very much alive. He told his fellow colleagues that there would be a case and that is why he shot him. If we want order in this country, we cannot be killing criminals. We need to have them give us comprehensive--- He says the other two ran away. I think it would be easier if he could produce the other two. So, I would like to request the Chairman to call the Cabinet Secretary to a Committee meeting so that I can explain and provide the evidence that I have because Mr. Muguro had a cell phone which he used to try and write a text message "please call me". He called trying to seek assistance from friends but the Deputy OCS could not---

**Hon. Speaker:** You are repeating yourself about the Deputy OCS. Hon. Abongotum, the hon. Member is asking whether you can call the Cabinet Secretary.

**Hon. Abongotum:** Hon. Speaker, this being an issue of life, I think it would be prudent that my good friend, Member for Lamu West, should appear before the Committee on Tuesday, so that he can clarify certain salient issues. That is because we take life very seriously but crooks must also be dealt with properly.

**Hon. Speaker:** So, hon. Ndegwa, on Tuesday, as the Chair has said, you are invited to appear. The Cabinet Secretary will be before the Committee. It is an easier way of sorting out the problem. Do not be angry with what the Chairperson has done. He has just communicated and, therefore, it is only fair that you appear on that day and go and prosecute the matter when the Cabinet Secretary is present. Is that okay with you?

**Hon. Kariuki Ndegwa:** Thank you, hon. Speaker. I am very much okay with that. I will avail myself with comprehensive evidence to prove the Cabinet Secretary wrong.

**Hon. Speaker:** No! No! Avail yourself with everything; not just comprehensive evidence.

**Hon. Kariuki Ndegwa:** Thank you, hon. Speaker

**Hon. Speaker:** Very well. That brings us to the end of the time for responses to Statements and I thank you for keeping within the time allocated.

Next Order.

## BILLS

### *Second Reading*

#### THE FERTILIZERS AND ANIMAL FOODSTUFFS (AMENDMENT) BILL

*(By hon. Wakhungu on 2.4.2014)*

*(Resumption of Debate interrupted on 2.4.2014)*

**Hon. Speaker:** Hon. (Ms.) Nyasuna.

**Hon. (Ms.) Nyasuna:** Thank you, hon. Speaker. I rise on a point of order under Standing Order No.97 on the Limitation of Debate which states that “The House may, on a Motion, made by any Member in accordance with this Standing Order, impose a limit in respect of debate on any particular Motion or Bill by allotting a limited period of time for such debate or by limiting the time during which Members may speak in such debate.”

First, let me thank you for really managing the time that we have spent on Statements. We are all aware that the only time allotted for Private Members’ Bills in this House is Wednesday morning. We have 12 Private Members’ Bills on the Order paper and some of these Bills have been here for quite a while. The other point is this: Apart from these Bills, we also have quite a number of Private Members’ Motions that are still in queue and cannot be slotted until we complete these Bills. In that respect, I would like to propose that the Bills coming for debate be debated for a period of one hour to the maximum and each speaker, speaking on these Bills speaks for not more than five minutes with the exception of the Mover and the Seconder. This is my proposal in order to ensure that as many of our Private Members’ Bills as possible are put through the process. That way, many Members can bring Bills to the House. We will then be able to transact the business that brought us to this House, which is legislation.

Thank you hon. Speaker and I propose that limitation of debate.

**Hon. Speaker:** May I put the Question?

**Hon. Members:** Yes!

**Hon. Speaker:** I will put the Question straightaway. There is nothing to propose really. It is the proposal from hon. (Ms) Nyasuna that, in view of the many Private Members' Bills that are pending and this hour, being the time for Private Members' business, that the business appearing on Order Paper as No. 8--- Or is it my understanding that it should cover all the Bills?

**Hon. Members:** Yes! All the Bills!

**Hon. Speaker:** All the Bills?

**Hon. Members:** Yes!

**Hon. Speaker:** The debate be limited to one hour and that every Member speaking, speaks for five minutes with the exception of the Mover, in moving and responding.

*(Question put and agreed to)*

**Hon. Speaker:** Therefore, whoever wants to contribute to the Bill, the Fertilizers and Animal Foodstuffs (Amendment) Bill, National Assembly Bill No. 36 of 2013, the Mover, the Leader of Majority Party and Leader of Minority Party will have ten minutes, if they want to contribute. It is so ordered. Do I see hon. Njuki? Are you contributing to this Motion?

**Hon. Njuki:** Yes.

**Hon. Speaker:** Very well. Proceed. You have five minutes. Please, every other Member contributing, you are accordingly informed.

**Hon. Njuki:** Thank you, hon. Speaker. I rise to support this Bill and thank hon. Wakhungu for bringing it. The Bill is on the formation of the board. The sovereignty of a country can actually be manifested by what it can provide in terms of food for its citizens. About 90 per cent of the population of Kenya, especially in rural areas, rely on subsistence farming in crop and animal production. The subsidized fertilizer which has mainly relied on importation is a success story. The only problem is we always ask ourselves: Is making fertilizer rocket science? Why do we have to import fertilizer from other countries? Why can we not manufacture it here? This Bill is actually one of the best steps that this Parliament will take in making sure that we are able to manufacture fertilizer locally. We do not only need to manufacture the fertilizer locally, but we also need to protect those factories that can be set up locally from the cheap imports that will actually compete with the same. It is common sense that the cost of production in Kenya, especially because of the taxes and the power affordability, is slightly high and, therefore, the imports are usually, in most, cases cheaper.

*(Hon. Speaker left the Chair)*

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

We can protect local manufacturing by levying taxes on imports. That will actually protect the local production of fertilizer. On the other hand, we cannot only rely on production without seeking to improve the quality of fertilizer that we will be producing. Innovations and production in this country, especially of services and processes, are normally constantly improved via research and technology through our research institutions like the Kenya Industrial Research and Development Institute (KIRDI), Kenya Agricultural Research Institute (KARI) and others. Therefore, it will be prudent for the Government to provide a budget or a subsidy. It can allocate some money for innovation to take place, so that we can constantly improve the fertilizer. Because of time, I would like to touch on how the fertilizer distribution has been taking place in the country at the moment, or in the season that has passed. In the last season, peasant farmers who normally rely so much on the subsidized fertilizer could not afford the fertilizer in the shops. This time, they did not get it in the right quantities simply because the Principal Secretary in the Ministry of Agriculture gave instructions for the formation of committees headed by the chiefs to distribute fertilizer. I would urge that, if it is possible, to revert back to the system that was there before, so that farmers can buy the fertilizer directly from NCPB depots rather than using chiefs. Most of the fertilizer ended up in the hands of the middlemen and those who did not require it for planting. They just sold it!

I can confirm that most peasant farmers never got fertilizer in my constituency, Chuka/Igambang'ombe. We must do away with the bureaucracy that has been put in place by the Principal Secretary in the distribution of fertilizers, so that it can get to the right people.

Hon. Temporary Deputy Speaker, with those few remarks, I beg to support this Bill.

**Hon. F.K. Wanyonyi:** Hon. Temporary Deputy Speaker, I rise to support the Bill. First of all, the import of this Bill is to establish the plant in Kenya. Apart from that, it will manage the purchase and distribution of fertilizer on timely basis.

Currently, the importation of fertilizer is done by the National Cereals and Produce Board (NCPB), which is not its core business. Secondly, the current arrangement is that it is the Government that actually buys fertilizers in this country. Again, that is not the core business of the Government. The Government is not in the business of buying and distributing fertilizers. Therefore, the establishment of the plant will be very good.

Today, the imported fertilizer in this country is mainly DAP. There are various soil samples in this country. Through the study that was done in Trans Nzoia, it was established that DAP fertilizer has made the soils acidic. So, the production of maize---

*(Loud consultations)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Order, hon. Members! The consultations are very high. Please, let us allow the hon. Member to make his contribution so that we can all hear.

**Hon. F.K. Wanyonyi:** Hon. Temporary Deputy Speaker, the DAP fertilizer imported into this country has made the soil acidic such that production of maize in Trans Nzoia, which is the grain basket of this country, has reduced from 50 bags per acre to a



minimum of 15 bags. Therefore, if we establish the factory, we will know the type of fertilizer to be manufactured and distributed to which farmers.

Kenya has the best climatic conditions. If we have a fertilizer factory in this country, we will be able to produce fertilizer that is appropriate to each region. For example, in Trans Nzoia, we will know whether it is *Mavuno* or DAP that is suitable.

Lastly but not least, by establishing a fertilizer factory in this country, we will create job opportunities locally. Currently, we are exporting job opportunities to the countries that export fertilizer to this country. Therefore, we will create job opportunities for our people if we establish a fertilizer factory.

I also want to say that there has been a lot of delay. As we speak here, this is a planting season and we do not have enough fertilizers in those areas, particularly in North Rift. It is a scramble for fertilizer and that means that there will be a drop in food production. If the fertilizer factory is established, it will regulate and supply this commodity on time so that farmers can benefit. That will encourage our farmers to take farming as a profession. Currently, most farmers are taking it casually.

Hon. Temporary Deputy Speaker, I support the Bill.

Thank you.

**Hon. Bunyasi:** Thank you, hon. Temporary Deputy Speaker. I rise to support this Bill. It is time that we took seriously the development of agriculture. It is time that we thought about the welfare of the farmers who are concerned. The establishment of this facility will ensure timely supplies to all our farmers.

As I support this Bill, I would be much happier if this entity was established in a competitive environment. Therefore, as we move forward, we will see in which way its existence in terms of its distributive and importation functions will be consistent with the performance of the private sector. Together, we will be able to get a better product. We will have a board that is conscious of the market conditions where we do not get any under-hand dealings. We will also have to look carefully at the issue of management of fertilizer.

We have had a sad history in terms of our attempts to establish a fertilizer manufacturing factory in the country. I think with the establishment of this board, we will have an entity that is informed, understands the market and can operate for the public good of this country.

We have a rich region not only in Kenya but beyond in which an entity like that can establish manufacturing facilities. I have some worries though that because of the fall-back position, they will be managing a subsidy programme which affects the commercial operations of the board. For it to succeed, given the tight fiscal conditions in this country, it has to pay along the way. I will be much happier if the subsidization was done by separate entities other than the board.

Hon. Temporary Deputy Speaker, in general, I rise to support this Bill. I think it is time that Kenya began to go into the next stage and improve the vertical integration within the agricultural system that allows value-addition along the entire chain that has institutions that will be able to make that happen.

With those few comments, I support this Bill.

**Hon. Ndiritu:** Thank you, hon. Temporary Deputy Speaker. I rise to support this Bill. Basically, I come from a rural setting. My constituents are dependent on peasant and dairy farming. Therefore, fertilizer is a major component in increasing their yields.

At this point, I would like to thank Egerton University for the soil survey they carried because it will help our farmers to have more faith in other types of manure other than fertilizer. We have been insisting on DAP which in some cases, its use has been found to be obsolete.

I would also like to point out that the Government has been successful in subsidizing fertilizer that it has been importing. I would imagine a case where the Government would get out of it and get this fertilizer through businessmen. We know we have petroleum products and, somehow, the prices are the same. The Government can follow up so that we do not eliminate businessmen completely from this.

I also congratulate the governor because he made a lot fertilizer purchases which were supplied to farmers in Nakuru. Farmers in every ward were able to get about 10 tonnes of fertilizer and this went a long way in helping them. We got the fertilizer in time. We would like to have an authority, as had been proposed by the Mover of the Motion; that can detach the business of supplying fertilizer from the Government. We need an independent authority that can make use of businessmen.

There is the issue of animal feeds. Most farmers in the rural constituencies depend on small scale farming as well as dairy farming. Even in my constituency, that is the only place farmers get their income from. With regard to dairy farming, I am always sympathetic because you will find farmers rearing herds of cows which, at the end of the day, produce nothing. If only the Government could subsidize animal feeds and services like Artificial Insemination (AI) and also the drugs for livestock, that would go a long way in improving the livestock herds. It is very uneconomical for a farmer to have a herd of ten or 20 cows on a ten-acre piece of land and yet, he cannot feed or take care of them. I know some of them attract VAT. The authority would look, in a holistic manner, at the whole issue of peasant dairy farming and even large scale farming with the view of subsidizing inputs.

I have talked about the AI. It is very important. That is because they cannot buy the pedigree cows that cost, say, Kshs50,000. If the cost of getting AI comes down like it used to be in the past, that is, Kshs200, the farmers will be able to upgrade their herds and get fewer cows that can produce more milk. This will be very good because dairy farming puts money in the farmers' pockets every month unlike other farming, where you have to wait for, say, a whole year to harvest. So, this authority is coming at the right time and I hope it is going to organize farmers and put money in the pockets of peasant farmers.

**Hon. (Dr.) Pukose:** Thank you, hon. Temporary Deputy Speaker, for allowing me to make a contribution to this very important Motion. The Fertilizers and Animal Foodstuffs (Amendment) Bill is key with regard to areas where farming is the mainstay. We know that the backbone of this country is agriculture. It is timely that we are now able to create a body that will make sure that fertilizer procurement, distribution and storage is done in an orderly manner.

In the past in this country, farmers have been exploited because businessmen have been importing fertilizer and creating artificial shortages. So, when fertilizer is not available, the prices skyrocket. This has made farming very expensive and the cost of

production is very high. Recently, Egerton University, in partnership with the Government, did soil sampling. They stated clearly in their Report that soils in Trans Nzoia, where I come from, have become acidic and they can no longer produce high quality foods per acreage. For us to support this soil in order to increase production, then we are supposed to use lime other than the 20/20 fertilizer. The Chairman of the Departmental Committee on Agriculture, Livestock and Cooperatives read a Statement in this House. We realized that most of what was being supplied was DAP and this adds more acid into the soils. Therefore, the authority will make sure that areas with acidic soils get fertilizer that does not have high acid content. The fertilizer with high lime content will neutralize those soils.

Hon. Temporary Deputy Speaker, among the many functions of this Bill is setting up a factory that manufactures fertilizer. Currently, in this country, we do not have any factory that can manufacture fertilizer. So, if we create an enabling environment by having a body that will regulate the setting up of the factory, including selecting the site for the factory, that will be very important. In the past, factories have been set up in areas which are politically correct and not areas where people require them most. In this case, a fertilizer factory should be set up in an area where fertilizer is needed in huge amounts. It should be an area where the cost of transportation is going to be minimal. The availability to the farmers should also be maximized. This will mean that the cost of production to the farmers will also go down.

Hon. Temporary Deputy Speaker, the composition of the Board should be representative so that it represents the areas that are most affected.

The area of animal foodstuffs needs to be supported. In this county, high pedigree animals are extremely expensive. Currently, a pedigree animal goes for between Kshs150,000 and Kshs200,000. When this authority comes up, we would like it to address the issue of Agricultural Development Corporation (ADC), which are now under-performing. It was stated in the Cabinet approval of the Budget that the Government wants to assist ADC to come up. We, therefore, want the ADC to take lead in the issues of animal foodstuffs and---

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Members, please, remember we have only five minutes for debating this issue. So, please, plan your time. Hon. Wilbur Ottichilo.

**Hon. (Dr.) Ottichilo:** Thank you, hon. Temporary Deputy Speaker, for giving me this chance. First, I want to thank hon. Dr. Chris Wamalwa for bringing this Bill to this House. It is very timely. Fertilizer is very important for food production. Without fertilizer, we should not expect to become food self-sufficient. It is, therefore, important that this county is able to produce its own fertilizer.

I want to be clear on what fertilizer means. The definition, even in here, of fertilizer is not right. I would eventually propose an amendment to this. The way fertilizer is conceived here from what I have heard is inorganic fertilizer. However, technology has changed and now more emphasis is being put on organic fertilizer. This is because organic fertilizer has better efficiency in food production than inorganic fertilizer. This country has been using inorganic fertilizer, that is, the chemical fertilizer for a long time. That is why most of our soils are acidic and cannot produce any more. It is, therefore, important that from the outset, as we consider this Bill, we must know what we are

talking about. The technology that is available tends to go towards organic fertilizer which does not destroy the soils. So, as much as I want to support this Bill, there are many amendments that I would want to propose to make this Bill useful for this country.

Hon. Temporary Deputy Speaker, the fertilizer board should, first of all, be able to know what is required in each of our soil types. This is because you cannot define fertilizer without knowing what the soil requires and what the plant you want to plant requires. Those are the key questions that one has to ask before you decide on what type of fertilizer to use. Therefore, the proposed fertilizer board should be able, among its functions, to conduct thorough research with relevant stakeholders' institutions to determine the soil types in this country and the deficiencies of the soils as per the requirement of the crop you want to plant. That is because the crop you plant determines what type you want to use and it is determined by the type of soil available for you. Therefore, it is not a question of going to buy DAP. This is the mistake we have been making in this country for so long and that is why food production in this country has gone down.

Hon. Temporary Deputy Speaker, I want to bet, if we continue using DAP and inorganic fertilizer, food production in this country is not going to increase. It will decline. Therefore, it is important to go back to the drawing board. First of all, we must determine what our soils are lacking before we can determine what type of fertilizer to procure. So, in determining what type of factory we want to bring or establish in this country, we must be able to know the requirements of our soils and what type of crops we want to grow.

Secondly, we need the proposed fertilizer board to have the capacity to monitor, on a long time basis, the life and status of our soils. That is because as you put in organic fertilizer in your soils, you change the fertility of the soil. Fertility of the soil depends on the bacteria and the *fungi* and the viruses that are in the soil that break down the organic materials into small nutrients that the plants use. Therefore, without knowing all that, we can bring factories here that can manufacture fertilizers that are going to make our soils worse.

Hon. Temporary Deputy Speaker, as much as I support this Bill, I would want to bring more amendments to make it more relevant and more scientifically and technologically updated.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Thank you hon. Wilber Ottichilo for the well informed debate. Those suggested amendments are very much welcome in the next stage of the Bill.

The next hon. Member on priority list is hon. Francis Nyenze, Leader of the Minority Party.

**Hon. Nyenze:** Thank you, hon. Temporary Deputy Speaker, for giving me this opportunity to contribute to this very important Fertilizers and Animal Foodstuffs (Amendments) Bill.

I rise to support this Bill because it is timely, well drafted and I congratulate hon. Dr. Wamalwa Wakhungu for coming with such a good Bill, which will help our farmers. I urge hon. Members to come up with more Private Members' Bills so that we can improve the lives of ordinary Kenyans who depend on farming.

Hon. Temporary Deputy Speaker, I just want to say that the agriculture sector is very important and if we invest more money in it, this country's economy will grow faster. As hon. Ottichilo has said, our soils have deteriorated to a point where they cannot produce good food because of use of bad fertilizers. There are conmen who import and sell substandard fertilizers and farmers end up applying too much fertilizer to the wrong soils and this Bill seeks to correct that anomaly.

Hon. Temporary Deputy Speaker, currently, agriculture directly represents 26 per cent of the Gross Domestic Product (GDP) and another 25 per cent indirectly through linkages with manufacturing distribution and service industries. This is a big chunk of GDP. It accounts for 65 per cent of the national exports and provides 70 per cent of informal and approximately 18 per cent of formal employment. That is a very high figure. Agriculture employs more people than any other industry.

Hon. Temporary Deputy Speaker, for those countries that have had their economy grow faster than ours, they invested in agriculture. They have invested in value addition to crops. They are produced and improved from there and today, they are in the middle income category. Kenya can be the same as those countries which have improved their agriculture sector. I do not want to over-emphasize the need for food security. It is an issue of concern to Kenya and because of climate change, there is less rainfall and the population is growing fast. We have to change and improve our agriculture. Our main ingredient that is used in agricultural production is fertilizer.

Hon. Temporary Deputy Speaker, this Bill has come at the right time when farmers are crying everywhere; be it maize, sugar-cane, tea, coffee farmers, *et cetera*. Every farmer, even those who rear livestock, are crying of bad prices, expensive inputs, especially fertilizer and they cannot make their ends meet. Their children cannot go to good schools. Most of them cannot afford to put a good meal on the table for their families.

Hon. Temporary Deputy Speaker, we have to make sure, as Parliament, that we support this Bill so that farmers can be relieved. We need to budget more money towards agriculture because that is what would make us grow at double digit.

Hon. Temporary Deputy Speaker, the overall economic growth will not be driven by infrastructure development and tourism, but farming. Farming is the main thing that will drive this economy. The billions which have been put in other sectors, if they were directly put to the farmers, you would have seen change and this economy would have grown very fast.

Hon. Temporary Deputy Speaker, I want to say that fertilizer, amongst other agricultural inputs, is key to agricultural transformation. There has to be increased agricultural productivity so that we can produce more food and we drive away poverty. For us to develop agriculture at the rate where we want to drive our economy to, we have to look at that key which is fertilizer and other inputs to make sure that they are affordable. We should ask ourselves why they are not affordable. First, it is because of unscrupulous traders. There is a lot of money in fertilizer imports and that is where people are making a kill. Let us drive out middlemen and let the farmers control the distribution and the buying of fertilizers because they are the ones who are using it.

Hon. Temporary Deputy Speaker, there has been talk about setting up a fertilizer plant. I understand that one company is setting a factory in another country. What of this

Government that depends so much on agriculture? We are late in setting up a fertilizer plant to produce fertilizer for our farmers.

Hon. Temporary Deputy Speaker, Kenya is not as competitive as it used to be because our soils have deteriorated. The Sub-Sahara Africa uses nine kilogrammes of fertilizer per hectare of cultivatable land compared to 100 kilogrammes per hectare in South Asia and 73 kilogrammes in Latin America. So, we are using less fertilizer than any other region and that is why we have less food production. The bulk of fertilizer imports from other countries is weighing this country down. We are spending so much money. Let us set up our local fertilizer manufacturing plant here and we make agriculture more tenable.

As I conclude, the Government's intervention in the fertilizer market must not be politicized. But it must cushion the very poor farmers. If farming is made easy and affordable, this country would be food secure. Today, we are not food secure. Let us make farming interesting and easy by lowering the fertilizer imports and the farmers will produce enough for us and for export. The Government should encourage the use of fertilizer in Arid and Semi Arid areas like Kitui County, where we do not get free fertilizer.

**Hon. Gichigi:** Hon. Temporary Deputy Speaker, I rise to support this Bill with amendments. It is true that agriculture is the backbone of our economy. Over 80 per cent of the economy of my Kipipiri Constituency is derived from agricultural activities. We have not done enough in agriculture in this country. When you look at what other countries like Israel are doing, it is a shame that 50 years after Independence, we are still importing food while our soils can sustain any crop that can be grown anywhere in the world. It is, indeed, a shame that we have had Ministers for Agriculture and agricultural officers for 50 years, but we are still suffering.

The proposal of emphasizing on one management of the production of fertilizer and animal feeds is overdue. It should have happened many years ago. However, I am not comfortable with the creation of another body that will again demand from the public coffers the financing of allowances and other expenditure. The current trend is to collapse the many parastatals that we have in the same sector to one big organization that is going to deal with these issues. While I support the initiative proposed by this Bill, let us look at what is happening in other institutions like the Kenya Seed Company, the National Cereals and Produce Board and the Horticultural Board. Let us bring these organizations together and make sure that the issue of fertilizer stands out in the bigger organization rather than creating another body that will require to be funded by our Budget.

I am also suggesting that we look at how the Government will incorporate funding of the various other crops for purposes of getting them into the strategic reserves of the country. Why do we not have, say milk, being preserved as powder as we do with cereals? I suggest that we do this with other crops. As I wind up, the Government should help in value addition of those other crops. We should take care of the agriculture sector in a bigger budget. The way to go is to manage our fertilizer and especially go the organic way. This is what is going to benefit this country and my people of Kipipiri.

I support the Bill subject to those amendments.

**Hon. Serut:** Thank you, hon. Temporary Deputy Speaker. From the outset, this Bill is good. However, the timing is not good. The Mover, my brother, Chris Wamalwa,

had very good intentions. But looking at this Bill, which is an amendment Bill of an existing principal Act on fertilizer, it is proposing that we come up with a board. Boards have been known in this country to fail farmers, for example, the Sugar Board. Currently, we are dealing with the Sugar Board issues in this country, which has even turned out to be an insecurity issue. The Sugar Board has become a problem because of some cartels. If we go this direction of coming up with a board to deal with farmers' issues, then we are inviting cartels into the farming sector again.

We had the Pyrethrum Board and other institutions which have been serving this country. We can re-look at Kenya Farmers Association and Kenya Co-operative Creameries and see whether they can be revived? I am of the opinion that whereas the Mover felt that there is need for the delivery of fertilizer in good time and the stabilization of prices, which would have been done by the board, I want to propose that during the Third Reading, we bring a number of amendments to this Bill, if it has to pass the test.

I have looked at the Bill very closely and I can see that there is creation of employment and control of quality and quantity, but going the board way will not help the farmers. I am a farmer and I speak with a lot of experience. I have had difficulties with cartels. I want to encourage my brother, hon. Chris Wamalwa, to come and sit down with us in the Committee on Agriculture, Livestock and Co-operatives, so that we can re-look at this Bill and see which amendments we can propose to enrich the Bill. Otherwise, I want to support this Bill half-heartedly until we propose the amendments.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Members, as per the resolution this morning, we will have one or two Members and the Mover will be called upon to reply. Then we will move on to the next Motion. Hon. Mohamed Sumra.

**Hon. Sumra:** Thank you, hon. Temporary Deputy Speaker. Although hon. Simba says he was called before me, I think you have taken care of the minority in this House.

I would like to congratulate hon. (Dr.) Chris Wamalwa and bring to the attention of this House that even in the counties, in our dumping grounds, if this board comes in, it will generate fertilizer. I agree with my fellow colleagues that organic fertilizer is a separate issue from chemical fertilizer and the fertilizers from the dump yards. We have seen some countries in Asia and Europe manufacturing fertilizers from dump yards. Even, animal feeds are being manufactured from the bones which are accumulated in the dump yards.

Being in the recycling industry, I know of some parties who are collecting and crushing bones and it is called bone meal, which is good for animal feeds. In the long and short of it, if you look at Gulf countries like Israel, we should follow their way. Importing fertilizers is a very expensive exercise in this country and we have seen how cartels blow up the figures and deliver small amounts of animal feeds and fertilizers after which they collect colossal sums of money.

I wish to support this Bill, and especially this board. Once it is constituted, we will give them more ideas. Congratulations, hon. (Dr.) Chris Wamalwa. I support the Bill.

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

**Hon. Kipyegon:** Thank you, hon. Temporary Deputy Speaker. I would also wish to state from the outset that I stand to support this Bill. In doing so, I would like to say that the creation of the Fertilizer Board will go along way. We know like my colleague has said, we have had so many problems with the boards. We have had many cartels and corruption, but the creation of this board or authority will look after matters of investment. Farmers should not fear corruption. We will find a way of killing corruption in this county.

The creation of this board will help us to look into matters to do with farmers. For a long time, the question of importation of fertilizer has been a great deal. It has actually led to many cartels, like what we are trying to avoid by creating this board. There are so many cartels which have been freezing the Government and taking long to deliver fertilizer to this nation. By creating this board, I believe we are going to remove that question of cartels. The other question which the board will address is the issue of trying to analyze and research especially on the kind of fertilizers that will be used in different counties. We come from counties where we cannot just apply the same kinds of fertilizers. Some of us are farmers who actually plant maize and tea or sugar-cane and we need this board to come up with a real research institution which can look into the kind of fertilizers that can be used by farmers.

My serious support to this particular Bill is because we need to have fertilizer factories in this country. For a long time, we have been importing fertilizers and we are the greatest consumers of fertilizers. Why can we not have factories that can actually manufacture fertilizers in this country and allow farmers to access fertilizers at the right time?

When we establish the board, we need to do so objectively. We should know very well that our farmers need our support and consideration. As we speak now, there are several areas which are lacking fertilizers; areas which are actually engaging in farming. They want to plant right now, but there is no supply of fertilizer just because, the fertilizers which are there are kept in a particular depot or depots and so, most of the people cannot access it. We need a board that will re-look at it and only deal with fertilizers and nothing else. Otherwise, I wish to support this Bill and say that our farmers need a better consideration, so that they can also farm and have value for their money which they put in their farms.

Thank you, hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Members, I now call upon the Mover, hon. Chris Wamalwa, to reply.

**Hon. Wakhungu:** Thank you, hon. Temporary Deputy Speaker. Before I reply, I would like to donate some of my time to my other colleagues who have not had a chance to contribute. I will start with hon. David Ochieng, hon. Dalmas, the hon. Member from Meru, my neighbour there has actually been waiting to contribute and in this end *Mhe. Mzee* Wangamati, following in that order.

Thank you, hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Chris Wamalwa, how many minutes have you donated?

**Hon. Wakhungu:** I have donated three minutes each.



**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): No! Three minutes is a lot.

**Hon. Wakhungu:** Two minutes each.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): You remember you have 10 minutes only?

**Hon. Wakhungu:** Two minutes each and then one minute to reply.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Okay.

**Hon. Ochieng:** Thank you so much, hon. Temporary Deputy Speaker. It is unfortunate that I have to speak for only two minutes because this is a very important matter and I want to thank hon. Wamalwa for his thoughtfulness to bring up this particular Bill.

One of the debts that this county is paying as we speak is the Ken-Ren debt. If you live in this country, you know the Ken-Ren debt. This debt was incurred under the guise of building a fertilizer factory in this country. It was never built and Kenyans continue paying for it. I want to thank hon. Wamalwa for this very singular endeavor because having a fertilizer factory in this country, through this particular Bill, will ensure that; one, we have fertilizer that meets the needs of this country. We cannot just be using DAP and NPK all the time.

As someone said earlier, we need to have fertilizer for the soil in Siaya, Bondo or Nyandarua. So, this particular board will ensure that this happens. It is important that we let bodies which are supposed to do their work, do it. The work of bringing fertilizer is not the work of the National Cereals and Produce Board (NCPB) and this body will come in handy in doing that.

Thank you, hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Who was next? Hon. Dalmas Otieno, proceed.

**Hon. Anyango:** Thank you, hon. Temporary Deputy Speaker and hon. Chris Wamalwa for giving me the opportunity. I want to emphasize that we have not done enough in support of agriculture. It is time we reviewed all the institutions which are supporting agriculture in this country. That is because the future of this country is actually in agricultural industries. Most of the other conventional industries have not succeeded to go beyond 13.5 per cent of Gross Domestic Product (GDP).

To grow the industries, we have to support agro-industries and that means we start with agricultural production. The first step which I support in this Motion, is that we should first view and build all institutions supporting agri-business in the country. Second, we must be able to channel more capital, both from Government and mobilized capital from the people of Kenya, towards the support of agriculture in this country. Whether, they will be co-operatives or any other institutions like banks and so on, supporting agriculture is something we must do urgently.

The fact that so many boards have been mismanaged before, is not an excuse. The fact that corruption has been experienced in so many other boards is not an excuse. Our future is in agri-business, agro-industries and urgent steps like hon. Chris Wamalwa has taken on this particular Motion should be supported all the time.

Thank you, hon. Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Thank you. The next beneficiary of the donation from hon. Chris Wamalwa is hon. Cyprian Iringo, Member for Igembe Central.

**Hon. Iringo:** Thank you, hon. Temporary Deputy Speaker. Let me thank my colleague, hon. Wamalwa, for giving me these two minutes. I also congratulate him for bringing this Bill.

I stand to support this Bill and emphasise that it will check those unscrupulous traders and business people who tend to go and import sub-standard materials and fertilisers. They bring them to this country and, at the end of the day, fertilizers not really benefitting the farmers. They benefit those people who import the same. At the same time, those fertilizers, at the end of the day, end up even destroying our soils and, therefore, reducing the food production in our farms.

Hon. Temporary Deputy Speaker, being an agricultural country, I strongly believe in the direction that this Bill is taking us. We shall be able to produce more for our country. We will also create jobs by having industries which will use raw materials and, at the same time, we will get time to evaluate and also do proper analysis of fertilizers which are conducive or good for different soils in different localities of our country.

What happens is that the fertilizers that farmers know are DAP and these others. At the end of the day, when they come here, they are sold across the country without testing the soils to know exactly which soils fit with what kind of fertilizer.

With those few remarks, I beg to support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Thank you. The beneficiary, hon. Suleiman Murunga.

**Hon. Kasuti:** Thank you, hon. Temporary Deputy Speaker. I would like to thank hon. Chris Wamalwa for moving this important amendment. I come from a county that consumes huge amounts of fertilizer. I come from the sugar belt where fertilizer is consumed in large quantities and we have seen the commodity now losing its value because of its poor distribution in our county, especially because of the various cartels that are operating in the country, and in the agricultural commodities sector.

Our sugar industries at the moment are not operating well. Mumias Sugar Factory is not operating well. Nzoia Sugar Factory is on its death bed because of the poor supplies of fertilizers that has been done in the country. Its distribution is very poor. Due to this, I think that with this amendment of the Bill and the board being created, it will help quite a lot to ensure that the fertilizer that is imported into this country is of the right quantity and quality and, before it is taken to various areas of our country, it is tested so that it is useful when it is used in our soils in particular regions. It has been proved that if fertilizer is not used properly in any given area, the soils in that particular region are affected and that way, the cartels keep on reaping big and yet, the farmers lose quite a lot.

So, with those few remarks, I wish to support the amendment.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Thank you. Now, I call upon hon. Chris Wamalwa. You have one minute to reply.

**Hon. Wakhungu:** Thank you, hon. Temporary Deputy Speaker. First, I would like to thank all the hon. Members for giving overwhelming support to this Bill and for those who have concerns with Kenya Farmers Association (KFA). When it comes to the

Third Reading, I think that is when some of the proposed amendments will come in and we shall look at them.

Hon. Temporary Deputy Speaker, the economy of this country relies on agriculture and it is important that we should have the right fertilizer with the right quantity and quality on time. Many farmers have suffered because subsidised fertilizer does not reach them at the right time or in the right quantities.

So, hon. Temporary Deputy Speaker, I move and I thank you.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Thank you, hon. Members. Because of the obvious reasons, I will not be able to put the Question. I direct that the Question will be put in the next Sitting. So, let us move on to the next Order.

### *Second Reading*

#### THE COUNSELLORS, PSYCHOLOGISTS AND PSYCHOTHERAPISTS BILL

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Wafula Wamunyinyi to move.

**Hon. Wamunyinyi:** Thank you very much, hon. Temporary Deputy Speaker for giving me the chance to move the Bill. I beg to move that the Counsellors, Psychologists and Psychotherapists Bill, National Assembly Bill No.39 of 2013, be now read a Second Time.

*[The Temporary Deputy Speaker  
(Hon. (Ms.) Mbalu) left the Chair]*

*[The Temporary Deputy Speaker  
(Hon. Cheboi) took the Chair]*

Hon. Temporary Deputy Speaker, this Bill seeks to establish an Act of Parliament to regulate the practice of counseling and psychology in this country. Although there has been significant growth and development in the profession of counselling and psychology in this country, there has not been any law provided to regulate the practice. What has happened to Kenyans is that they have suffered harm and injuries at the expense of people who are not qualified.

Hon. Temporary Deputy Speaker, so, because of the time and what was resolved this morning in the House, I will want to take a few minutes to give the background and a little information summarising what basically is provided. However, before I do that, let me say in summary that the Act will provide a comprehensive legal regime for counselling and psychology professions and services in Kenya.

Secondly, hon. Temporary Deputy Speaker, the Act will provide a coordinated, efficient, effective, ethical and consultative approach in the administration of counselling and psychology profession and services in Kenya.

Thirdly, hon. Temporary Deputy Speaker, the Act will weed out all quacks and pretenders and ensure that the Kenyan consumers of counselling and psychology services are not subjected to any harm or injury.

Hon. Temporary Deputy Speaker, this reinforces the principal object of this Bill, which is to establish a legal framework for training, registration, licensing, practice and standards of counselors and psychologists in Kenya. In Part I, the Bill contain preliminary provisions. These are procedural standards provided in each Bill.

Part II of the Bill provides for the establishment of various institutions. In particular, it provides for the establishment of the Counsellors and Psychologists Board. It further provides for its composition, powers and functions to enable it work effectively.

Hon. Temporary Deputy Speaker, Part III contains provisions relating to the registration of counselors and psychologists. Among other things, it stipulates the requirements for registration, the keeping of a register containing members and the manner in which alterations may be made to that register.

Part IV contains provisions relating to licensing of counselors and psychologists. It provides for the issuance of practising licences and the durations of those licences.

Hon. Temporary Deputy Speaker, Part V contains enforcement provisions. Among other things, it defines what constitutes professional conduct. This must be clearly defined. It also provides for disciplinary measures or proceedings by the board against any errant practitioner. This is the standard way, just like it happens in other regulatory boards and societies that are provided in our statutes. It further provides for the removal, suspension or cancellation of a member from the register, in accordance with the decisions of the board as a result of any disciplinary measure.

Part VI contains financial provisions and, among other things, it defines the sources of the funds of the board, the annual estimates of the board and the auditing of accounts of the board.

Part VII contains miscellaneous provisions. These are general provisions which, for example, provide that the Cabinet Secretary may, in consultations with stakeholders or the board, make regulations that would facilitate the smooth running of the profession in the country.

Hon. Temporary Deputy Speaker, on delegated powers, once the Bill is enacted into law, it will confer a number of bodies and authorities to make provisions, having the force of law in Kenya, in terms of Article 94(6) of the Constitution of Kenya. This is where the Cabinet Secretary for the time being responsible for matters relating to health, for instance, is given authority to make regulations, in consultation with---

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Maanzo, what is it?

## QUORUM

**Hon. Maanzo:** Hon. Temporary Deputy Speaker, I am just wondering whether the House could proceed with debate on such an important Bill without full quorum. You can see that one side of the House is not present at all.

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Members, hon. Maanzo has raised something valid. It is confirmed that there is no quorum. So, I order that the Quorum Bell be rung for ten minutes.

*(The Division Bell was rung)*

**The Temporary Deputy Speaker** (Hon. Cheboi): Order, hon. Members! We now have quorum; n. Wamunyinyi, proceed quickly.

**Hon. Wamunyinyi:** Hon. Temporary Deputy Speaker, thank you very much. I was just giving the background to this Bill. I want to thank hon. Members, those who have come to give us quorum.

I would like to proceed, so that we save on time and we do not experience such again. I have had to make comparisons with some other jurisdictions and note that we are in line with current trends. We are also in line with what takes place in developed jurisdictions in counseling and psychology such as South Africa on our continent. We have looked at the UK. I have also had to look at the USA and Canada. We are benchmarking with these countries in this context.

I want to say that the Committee responsible for matters of health has had to scrutinize and discuss this Bill in detail with me and stakeholders. We have agreed on certain changes which we will bring at the Committee Stage.

I want to go to conclusion, so that we can move forward. This Bill has been pending for a long time. I initiated it during the Ninth Parliament. It collapsed; thanks to the current Constitution, which provides a clear calendar---

*(Loud consultations)*

**The Temporary Deputy Speaker** (Hon. Cheboi): Order, hon. Members! Consultations are a bit too loud!

**Hon. Wamunyinyi:** Hon. Temporary Deputy Speaker, thanks to the current Constitution which provides a clear calendar for Parliament, and makes it certain of legislation, particularly introduction of private Members Bills and Motions.

I, therefore, want to say that the Bill seeks to ensure that the practice of counseling and psychology is governed by certain express principles, principles which will ensure that the public is fully and completely protected from unskilled professionals. It provides for all areas of practice in counseling psychology to be regulated to ensure harmony in the profession. The titles in the profession must also be regulated and should include minimum qualifications as well as course co-ordination, accreditation and development.

Statutory regulations will contain standards and professional recognition in terms of registration of practitioners and their licensing. There are various other aspects which are very positive; they include career development, entrenching counseling within our institutions in the country, in the Ministries, departments of Government and all our institutions to help our people lead a healthy lifestyle. We are all aware of the increasing use of drugs. We are well aware of the increasing cases of addiction in our country, hence counseling and psychological treatment is necessary to help our people recover from all this. Doctors will say there are cases which can be managed without necessarily taking a person to hospital, where a disease or sickness is as a result of stressful events, stress that the person is exposed to. Such cases are only treated by counselors and psychologists. As I said, because we have had agreement with Members of the committee on health; we have had agreement with members of the profession. More input has been proposed and before we get to the Committee Stage, we shall have harmonized all the amendments

which will be required to ensure there will be no overlap or confusion and there will be adequate co-ordination in the management of the affairs of the profession of counseling and psychology in this country.

I now beg to move and ask Hon. (Dr.) Kibunguchy to second.

*[The Temporary Deputy Speaker  
(Hon. Cheboi) left the Chair]*

*[The Temporary Deputy Speaker  
(Hon. (Ms.) Mbalu) took the Chair]*

**Hon. (Dr.) Kibunguchy:** Hon. Temporary Deputy Speaker, I would like to thank Hon. Wamunyinyi for bringing, and being very persistent about, this Bill. As he mentioned, we discussed this Bill in the Ninth Parliament. It lapsed. He and I did not make it back to the Tenth Parliament and now we have come back in the Eleventh Parliament, and it has been revived.

I think this is a Bill that brings discipline. This is a Bill that brings order in the field of counseling and psychology. This is a Bill that brings hygiene. This is a Bill that is going to make sure that you can recognize and go to a counselor or psychologist, somebody who is properly trained, properly registered and somebody you can have complete trust in. As things stand now in this country, it is not easy-- Sometimes it is very difficult to tell who is a counselor or a psychologist because a lot of things are not known. We do not know about the training, and how long it takes. We do not know what it takes to be registered. It is not clear what should be done if we have an errant psychologist or counselor. That is what this Bill is going to do. It is going to bring order.

We live in a country that is going through a lot of turmoil. We live in a country where people and the world at large are going through very difficult times. We have difficulties in our marriages. Most of the marriages these days do not last. We are going through times where we have a lot of catastrophes. We have not healed from the post-election violence.

Recently we saw a young man from Mombasa who was shot plus the mother; the mother died but the young man survived. We do not know what the family is going through. All these people and many more are best helped by counselors and psychologists. We have seen problems in Bungoma, where a mother and her three daughters were brutally murdered after being raped by one individual. We do not know what the husband and the relatives of this poor lady and her daughters are going through. All these people will be helped by counselors and psychologists.

In Bungoma recently, we had a whole village--- Gangsters walked into that village and slashed everybody at sight. We do not know what that village is going through and all those people will be helped by counselors and psychologists. As I said, we are going through difficult times. We have to be 100 per cent sure that these professionals are properly trained and retrained, and there is a system for providing continuous education. We have to know that these people are properly registered, that there are certain minimum standards that they will have. We have to know that if they

cross the line, will be done to them? What kind of discipline do we have? That is what this Bill is bringing.

In my view, as a medical doctor, this is a very important Bill and I will urge all the Members of this House to support it. Being a Member of the Health Committee, I know there are certain things that will need to be cleaned from the Bill, but that is something that will come up in at the Committee Stage; as of now, the principle behind this Bill is noble. I would urge all the Members to support it, so that we can have a profession that is properly trained, registered and thorough to help our people.

Thank you, hon. Temporary Deputy Speaker; I beg to second.

*(Question proposed)*

**The Temporary Deputy Speaker** (hon. (Ms) Mbalu): Thank you hon. Member for seconding. Hon. Members for direction, those of you who were not here in the morning, there was a resolution in the House that the debate on this Bill and the others following will it for one hour, and Members contributions will be for five minutes. Let us observe this when giving our contributions.

Hon. Leader of Minority Party.

**Hon. Nyenze:** Thank you. My colleagues from CORD want to call me Leader of the Majority.

**Hon. (Ms) Odhiambo-Mabona:** Because we are many.

**Hon. Nyenze:** And they say I am really the Leader of Majority Party.

**The Temporary Deputy Speaker** (hon. (Ms) Mbalu): a point of order from hon. (Ms) Odhiambo-Mabona. What is out of order?

**Hon. (Ms) Odhiambo-Mabona:** On a Point of Order, hon. Temporary Deputy Speaker. Thank you Temporary Deputy Speaker, seeing that the Leader of Majority is not available, and he has not left his deputy or anybody on his side, would I be in order to request that the Leader of Minority do act now as the Leader of Majority until the Leader of Minority and his team return to the House?

**The Temporary Deputy Speaker** (hon. (Ms) Mbalu): Hon. (Ms) Odhiambo-Mabona you are out of order. You are not the Leader of Majority.

**Hon. Nyenze:** Thank hon. Millie. Thank you Temporary Deputy Speaker. I want to support this Bill because it has come at the right time; considering that hon. Wamunyinyi brought this Bill in the Ninth Parliament, it lapsed and he has brought it again, he had a lot of time to look through it. This is a good Bill. Physiotherapists treat people who are injured or who have illness or those who have disability through exercise. This Bill seeks to create the Physiotherapy Council of Kenya. This council---

*(Loud consultations)*

**The Temporary Deputy Speaker** (hon. (Ms) Mbalu): Hon. Leader of Minority, we are debating the counselors, psychologists and psychotherapists Bill, National Assembly Bill No. 39 of 2013 for purpose of relevance.

**Hon. Nyenze:** Sorry Temporary Deputy Speaker; I went off the mark. Thank you. I was on the right Bill; because it also involves physiotherapists, psychotherapists--- Yes, there is a difference.

*(Laughter)*

There is a difference in that, “psycho” is about things mental well-being and “physio”, is about things physical. I listened to the Director of Mathari Mental Hospital some time back on TV, Dr Mutisya. She vividly brought out the reason why there are so many mental cases. Some of the causes are economic pressure, difficulties in life, family breakdowns and so many other things. This Bill has come at the right time, because we have seen incidents--- As hon. (Dr) Kibunguchy has said, there are these extra ordinary things that men are doing these days. People rape old women and murder them. These are things that could have been prevented if this Bill was in place. I want to support this Bill because it will bring relief to those people who have mental illnesses. Members will agree with me, that wherever you go in market places you find one or two crazy people. In the past, you would not see such people with mental disorders. The number has gone on the increase and we should ask ourselves why the number is increasing. The answers are not far from us. It is the economic difficulties that Kenyans face; it is the family breakdowns, it is discrimination against certain members of society, some medical conditions and so on. This Bill seeks to address these issues and I support it. I have learnt that hon. Wamunyinyi is a well-trained psychotherapist from the University of Nairobi. You fight for this body and support this Bill and Kenyans will have few people with mental disorders. Without taking a lot of time, I want to say it is a good Bill, I support it. Thank you.

**The Temporary Deputy Speaker** (hon. (Ms) Mbalu): Thank you Leader of Minority Party. Hon. Neto.

**Hon. Oyugi:** Hon. Temporary Deputy Speaker, I hope I am not subject to physiotherapy and psychological issues.

I would like to support this Bill because I think it is timely and specifically because it provides for training in a uniform manner. You have very many counselors, psychotherapists and psychologists out there with various organisations trying to undertake various regimes of training that are not coordinated. I really think it is useful to have all these harmonized and brought under one roof. I think that is one of the reasons I support this Bill.

The fact that there will be established a board that will deal with counselors, psychotherapists and psychologists is something that is noble. This is because the board will be harmonizing all the work that psychologists and psychotherapists do.

There are very interesting provisions in the Bill. I think that the board that will be established shall be approving courses for purposes of registration of counselors. As I have said before, various organizations have been administering various courses that do not match. So, every counselor or psychologist has qualified differently under different regimes. I really think that it is important to have all these people brought under one board for regulation purposes.



I have been discussing with hon. Wamunyinyi at some point, that the board for approving courses cannot be the same board for administering examinations as is envisaged under Clause 6(a) of the Bill. Perhaps that role will be left to the institute which has been created under Clause 17. It is good to have a board that regulates and approves courses; but let us not overburden it in terms of the role and work that it will do.

Hon. Temporary Deputy Speaker, there are also a few things in the Bill that are difficult to understand; an example is Clause 6(e) of the Bill. This talks about collaborating with training institutions and professional associations under the professional organization of counselors. I think when we get to the Committee Stage of this Bill, we will help hon. Wamunyinyi tidy up the Bill. This is because he has put in various roles for the board, which I think will overburden it. There are roles like representing, protecting and assisting members of the profession of counseling, psychology and psychotherapy in Kenya which he assigns to the board. However, I think these will be left to the association of these various professional bodies; we will have counselors and psychotherapists forming their associations to lobby for them as opposed to having those aspects being dealt with by the board.

Clause 9 of the Bill says that there is to be a board that is registered which will be in charge of appointing the registrar. In my opinion, that should be left to the Cabinet Secretary, Ministry of Health. The board will vet and decide whether they agree with it or not as opposed to creating an all-powerful board that will be causing confusion in that noble profession.

One of the things that are also very interesting is that the Bill tries to create an enforcement mechanism; various Bills will be created but will not have enforcement mechanisms. I really think it does streamline things. If you practise in a manner that the Bill does not intend--- For example, if you are not properly trained, there will be sanctions. If you register as a student in an institution that has not been approved by the board, there will also be sanctions. I really think that all these will make sure that the profession of counselors, psychotherapists and psychologists is well regulated for the betterment of the lives of Kenyans.

Hon. Temporary Deputy Speaker, with those few remarks, I support this Bill. I will be working to help hon. Wamunyinyi tidy up the Bill, so that it will be useful to the people of Kenya.

Thank you.

**Hon. Iringo:** Thank you, hon. Temporary Deputy Speaker, for giving me this opportunity to support this Bill. I thank hon. Wamunyinyi for bringing this Bill. I appreciate his determination to follow up this Bill, having brought it, as I have heard, in the Ninth Parliament. Personally, I feel that it is the right time to have this Bill passed in this august House for the protection of those people who do a noble job as psychotherapists, psychologists and counselors.

These are our unsung heroes who do a lot for our society, especially when it comes to those people who have mental disorders, which are sometimes induced. Other mental disorders come as a result of ailment and congenital causes. Most of the time, we do not get the right people to get these people treated. Counselors and psychologists go an extra mile to even stay with patients in their houses, homes or rehabilitation centres.

To try and treat somebody's mind really takes time. Sometimes the benefits these medical officers get are limited; because there is no law in place, there are others who will come up and say that they are psychologists or counselors only to make money and exploit people who are in need of treatment.

I strongly believe that this is a double-edged Bill, which will protect patients and medics. It will also caution medics who pretend to be professionals in that area. I really support establishing institutions where we can get proper training, so that we do not get quacks doing this job and exploiting people who are in need of their services.

If somebody has a mental illness and he requires a counselor, even their family will go out of its way to pay any amount of money to bring that person back to normality. Some will even consult witchdoctors so that they can rehabilitate their loved ones. Once somebody wants to exploit that situation, he will pretend to be a counselor at the end of the day. That person will take money or resources from the victim while the victim's condition continues to deteriorate. So, proper training and qualified people are necessary. We should have institutions established and commissioned by the Government. Rehabilitation centres should have proper doctors, so that once a patient gets there they are sure to get value for their money or that he or she will be healed.

Hon. Temporary Deputy Speaker, I support the Bill.

**Hon. Chea:** Thank you, hon. Temporary Deputy Speaker for giving me this opportunity. First and foremost, I would like to thank hon. Wamunyinyi for bringing this Bill before the House. Again, I wish to declare that I am a Member of the Departmental Committee on Health. This Bill has been deliberated on by that Committee. As hon. Kibunguchy has put it, there are several clauses that will require some amendments.

Having said that, I would like to support this Bill. There is need to regulate any profession. It is hard to find a profession doing business without regulation. You cannot practise a profession in a vacuum. We have seen, for example, that the legal profession has a disciplinary committee. We realize that the profession is going on well.

What basically interests me in this Bill is the creation of an institute. If you look at Clause 15 of the Bill, you will find that it seeks to create an institute which will be in charge of, amongst other things, licensing and training. For progression of the profession, there will be need for continuous training. People must continue to train, so that licensing can be easy and the profession can progress.

Hon. Temporary Deputy Speaker, if you look at the second schedule to the proposed Bill, you will realize that there is an examination committee, registration committee, continuing education committee and, most importantly, a disciplinary committee. We must emphasize that so many of these professions we have seen around--- In the absence of any regulation, there are people who masquerade and actually make a lot of money out of professions they do not belong to. Therefore, if this Bill sails through, and it is my hope that it will sail through, I am sure the provisions under the disciplinary committee and other committees that have been proposed will take care of that. They will rein in these people who masquerade as psychologists; I believe Kenyans will enjoy the benefits of this Bill.

Hon. Temporary Deputy Speaker, I also wish to touch on the fact that the functions of the institute are set out under Clause 18 of this particular Bill. They create a situation where members of the public will be entitled to information about the services

these professionals seek to provide. This is a function of this institute, and it is my hope that the institute will endeavour to discharge this function so that the public can actually benefit.

Indeed, we have seen so many people traumatized in this country; many diseases currently affect people in the country because there are so many acts of violence. People actually need to benefit from the services of counselors, psychologists and physiotherapists. That is why to all intents and purposes, I support this timely Bill. I wish hon. Wamunyinyi had been elected to the Tenth Parliament as this Bill would have sailed through that time.

With those few remarks, I beg to support.

**Hon. (Ms.) Khamisi:** Thank you, hon. Temporary Deputy Speaker. I stand to support the Bill by hon. Wamunyinyi. I support this Bill because it will establish bodies to administer examinations to ensure persons who have trained are qualified for registration. We have been having so many fake counselors who purport to give services, yet they cannot give the service to the required standards. I am also supporting this Bill because it is going to regulate the charges set by the counselors. Most times when you go for such services you are charged very high fees or, sometimes, very low fees. We do not understand which criterion is used to charge such services. Having a board to regulate fees will go a long way in assisting the people of this country.

I also support this Bill because it will provide for supervision of the counselors, psychologists and physiotherapists. Most of the time there are people who purport to volunteer such service, yet they do not give the real service. For instance, in Mombasa there is the issue of radicalization; there are some people who purport to give counseling but they brainwash our youth and radicalize them. This Bill will regulate such matters.

Hon. Temporary Deputy Speaker, knowing that marriage is a fundamental unit in our families, it is normally sustained through a lot of counseling. If we have fake counselors, we will have broken marriages. I support this Bill because having qualified professional people, who are known, have proper licences and will give the required services will result in safe marriages.

Hon. Temporary Deputy Speaker, Clause 33 of the Bill talks about a licensed counselor, psychologist and physiotherapist committing an act of professional misconduct. If such a person allows another person to practise in his or her name, when such a person is not a holder of a practising certificate issued under this Act--- There are so many people who sometimes send their representatives to give such services to the public, yet such representatives do not have the requisite qualification to give such services.

Clause 33(e) says that it is insensitive to show lack of regard or concern for clients' needs, feelings, rights or welfare of others. There are people who purport to be counselors, yet when they give counseling they actually violate the feelings and needs of the client. Once this Bill is in place, I think all these things are going to be regulated. I stand here to support this Bill and also urge my colleagues to support it because it is a very important Bill, and it is going to assist our people and society at large.

With those remarks, I thank the Chair and support the Bill.

**Hon. Maanzo:** Thank you, hon. Temporary Deputy Speaker, for according me this opportunity to contribute to this Bill.

Let me take this opportunity to thank hon. Wamunyinyi and say that sometimes we have disasters such as floods, and other sorts of disasters like road accidents. There are even attacks like in areas where there are banditry attacks, and other forms of attacks as recently witnessed here in Nairobi and other places. People who are affected by these attacks suffer trauma; in most cases they have no one to assist them.

Therefore, I support this Bill; during its further consideration in Committee Stage in the august House, we will move appropriate amendments to benefit as many people as possible. The Government should also come in to assist people who go through trauma but are not able to afford professional psychologists to attend to them. Immediately people go through trauma, it changes their history and perception of things. Therefore, they need counseling services, so that they can have a new beginning in their lives. They need to feel safe again because it is something which threatens their lives. They need to come back to normal. The moment such people are not assisted and there is no provision for the Government to assist them under the law, then it is likely that they will never recover. They are the ones who end up revisiting the society with social evils like turning into terrorists or supporting sadistic actions; this is because they happen to have never recovered from trauma and they do not appreciate that they should be having a good life.

This is a very important Bill and I support it.

**Hon. (Ms.) Odhiambo-Mabona:** Thank you, hon. Temporary Deputy Speaker, for giving me this opportunity. I want to thank hon. Wamunyinyi for bringing this Bill. Even though I am a lawyer by profession, the work I have done in the past has brought me within its realm. This Bill is timely.

When I worked as an Executive Director of the Cradle, I did a lot of work in relation to counseling of children on issues of psychotherapy. One of the issues that were very problematic was the standards setting. I must confess that when I waded in that environment, I did not know the difference. For me, anybody who could offer some level of discussion when you had a problem was a counselor. They all qualified as one thing. Later, I was educated; I was told the clear difference. This is a very important area in our lives because the country has become very calamitous. We have children who are raped daily; we have cases of terrorism. And, because of our African cultural set up, we also assume that men are strong enough and they do not need any counseling.

Hon. Temporary Deputy Speaker, it is, indeed, timely that we start recognizing these professions and we actually legislate on standards for them. When we have calamities, everybody comes out saying they are counselors, sometimes meaning very well. But when you have actually not gone through any training, sometimes you make the situation of the person you are dealing with even worse. I am very happy that we will actually provide standards setting through this Bill. The only thing I would want to say is that during the Committee Stage, or at an appropriate time, without necessarily bringing in my own amendments, I will want to request the Mover to take into consideration some of the issues raised here. I know that within five minutes we cannot mention all of them, but we can give written submissions on some of the issues. For instance, from a legal perspective, when you are talking about counselors, psychologists and physiotherapists, you need to give them not necessarily technical descriptions, but there needs to be a definition, so that you distinguish them, otherwise, they will be one and the same thing in the Bill.

The other thing I can see provided for is the role of trustees. I agree with my brother, hon. Oyugi, that the board will be completely overwhelmed as it is given so many roles. I want to suggest also that the Chief Executive of the board be given ten years. We should take into account the issue of youth representation and employment, we need to reduce the period to five years.

I want to congratulate the Member for specifically providing for gender inclusion. Even though it is provided for very clearly in the Constitution, Kenyans keep forgetting. The Bible tells us that even if they know, remind them anyway. So, in law, we need to specifically provide that we remind them. Even though I have time, I am mindful of the other Members.

The other suggestion that I want to make is that the Member needs to define some terminologies very clearly. From my experience - I have done a bit of training, especially in child psychology - I would want us to define some terminologies very clearly in this Bill.

With those very few remarks, I congratulate the Member for this timely Bill.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Thank you, hon. Millie Odhiambo. I am sure your amendments and contribution to the Bill will be very welcome by psychotherapists in the House like hon. Wamunyinyi.

Hon. Ababu, Member for Budalangi.

**Hon. Ababu:** Thank you, hon. Temporary Deputy Speaker. Even as I congratulate my brother, hon. Wamunyinyi, for bringing this very important Bill, I am disappointed that the whole of the right hand side of the Speaker is empty. This is a House of debate. May it be recorded in the annals of history when the history of the Eleventh Parliament is written that on this morning of 30<sup>th</sup> day of April, the year of our Lord, 2014, only one side of the House engaged in the primary business of this House, which is legislation; the side ordinarily populated by Members of CORD is present. It is important that, that goes into the history books.

This Bill is important; issues of psychology, psychotherapy and counseling are becoming more and more important especially as we continue to evolve as a society. Challenges like security--- I remember when in 1998 this country suffered its first serious case of terrorism it was a chaotic scene; I remember scenes of confused, injured and completely psychologically affected victims running helter skelter. It was a national crisis to mobilize sufficient counselors, psychologists and psychotherapists to deal with that crisis. The crisis is becoming even more common place. To have a proposal that provides a very clear legislative framework that will also provide an avenue for public financing of interventions in matters of this nature is absolutely good. In fact, those of us who sit in this House, those of us who serve this country as Members of Parliament will also require this expertise. When you are a Member of Parliament, you really are a jack of all trades. You are a marriage counselor and a psychologist; you receive all sorts of affected persons who seek jobs, persons who have marriage problems and persons who have all sorts of challenges.

Therefore, as we debate this Bill, we should also find a way of considering how Members of Parliament can be beneficiaries of this expertise. Indeed, we are counselors, psychologists and psychotherapists in our own right.

Hon. Temporary Deputy Speaker, therefore, I add my voice to the voices of hon. Members who have emphasised the significance of this Bill; I say that really Bills of this nature are one of the reasons why we come to this House; we come here to debate and not to run off in the middle of legislation session to go and discuss only God knows what.

Thank you, hon. Temporary Deputy Speaker and I support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Thank you hon. Member for Budalangi. Hon. James Nyikal, Member for Seme.

**Hon. (Prof.) Nyikal:** Thank you, hon. Temporary Deputy Speaker. I rise to support this Bill. The area of counselling and psychotherapy is wide; its professionals are in high demand because of the broad nature of ailments that affect people. They range from ailments arising from the social changes in our environment, economic situation, living and work situations; these arise from disasters; disasters may be manmade like terrorism or natural. All of them inflict high pressure on people and affect their ability to cope; they present themselves as illnesses.

Hon. Temporary Deputy Speaker, because of that, there are a lot of people who engage in these areas and purport, sometimes with good intentions, to offer medical help to people in various conditions; they range from prayer healers, marriage counselors, child counselors, soothsayers, fortune tellers to outright witches. All of them purport to cover this area.

Similarly, the medications offered in this area are wide. Some deal in medicines and substances that they do not know. Some are severely psychotropic and affect the mind. Some are intoxicants that make a condition worse and some change behaviour. Sometimes they are used without knowledge of their effects.

Therefore, hon. Temporary Deputy Speaker, there is need to have regulation. Again these ailments will, in many times, present themselves in a physical nature; therefore, they may resemble other more serious mental illnesses that will need proper psychiatric treatment; they may be even physical illnesses that will need proper medical care. If handled by people who cannot recognise this difference and, therefore, refer sick people to appropriate professionals, such people will be exposed to grave dangers.

Hon. Temporary Deputy Speaker, I support this Bill, so that we bring into existence standards in this area. When we have done that we must have a registration process. We must have licensing that determines who is doing what and in what circumstances, because they deal with human beings. Also, if people who masquerade as professionals harm others, or those who are not appropriately trained inflict harm on others, then there must be reprieve for those who are affected and sanctions against those who have caused them problems.

I support this Bill. I am a member of the Committee. This Bill has provided structures that deal with all the problems that I have indicated above. It has created a board. It has created an institute. It has created appropriate committees for discipline and training; therefore, I think it will serve us very well.

Hon. Temporary Deputy Speaker, I only want to add, as I end, that in the whole medical profession there are many areas that need regulation; I know that sooner than later we will need a broader, or mother Bill to cover all these areas.

With those remarks, I beg to support

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Members, as per my earlier direction, this debate was to take an hour. I am, therefore, going to give the last chance to hon. Joseph Nkaissery. I have requests from hon. Ken Okoth and Christine Ombaka, but we have to operate within our own rules and procedures.

Yes, hon. Nkaissery!

**Hon. (Maj-Gen.) Nkaissery:** Thank you very much, hon. Temporary Deputy Speaker. I also stand to support this very important Bill. In doing so, I would like to thank the Mover for bringing this very timely Bill. It is, in fact, overdue.

It is very important for the hon. Member to have brought this Bill. I have been with him, and I realise that he comes from a very difficult area, where there are very many problems. The principal object of this Bill is to establish a legal framework for training, registration and the practice of counselors, psychologists and physiotherapists in Kenya. Once this Bill becomes law, the Speaker will be in a position to employ a psychologist and a counsellor for this House; if you look at the so-called “Jubilee” side of the House, you will appreciate that they need a counsellor and a psychotherapist.

As we say, this is a House of debate and law-making but there is nobody on the Government side of the House. I have just seen my friend, hon. Kamanda, and another lady just walking in. This is very unfortunate. When we are supposed to make laws, people are out there doing their own things. Therefore, we need a psychologist and a counsellor for the Members on the opposite side of the House, so that they can be told: “Naturally, this is what we are supposed to be doing.”

If you look at the Memorandum of Objects and Reasons, you will appreciate that they have expanded the horizon. When we establish the proposed board and council, they will need to look into all the counties. The major hospitals in the counties should have counselors and psychologists to advise patients with various ailments. In 2007, we went through a very difficult time. In 1998, we went through a very difficult time following the bombing of the US Embassy here in Nairobi by terrorists. Last September, we went through a difficult time in this city. A lot of people have gone through psychological problems. Therefore, we need these bodies, so that this country can recover quickly from such tragedies.

Hon. Temporary Deputy Speaker, my friend, hon. Wamunyinyi, has done a tremendous job of bringing this Bill to the House, especially realising that where he comes from there are rain makers, who can also be psychologists. You know, the weather is becoming very erratic. We may need these guys. This is a part of the whole set-up.

With those few remarks, I beg to support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): I will now ask hon. Wamunyinyi to reply.

**Hon. Wamunyinyi:** Hon. Temporary Deputy Speaker, first, let me take this chance to give my colleague, who would like to make some comments, hon. (Ms.) Ombaka, I will give her two minutes. I will also give hon. Okoth two minutes.

**Hon. (Ms.) Ombaka:** Hon. Temporary Deputy Speaker, thank you for giving me this opportunity. I want to support this Bill because it is a very important one, coming at this time when Kenya is going through industrialization. At this time, there are many problems; we are in a country full of trauma; a country that has experienced terrorism, bomb blasts everywhere. We have seen road accidents. Many people are suffering from

long-term illnesses like HIV/AIDS and cancer. These people need counseling because they need to cope with the lives that they lead. It is not very easy most of the time; it is a very emotional time; this is the time most of your friends run away from you. This is the time when people feel stigmatized. They are alone and suffering. They need great counseling to make them live longer.

Therefore, this Bill comes at a time when we need to support people who are going through these kinds of experiences. In developing and developed countries, there are trauma centers that look after people who are going through hard times. Therefore, it is a Bill that is coming at the right time and I support it, because it is going to save many lives. If lives are not saved at this time, many people will commit suicide. We read last year that a young girl committed suicide because she did not pass her Kenya Certificate of Primary Education (KCPE) examination. She needed counseling. Therefore, counseling must be professionalized; we need people to look after those who are going through hard times.

I support this Motion and I hope that very soon we shall implement it in schools, hospitals and everywhere else where counseling is required.

**Hon. Okoth:** Hon. Temporary Deputy Speaker, thank you. I will begin by thanking hon. Wamunyinyi for bringing this Bill and I look forward to when we will finally have such a law in Kenya. I would like to encourage especially young people in this country to go into these fields. This is because as our population gets more urbanized and move away from rural areas, live and interact in stressful modern situations, the demand for mental healthcare and people who support people through counseling and psychotherapy services will increase. So, I really wanted to note that our young people should embrace this growing field; it is a field which will grow; they can really help other human beings in our society with mental health needs.

I would also like to note that it is very sad that as we discuss this important Bill for our nation, not a single Member of the Jubilee Coalition is in this House. That means that their priority is how they will push through Anglo Leasing Bills, yet poor people who suffer mental health issues--- Jubilee people are not here to represent and work for them. They are more concerned about how they will use the tyranny of numbers this afternoon to make sure that unknown people are paid a lot of money. We know for sure that Anglo Leasing has already been paid Kshs5.4 billion by the Kibaki administration and Kshs1.4 billion is about to be thrown their way too, and more will follow. I am really sad; I know this will cause a lot of mental stress in this country, but I am glad that we have a Bill that will give us psychotherapists and psychologists to deal with that as we grieve the plundering of our country by the Jubilee Administration. It is a shame!

Hon. Wamunyinyi, thank you for doing a good job and I look forward to CORD Members bringing more Bills like this to the Floor.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Thank you. Hon. Wamunyinyi, use your six minutes to reply.

**Hon. Wamunyinyi:** Thank you again hon. Temporary Deputy Speaker. First, let me take this opportunity to thank Members who have contributed to this Bill. They have given informed contributions and made suggestions. I would like to assure them that we will take into account their suggestions when we move to the Committee Stage.



I would like to particularly assure hon. Millie Odhiambo and hon. Aghostinho that the issues they raised about standards setting, definitions, training and registration, as I said earlier on, have been noted very carefully. We got the input of members of the profession, Ministry of Health, our Departmental Committee on Health; you heard some of the Members make contributions. They were Prof. Nyikal, Dr. Kibunguchy and others. They are informed and they know what they are talking about.

Hon. Temporary Deputy Speaker, what you are seeing in the Bill, as it is now, has been reviewed very extensively and we will be coming up with amendments in line with what hon. Members have proposed; it will be harmonized, there will be no overlaps, there will be no confusion and everything will be clearly understood; areas to be dealt with include what the members of the profession will do, what will be required of them, how decisions should be arrived at and so on.

I want to stress one important point. The profession of counseling and psychology is very important. This is because it deals with the mind and the well-being of human beings. At all times, you must keep that in mind. It seeks to ensure, as I said, that members of the public or communities who are exposed to various stress or challenges require this treatment.

Hon. Kibunguchy very clearly elaborated on what we, our children, families and communities encounter. Every now and then we hear that there is an explosion here and there, such and such a number of people has been killed or injured. The trauma that is experienced all over requires treatment.

Though we have professional counselors and psychologists in this country, when an incident occurs, as has been happening, you do not know who to turn to. Even the Government does not know who to turn to. However, if we have a clearly defined regulation under a legal framework and something happens, the Government will know that there is a board to turn to. Counselors and psychologists will be mobilized and they will provide psychotherapist services. It is for this reason that we brought this Bill to the House; we will have one body that will take responsibility, and that can be put to task in the event of misconduct or unethical behaviour.

With those few remark, I beg to reply.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Thank you, hon. Wafula Wamunyinyi for replying to the Bill.

Hon. Members, as you can see the other side of the House is empty and, therefore, for obvious reasons I will not put the Question. I direct that we will put the Question during the next Sitting or at the right time.

Let us move to the next Order.

### *Second Reading*

#### THE PHYSIOTHERAPISTS BILL

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Is hon. Leonard K. Sang in? Hon. Sang is not in.

Next Order.

### *Second Reading*

## THE VICTIM PROTECTION BILL

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. (Ms.) Odhiambo-Mabona, you have two minutes to move your Bill.

**Hon. (Ms.) Odhiambo-Mabona:** Thank you, hon. Temporary Deputy Speaker. I just want to know about the minutes for the Motion that we have just passed. How many minutes do I have in total to move?

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): For today, you have two minutes and then the balance of eight minutes you will use during the next Sitting.

**Hon. (Ms.) Odhiambo-Mabona:** The balance will be eight minutes?

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Yes, eight minutes during the next Sitting.

**Hon. (Ms.) Odhiambo-Mabona:** Hon. Temporary Deputy Speaker, I beg to move that the Victim Protection Bill be read a Second Time.

Hon. Temporary Deputy Speaker, in moving this Bill, I want to say that I must have woken up on the right side, and I must have been led by God because this Bill synchronizes very well with the Bill that we have just dealt with. We have just dealt with a Bill on counselors, psychologists and psychotherapists. I am talking on the issue of victimization. Before I brought this Bill, I had appeared before several committees. I had appeared before the Committee on Budget and Appropriations and the Committee on Justice and Legal Affairs.

Hon. Temporary Deputy Speaker, there is a general misunderstanding about what this Bill is about. This Bill has nothing to do with domestic violence, sexual offences or women; it has to do with anyone and everyone who has been a victim of crime in this country. It has to do with the victims of the Westgate Mall attack. It has to do with the hon. Member who was harmed, the hon. Member for Kamukunji Constituency, in a terrorist attack. It has to do with every member of the public who has been a victim of muggings, thuggery, carjacking *et cetera*. If you have been a victim of any crime, this Bill has to do with you.

If you look at the long title of this Bill, it provides that it is for an Act of Parliament to give effect to Article 59 of the Constitution; to provide for the protection of victims of crime and abuse of power and provide them with better information and support services. It is to provide for reparation and compensation to victims, and to provide special protection to vulnerable victims and for connected purposes.

Hon. Temporary Deputy Speaker, if you look at our Constitution and penal laws, there is a lot of emphasis on the accused person. There are a lot of articles that say that an accused person shall have a right to counsel, to be heard and there is a plethora of rights of accused persons. I am not saying that we should take them away, neither am I saying we should minimize them, especially since I come from a human rights background. But there is a very big silence on victims of crime.

Hon. Temporary Deputy Speaker, this is what this Bill is all about. I would want to say that in proposing this Bill, one of the things I would want to look at is how our court system deals with our victims when they come before a court. How our police deal with a victim when that victim goes to report a case to them?

**ADJOURNMENT**

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Thank you, hon. Odhiambo-Mabona. You will have your eight minutes during the next Sitting to continue moving your Bill.

It is now, 12.30 p.m. This House stands adjourned until this afternoon at 2.30 p.m.

House rose at 12.30 p.m.