

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 9<sup>th</sup> December, 2009

The House met at 9.00 a.m.

*[The Temporary Deputy Speaker  
(Prof. Kaloki) in the Chair]*

### PRAYERS

## QUESTION BY PRIVATE NOTICE

### STATUS OF GENERAL RELIEF FOOD DISTRIBUTION UNDER MOP/PRRO

**Mr. Ethuro:** Mr. Temporary Deputy Speaker, Sir, I beg to ask the Minister of State for Special Programmes the following Question by Private Notice.

(a) What is the status of general relief food distribution under the MOP/PRRO in the famine affected districts in Kenya?

(b) What are the respective roles of District Steering Group, Kenya Food Security Steering Committee and Kenya Food Security Steering meetings in general food distribution?

(c) Could the Minister provide (i) agreements between World Food Programme and Government of Kenya on General Food Distribution and School Feeding Programme (ii) agreement between WFP and respective lead agencies, Kenya Food Security steering meeting in general food distribution and (iii) details of the affected districts in the months of January and June, 2009 indicating the lead agency, general population, number of beneficiaries, percentage of beneficiaries to the general population, total food allocation, actual food disbursed per month in tonnage and bags since January, 2009?

(d) Under what circumstances did the District Steering Groups change their respective lead agencies, particularly in the larger Pokot, East Pokot, Turkana Central and Kwale districts?

**The Assistant Minister, Ministry of State for Special Programmes** (Mr. M.M. Ali): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

**Mr. Ethuro:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister has not furnished me with a copy of the written answer. Looking at the Question, I really need a written answer.

**Mr. Temporary Deputy Speaker** (Prof. Kaloki): Mr. Assistant Minister, did you furnish the hon. Member with the answer?

**The Assistant Minister, Ministry of State for Special Programmes** (Mr. M.M. Ali): Mr. Temporary Deputy Speaker, Sir, this Question was asked way back in July and the hon. Member and Dr. Shaban negotiated. I think they settled the issue outside the

House. I do not know at what point the hon. Member changed his mind. It is only last night that I received a notice that this Question needs to be answered. I had to organize myself quickly. As I was coming this morning, copies of the answer had been dispatched to wherever they need to be dispatched. However, if the hon. Member is willing to postpone the Question to tomorrow, I will be happy because I also needed to get a few clarifications.

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Ethuro, would you like him to proceed or you would like to wait and get the written answer?

**Mr. Ethuro:** Mr. Temporary Deputy Speaker, Sir, I would like to have an answer before the Session ends. So, I have no problem with his desire to postpone it to tomorrow afternoon. But I just wish to qualify that there was no settlement out of the House.

**The Temporary Deputy Speaker** (Prof. Kaloki): All right! We are going to defer that Question.

**The Assistant Minister, Ministry of State for Special Programmes** (Mr. M.M. Ali): Mr. Deputy Speaker, Sir, thank you very much. The answer is in his pigeon hole. He can go there and check.

*(Question deferred)*

## ORAL ANSWERS TO QUESTIONS

*Question No.055*

### UPGRADING OF VOI AIRSTRIP

**The Temporary Deputy Speaker** (Prof. Kaloki): Is hon. Mwakulegwa not here?

*(Prof. Kaloki consulted with the Clerk-at-the-Table)*

I have been informed by the Senior Deputy Clerk that hon. Mwakulegwa is out of the country on official matters. So, I will defer this Question to a later date.

*(Question deferred)*

*Question No.483*

### PAYMENT OF COMPENSATION TO FAMILY OF MR. SAMSON DOK

**The Temporary Deputy Speaker** (Prof. Kaloki): Is hon. Anyang'a not here? Let us wait a little bit and see whether the hon. Member will come.

*Question No.193*

### NUMBER OF DOCTORS AUTHORIZED TO SIGN P3 FORMS IN EACH PROVINCE

**The Temporary Deputy Speaker** (Prof. Kaloki): Is Mr. Nyamai also not here? We shall wait a little bit for the hon. Member.

*Question No.197*

CIRCUMSTANCES SURROUNDING DEATH OF MR. DANSON WANJOHI

**The Temporary Deputy Speaker** (Prof. Kaloki): Is hon. Kioni not here? Let us wait. But hon. Members should really be punctual, so that we do not defer Questions. Next Question by hon. Outa!

*Question No.443*

UTILIZATION OF FAO GRANTS IN WEST  
KANO/AHERO IRRIGATION SCHEMES

**Mr. Outa** asked the Minister for Water and Irrigation:-

(a) whether she could explain how the Food and Agricultural Organization (FAO) grants to West Kano and Ahero Irrigation Schemes worth Kshs.25 million each (totalling to Kshs.50 million) was utilized;

(b) whether she could table the names of all the beneficiaries of the grant; and,

(c) why the money was not given directly to the respective farmers' co-operatives for proper accountability?

**The Assistant Minister for Water and Irrigation** (Mr. Kiunjuri): Mr. Temporary Deputy Speaker, Sir, I am wondering whether we are being aired live so that Kenyans can see our performance. This time round, it is not coming from the Ministers but the Back Bench. However, I beg to reply.

**Mr. Outa:** On a point of order, Mr. Temporary Deputy Speaker, Sir. This Question has been deferred three times. The Minister was here but the answer that she gave was in doubt.

**Hon. Members:** How?

**The Temporary Deputy Speaker** (Prof. Kaloki): Order! Mr. Assistant Minister, can you proceed?

**Mr. Ethuro:** On a point of order, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Prof. Kaloki): Let us hear what the Assistant Minister is going to say.

**The Assistant Minister for Water and Irrigation** (Mr. Kiunjuri): Mr. Temporary Deputy Speaker, Sir. Am I improperly dressed? That is the only way I can be out of order.

However, I beg to reply.

(a) The Food and Agricultural Organization (FAO) provided support in the form of funds to the National Irrigation Board (NIB) amounting to Kshs3,150,000 that was used for land preparation in Bunyala Irrigation Scheme. Using the balance, FAO, through

my Ministry, directly procured and provided farm inputs for Bunyala, West Kano and Ahero Irrigation schemes. The farm inputs included seeds, chemicals and fertilizers. However, due to some interference, farmers in West Kano Irrigation Scheme could not absorb the farm inputs which necessitated reallocation of the inputs to Ahero and Bunyala Irrigation schemes. West Kano Scheme, therefore, did not benefit from that support. However, my Ministry has been able to intervene in West Kano and the scheme is benefiting from the food production component of the Economic Stimulus Programme.

(b) The beneficiaries for Bunyala Irrigation Scheme were 500 farmers and 490 farmers for Ahero Irrigation Scheme.

(c) The money could not be given directly to the respective farmers' cooperative societies as it would have been contrary to the provisions of the agreement between Food Agricultural Organization (FAO) and the National Irrigation Board (NIB) under which the support was provided.

**Mr. Outa:** Thank you, Mr. Temporary Deputy Speaker, Sir. Like I had said earlier, this Question has been deferred three times and you could see that the Assistant Minister is giving me the same answer that he gave on the first day and even the second day. Today, being the third day, he is giving me the same answers which I refute totally; whatever he is giving here is not correct. We are talking about Kshs75 million that was given to the farmers. I said that whatever the report the Assistant Minister is giving here is incorrect. The Assistant Minister was ordered to come to the ground and meet the farmers and come up with a correct position on this matter---

**The Temporary Deputy Speaker** (Prof. Kaloki): Order! Order, hon. Outa! There is a point of order here by hon. Dr. Machage.

**The Assistant Minister of Roads** (Dr. Machage): On a point of order, Mr. Temporary Deputy Speaker, Sir. If the hon. Member knew the answer to the Question, is it in order for him to ask that Question?

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Outa, let us proceed. First of all, are you satisfied with the answer from the Assistant Minister?

**Mr. Outa:** Mr. Temporary Deputy Speaker, Sir, I am not satisfied with the answer. That is why I had a direction from the Chair and the Assistant Minister was ordered to come to the ground in order to verify the names appearing on this list---

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, hon. Outa! With the answer that you have just received from the Assistant Minister, what part of that answer is not very clear?

**Mr. Outa:** Mr. Temporary Deputy Speaker, Sir, number one, he has not come to the ground. The farmers were given Kshs50 million, but he has not truly explained how that amount was really disbursed to the farmers. Secondly, the names that the Assistant Minister has circulated in this answer cannot be verified. That is why he was ordered to come to the ground and meet the farmers so that we can verify the names that they have indicated in this paper and get to know the beneficiaries. Up to this moment, my good friend---

**The Temporary Deputy Speaker** (Prof. Kaloki): Order! I think you are clear. Mr. Assistant Minister, can you respond?

**Mr. Kiunjuri:** Mr. Temporary Deputy Speaker, Sir, it is unfortunate because the hon. Member knows for sure – I was just trying to be very courteous to him because I do not see the reason why we should come here and try to destroy each other. First of all, he

is misleading the House. He is out of order because at no given time has, the Speaker ordered that we go to the ground or that I have given improper answers. I was just trying to negotiate with him. The truth of the matter is that the hon. Member had been the Chairman of West Kano Irrigation Scheme before he was elected a Member of Parliament. It is true that some of his relatives are now---

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Mr. Assistant Minister! I think you are now out of the parameters of the Question. Can you stick to the answer and not relatives?

**Mr. Kiunjuri:** Mr. Temporary Deputy Speaker, Sir, we would like the hon. Member to declare his interest on this Question and then we can continue answering it. I have been courteous and I do not want to go into those depths. I am still willing not to go into the depth of it. Could the hon. Member declare his interest?

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Outa, do you have any interest on this Question? Are you connected in any way to this Question?

**Mr. Outa:** Mr. Temporary Deputy Speaker, Sir, I have got no interest in this Question. I am a Member of Parliament for Nyando Constituency where people grow rice and I represent the farmers. I will speak for the farmers at any time when there is corruption in the area and especially when an amount worth Kshs75 million is being misused by your officers instead of benefiting the poor farmers. I will stand firm and I have got no interest all!

**Mr. Kiunjuri:** Mr. Temporary Deputy Speaker, Sir, first of all, you should realize that there is difference between the Ministry of Water and Irrigation, the National Irrigation Board (NIB) and the Food and Agricultural Organization (FAO). The FAO is not a branch of any Government. It is an organization and we have no control over them. The only funds that come to the Ministry of Water and Irrigation---

**Mr. Ethuro:** On a point Order Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister for Water and Irrigation in order? The Food and Agricultural Organization is a United Nations (UN) body and we, as a country, are members of the UN. So, the Assistant Minister cannot mislead the House that they are so helpless, desperate and that they cannot influence how FAO operates. Then why do you go into partnership with them?

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Assistant Minister, hear me out. If you need additional time to prepare yourself to bring an adequate answer, then request as such. Are you happy with the answer?

**Mr. Kiunjuri:** Mr. Temporary Deputy Speaker, Sir, I am very happy with the answer. Can I explain before I request the House to take the necessary action? The FAO, as I have said is not under my Ministry and, therefore, the support that directly comes to my Ministry is what I can explain. I can explain the Kshs3,150,000 that they gave us directly. But the rest of the money, they gave in terms of fertilizer, equipment and so on. Therefore, if anybody wants to question whether they spent the Kshs50 million or Kshs75 million, they cannot question my Ministry. They should ask the right Ministry either the Ministry of Finance or Agriculture so that they can be investigated by whoever investigates those kinds of organizations. But my Ministry can only be responsible of what came to us.

Lastly, for the avoidance of doubt, I would wish that this House directs the relevant departmental committee to investigate this matter because it is complex, so that

my Ministry can table the evidence we have and then they can summon the FAO and get the relevant information. That way, we shall know the truth of the matter. I beg to request that this House do direct the relevant departmental committee to investigate this matter.

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Outa, do you have any further clarification to request on this Question?

**Mr. Outa:** Mr. Temporary Deputy Speaker, Sir, this is a very serious matter and I want to be truthful to this House that I will pursue this matter to the breath and to the last strength of my life. The National Irrigation Board that falls under this Ministry of Water and Irrigation was given this money. If they were given money and they never distributed--- I would take your direction to refer this matter to the relevant committee so that they will be able to go underneath and reveal---

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, hon. Outa! Again, I request you to be specific and state whether you are satisfied with the answer. Do not make a speech. Can you ask your final question and be specific? What information has the Assistant Minister not provided you with?

**Mr. Outa:** Mr. Temporary Deputy Speaker, Sir, number one is about the money. The Assistant Minister has denied that they were given money by the FAO. Instead of reporting Kshs50 million, he is giving an answer that they have only been given about Kshs3 million, while on the ground it is known that the FAO had given the NIB Kshs50 million to give to the farmers and they had signed an agreement.

**The Temporary Deputy Speaker** (Prof. Kaloki): We need to move to the next Question. Let us give the Assistant Minister a chance to give his closing remarks on this Question.

**Mr. Kiunjuri:** Mr. Temporary Deputy Speaker, Sir, as a Member of Parliament, I should carry myself with the dignity that is required of me and protect this Government. I said, clearly, that we received only Kshs1.3 million and using the balance, FAO, through my Ministry, directly procured and provided farm inputs to Bunyala, West Kano and Ahero irrigation schemes. The Director of FAO was categorical that he was not going to provide anything through West Kano Irrigation Scheme management. That is all. The answer I have given is the true position. We never received the Kshs50 million as the Ministry of Water and Irrigation and we had no control over the remaining amounts of money.

**The Temporary Deputy Speaker** (Prof. Kaloki): Thank you very much. We will rest it there. I think we have spent a lot of time on that Question. Let us move on to the next Question.

**Mr. Outa:** On a point of order, Mr. Temporary Deputy Speaker, Sir. This is a matter of national interest to the farmers of West Kano. You cannot, under your jurisdiction, just decide to move to another Question without the Assistant Minister being referred to the relevant departmental committee to investigate---

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, hon. Outa! I have given you many chances to be specific. What is it that you are not satisfied with? I have given you a lot of opportunity and the Assistant Minister has answered you. That is all we can do. Anything beyond that can be followed using other channels. However, the Question has been answered fully.

COMPENSATION FOR LAND ACQUIRED FOR  
CONSTRUCTION OF MANOONI DAM

**Mr. Kiilu** asked the Minister for Water and Irrigation:-

- (a) why the 75 families whose land was acquired by the Government in 1983 for the construction of Manooni Dam in Kakutha Location, Nzau District have not been compensated; and,
- (b) when they will be compensated.

**The Assistant Minister for Water and Irrigation** (Mr. Kiunjuri): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) Manooni Dam was constructed between 1984 and 1987 with funding by the European Union (EU) through the Machakos Integrated Development Programme (MIDP). The Government undertook to provide land for the dam. In 1983, representatives of 75 families affected by Manooni Dam signed an agreement with the MIDP giving their consent for project implementation and extinguishing their rights to claim any compensation from either MIDP or from my Ministry. The signing of consent documents was witnessed by the Provincial Administration. The agreement had an inclusion clause which clearly stated that land or crop compensation issue, if any, was to be dealt with separately by the local project committee.

In 1985, the land affected by the dam was surveyed by the Lands Department and the people affected by the project were identified. The Agricultural Department valued the total cost of crops to Kshs646,770.

(b) The land compensation cannot be carried out due to the reasons that I have given to the House. Further, my Ministry plans to rehabilitate and augment Manooni Dam and provide sufficient water to the communities living upstream.

**Mr. Kiilu:** Thank you, Mr. Temporary Deputy Speaker, Sir. The answer given by the Assistant Minister begs a number of clarifications. From the Assistant Minister's answer, he has said that the Ministry would undertake to provide land. He has further said that in 1983, some people purporting to be the representatives of the 75 families signed a document purporting that it was an agreement that gave that land to the Government for free. The Assistant Minister has also said that in 1985, the land was surveyed. That is when the owners of that land were identified. Is the Assistant Minister telling us the truth when he says that some people purporting to be the owners of the land signed an agreement in 1983 when, in fact, the owners of the land were identified in 1985? Could the Assistant Minister clarify that issue and also lay on the Table the document that is showing the legality and constitutional basis under which the agreement was signed?

**Mr. Kiunjuri:** Mr. Temporary Deputy Speaker, Sir, I am not ready to lay the document on the Table because the Questioner did not ask me to do that. However, if he wishes that I lay it on the Table, I can do it at a later stage. However, the most important thing is to see whether the hon. Member has a concern that would require a proper answer. The truth of the matter is that the farmers had extinguished their rights by signing that agreement. However, in 1985, two years later---

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Mr. Assistant minister! Are you saying that there are no plans to compensate them?

**Mr. Kiunjuri:** Mr. Temporary Deputy Speaker, Sir, that is where I am heading to. Between 1983 and 1984, they extinguished their rights by signing that agreement. However, you can see that it was very inhuman because, at the end of the day, they were removed from their farms and they have not been settled. The DDC sat down in 1985 and it was agreed that those farmers be compensated. So, that is where you should follow the issue from. The hon. Member can follow up the matter with the Ministry of Lands and the Office of the Deputy Prime Minister and Ministry of Finance because they are the ones who deal with compensation. Otherwise, my Ministry is ready to support the farmers so that they do not interfere with the running of the dam.

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Kiilu, are you satisfied that you need to pursue the issue of compensation with the Ministry of Lands?

**Mr. Kiilu:** Mr. Temporary Deputy Speaker, Sir, the Government undertook to provide land. Under normal circumstances, when the Government has no land, it undertakes to procure some land using the legal provisions - the Compulsory Land Acquisition Act. Why did the Assistant Minister find it suitable not to follow that procedure but, instead, used the Provincial Administration to sign a land agreement with people who had not been identified as the real owners of the land? So, I am not satisfied.

**The Temporary Deputy Speaker** (Prof. Kaloki): Fine, Mr. Kiilu! But you are now dealing with the Ministry of Water and Irrigation. Can they really pursue the matter? Is it not the Ministry of Lands which is responsible?

**Mr. Kiilu:** Mr. Temporary Deputy Speaker, Sir, the Ministry of Water and Irrigation was the client. It is the one which looked for the land and not the Ministry of Lands. It should have gone to the Ministry of Lands and said that it had identified the land and sought the assistance to value the land and make compensation.

**The Temporary Deputy Speaker:** Mr. Assistant Minister, could you make that undertaking so that we can close this issue?

**Mr. Kiunjuri:** Mr. Temporary Deputy Speaker, Sir, an individual owner of a property or community can donate land or property for social use that benefits everyone. We have not looked at the circumstances that made those people to extinguish their rights then. As you can see, coming from Ukambani, probably there was a need for the dam to provide water. In fact, circumstances changed a year later after they realized that they could be compensated. That is why they were compensated for the crops. But they were not compensated for the land.

However, they have a right to be compensated. That is why I am advising the hon. Member to follow the right channels because if he presses the Ministry of Water and Irrigation, which is not in charge of settlement, he will not go very far. However, if he can pursue the matter with the Ministry of Lands and the Office of the Deputy Prime Minister and Minister for Finance, we will be ready to give evidence and say that they deserve to be paid after what happened.

I, politely, urge the hon. Member to pursue the matter through the Ministry of Lands and the Office of the Deputy Prime Minister and Minister for Finance and we will support him.

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Kiilu, are you happy with that direction?

**Mr. Kiilu:** Mr. Temporary Deputy Speaker, Sir, while I have heard what the Assistant Minister has said, I still want to pursue this matter. You will remember that it is



only last week when this House passed an important Motion on the National Land Policy. One of the issues in that Policy was to address some of the historical injustices that this Government has continued to promote. The Assistant Minister should agree that some historical injustice has been done to the people of Kakutha. The right procedures should have been followed and those people compensated. The Assistant Minister has said that they will supply water to those people. Can the supply of water, which is a human right be equated to compensation?

**Mr. Ethuro:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I have been listening to the questions and answers. I think the law is very clear. The Compulsory Acquisition Act says that the Government is under obligation to compensate those farmers if it dispossesses them of their land in order to do a water project. That is the law. It does not matter whether it is the Ministry of Water and Irrigation or the Ministry of Lands. The Ministry of Water and Irrigation has the responsibility to start the necessary negotiations to compensate those farmers. I think the Assistant Minister owes this House an explanation, more importantly, because they have a collective responsibility to the House on behalf of the Executive.

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Assistant Minister, make your final comment on that.

**Mr. Kiunjuri:** Mr. Temporary Deputy Speaker, Sir, I have clearly said that the circumstances at that time could have made those farmers to donate their land. They needed the water more and, therefore, they relinquished their rights. However, a year later, they realised that they could have got something and they went to the District Development Committee (DDC). My advice is that the hon. Member should go and take the minutes of the DDC of 1985, and since he was in the Provincial Administration, he can readily get them. The DDC recommended that they be settled in Kibwezi Settlement Scheme. The DDC meeting held on 4<sup>th</sup> October, 1985 recommended that the land owners affected by the project be compensated by allocating them land in settlement schemes either in Kibwezi or elsewhere.

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Mr. Assistant Minister! There is no vacant land in Kibwezi to settle them. So, where would you settle them?

**Mr. Kiunjuri:** Mr. Temporary Deputy Speaker, Sir, maybe, there was a vacant land at that time. Those are the minutes, of the DDC. With those minutes the hon. Member can follow up the matter with the Ministry of Lands.

**Mr. Kiilu:** Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has finally accepted that there was an agreement to compensate the 75 families by allocating them land elsewhere. Why has the Ministry not done that 25 years down the line?

**The Temporary Deputy Speaker** (Prof. Kaloki): After the Assistant Minister's response the matter should rest there.

**Mr. Kiunjuri:** Mr. Temporary Deputy Speaker, Sir, as you know the Government has many Ministries. We have the Ministry of Water and Irrigation, the Ministry of Livestock Development and others. Now that this matter falls under the Ministry of Lands, all that we can do is to offer assistance to the Member of Parliament so that he can pursue it through that Ministry. I believe that those families have a case and should be compensated.

**Mr. Ethuro:** On a point of order, Mr. Temporary Deputy Speaker, Sir. This is a Government that accuses Parliament of being dictatorial. When the DDC made a decision

long time ago, whose responsibility was it to settle those families? Was it the responsibility of the hon. Member or the responsibility of the Government to settle those families? We cannot sit here and allow these statements by a very incompetent Government that misleads the whole House.

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Assistant Minister, has your Government done all it can to handle this issue?

**Mr. Kiunjuri:** Mr. Temporary Deputy Speaker, Sir, you know that my Government has been in power for the last seven years and we are talking about over 20 years. There must have been another Government that was not responsible but this Government is very responsible because it has taken this matter very seriously. We will make sure that those farmers are settled. I have not, at any time, said that we will not settle them because it will be very inhuman of the Government. I have consistently said that we can compensate those families through the right channel. Which Ministry should the hon. Member direct this Question to? I advice him to channel it to the Ministry of Lands whose Minister is Mr. James Orengo.

**The Temporary Deputy Speaker** (Prof. Kaloki): Let us rest the matter there. Let us move on to the next Question by Mr. Litole!

*Question No.304*

SUPPLY OF ELECTRICITY TO  
INSTITUTIONS IN MORPUS

Is Mr. Litole not here? Let us deal with other Questions and then come back to that Question later on.

Let us move on to the next Question by Mr. Ochieng!

*Question No.355*

RE-CLASSIFICATION OF ROADS  
IN NYANDO DISTRICT

**Mr. Ochieng** asked the Minister for Roads what became of the proposal made to the Ministry by the Nyando District Roads Board to re-classify several roads in the district from class D to C.

**The Assistant Minister for Roads** (Dr. Machage): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

The Ministry of Roads contracted Carl Bro and Associates in association with Gulf Construction Engineers to carry out a re-classification of the road network throughout the country and undertake a road inventory and condition survey on unclassified roads.

The consultant commenced work on 4<sup>th</sup> December, 2006 and currently all road networks have been re-classified and the consultant will present the report to the Ministry mid this month. The proposal made by the Nyando District Roads Board will definitely be amongst the considerations in the report.

**Mr. Ochieng:** Mr. Temporary Deputy Speaker, Sir, the answer given by the Minister is just too general. My Question was very specific because it only touched on the roads that are in Nyando District. Could the Assistant Minister inform this House the roads in Nyando District that are undergoing the re-classification exercise?

**Dr. Machage:** Mr. Temporary Deputy Speaker, Sir, I appreciate the specificity in which the hon. Member wanted to know about his area, but I also used the Floor to pass the information to all the Members of this House that not only have I picked on Nyando District for re-classification of roads but also considered the whole of Kenya.

**Dr. Khalwale:** Mr. Temporary Deputy Speaker, Sir, since the Ministry will re-classify all the roads in the country, has it also developed a blueprint showing exactly when those roads will be upgraded to bitumen standards?

**Dr. Machage:** Mr. Temporary Deputy Speaker, Sir, I will table in this House the orders of priority on the bitumization of the roads in this country soon. I believe those reports will come more or less at the same time.

**Mr. Outa:** Mr. Temporary Deputy Speaker, Sir, when the Assistant Minister talks about Nyando District, is he talking about the greater Nyando District? Nyando District has now been split into three districts. We have Nyakach, Muhuroni and Nyando districts.

**Dr. Machage:** Mr. Temporary Deputy Speaker, Sir, I share the concerns of the hon. Member about the new districts. I also have new districts in my constituency. I always say the new Draft Constitution should recognise the new districts. No Districts! No Constitution! The relevance of that is important to me and him. The old Nyando District is my reference.

**Mr. Mbugua:** Mr. Temporary Deputy Speaker, Sir, what is the Ministry's plan in making sure that the proposals which are given for areas like Eastleigh become a reality.

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Minister, are you prepared to answer that one?

**Dr. Machage:** Mr. Temporary Deputy Speaker, Sir, let me answer it. My plan is to give this House my budget for approval so that I can realise the hon. Member's dreams.

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Ochieng, ask your final question.

**Mr. Ochieng:** Mr. Temporary Deputy Speaker, Sir, the exercise of the classifications of these roads was given to a private body. The contract was given in 2006. It is now three years down the line. Is it normal for this exercise to take this long?

**Dr. Machage:** Mr. Temporary Deputy Speaker, Sir, I gave this contractor 25 months to carry out the exercise. However, they have taken a little bit long. I am getting the report this month. I also had to get a proper report to the satisfaction of the Member. I think it was worth waiting for. Mid this month is only a few days away. You can also bring back this Question in another form, maybe, next year and I will answer it.

*Question No.442*

GAZETTMENT OF HISTORICAL SITES FOR PROTECTION  
IN NORTH EASTERN PROVINCE

**Mr. Affey** asked the Minister of State for National Heritage:-

(a) whether he could table a list of the Historical sites that the National Museums of Kenya (NMK) has gazetted for protection in North Eastern Province; and

(b) what plans the Government has to gazette and protect Shallete, Shidle and Hoko wells in Wajir Town?

**The Minister of State for National Heritage** (Mr. ole Ntimama): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) To date, there are no historical sites that have been gazette in North Eastern Province. The problem has been that most of the sites do not have land registration numbers which are required before a property is gazetted as national monument.

(b) We have begun the process of gazetting Orahey wells to get around this problem. The National Museums of Kenya has begun the process of obtaining a title deed of Orahey wells. Shallete, Shidle and Hoko wells in Wajir town have previously not been identified as significant sites either by the community or researchers who have worked in North Eastern Province. Therefore, they have not been gazetted as national monuments. The sites are now managed by the Ministry of Water and Irrigation through the Water Resources Management Authority. There are no signs of development or any development or any water management exercise that has taken place at the Shallete wells and they are currently in their natural state. However, if the nominated hon. Member of Parliament feels that the wells are of historical value, my Ministry could assist in gazetting these sites.

**Mr. Affey:** Mr. Temporary Deputy Speaker, Sir, I strongly feel that these wells are of historical value.

I want the Minister to know that these wells have been utilized by the local communities since the 1840s before this country became Independent. I am happy that Orahey wells which were established in the early 1980s are in the process of being gazetted as a national monument. The Minister has said that the whole of the province has no site which has been gazetted as a national monument. Yet there are very many sites. The responsibility lies with the Minister himself to identify and gazette these sites.

Now he has already established a way to go round the problem. This is a collective responsibility. If the Minister for Lands has failed to register us, the Minister for National Heritage must not follow suit because these sites are quite important. There are four communities who have used these wells. For the benefit of the Minister; the Makabu, Bahgeri, Gerri and Mohamed Zubeir communities are all established residents in Wajir town since the country became Independent. Finally, I want to know whether he has instructed his officers following my inquiry because I want these wells to be recognized as state monuments. Has he already instructed his officers to start the process of gazetting them as national monuments because they are important?

**Mr. ole Ntimama:** Mr. Temporary Deputy Speaker, Sir, this is normally done by my Ministry in conjunction with the community and other local leaders, including the Government officials in the District of Wajir, Land Adjudication and Water Officers. But most importantly, we listen to the community. If the community can come out and set aside this particular area and recognize it as something that is important for their own heritage, then we would do the gazettelement.

**Mr. Ruteere:** Mr. Temporary Deputy Speaker, Sir, in pursuit of that Question, could the Minister tell this House the plans he has for improvement and repair of the

existing museums? The Meru Museum is leaking and most of the collections in that Museum have been damaged by the rains. What is he doing to provide money for repair of leaking roofs?

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Minister, are you prepared to answer that Question? It seems to be out of order.

**Mr. ole Ntimama:** Yes. I hope the hon. Member is not referring to the Njuri Ncheke Museum.

**Mr. Ruteere:** Mr. Temporary Deputy Speaker, Sir, I mean Meru Town Museum.

**Mr. ole Ntimama:** Mr. Temporary Deputy Speaker, Sir, we are prepared to go round and improve all these museums for the benefit of the people and the nation. As you know, we have already given some money to the Njuri Ncheke Museum; a group of people whom we recognize as some of the most important people before Independence and now. I think we can come down to the Meru one and many others.

I wish to say very clearly that we lack finances in doing these things as much we would really want to build up all these heritages, monuments and culture of the people. We are beginning to realize that it is so important for this nation.

**Mr. Affey:** Mr. Temporary Deputy Speaker, Sir, I want to thank the Minister because he has already given an undertaking that this will be done.

However, he said that the current sites I am talking about are managed by the Ministry of Water and Irrigation. The Government has grabbed this land from the community by force without any reference to them. They have established a water facility while they could have done that elsewhere. Could he, therefore, give an undertaking that, first of all, they will liaise with the relevant Ministry that has displaced the community from its original site?

Secondly and more importantly, whether he will accept a petition from the respective communities to his office and then begin the process? We can organize thousands of them to come all the way from Wajir to the Ministry headquarters in order to submit the petition to him.

**Mr. ole Ntimama:** Mr. Temporary Deputy Speaker, Sir, I want to tell the hon. Member that my Ministry has not grabbed any land at all for water, for example. However, if, as he says, the Government had acquired the land through the normal process of land acquisition, then I think he should try and investigate that one before we go there. However, I can assure him that if the community, the Government and the experts in the Ministry of Heritage and Culture establish that this is an important monument for the nation, we will do our best to try and gazette and protect it from being grabbed by some land grabbers, who are, these days found everywhere in this country.

**The Temporary Deputy Speaker** (Prof. Kaloki): All right! Fair enough and very good. On Question No.486 by hon. Musikari Kombo, I would like to inform the House that he is out of the country on official matters. So, we are going to defer it to a later date.

*Question No.486*

REGISTRATION OF LAND LR NO. NDIVISI/KHALUMULI/1459

*(Question deferred)*

Next Question by hon. Chachu!

*Question No.512*

POSTING OF MEDICAL DOCTOR TO  
MARSABIT NORTH DISTRICT

**Mr. Chachu** asked the Minister for Medical Services:-

(a) If he is aware that his Ministry has not posted a medical doctor to Marsabit North District, four years after the district was established; and,

(b) what immediate action he will take to ensure that a medical doctor is posted to Marsabit North District.

**The Temporary Deputy Speaker** (Prof. Kaloki): Is the Minister for Medical Services here? He is not around. Let us defer this Question to a later date.

**Mr. Chachu:** On a point of order, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Chachu, the Minister is not here and we want to be fair by giving him some time. However, what is your point of order?

**Mr. Chachu:** Mr. Temporary Deputy Speaker, Sir, I have lost 12 people in the last one month to cholera in North Horr Constituency. Today, there are about seven who are hospitalized. This situation is critical for the health and wellbeing of my people. I want, if possible, this Question to be answered this afternoon or tomorrow.

**The Temporary Deputy Speaker** (Prof. Kaloki): That is fair enough. We will try to find the earliest possible time, so that we can deal with that Question; we are sorry for what is happening out there in your constituency.

**Dr. Khalwale:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not wish to challenge the Chair, but, surely, if the hon. Member of Parliament is saying that in Marsabit North Hospital, patients are dying of cholera and there are no doctors, you cannot possibly say that the matter will come up at a later date. It should come up this afternoon.

**The Temporary Deputy Speaker** (Prof. Kaloki): Order! I said at the earliest possible time, and that could be even this afternoon. The Minister is not here and I think I am fair enough.

*(Question deferred)*

*Question No.483*

PAYMENT OF COMPENSATION TO  
FAMILY OF MR. SAMSON DOK

**The Temporary Deputy Speaker** (Prof. Kaloki): This Question is by hon. Anyanga! I am informed that hon. Anyanga is out of the country on an official matter. His Question is, therefore, deferred.

*(Question deferred)*

**The Temporary Deputy Speaker** (Prof. Kaloki): Next Question by hon. Nyamai!

**Mr. Nyama:** Mr. Temporary Deputy Speaker, Sir, I apologise for coming late. It was because of reasons beyond my control.

*Question No.193*

NUMBER OF DOCTORS AUTHORISED TO  
SIGN P3 FORMS IN EACH PROVINCE

**Mr. Nyamai** asked the Minister of State for Provincial Administration and Internal Security:-

(a) to provide a list of the doctors authorised to sign a Kenya Police Medical Examination Form (P3) in each of the provinces; and,

(b) what urgent steps he is taking to ensure that there is an increase in the number of doctors authorised to sign the forms nationwide.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, I beg to reply

(a) There are no specific doctors authorised to sign Kenya Police Medical Examination Forms. Medical reports are signed by medical officers found in any medical institution, preferably public hospitals, as per the requirements of the Evidence Act, Chapter 80 of the Laws of Kenya, Section 48, which states in part, and I wish to quote:-

“When the court has to form an opinion upon a point of foreign law, or of science or art, or as to identify or genuineness of handwriting or finger, or other impressions, opinions upon that point are admissible if made by persons specially skilled in such foreign law, science or art, or in questions as to identify or genuineness of handwriting or finger or other impressions.”

Police Medical Report Forms, generally referred to as P3 Forms, are a creation of the Kenya Police Standing Orders. These are administrative orders issued or created by the Commissioner of Police under powers vested in him by the Police Act, Chapter 84 of the Laws of Kenya, Section 5, which states, also in part that:-

“The Commissioner of Police may issue administrative orders to be called “Force Standing Orders”, not inconsistent with the Constitution or provisions of this Act or of any regulations made thereunder, for the general control, direction and information of the Force”.

The P3 forms are just standard forms used for medical reports for ease of reference both by doctors and courts. These can be signed by any medical officer who is also allowed to give medical evidence in court.

(b) The Government does not intend to increase the number of such doctors because there are adequate numbers of doctors in public medical institutions, who are qualified and authorised by law to sign such medical forms.

**Mr. Nyamai:** Mr. Temporary Deputy Speaker, Sir, as much I would like to thank the Assistant Minister for his answer, it is apparent that he is living in a different world from the one I am living in. I am talking particularly of Nairobi. In Nairobi, there is only

one medical doctor who signs P3 Forms, who is stationed at the traffic headquarters and Nairobians have to cue from 6 o'clock in the morning to access him. At 8 o'clock in the morning, he goes to court to give evidence. He is the only doctor. Could the Assistant Minister clarify why it is only one doctor who is stationed at the traffic headquarters who signs the P3 Forms?

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Assistant Minister, do you have any plans to increase the number of doctors?

**Mr. Ojode:** Mr. Temporary Deputy Speaker, Sir, I have said that all medical doctors are allowed to sign these P3 Forms. It has just been a perception that one particular medical doctor signs the P3 Forms. I want to assure Members of Parliament here that all medical doctors from the public institutions are supposed to sign those forms.

**Dr. Khalwale:** Mr. Temporary Deputy Speaker, Sir, I want to agree with the Assistant Minister that all qualified doctors are permitted to sign these forms, but I know for a fact that the reason why doctors do not want to sign these forms, is because upon signing these forms, and you are transferred from your former station, you may be expected to appear in court, say, in Kakamega and currently you are in Machakos. If you fail to appear in court, because the Government has not made transport arrangements for you, the court is free to issue arrest warrants against these doctors. So, doctors then choose to refuse to sign the forms. The question is: What arrangements are you making to set aside a special allowance for doctors who sign these forms for purposes of night out and travelling?

**Mr. Ojode:** Mr. Temporary Deputy Speaker, Sir, you are aware that I cannot set aside money in My Ministry for purposes of signing this document. I think that can be done by the Ministry of Medical Services. If they want their doctors to attend court proceedings, then it is their obligation to provide some allowances to be given to doctors who are actually transferred to go and give evidence in court.

**The Temporary Deputy Speaker** (Prof. Kaloki): Fair enough! Hon. Nyamai, are you satisfied?

**Mr. Nyamai:** Mr. Temporary Deputy Speaker, Sir, I am not satisfied, because listening to what the Assistant Minister has said, he has thrown the issue back to the Ministry of Medical Services, yet we are talking of one government. Effectively, he has only told us that Kenyans will not be able to access justice; P3 Forms are quite important in accessing justice. Under the circumstances, could he inform us what the Government is doing to ensure that Kenyans access justice?

**Mr. Ojode:** Mr. Temporary Deputy Speaker, Sir, the Government will make sure that doctors sign the P3 forms without delay. The Government will equally make sure that those doctors who are supposed to give evidence in court attend court promptly. That is an assurance from the Government.

**Mr. Ethuro:** On a point of order, Mr. Temporary Deputy Speaker, Sir. There is a question you have just deferred about a district known as North Horr, which does not have a medical doctor. The Assistant Minister says that the P3 forms must be signed by a doctor. Where do you expect residents of North Horr to get the doctor from and yet they have no doctor?

**Mr. Ojode:** Mr. Temporary Deputy Speaker, Sir, that looks like an isolated case because all districts have medical doctors. If there is one isolated case, arrangements will



be made by the Ministry of Medical Services in order to avail a doctor who can come in handy to sign the document.

**The Temporary Deputy Speaker** (Prof. Kaloki): In that case, Mr. Assistant Minister, does it mean that you are going to make a provision to provide qualified medical doctors who can sign those P3 forms to remote or rural areas which have no medical doctors?

**Mr. Ojode:** Yes, Mr. Temporary Deputy Speaker, Sir. We will definitely provide solutions to this. That is why I said that, that was an isolated case.

**The Temporary Deputy Speaker** (Prof. Kaloki): All right. Let the matter rest there! Let us proceed to Question No.197.

*Question No.197*

CIRCUMSTANCES SURROUNDING THE DEATH  
OF MR. DADSON K. WANJOHI

**The Temporary Deputy Speaker** (Prof. Kaloki): Is hon. Jeremiah Kioni in the House now? Is he here now? We have given him more than an hour to get to the Chamber.

*(Question dropped)*

Next by hon. Litole! Is he now in the Chamber?

Hon. Ethuro, I think you are taking that undertaking?

*Question No.304*

SUPPLY OF ELECTRICITY TO  
INSTITUTIONS IN MORPUS

**Mr. Ethuro**, on behalf of **Mr. Litole**, asked the Minister for Energy:-

(a) whether he could consider replacing posts and supplying electricity to Morpus Primary School, Morpus Girls Secondary School (under construction) and Morpus Trading Centre; and,

(b) when he will also supply electricity to Orolwo Centre and Samor Primary School, which are on the main road to Lodwar.

**The Assistant Minister for Energy** (Mr. Keter): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) My Ministry has finalized plans to supply electricity to Morpus Primary School and Morpus Trading Centre in the current Financial Year, 2009/2010. Morpus Girls Secondary School will be considered for supply once the construction of the school has been completed.

(b) Orolwo Centre and Samor Primary School will also be supplied with electricity this financial year as these are the priority projects which were given by the hon. Member of Parliament. The first case of Morpus Trading Centre was passed on the

line going to Ortum Trading Centre, which was done under French Phase II. It is now only the transformer which will be installed and then the other ones will be under a new line.

**Mr. Ethuro:** Mr. Temporary Deputy Speaker, Sir, I wish to thank the Assistant Minister for being considerate because those of us who live at the border of the Turkwel Gorge which supplies 106 megawatts of electricity to the national grid have not been beneficiaries of this good facility for a long time.

Morpus Primary School, Morpus Girls Secondary School and Morpus Trading Centre need electricity in order to develop these - not God-forsaken – but Government-forsaken areas. Could he give an undertaking to the House that the financial year he is talking about is the one ending June 2010 and that before June of 2010, preferably maybe January, these secondary schools and all the centres will be able to get electricity? How about the posts?

**Mr. Keter:** Mr. Temporary Deputy Speaker, Sir, I want to confirm to the hon. Member that it will be done by June this year. In fact the transformer will be installed by January. The others, as I am talking right now are on survey and the design works are almost complete. So, I am certain that by June, it will be over. With regard to the first one, I am guaranteeing that even by January, it should be installed. The second one may be done even before June.

**The Temporary Deputy Speaker** (Prof. Kaloki): Are you satisfied, hon. Ethuro?

**Mr. Ethuro:** Mr. Temporary Deputy Speaker, Sir, I am very satisfied. But as the English say, the taste of the pudding is in the eating. So, by June, next year, I hope and assume that I will be a satisfied man.

However, given that he has extended electricity from Turkwel Gorge to Ortum, what plans does the Assistant Minister have to extend the same electricity from Turkwel Gorge to Lodwar?

**Mr. Keter:** Mr. Temporary Deputy Speaker, Sir, we are trying to extend the grid as much as possible to areas which had been left behind. So, I want to assure the hon. Member that we are working on that. We are providing the areas that are off grid with solar systems. For Lodwar, we are going to work on that.

**The Temporary Deputy Speaker** (Prof. Kaloki): All right. We will rest the Questions now.

Next Order!

## POINTS OF ORDER

### SEIZURE OF WEAPONRY IN NAROK

**Mr. ole Lankas:** Mr. Temporary Deputy Speaker, Sir, I wish to ask for an urgent Ministerial Statement from the Minister of State for Provincial Administration and Internal Security on the weaponry that was intercepted and seized in Narok Town yesterday morning and one suspect arrested.

This is a very, very crucial matter and it should be treated with the seriousness it deserves. In the Statement, I wish the Minister to clarify the following; first, the origin and the make of all the assorted cache of weapons that were seized and the intended destination of the same. I also want him to clarify the usage of the same.

It is also important for the Minister to tell the country if any arrests have so far been made and the action the Government is taking as we sit here. As I said earlier, this is a very grave matter and I think it is urgent that the Minister addresses this matter soonest.

Thank you.

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Assistant Minister, could you, please, give an undertaking? Which is the earliest possible time you can do that?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, it is true that it is a serious and sensitive issue. I want to assure Kenyans that we are safe. I will issue this Statement tomorrow in the afternoon without any failure.

**Mr. ole Lankas**: Mr. Temporary Deputy Speaker, Sir, I said that this is a very serious matter. Because of what is happening out there, this matter has generated a lot of fear within communities. It is a matter the Government should address as early as possible. They had the whole day yesterday with the suspects and I believe that they now have some information which is relevant to Kenyans. It would be fine if this issue could be addressed this afternoon because there is a lot of anxiety out there on this matter. We should not allow anymore delays. If the Government has information, even if it is preliminary, that will help to ease the fear and tension that is building out there.

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Ojode, are you in a position to issue the Statement this afternoon?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, I would request that you allow me to arrest some two more suspects today. Let me deal with this issue tomorrow in the afternoon.

**The Temporary Deputy Speaker** (Prof. Kaloki): Fair enough. Tomorrow afternoon.

#### FREEZING OF GOK ACCOUNTS AT CROWN AGENCY BANK IN LONDON

**Mr. Affey**: Mr. Temporary Deputy Speaker, Sir, three weeks ago, I sought a Ministerial Statement from the Deputy Prime Minister and Minister for Finance regarding some accounts of the Kenya Government that had ostensibly been frozen through a court order in London. There has been no word from the Ministry. I do not know what I am expected to do and yet the matter was an urgent one. It was in the national interest, but I have received no response.

#### SUSPENSION OF ISSUANCE OF NATIONAL IDENTITY CARDS IN NORTH EASTERN PROVINCE

About the same time, I sought a Statement from the Minister of State for Immigration and Registration of Persons regarding the suspension of issuance of national identity cards in North Eastern Province.

Mr. Temporary Deputy Speaker, Sir, those are two critical matters and the Ministers ought to be serious because Kenyans want answers to those vital questions.

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Assistant Minister, you can give an undertaking on behalf of the two Ministers.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, I undertake to inform the respective Ministers about the Ministerial Statements that have been sought. So, by tomorrow, Thursday, at least, they will act on the Ministerial Statements.

**The Temporary Deputy Speaker** (Prof. Kaloki): You give an undertaking on the one sought from the Deputy Prime Minister and Minister for Finance only. I am being informed here by the Clerk-at-the-Table that the Statement sought from Ministry of State for Immigration and Registration of Persons was dealt with on 18<sup>th</sup> November, 2009.

**Mr. Affey:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Regarding that, the Minister gave a commitment that within a week after that Statement was issued, the exercise would begin. Nothing has happened so far. So, I sought a Statement from him as to why nothing has happened even after the Minister had given an undertaking.

**The Temporary Deputy Speaker** (Prof. Kaloki): That is implementation now. The matter was dealt with on 18<sup>th</sup> November, 2009. Let us wait for the implementation.

**Mr. Affey:** Mr. Temporary Deputy Speaker, Sir, but what happens in a situation where a Minister gives an undertaking to the House and nothing happens?

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Mr. Affey! There is a committee dealing with implementation procedures.

Mr. Mwakwere has a Ministerial Statement to make.

## MINISTERIAL STATEMENT

### AMENDMENTS TO TRAFFIC REGULATIONS

**The Minister for Transport** (Mr. Mwakwere): Mr. Temporary Deputy Speaker, Sir, I wish to make a Ministerial Statement on amendments to the traffic regulations.

The Government is committed to improving the transport sector which is key for development and prosperity. In this endeavor, the enhancement of road safety in the country is crucial to avert road traffic accidents, deaths and injuries. It will also minimize the economic loss and the negative social impacts resulting from road accidents.

Reports from hospitals across the country indicate that motorcycle related accidents are on the rise. In view of this and in exercise of the powers conferred by Section 119 of the Traffic Act, I, Chirau Mwakwere, the Minister for Transport of the Republic of Kenya, through Gazette Notice No.173 of 2<sup>nd</sup> December, 2009, have decided to legislate new regulations introducing safety measures in the use of motorcycles and made amendments to other rules in the Traffic Act to further enhance road safety standards in the country.

While legislating these rules, I have taken into account that many Kenyans in urban and rural areas of the country earn livelihoods out of transport businesses with the motorcycles commonly known as *boda boda*. Apart from inculcating consciousness amongst riders and passengers, the new rules are intended to minimize injuries and possible deaths for both motorists and passengers in the event of an accident.

The new rules now make it mandatory for operators of motorcycles and passengers to wear a helmet and a jacket that has reflectors. A motorcyclist will only

carry one passenger at a time while every motorcycle is required by law to be insured against Third Party risks in accordance with the Insurance Act.

Mr. Temporary Deputy Speaker, Sir, it is now illegal for any person to ride a motorcycle without a valid driving licence. A person who contravenes or fails to comply with these regulations on motorcycles shall be liable to a fine of Kshs5,000 or in default, a prison term not exceeding three months.

In order to enhance safety of passengers travelling in Public Service Vehicles (PSV), it is necessary for law enforcement officers to clearly see the inside of such vehicles. In this regard, I have decided to make amendments to Rule No.54 of the Traffic Act to outlaw the driving of PSV fitted with tinted windows or tinted windscreens.

Many fatal road accidents occur when PSVs pick or drop passengers at non-designated points. Stopping at such points is a major cause of unnecessary traffic congestion in urban areas, especially in Nairobi and Mombasa. I have, therefore, made amendments to the Traffic Act Rules Nos.64 and 65 outlawing the stopping of PSVs at points not designated by law as bus stops or termini. I have further made amendments to Rule No.66 outlawing passengers from boarding or alighting from PSVs at such undesignated points.

Finally, any person who contravenes or fails to comply with these rules shall be liable to fine of not less than Kshs10,000, but not exceeding Kshs15,000 or in default, a prison term not exceeding six months. The Ministry of Transport will continue to make improvements to road traffic regulations in order to enhance road safety standards in the country. I, therefore, urge all Kenyans, particularly drivers of PSVs to exercise caution and adhere to road safety rules and the Highway Code before, during and after this festive season.

**Mr. Were:** Mr. Temporary Deputy Speaker, Sir, I would like to thank the Minister for coming up with these new rules. However, I have a fear because the previous Minister for Transport, Mr. Michuki, gazetted various rules, but as I talk now, those rules are not being followed. I want to get an assurance from the Minister. How sure is he that these rules he has gazetted will be complied with?

Secondly, he has indicated that he has gazetted new rules on motorcycles. We know that there are so many motorcycles in this country which are being used as *boda bodas*. When does he expect the motorcycle owners to adhere to this issue of helmets and jackets? When does he expect it to start? Is it immediately or there is a window for waiting?

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Minister, please, proceed.

**The Minister for Transport** (Mr. Mwakwere): Mr. Temporary Deputy Speaker, Sir, I would like to assure hon. Members, and particularly, hon. Were, that these rules will be enforced as stated. If anyone of you would like to try me, let him or her ride a motorcycle without putting on helmet. I will have you arrested and fined Kshs5,000 or jailed for a period not exceeding five months. These rules will be enforced strictly and seriously. Right now, we have an increase in the number of people being admitted to hospital across the country as a result of injuries sustained from road accidents, particularly on motorcycles. In fact, accident victims involving motorcycles are the majority of patients in some urban and peri-urban hospitals.

Secondly, these rules take effect immediately because all motorcycle owners already have helmets. It is just that they do not put them on. They must wear them. They

are not expensive. So, these rules became effective on the midnight of 2<sup>nd</sup> December, 2009.

**Mr. Shakeel:** Mr. Temporary Deputy Speaker, Sir, could the Minister tell us why when motorcycles are arrested, they are loaded onto breakdown vehicles and taken to police stations? We all know breakdown services are very expensive. A motorcycle can be driven to a police station on its own without engaging the breakdown services. Why do the police use one breakdown vehicle for each motorcycle?

**The Minister for Transport (Mr. Mwakwere):** Mr. Temporary Deputy Speaker, Sir, I will only respond as a Government Minister, but that is a question that ought to be directed to the relevant Ministry, and not to the Ministry of Transport.

They use breakdown vehicles as the most convenient way of moving motorcycles that are not roadworthy to police stations.

**Dr. Khalwale:** Mr. Temporary Deputy Speaker, Sir, I would like to request the Minister that it would have been nice if he had tabled these new rules in the House, so that we could enrich them with debate, but now that he has moved, we will support him. However, why has he not found it necessary to also insist that besides the cyclist having a helmet for himself, he should also have a spare helmet for his passenger?

Secondly, you have also directed that a cyclist will be allowed to carry only one passenger at a time. How about passengers who are accompanied by minors?

Finally, what are you doing about *matatu* that show pornographic films in Nairobi?

**The Minister for Transport (Mr. Mwakwere):** Mr. Temporary Deputy Speaker, Sir, I agree that I should have tabled the rules. It was an oversight. With your permission, I now table them.

*(Mr. Mwakwere laid the document on the Table)*

Minors may be carried by the passenger because, by definition, in all transport modes, minors and the persons carrying them are taken as one, for purposes of travel. On an aircraft, a minor is taken as part of the passenger who is carrying that minor. However, we are talking of those minors who cannot walk, who must be carried. That is acceptable.

Helmets must be worn by both passenger and rider. Details relating to this aspect appear in the Legal Notice.

**The Temporary Deputy Speaker (Prof. Kaloki):** Mr. Minister, on the question raised by Dr. Khalwale, there are cases where two or three passengers are carried on one motorcycle.

**The Minister for Transport (Mr. Mwakwere):** Mr. Temporary Deputy Speaker, Sir, as I said earlier, it is illegal. They are now allowed to carry only one passenger at a time. This requirement appears in both my Ministerial Statement and the Legal Notice.

**Dr. Khalwale:** What about the issue of *matatu* in Nairobi showing pornographic videos?

**The Minister for Transport (Mr. Mwakwere):** Mr. Temporary Deputy Speaker, Sir, on the issue of pornographic videos being shown in *matatu*, I did not make an immediate response because I am ready to issue a Ministerial Statement on the same and give details on the actions we are taking. With your permission, I would like to restrict myself to the Legal Notice that I was expounding on.

**The Temporary Deputy Speaker** (Prof. Kaloki): Fair enough! Yes, hon. Mbadi?

**Mr. Mbadi:** Mr. Temporary Deputy Speaker, Sir, the Minister talked about minors being considered as part of the passenger. Does he mean “minors” or “infants”? Some minors are very big for them to be considered part of the main passenger.

**The Minister for Transport** (Mr. Mwakwere): Mr. Temporary Deputy Speaker, Sir, I said very clearly that minors in this case are those persons who cannot walk on their own or infants. The word “minor” as used also incorporates infants.

**Mr. Wamalwa:** Mr. Temporary Deputy Speaker, Sir, the Minister has prescribed the fines and penalties for flouting the new rules. We know that we have a lot of young *boda boda* operators who are operating the motorcycles on higher purchase system. When they are arrested, and their motorcycles are confiscated for a whole day, they end up losing the motorcycles. Could he consider, in prescribing the penalties, introducing on-the-spot fine payment system, so that offenders can pay on the spot without having their motorcycles confiscated?

**The Minister for Transport** (Mr. Mwakwere): Mr. Temporary Deputy Speaker, Sir, that is a very good suggestion. We can operationalize such system once we have the new generation driving licences. For now, it is not possible to work out a fool-proof system of dealing with the administration of instant fines. So, please, bear with us. We are in the process of coming up with a new generation driving licence that will be based on the electronic smart card system, which will make it possible for fines to be paid on the spot.

**Mrs. Odhiambo-Mabona:** On a point of order, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Prof. Kaloki): What is it, hon. Milly Odhiambo?

**Ms. Odhiambo:** Mr. Temporary Deputy Speaker, Sir, is the Minister in order to be treating children of whatever age as part of adults? That is not only discriminatory, but actually provides for insecurity for children, because they can be harmed if they are not treated separately. All other countries treat children of whatever ages as separate entities. Is he in order to treat children as part of adult human beings?

**The Minister for Transport** (Mr. Mwakwere): Mr. Temporary Deputy Speaker, that is the hon. Member’s opinion. I said “for purposes of travel only” and added that for other purposes, the definition is different, and regulations vary.

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Members, let that matter rest. Are there any other Ministerial Statements?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, I promised this House to deliver three Ministerial Statements this morning, starting with the one sought by Mr. Olago Aluoch.

#### SECURITY SITUATION IN MATHARE 3C

On 26<sup>th</sup> November, 2009, the Member of Parliament for Kisumu Town West, Mr. Olago Aluoch, stood on a point of order and sought a Ministerial Statement on the state of insecurity or organised crime in Nairobi’s Mathare 3C.

First, I am not aware of the existence of any organized criminal gangs that have been terrorizing residents of Mathare 3C, Mabatini, targeting a specific community for whatever reason.

Mr. Temporary Deputy Speaker, Sir, on 24<sup>th</sup> November 2009, a Mr. Gerald Odhiambo who was drinking at Balozzi Bar in Mathare, Bondeni area, was attacked by unknown persons while on his way home. He succumbed to injuries inflicted on him while he was being rushed to Kenyatta National Hospital (KNA). A report was made at Pangani Police Station and one suspect, a Mr. Francis Onzare, was arrested and is assisting police with investigations vide file No.Criminal122/382/209. The case is being investigated as murder and in no way related to ethnic animosity.

Mathare is a known hideout for criminal gangs that at times engage in collection of illegal fees from *chang'aa* brewers and illegal electricity and water suppliers. The monetary gains from these illegal collections have been a source of conflict. The police have scaled up patrols during the day and at night to curb these illegal fees collections by the organized groups, hence minimizing animosities. There are increased police operations targeting the *chang'aa* dens, which are a major source of illegal fees and also act as hideouts for these criminal gangs.

Finally, security operations within the area are aimed at protecting all communities living within the area, thus achieving entire public good.

**Mr. Gabbow:** Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has just confirmed to us that there is no known organized illegal group in the area. He, however, went ahead to say that there is an organized group that is collecting some illegal money, could he substantiate this?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, I said and want to confirm that there are those who collect some fees from *chang'aa* brewers and those who supply electricity through illegal connections. There are those who also ask for money for supply of water. Already, we have arrested about eight people who are in this illegal business. Some have been arraigned in court and we are still zeroing in on the masterminds of this illegal trade.

I think it has been scaled down and no further payment of illegal fees will be allowed by this Government. I want to assure the residents of Mathare 3C that they are not supposed to pay any person any money unless they produce certificates or licences given by the Nairobi City Council (NCC) or the Kenya Power and Lighting Company (KPLC) Ltd.

**The Temporary Deputy Speaker** (Prof. Kaloki): Alright. Is there any other Ministerial Statement?

#### ERADICATION OF CATTLE RUSTLING IN BUURI DISTRICT

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, I wish to give another Ministerial Statement which was sought by Mr. Silas Ruteere.

On 2<sup>nd</sup> December 2009, Mr. Silas Ruteere the Member of Parliament for North Imenti stood on a point of order to seek a Ministerial Statement on measures to contain cattle rustling in Buuri District. I wish to say the following:



It is true that recently there has been an increase in livestock theft cases in Buuri District by suspected Samburu, Turkana and Borana cattle rustlers. To contain the situation, the Government has mounted a massive operation to disarm all illegally armed civilians. Modalities of a comprehensive disarmament programme will be put in place to mop out all illegal arms and recover all stolen livestock in upper Eastern and north Rift regions with an aim of returning the recovered animals to their owners.

So far the following have been the recoveries:-

- (i) Over 3,000 assorted types of ammunitions.
- (ii) 17 illegal arms.
- (iii) 71 guns from the Kenya Police Reservists (KPRs).

Further, an Administration Police post has been established at Maili Nane.

Mr. Temporary Deputy Speaker, Sir, a total of 312 animals; cattle, sheep and goats, have been reported stolen. Out of this, we have recovered 247. The ongoing security operation is aimed at recovering all stolen animals.

There are no plans to arm the residents of Buuri District. We are not encouraging arming of civilians because I have enough security personnel. I have enough policemen. I have enough Administration Police to do the security job. There is, as earlier indicated, an ongoing security operation and the Member of Parliament of that area knows it. This operation is aimed at other things; one, to disarm the KPRs and the so called home guards.

Mr. Temporary Deputy Speaker, Sir, it is absolutely not true that the police shot and killed two young people. On the night of 29<sup>th</sup> and 30<sup>th</sup> November 2009, a group of people from Maili Saba area went on rampage and blocked Isiolo – Subuika Road. The rampage turned violent with the demonstrators stoning motorists. They attempted to set on fire an A STU vehicle and a passenger bus. In the ensuing melee, police shot and injured Alex Mwirigi, aged 27 years. He sustained injury on the left thigh. Alphonse Mutetea aged 30 years was also injured on the left thigh. Gideon Bundi aged 38 years also sustained an injury on the left leg. The three were taken to Isiolo District Hospital where they were admitted. I want to assure this House that they are in stable condition.

Measures have been put in place to curb cattle rustling in Buuri and indeed, the entire Isiolo, Laikipia and Samburu region. The ongoing disarmament is aimed at recovery of stolen livestock and illegal firearms being used by bandits. I can assure this House and the Buuri residents that the Government is doing everything possible to bring cattle rustling to an end.

Thank you.

**Mr. Ruteere:** Mr. Temporary Deputy Speaker, Sir, I commend the Assistant Minister for the action they have taken. I do appreciate that the action was timely. However, I wish to differ with him on two issues, one being the cause of shooting, of the three young men. There was cattle rustling on the night of 29<sup>th</sup> November, and 100 head of cattle and 200 sheep and goats were stolen. Residents called upon the Anti-Stock Theft Unit (ASTU) to respond to their distress calls to follow the cattle rustlers who were armed to the teeth. The innocent people whose cattle were stolen could not defend themselves.

Instead of the ASTU) answering to the distress call, they chased *wananchi* away. That night, the whole road was blocked with stones by angered residents. The following morning, they went to ask the ASTU officers why they did not answer to their distress

call. Then these officers, instead of following the cattle rustlers, tried to disperse these young men and that was when they shot three of them. There was no vehicle stoned, no glass on the road; I went up to that place and saw none of this. Maybe the Assistant Minister can tell the House the vehicles, and their numbers, that were stoned and which people were stoned in the allegedly stoned vehicles. Why is it that they never followed the cattle rustlers and instead they shot *wananchi*?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): The hon. Member has mentioned here that there were unruly fellows on the road. There were goons on that road, and I would want to ask Kenyans not to take law into their own hands. If there is anything bad happening, I urge Kenyans to report it to the nearest police station. I agree with some of the statements which he has made.

As we speak, an inquiry has already been opened. We are investigating the matter and if there is any wrong-doing on the part of the police officers, we will take action. But you have to realize also that if you have a number of goons blocking a road, and they want to burn an ASTU vehicle, as well as to burn a bus with 61 passengers, my police officers must use fire arms. Cap. 28, of the Police Act, Section 28, allowed the police officers to use firearms, if circumstances so dictated, to save the lives of 61 people together with the others in the other vehicles.

I would want to inform Mr. Ruteere that he should educate his people not to take law into their own hands and occasion loss of innocent lives.

**Mr. Wamalwa:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Assistant Minister to mislead the House as to the incidents where a police officer can use a firearm? According to the Police Act, it is when his life is threatened and when he is confining or keeping a suspect in custody, who is being removed forcefully. Did these circumstances apply in this case to justify the use of the firearms?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): The hon. Member is a lawyer and knows that the Police, Act Cap. 28, says clearly that if the police feel that there is justified need for using firearms in order to restore sanity, they can go ahead. I would further urge my colleague that his people should not allow goons to take over public roads or their administration. It is important to educate our people that if there is any problem they should report it to the Provincial Administration officers or to the police. They should not take the law into their own hands.

**Mr. Shakeel:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister telling us that those who were shot at in December in Kisumu numbering over 47 were goons and were justifiably shot?

**The Temporary Deputy Speaker** (Prof. Kaloki): But Mr. Shakeel you are introducing a totally different topic.

**Mr. Shakeel:** No! Mr. Temporary Deputy Speaker, Sir, it is the same. He is the one who has raised the point about justifiable use of firearms. I did not bring it up.

**The Temporary Deputy Speaker** (Prof. Kaloki): No! You are introducing another topic.

Hon. Assistant Minister could you respond on that?

**Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): If Mr. Shakeel wants to bring a specific Question pertaining to this, I will be able to reply to it.

**Mr. Wamalwa:** It is the issue of under what circumstances a police officer is justified to use a firearm against the citizen. It is a very serious issue.

**Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): If the police officer's life is in danger, that is one instance. He is aware of this because he is a lawyer. In fact, he is the one who should have helped some of his colleagues. In this particular case, my police officers' lives were in danger, because we had goons on the road stoning any vehicle on the left and right sides. If it were you, what would you have done? Would you have left them to kill each other?

**Mr. Ruteere:** Stones were placed on this road during the night. How could vehicles travel from Isiolo to Maili Saba when there were stones all over? Even for my access to that place, these people had to clear the road for me. Where the vehicles---

**Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): We had to bring in the ASTU and other police officers to clear the road for him and also to guard him. He is right. Who cleared the road for him?

*(Mr. Ruteere stoop up in his place)*

**The Temporary Deputy Speaker** (Prof. Kaloki): Order Mr. Ruteere! We have to do this thing in the fairest way. Mr. Assistant Minister, are you through with your submission?

**Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): I have got the last statement. The last Ministerial Statement was sought by---

**The Temporary Deputy Speaker** (Prof. Kaloki): Order! Let us dispose of this one first.

*(Mr. Letimalo stood up in his place)*

**Mr. Letimalo:** Mr. Speaker, Sir, in his Statement, the Assistant Minister said that in the process of carrying out that operation, they recovered some illegal firearms and stolen livestock. Could he give the breakdown of the firearms that were recovered because they covered a vast area? In the process of recovering stolen cattle, did they, only, target livestock stolen from Buuri District or also from other areas?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): That is a good question. We are not targeting livestock from Buuri District only. We do target the Upper Eastern and any other place. You are aware that even in Kuria we have a problem of cattle rustling. So we do not just target one particular district. Even in disarmament itself, we do not just target Buuri District. We are going to disarm people even in Nairobi. We are going to disarm people in Mombasa, Kisumu, Eldoret, and in all other parts of Kenya, where people are holding illegal arms. If you know that you have an illegal arm, which is not registered and you do

not have a licence for it, you have to surrender it to police officers, police stations, the Assistant chief, the chief, the DO, DC or the PC.

I now wish to give the last Ministerial Statement.

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Ojode, give your final comment on that.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, nobody will be harassed. However, we ask those people who hold illegal firearms to surrender smoothly in order for them not to be harassed.

**Ms. Leshomo:** Bw. Naibu Spika wa Muda, Waziri Msaidizi anawaomba watu warudishe bunduki lakini ni bunduki gani inarudishwa wakati watu wanaangamizwa katika operesheni? Kwa nini operesheni inafanywa katika jamii fulani pekee yake?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, we are not carrying out the operation in a particular area. I have said that we will carry out an operation in the areas which are prone to insecurity. The operation is not just being carried out among the Samburu, Borana or the Turkana. We will carry out an operation to recover illegal arms which are used to terrorise and take by force livestock belonging to Kenyans.

**The Temporary Deputy Speaker** (Prof. Kaloki): It is all right!

INDISCRIMINATE SHOOTING BY SECURITY  
PERSONNEL AT LORUKO MANYATTA

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, the last Ministerial Statement I would like to make was sought by Mr. Letimalo, who is the Member of Parliament for Samburu East, where cattle rustling take place.

*(Laughter)*

**Mr. Letimalo:** That is unfair!

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Mr. Letimalo!

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, following an earlier attack against the Boranas on 15<sup>th</sup> November, 2009 by suspected cattle rustlers from Samburu and Turkana, where nine persons were killed, the police received intelligence reports indicating that some of the bandits at "Holuku" Manyatta, were armed with illegal arms and had earlier raided Ndumuru, which is within Tigania District. On 21<sup>st</sup> November, 2009, a combined force of security officers conducted a cordon and searched for illegal arms at the said manyatta. As they approached the manyatta, they were attacked by the suspected bandits. This prompted an exchange of fire between the bandits and the security personnel. Contrary to what the hon. Member alleged, the shooting by the security personnel was not indiscriminate. They were responding to an attack by the suspected bandits. It is not true that the police left the injured and the dead persons. After the exchange of fire, the security officers found out that two people, Lopeyok Lenkupala and Naisumari Lenakwena had been injured. They were rushed to Isiolo District Hospital

where they were admitted with some gunshot wounds. Later, a report was made that a dead body of one Ntunai Lentile had been found in one of the manyattas. Immediately, the police went and removed the body of Ntunai to Isiolo District Mortuary. The Government instituted an inquest and the file will be forwarded to the Attorney-General for advice. In fact, that file will be at the Attorney-General's office to advise us on the next move next week.

Thank you.

**Mr. Letimalo:** Mr. Temporary Deputy Speaker, Sir, this is unbelievable. The Assistant Minister is fond of misleading the House every time. On 21<sup>st</sup> November, 2009, security personnel from Isiolo went to a manyatta in Loruko and not "Holuku" as he is claiming. It is time the Assistant Minister investigated and got the actual information. We are talking about Loruko. The security personnel were there at 4.00 a.m. when it was still dark. How do you expect *wananchi* who are still sleeping at that time to know that those were security officers who shot indiscriminately killing a woman and 16-year old boy and referred to them to be the attackers?

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Mr. Letimalo! You have to be specific! Are you seeking a clarification from the Ministerial Statement that the Assistant Minister has made? Be specific!

**Mr. Letimalo:** Mr. Temporary Deputy Speaker, Sir, I am quite specific. I am saying that the Assistant Minister is misleading this House. First, the incident took place at Loruko and not "Holuku". Secondly, he should also know that the people who were killed were a woman and a 16-year old boy. Does he expect a 16-year old boy or a woman to hold guns? Could the Assistant Minister explain that?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, I do not want to dispute what he is saying involving life. However, you will agree with me that there is a lot of insecurity, especially on cattle rustling within that area. The area the hon. Member has talked about could have also had a problem. I do not want to dispute that, but what I have on the ground is the place which I have mentioned. However, I can find out whether the place he has also talked about was also raided and a woman killed. As far as I am concerned, and as far as the report I have is concerned, no woman was killed. So, I can go back and check because the area is prone to insecurity.

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Letimalo, the Assistant Minister will carry out further investigations and find out whether a woman and a boy were shot and killed. Are you satisfied with that answer?

**Mr. Letimalo:** Mr. Temporary Deputy Speaker, Sir, but I am ready to assist the Assistant Minister by giving him the name of the woman and the 16-year old boy who were killed.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, I do not dispute what the hon. Member is saying because that could have been another place the attackers went. So, he should get me the names in order for me to investigate.

**The Temporary Deputy Speaker** (Prof. Kaloki): Fair enough! I think you can proceed on that. That will rest the Ministerial Statements.

Next Order!

## MOTION

FORMULATION OF POLICY\LEGISLATIVE  
FRAMEWORK ON HERBAL MEDICINE

THAT, aware that the practice of herbal medicine and use of herbal pharmaceutical products is widespread in Kenya in spite of lack of a clear policy and legal framework; appreciating the need to establish a policy and legal framework to facilitate the practice of herbal medicine and recognition of herbal pharmaceutical products; this House urges the Government to formulate a policy and legislative framework for the practice of herbal medicine and use of herbal pharmaceutical products including establishing the necessary institutional oversight and regulatory bodies, standards of practice and for matters incidental thereto and connected therewith.

*(Eng. Gumbo on 25.11.2009)*

*(Resumption of Debate interrupted on 25.11.2009)*

**Mr. Temporary Deputy Speaker** (Prof. Kaloki): This is resumption of debate interrupted on 25<sup>th</sup> November, 2009. Let us proceed.

Mr. Wamalwa, are you seconding the Motion?

**Mr. Wamalwa:** Yes, Mr. Temporary Deputy Speaker, Sir,

**The Temporary Deputy Speaker** (Prof. Kaloki): Were you contributing at that time?

**Mr. Wamalwa:** Yes, Mr. Temporary Deputy Speaker, Sir. I had started my contribution.

**The Temporary Deputy Speaker** (Prof. Kaloki): You have eight additional minutes!

**Mr. Wamalwa:** Mr. Temporary Deputy Speaker, Sir, once again, I thank my good friend, Eng. Gumbo, for bringing this very important Motion. Indeed, it is a Motion that touches on the lives of close to 30 million Kenyans who use herbal medicine in this country. It is a Motion that seeks to find local solutions to an otherwise global problem. It is a Motion that seeks to bring about a legal and regulatory framework for the herbal industry in Kenya. It is a Motion that seeks to bring about safety for the lives of many Kenyans who are currently using alternative medicine. There are issues of safety that arise from this and we also need to look at how other countries have dealt with this problem. You will find that they have similar experiences where a large population uses herbal medicine. You have herbal medicines being imported into the country, particularly, from China which is advanced in herbal medicine. The Chinese herbal medicine is not only in this country. If you go all over the world, you will find that there are Chinese there practicing herbal medicine and many people believe that herbal medicine is safer than conventional medicines. Herbal medicine has no side effects and many people have resorted to using it.

The World Health Organization (WHO) studies show that between 65 per cent and 80 per cent of the world population use herbal medicine. In Africa, as Eng. Gumbo had indicated, 80 per cent of people in the African Continent use herbal medicine. Presently, about 30 million people use herbal medicine in Kenya.

There are issues of safety that arise from that. It is very scary to know that as we speak, Kenya does not have a law to regulate herbal medicine. Kenya does not have a regulatory body. We have the Pharmacy and Poisons Board which basically deals with registered medical practitioners. We do not have a similar body to deal with alternative medicine. It is scary to know that we do not have a regulatory body to regulate alternative medicine.

Mr. Temporary Deputy Speaker, Sir, looking at the registration of herbal medicine practitioners, you will find that, as Eng. Gumbo indicated, registration is done by the Ministry of Gender, Children and Social Development, meaning that you can actually walk in and register as a Community Based Organisation (CBO) under the Ministry of State for National Heritage you are in business.

We are saying that, that is a very important part of our society. It is something that should have been placed under the Ministry of Medical Services. We need a medical body of qualified professionals who can monitor, regulate and set standards of practice. That is lacking. Therefore, if we look at the safety issues that are arising, we do know that there is great need to set up a clear policy to deal with this issue. We should set the necessary legal framework to deal with this issue immediately through legislation.

Mr. Temporary Deputy Speaker, Sir, we need to determine these issues, including the dosage. You will find that there are issues of the packaging of the herbal medicine, hygiene and qualifications of those practitioners. There are issues of side effects. We need proper research to find out what happens to the 80 per cent of Kenyans who use herbal medicine. Is there someone who is able to follow up to find out the efficacy of that medicine and establish whether there are side effects and what cases have been there.

Mr. Temporary Deputy Speaker, Sir, looking at how other nations have dealt with the situation, you will find that even in developed countries like Australia and the United Kingdom, they have had their share of problems. They have actually set aside time and resources to ensure the safety of their citizens. There is adulteration between prescription drugs and herbal medicine, some of which are imported. In some cases, you will find cocktails of both which can result in very serious side effects.

In some cases, there has been reported contamination with heavy metals such as mercury and lead and yet, we do not have a regulatory body to check those issues. We are exposing our citizens to danger. It is a scary thing to know that there are 30 million Kenyans out there whose lives are exposed and we do not have a regulatory body to look into that. The Ministry of Medical Services is not even managing that. It is under the Ministry of Gender, Children and Social Development. This is something that we must look at immediately. After we pass this Motion, we urge the Government to move with speed to do the needful.

Mr. Temporary Deputy Speaker, Sir, there are cases in other jurisdictions where it has been established that, in spite of people believing that herbal medicine or alternative medicine is the safest, it actually has side effects. In 1972 in Australia, a case was established of an 11 year old child who used something called royal jelly to treat asthma. The child had side effects but, because it was not noticed on the third application of this

royal jelly, the child actually passed away. That resulted in a study that was carried out in Australia and the establishment of the Advanced Drugs Reactionary Advisory Committee of the Commonwealth which went into serious research to establish advanced reactions in other areas.

What resulted was the death of this child. When research was carried out, it was found that there were other related deaths that had occurred. As a result, the manufacturers were requested to label the royal jelly product and warn potential users that the product could cause severe allergy reactions to people who suffer from asthma. That happened out there where they have mechanism and resources. But in Kenya, that is not being done.

Mr. Temporary Deputy Speaker, Sir, you will find that we have many Chinese clinics almost in every town while, previously, it was only in Nairobi. If you go to Eldoret, Kitale and Kisumu, you will find them practicing. We need a register that will actually monitor this. In other jurisdictions like in Australia, they have the register of therapeutic goods and a Therapeutic Goods Act which regulates that particular area. It ensures that anyone practicing is registered. The formulations are registered and up to now, there are about 4,500 registrations that have taken place. They are monitored and standards are set. This needs to be done in this country as well.

Mr. Temporary Deputy Speaker, Sir, when you go to the United Kingdom, you will find that they have a register of Chinese herbal medicine and you are able to know who these people are. Right now, there is a register of about 400 fully qualified practitioners of Chinese herbal medicine. In Kenya, if you ask the Minister today how many Chinese clinics are here, where they are practicing, who they are and what they do, it is an issue that you might not find an answer to because we have not regulated them and yet, that is an area of serious commercialization. Without a proper regulatory body, we have many quacks out there because that is where people are making a quick buck. That is where 80 percent of the population is going for treatment. This is an issue that we need to address immediately.

Mr. Temporary Deputy Speaker, Sir, I want to thank my brother for bringing this Motion and urge the Government to bring about the necessary legislation, particularly knowing very well that our traditional medicine practitioners do fear to actually reveal their ingredients because we do not have enough laws in place to patent those products and ingredients. We need to develop this area of intellectual property so that we are able to protect and allow for regulation of that field.

With those few remarks, I beg to second.

*(Question proposed)*

**The Assistant Minister for Higher Education, Science and Technology (Dr. Mwiria):** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to support this very important Motion and to congratulate Eng. Gumbo for thinking about this. Often, we think too modern and forget that we have potential that we could exploit in many sectors, partly because of our upbringing. The idea of legislation is clearly important because it is here that we begin to recognize and to expand the possibilities in terms of benefiting from this resource about which much has not been done.



I agree with those who have said that it is, indeed, time for us, not only because of the many people or the large population that has to rely on this medicine, but because of certain realities about this country. Firstly, more than 60 per cent of our people are poor and live below the poverty line. It is virtually impossible for them to afford the medical treatment that is availed in our hospitals in spite of the fact that we are making a lot of progress with regard to ensuring that our hospitals and dispensaries have medicines and doctors. You know the difficulties that we are facing in terms of having adequate nurses and doctors, but also even in terms of having adequate medicine to support the majority of the people in this country who are in need of medical care.

Mr. Temporary Deputy Speaker, Sir, we should also appreciate that as much as we have become modernized, there are too many traditions in this country. These people believe in traditions and even Members of Parliament, people in universities and medical doctors themselves visit herbal doctors. It seems like this is part of our society that is difficult to disengage from, even with people who have had very high education. Therefore, we must recognize that there is a need to look at these kinds of people and respond to their needs. If you go to places like Western Kenya where Dr. Khalwale comes from and some places in Nyanza, you will find that some doctors have more faith in herbal doctors than they have in their own callings because of traditions and because it is recognized as a good way of dealing with problems.

Thirdly, there are problems even where we have facilities like hospitals and dispensaries because the facilities are very limited. Again, a lot of people are forced to look for alternative solutions. Then there are quacks. In a situation whereby you do not have what you can afford and where anybody will cheat you that they can treat you, you tend to go to whoever tells you that he has a cure. So, there must be a way also of reigning on these kinds of people and ensuring that a lot of people who are being misled and are paying for it and sometimes at great costs in terms of their lives are also taken care of. But some of these products can also be poisonous. We have read, for example, of herbal medicine even from China in the form of Viagra that has led to deaths of people because of that lack of standardization.

Fourthly, there are certain diseases in this continent that can best be dealt with what has been used to treat them in Africa and a good example is malaria. We have not found a vaccine or cure for malaria for years and yet it is a problem that was with us for centuries and there were ways of curing it. The problem is that with the onset of modern medicine, that treasure, even the possibility of exploiting that, we did not get to the bottom of it. So, when we standardize and recognize herbal medicine, this will also give us an opportunity to go back to those traditional cures for diseases such as malaria that can best be cured in the African situation and by African practitioners to give them an opportunity to develop even further. Also related to this is the whole issue of what else Africans did apart from just traditional medicine that we can try to standardize, look at and see how that can be moved forward. I understand that the Kisiis had a way of doing traditional surgery, even brain surgery. This kind of knowledge has been forgotten. Therefore, as we look at herbal medicine and other traditional forms of medicine, let us think about other forms in terms of traditional gynecological methods of supporting births, brain operations and other types of surgery.

Mr. Temporary Deputy Speaker, Sir, we also will need this kind of expertise at the Kenya Bureau of Standards (KEBS). The reason that we have a lot of quacks

practicing and many types of medicines coming up is because, I guess, it is very difficult for the KEBS to know how to deal with it because they do not have an experience. I do not think they have experts there in addition to the fact that we do not have a law that would regulate it. So, at that level also, we need people who can handle it in addition to just coming up with a law. It is one thing to come up with the regulations, but it is also important, therefore, once we recognize it, to support those of us who have been recognized to be real experts in this field. We should support them commercially through our Constituencies Development Fund (CDF) kitty and other Government programmes. We should support African medical practitioners who have a potential to develop and who can even tell us much more than we know. A lot of these herbal medical practitioners have no support of any kind. They depend on their limited resources. Sometimes, they are only one man, one woman operations and there is no way they can even convince the Government to have access to resources that can get them to expand. So, it is not enough to just regulate the practice, but we need to look at the wider picture and see how we can support that group of people.

Education is also critically important. We would need to begin by documenting what is already available. Why is it that we have traditional doctors that have been known to be doing a good job? We need the documentation to tell the Government that we have found these kinds of people in this district and according to people who have gone through them, they are doing a good job. That would be the beginning in terms of beginning to legalize and legitimize the system. In terms of identifying African experts, supporting them and getting them to also be part of the education in schools and universities to spread the word and expound what they know that others do not know in terms of popularizing appropriate, well documented and standardized herbal medicine.

The point has been made that there are countries that are way ahead like China. We need to learn not only from what they are doing in that area from those doctors, but also how they have handled it from their traditional state to a modern state to the point where now Chinese medicine is found on the shelves, especially in Asia and Europe. It is extremely common. But to get to that point and to be even accepted in the Western world, it must have been that they have got to certain standards. So, one way of ensuring that we do not have to go through unnecessary expenses is to come up with a team that learns from the procedures and the practices of China as well as the legal mechanisms that make that practice possible.

The commercial development of herbal medicines requires that we recognize it in education and ensure that we have a branch in education that supports those who have talent in that area. We should be able to follow it all through from primary, secondary to university and one can do a degree in herbal medicine in our universities. One should also get rewarded for it in terms of subsidization by the Government, facilities and clear incentives to get herbal practitioners to practice and even getting it to be part of agriculture. In many cases, many of our plants and vegetables are medicinal. We need to identify them and see how we can expand that commercially because they will be serving two purposes. First of all, it is nutritional and secondly, it has some possibilities in terms of medical cure. So, agriculture is an area that can be developed quite widely because a lot of these products are also agricultural. By doing that, we will also be supporting the small-scale farmers to not only produce food, but also to produce food that has a medical value.

*[The Temporary Deputy Speaker  
(Prof. Kaloki) left the Chair]*

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

Finally, it is important to get this all the way to our universities in terms of teaching and if necessary, to get traditional experts who can come as part-time and full time lecturers and even honorary professors because they have knowledge that cannot be taught in a formal institution, but which they can pass to generations of young doctors in our universities in terms of researching to see how you can advance that medicine so that you have a blend of our modern medical knowledge to see how it can support traditional medicine to come up with a product that would be more serviceable, but also in terms of recognizing these experts by promoting them and giving them big jobs in the Government and appointing them professors and lecturers.

With those few remarks, I beg to support.

**Dr. Khalwale:** Mr. Temporary Deputy Speaker, Sir, I would like to join hon. Eng. Gumbo in urging this House to also urge the Government to formulate a policy and establish a legal framework for the practice of herbal medicine and the use of pharmaceutical products that are based on herbs.

Mr. Temporary Deputy Speaker, Sir, as I thank the Engineer for coming up with is very necessary Motion, may I acknowledge that today, we have traditional medical practices, herbal medicine and science in general that form artefacts of our culture, which are rapidly getting extinct. They are getting extinct because they have been wrongly condemned over the years and, today, they risk becoming completely extinct. As I say this, I take comfort in the knowledge that majority of us, Members of this House, and Kenyans in general have, either directly or indirectly, been beneficiaries of herbal medicine practice in more ways than one. I know that over 80 per cent of children who are born are usually attended to by traditional birth attendants. Not many people know that, of all the children who are born in this country, only 20 per cent go through hospitals. So, those traditional birth attendants who base the practice of their knowledge on herbal medicine would benefit from this particular law. I also know that over 70 per cent of Kenyans are circumcised. Circumcision is done by traditional circumcisers, especially in the Luhya community. Those are very renowned surgeons who actually use herbal medicine to cure those wounds during the post-surgery care. I also know that almost one per cent of Kenyans have undergone traditional removal of teeth for purposes of cultural rites and so on.

Mr. Temporary Deputy Speaker, Sir, I, therefore, must reiterate here that the practice of herbal medicine is very important and realistic, and we cannot run away from it. It is just sad that even for the whole five years that I was in this House in the last Parliament, I never thought about this. I want to thank the Engineer, in spite of professional background, for coming up with the proper law. We must, therefore, provide for adequate legislation for the practice and use of herbal products and to purposely establish an oversight regulatory mechanism if we are to standardize the practice. In so doing, we shall end up disabusing and debunking the stigma that is associated with the

use of herbal medicine. We know that the use of herbal medicine is demonized, especially by the so-called Christians. It is badly misunderstood and associated with a lot of myths and mysteries. At the very worst, it is associated with witchcraft. So, you will find that practitioners of that noble practice fear to come out because of the association with witchcraft. There is time, once we pass this law, for us to look at the issue of witchcraft, because when the white man came to this country, he termed some of the social practices we were involved in witchcraft.

Mr. Temporary Deputy Speaker, Sir, this law must go out of the way because in the School of Medicine, the Professor of pharmacy and Pharmacology was Prof. Arthur Obel, who has a lot of orientation in herbal medicine. I know that even some of the successes he has had in his research in HIV/AIDs, including the drug which he discovered called *pal omega* and *pal indiga*, were both based on herbal concoctions. I also remember with a lot of sorrow that in my own village, there was an old woman, the late Veronica Sitiku, who was a fantastic scientist. That was the only human being I knew who, when she was practicing her medicine, she used to attract very many couples to her home and they used to go for herbal concoctions. Whenever they could partake of it, you could find that if they have been getting a series of girls, they could then, in the next birth, get boys. It is a pity that Veronica Sitiku from Busalo village has since died with this knowledge with nobody to follow it.

Mr. Temporary Deputy Speaker, Sir, I also know that when we were little boys, and this things goes on in my village, when the Luhya boys go to the stream to fish, they did not have to buy a hook and string; they could just go for herbal preparations which actually anaesthetizes the fish and then the fish goes to sleep and they come on top of the water and the boys could just pick the fish and go home and eat them. This means that this particular herb could be developed as a very friendly anesthetic drug that could be used in theatre, not to forget things that have come to the market and are very popular with elderly members of the society in the name of aphrodisiacs. We know many people have died of taking Viagra, and yet if you go to Kakamega Forest, you will find a particular herb there called *Mukobero*. When an old man takes *Mukobero*, he functions very well without having to take Viagra which has a lot of adverse effects.

Mr. Temporary Deputy Speaker, Sir, while talking about the issue of intellectual property rights, it is important that we appreciate that some herbalists fear to share their knowledge because they do not have protection. They fear that they will lose that knowledge and it will be a loss to them. We could then provide for patenting and an official record of some of this knowledge.

There is the issue of what is this that we can do? It is still possible for us to give proper interpretation to the kind of treatment that is given by these people, the surgeries that are provided for, the medical advice and the attendance itself. It is possible for us to give proper interpretation and legislation. It is also possible to provide for the registration of all the herbalists in the country and publish them in a special edition of the Kenya Gazette. We still have time to spell out whether herbalists would practice their medicine in *quasi* medical institutions and go ahead and provide the guidelines on the kind of costs they can charge people. We can also provide a set of minimum requirements that would have to be attained before somebody must be registered to practice as a herbal medical practitioner. It is possible that a regulatory body, the equivalent of the Kenya Medical

Association, which we can call the Kenya Herbalists Practitioners' Board; can be established and it can work under the Director of Medical Services. We can allow---

I can see my time has gone. With those few remarks, I wish to support.

**The Assistant Minister for High Education, Science and Technology** (Mr. Kamama): Mr. Temporary Deputy Speaker, Sir, first, I rise to support this Motion and I wish to thank Eng. Gumbo for bringing this very important Motion in our medical practice.

First, I want to say that the alternative medicine is used as first aid in this Continent by most Africans. In most African communities before they take their children to hospital, they used to administer herbal medicine on their children or to the old people and then take them to hospital. So, it is used as First Aid.

In most places, especially in the far flank areas where the pastoral people are found, this alternative medicine is very popular. You would find them very popular in places where there are no dispensaries. This is because you will go to some locations in these places where there is no single dispensary. So, the recourse is actually the alternative medicine. Herbal or alternative medicine is part of the African indigenous knowledge which has not been fully exploited by our professionals or by the Ministry of Public Health and Sanitation. So, we need to take an audit of what we have in terms of African indigenous knowledge with more specific reference to herbal and traditional medicine.

Mr. Temporary Deputy Speaker, Sir, if you talk to urban people in this country, most of them will tell you that herbal medicine is primitive and is associated with witchcraft and that kind of stuff.

However, let me confirm to you that herbal medicine works. I have seen it at my place and in many other places where I have served as an administrative officer in this country.

Recently, I had the privilege of visiting the Republic of Israel. I toured some farms where they carry out organic farming after which, in their cottage industries; they sell herbal teas, herbal mint and very special things that are found in Kakamega Forest, Pokot, Marakwet and Maasailand. That is what is found in Israel. That is what we are talking about. Israel has commercialized that sector and they have a regulatory body to look into it.

Therefore, I support my colleague by saying that we also need to look at what our traditional surgeons used to do. For example, in my community, when people have brain problems, they go to Marakwet. In Marakwet, you will find very special surgeons who can even replace somebody's scalp using their own special components. We need to develop that knowledge. When we go to the Maasailand or market trading centers, you will find Maasai old men moving around with many herbal drugs and concoctions that are very useful. That is very common during market days when you tour this country. We need to utilize what our people have in terms of herbal and traditional medicine, so that, that sector can be promoted. That sector is popularly known as *dawa ya kienyeji*. Very few people in Kenya would want to be associated with what is *kienyeji*. It is not modernity in the eyes of the urban people. I want us to promote what is *kienyeji*. We have a proliferation of Chinese herbal doctors in this city and in many other towns in the country. Why can we not recognize our people; our own traditional doctors? We want to promote and have a legal framework that will control issues of standardization,

packaging and mostly hygiene. Most modern people will say that the medicine has poor hygiene and is not well standardized. They run away from it not knowing that it would cure them. In terms of the legal framework, I would like to support this.

Hon. Dr. Khalwale has just told us that they have a very special drug or concoction called *mukobero*. We should promote that. I know of a few friends, more than two or three, who have died after taking cialis, viagra and those kinds of stuff.

Why can we not promote this *mukobero* because we have not heard people from that side die from it? In principle, I support this Motion. We need the hon. Member to fast-track legislation on this Motion and we support it so that many Kenyans can benefit from it.

With those few remarks, I beg to support this Motion.

**Mrs. Odhiambo-Mabona:** Mr. Temporary Deputy Speaker, Sir, I was thinking I was not going to catch your eye that fast. Nonetheless, I would like to start by supporting this Motion. I want to congratulate the hon. Member for bringing such a Motion before this House. In supporting it, I want to indicate that herbal medicine is one of the most misunderstood concepts in this country. Even as I was coming here from one of the Committees, some of the hon. Members were joking and saying that I was part of the dying negative or retrogressive culture that still supports traditional concepts. Herbal medicine is one of the few traditional concepts that I support. I support this concept for several reasons. Herbal medicines are part of our natural resources and they form the basis for human survival. A lot of literature has been written, especially on our natural resources. At the international level, there is even a convention that was concluded in 1992. That is the Convention on Biological Diversity that talks about our world natural resources. However, one of the natural resources that has in the past not received much attention is the resource that is called “germ-plasm”; that is part of herbal medicine. A renowned bio-technology and genetic diversity expert, Stephen Witt says:-

“If you ask most agricultural scientists to list our natural resources, they will probably answer soil, water and air. Yet, there is a fourth resource that for many years has received scant attention. It is germ-plasm; the natural resource that makes earth unique in so far as we know it in our solar system.”

As I have indicated herbal medicine forms part of germ-plasm as a plant genetic resource. Plant genetic resources are very vital for human survival because they are what form the core of food security in the world and they are a source for medicinal plants all over the world.

Mr. Temporary Deputy Speaker, Sir, herbal medicines all over the world are derived from herbs and cure diseases that have proved terminal in the past. One of the reasons for supporting herbal medicine is because they are extremely effective when used, are easily available and are cheap. The drugs have a gender dimension. For instance, if you look at contraceptives in the modern world, you will find that they are male oriented and yet in herbal medicines, you have contraceptives both for men and women. Since there are the beneficial values that we have in plant genetic resources, especially in herbal medicine, there is over-exploitation and pollution. Again, I would like to quote certain figures from the International Union for the Conservation of Nature and natural resources popularly referred to as “IUCN” which estimates that 40,000 plant species exist on earth. Two thirds are in the tropics and a quarter exists in Latin America alone. Out of these species, 20,000 to 25,000 are threatened with extinction and an

estimated 15,000 are yet to be discovered. So far, scientists have analyzed in details an estimated 5,000 plant species.

We all know all medicines are derived from plants. I believe there could still be countless cures that we are yet to discover from plants. I will just give examples of some of the medicinal plants or herbs of value. First, there is a drug made out of what is called the 'Rossy Meriwinko' which is a native plant of Madascagar. It has increased children's chances of surviving leukemia.

I want also to quote from a book called *Natural Medicines in the Tropics* by Dr. Harts Martin Harts and Bindanda Mpya. On page 65, it actually details many plants that are very common to us. These include onions, lemon grass and the usual plants that we use on day to day basis that have very high medicinal value and quality. For example, we have *Karthia Ocendetalius* or Coffee sena. This plant in Kiswahili Language is called *Mwinga Jini*. I just want to quote so that you see what the medicinal values of this plant are. It is used for constipation---

*(The red light was switched on)*

I do not know what that lights shows. Is it that I have five minutes left or ten minutes?

**The Temporary Deputy Speaker** (Mr. Wamalwa): You have five minutes.

**Mrs. Odhiambo-Mabona:** Mr. Temporary Deputy Speaker, Sir, it is used for constipation, haemorrhoids, worms, oedema, nervous asthma, high blood pressure, abysse, skin disease and it is also used as a coffee substitute.

Another example is *citrus medica* or the common lemon. It can treat cough, bronchitis, digestion problems, scurvy, fever, malaria, ear ache, cold and fainting. Of course, because of lack of time, I am not going to give some of the side effects. The benefits outweigh the side effects. We also have the lemon grass that we normally use to sweeten our tea. It can be used for curing bad breath, tooth ache, fever, and haemorrhoids. It can also be used as an insecticide, baby oil, and massage oil, ointment for body care and anti-haemorrhoids ointments. These books detail more than 5,000 herbs easily available in our country.

One of the things that I would urge the hon. Member to do is to bring a Bill here which we will enact into law. He must not stop at a Motion stage. The reason I would urge you to bring a Bill here is that if you look at our legislative framework, in Kenya, we have taken the approach that has been taken by the developed world which protects plant bidders right and patent. We do not protect indigenous knowledge of beneficial properties of plant genetic resources, including our herbs. To given an example of how dangerous it is when we do not protect, there is an Ethiopian plant called *Endod*. *Endod* has been used by Ethiopian women and Ethiopians generally for years for very many values. For instance, women use it for laundering their shamas or white shawls. They use it for many other things. It is used for free. A few years ago, an Ethiopian biologist actually discovered that this plant had certain other benefits. For instance, in America, it helped to unclog their systems. What they did because they were having problems of a plant that was introduced called zebra plant--- This plant was actually causing a lot of problems to the American water ways. This plant could actually kill snails.

Mr. Temporary Deputy Speaker, Sir, they actually took this plant and patented it in the United States of America (USA), and now if Ethiopians want to use this plant, they

have to buy it from the USA, yet it was their native plant. In Kenya, we do not have an active, or live sector, that raises issues that have to do with our traditional plants. We have the *mwarubaini*, the neem plant, which is very beneficial in this country. We must put resources into their uses. The Acting Director of the Kenya Medical Research Institute (KEMRI), Dr. Jennifer Kurua, indicated that the challenges that they are facing are because they do not have a regulatory framework and the law to back what they are doing. We must put in place a clear legislative framework as a country. The resources that we have, that are rich, must be protected and access to them must be predicated on exchange of technology. This is so that when the West comes and accesses our plants, they must also give us technology. This is because even if you look at chloroquine and quinine, they are actually from plants that originated from Africa and Latin America, yet we buy them off the shelves. So, even right now, we have people in Kenya and Tanzania who have herbal medicines that can cure cancer, but we want to associate herbal medicine with witchcraft. Witchcraft is a crime and must be outlawed but herbal medicine is a benefit to this country and must be protected.

With those few remarks, I beg to support.

**The Assistant Minister, Ministry of State for Immigration and Registration of Persons** (Mr. Baya): Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to contribute to this very important Motion. The provision of healthcare in any country is crucial. I wish at this juncture, to congratulate my colleague, hon. Eng. Gumbo, for having looked at an area that most of us have taken for granted.

Mr. Temporary Deputy Speaker, Sir, I may not be able to draw a dividing line between the traditional medicine and herbal medicine. So, when I use them interchangeably, I should be understood. This is so because even traditional medicine is from herbs, but there is a belief somehow at the back of our minds that, perhaps, herbal medicine is close to modern medicine, whichever the case.

Mr. Temporary Deputy Speaker, Sir, many communities that I have been to use traditional or herbal medicine. They are many because during my past career, I worked in seven provinces out of the eight, and I stayed long enough to know the practices of the resident communities. The majority of them use traditional medicine and they have been very effective. For instance, in Coast Province, particularly the district where I was born and brought up, you will find less diseases like epilepsy and asthma because at a young age we believe, and we have seen it practically, that these diseases, which are declared incurable by modern medicine, can actually be cured.

As hon. Dr. Khalwale rightly pointed out, 80 per cent of circumcision is done traditionally. In my place, it is 90 per cent; because of the neglect of traditional, or herbal medicine practitioners - the neglect that it has been given by those who are supposed to manage healthcare services, that is the Ministry of Health - they use equipment that once in a while cause infection. I believe that with the introduction of a policy which will give direction, and introduce a legal framework, we should be able to advise them on what type of instruments to use, and how they can clean them after they have performed one circumcision.

Mr. Temporary Deputy Speaker, Sir, I know it will be difficult, even after introducing a law to provide for intellectual property rights, particularly for traditional medicines. This is so because, as the title indicates, it is traditional. These are medicines that have been inherited over the years but, somehow, some of these practices can be



associated with a group from a particular region. The treatment of epilepsy, asthma and some of the ulcers could be associated with certain regions. I am saying this because some organizations that are doing research, including the Kenya Medical Research Institute (KEMRI) have taken advantage of the absence of any type of regulations and, therefore, what they do is, they summon some of the well known traditional medicine practitioners, they sit with them and they are given a list of the herbs these people use and later on, they modernize them. By so doing, I believe, those old men who made contributions to the initial idea may not be included in any form of intellectual property rights.

Mr. Temporary Deputy Speaker, Sir, the other medicine that most of us use comes from China and, of late, from Tanzania. Many people have benefitted from these medicines. However, they operate without much regulation and advertize so much that those who suffer from the so-called "incurable diseases" rush to them. Because of this, the prices of these medicines have become impossible. For instance, a small dose that would last a patient three days may go for as much as Kshs50,000 and the patient is supposed to get three to four doses. I believe that with the provision of the legal framework and registration of those who are in this business, the Government should be able to keep an eye on the way they charge for their medicines.

With those few remarks, I beg to support.

**The Assistant Minister for Lands** (Mr. Bifwoli): Thank you, Mr. Temporary Deputy Speaker, Sir. I would like to state right from the outset that I support this Motion. In this country, everything African is looked at as being demonic. It is in that perspective that I would like to thank my brother, Eng. Nicholas Gumbo, for realizing that even an African can come up with something that is viable.

African medicine or herbal medicine is actually God-given. The doctors who were curing people acquired that knowledge from their forefathers. It was hereditary. They know what type of medicine cures which disease. In this country, we have not yet put up a legal framework to regulate herbal medicine.

Mr. Temporary Deputy Speaker, Sir, you know that herbal medicine is more effective than the generic modern medicine that we use. The herbal medicine has very little side effects, unless one does not use it well. This could also be as a result of being treated by quacks. I thank Eng. Gumbo for bringing up this Motion. When we pass this Motion and he brings a Bill to this House, we need to come up with a legal framework so that not everybody who is poor--- Somebody could just wake up one morning and go to the bush to bring some herbs which he or she would claim that they can cure a disease. We need a legal framework in place so that those who claim that they have medicine to treat certain ailments are put to task to prove to us. We have a research centre which can test that kind of medicine and prove to us that it is effective.

There are some diseases that are not treatable by modern medicine. You will find quack doctors putting up notices which say that they can cure diseases such as Asthma, Diabetes and all other mentionable diseases, including the latest, HIV/AIDS. This is true. If there is anybody who claims that he has medicine to cure a disease that no modern medicine can cure, we would want that person to come out in broad daylight and state how many patients he or she has cured. They should not be allowed to con Kenyans by saying that they can cure any disease. Such people claim that they can cure everything be it headache, accident injuries and so on. So, to get rid of the quack doctors, I think Eng.

Gumbo has thought well and he is worthy of our support. We are ready to come forward to assist him put these things into a legal framework. It is not necessary that it be European orientated before it is legitimate.

Some of us grew up as Africans. I was made a man as an African. I went to the river and was circumcised the African way. I was treated the African way and I developed no sickness. I stood and they used herbal medicine on me. I healed within 14 days. So, I agree that there are certain herbal drugs--- Even at home; we have our own medicine which we use when one is circumcised. The medicine is put on you and you get cured within two weeks. You do not even need to put the bandages there. You only put the medicine there.

**Hon. Members:** Where? Where?

**The Assistant Minister for Lands** (Mr. Bifwoli): Mr. Temporary Deputy Speaker, Sir, it is prepared in a certain form. When you put it there, you just get dry.

This Motion has come in handy. I am sure Kenyans who come from the area I come from are in agreement with me. We could even plant those trees. We know it! Everybody who was circumcised knows what type of tree that is used on those who are circumcised. To tell us that the tree cannot cure wounds now, that is something we cannot understand.

Mr. Temporary Deputy Speaker, Sir, when it comes to formulating the Bill, let us put in place a legal framework on African research station, so that the drug that was used on me when I was circumcised can be taken to that research station to see how effective it is over the wounds. Even people who are involved in accidents can easily use our drug, so that they can get cured without experiencing any side effects. In fact, if I put off my clothes, you will see that there were no side effects from the drug I was treated with after circumcision. However, with modern medicine, if you take it, you will develop side effects.

(Laughter)

**The Temporary Deputy Speaker** (Mr. Wamalwa): Hon. Bifwoli, could you tell us the name of the drug?

**The Assistant Minister for Lands** (Mr. Bifwoli): Mr. Temporary Deputy Speaker, Sir, I know it only in my mother tongue; *Kibukusu*. Can I tell you the name of the drug in my language?

**The Temporary Deputy Speaker** (Mr. Wamalwa): Yes!

**The Assistant Minister for Lands** (Mr. Bifwoli): Mr. Temporary Deputy Speaker, Sir, it is called "*embulu*". The drug is very effective when we put it on you.

With those many words, I beg to support.

**Mr. Shakeel:** Mr. Temporary Deputy Speaker, Sir, I stand here to support this very noble Motion. Ordinary medicine has developed from homeopathic medicine, herbal medicine and other forms of medicine.

Before I go further, I would like to inform the House, in one of my capacities as the Chairman of the Board of the New Nyanza General Hospital, that we have been looking at alternative medicine, and we do not discount it. Of course, we would like some sort of formality and system where we can have reputable doctors or practitioners of herbal medicine.

Mr. Temporary Deputy Speaker, Sir, all the medicines that we know of today are actually evolved from herbal medicine and homoeopathic medicine. If herbal medicine is properly regulated and documented, it can help everybody. Arising from what hon. Bifwoli has just said, I would like to suggest that we do not need quacks. We have already gone through a time when we had Omega I, Omega II and Omega III, which was seen not to be what it was said to be. A number of people were hurt. They paid hundreds of thousands of shillings to a certain gentleman called Prof. Obel, who claimed that he could cure HIV/AIDS scourge.

We now have an influx of Maasai herbal medicine. Let us not discount it; it is effective. The only thing is to establish who are practising it, and whether there are quacks amongst them. One of the problems we have had in the hospital has been quacks, who do not know anything about herbal medicine. Herbal medicine in its true form will never hurt a person, even if it is the wrong medicine. The human body will not be adversely affected. However, nowadays, quacks mix herbal medicine with lethal substances. They mix herbal medicines with alcohol and very many concoctions of other medicines such that the person who takes them feels that his body has been affected somehow.

Mr. Temporary Deputy Speaker, Sir, most of the time, they realise that they have been attended to by quacks who have given them lethal doses of medicines. We have had quite a number of people who have suffered very badly. At times, we have discharged people from hospital, after realising that there was nothing we could do for them. They have switched over to herbal medicine treatment and they have done very well.

Today, I want to stand here and recognise the efforts of one gentleman who has stalwartly protected and practiced herbal medicine in this country. I have known him for over 25 years. We need people like Dr. Githae and others, who can actually form an organisation or the medical board for alternative medicine. Alternative medicine covers so many types of medicines. I am not sure whether in this country, we have any standards on homeopathic medicine.

Mr. Temporary Deputy Speaker, Sir, there is also other medicine like oil therapy and magnetic therapy. I am not too sure whether these are medicines or therapies. However, we find people in this city looking for cheaper forms of treatment, hence they will go anywhere they can get hope.

It is very important that we crackdown on quarks. Western medicine and the western world is already awake to alternative and herbal medicine. When you go to Britain and other places, they sell herbal medicine from trees we can get in the Mt. Kenya area and the coast.

As I said, hospitals now need to get some direction. I am sitting opposite a former Provincial Medical Officer (PMO)--- Hospitals need some direction as to who and how they can encompass practitioners of herbal and alternative medicines because they go hand in hand. With the great proliferation of medicines from questionable sources, most of which is adulterated and not medicine at all, we need alternatives.

Mr. Temporary Deputy Speaker, Sir, alternative medicine can be effected. We can have a rule and some sort of direction for herbal medicine.

With those few words, I would like to support this Motion. I hope that we will get a law soon.

**The Temporary Deputy Speaker (Mr. Wamalwa):** Thank you.

Dr. Gesami, you may respond! If you wish to donate some time to any of the Members, it is allowed.

**The Assistant Minister for Medical Services** (Dr. Gesami): Mr. Temporary Deputy Speaker, Sir, I wish to donate five minutes to Mr. ole Metito.

**The Assistant Minister for Regional Development Authorities** (Mr. ole Metito): Mr. Temporary Deputy Speaker, Sir, I want to thank the Assistant Minister for donating to me those few minutes.

I want to start by saying that I support this Motion. I also want to congratulate the mover for bringing it at the right time.

A lot has been said on the importance of herbal medicine and I want to, very quickly, talk about three points. Herbal medicines are affordable and accessible at the local level. They are also original, which is also an advantage. They are pure and have a wider reach. They can be accessed by a wider population and they are prescribed using the local language; therefore, the patients understand.

Mr. Temporary Deputy Speaker, Sir, there are several things that need to be corrected. First, we need to regulate and control the packaging. We also need to ensure cleanliness of both the premises and those who administer the medicines. We should also ensure that they are tested to make them safe. They also need to be licensed. It is also good to control the dosage. At times, they are given as under-dose or over-dose. It is also good to test the knowledge of herbal medicine by the practitioners. We should ascertain whether they qualify to administer the medicines.

**The Assistant Minister for Regional Development Authorities** (Mr. Ole Metito): It is also good to have a regulatory framework, so that we stop those who prescribe from being harassed by the authorities, especially the Chiefs and the Assistant Chiefs. So, there is need to control, regulate and monitor this practice. It is also good to check on the hygiene standards. On responsibility, it is good that they be answerable to a certain Government department. There is also need to instill some code of ethics in the practice.

With those few remarks, I beg to support.

Thank you.

**The Assistant Minister for Public Health and Sanitation** (Dr. Gesami): Thank you Mr. Temporary Deputy Speaker, Sir. Right from the outset, I want to support this motion; I wish to congratulate my friend the Rarienda MP, Eng. Gumbo, for bringing this motion at this time. In fact, it is a motion that should have come yesterday. It is important to appreciate that we in the health sector have always appreciated the work of herbalists.

In our policy document of 1994, we have clearly said that traditional medicine, that is herbs, should be recognized by the Ministry of Health, and I believe that, that policy document guides the Health sector up to date. But it is also important to realize that we have never come up with a legal framework, under which these herbalists should operate. That is why I am saying this Motion is very timely, and that this House should put in place a framework, under which we can control the functions and the activities of these herbalists. At the moment, you see some adverts about herbalists who can treat everything right from HIV/AIDS to cancer, infertility, asthma, hypertension and everything else.

It is important that we put in place a legal framework, so that we can know who is actually treating what. I want to appreciate that quite a number of herbalists are now

collaborating with the Ministry of Health. In fact, they are working very closely with KEMRI in terms of evaluation of their medicine, so that we know what dosage is in the various concoctions that they bring to us.

Therefore, I would like to say that we need to put in place the legal framework, register all these people under a particular body, so that we can know that this is professor So and So or doctor So and So. We should also control the use of titles such as Prof. and Dr. by herbal practitioners.

The other thing is that, if we put in place a legal framework, the Kenya Revenue Authority (KRA), will get some income. We also need to know the active ingredients of their medicine and exactly what diseases they treat.

With these few remarks, I wish to highly support this Motion and recommend that we come up with a bill to regulate this sector.

Thank you.

**Eng. Gumbo:** Thank you Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Mr. Wamalwa): I think there was Eng. Maina who wanted to contribute. I can give him five minutes.

**Eng Maina:** Thank you, Mr. Temporary Deputy Speaker, Sir, for your consideration. First of all, I want from the outset, to say that I support this motion. Herbal medicine has been there from time immemorial. In fact, it is written about in the Old Testament. God told us to use the trees for our healing.

One of the mistakes we have made is to disregard advice. One of the major drawbacks in the history of Africa is actually lack of appreciation, or condemnation, of our traditions. Herbal medicine in African countries has been largely condemned, unlike all other kinds of medicine. We have had herbal medicine from time immemorial. We even had some kind of spiritual healing by people who conducted all kinds of healing and they were very important in the society.

All the chaos we are today witnessing in society, which are uncontrolled, are because of our abandoning, or forgetting and condemning our traditions and taking up things from the so-called West. So, herbal medicine is actually important. So, herbal medicine is an important part of our history and today, and I support this.

Mr. Temporary Deputy Speaker, Sir, you get quacks in a market left unattended and controlled. That is what has happened with herbal medicine. So, this Motion will try and bring order to an important market and knowledge that has been left unappreciated. We are likely to condemn the nine good people with herbal knowledge because there is one quack who lies that he can cure HIV/AIDS and any disease. That quack charges you maybe, ten cows because you are scared. So, it is very important that we pass this Motion and have these regulations so that order can be brought to this field.

There is no doubt that we have examples. A university in Zimbabwe has identified today a plant that cures prostate cancer that we are scared of. That medicine is being sold in the market in Harare. The Zimbabweans will tell you that traditionally, men used to take soup made of that tree and traditional liquor once they were past a certain age. So, that knowledge has been there. We in Kenya and other countries of Africa need to appreciate our history, learn the good knowledge that our ancestors had and we will be better off.

If we leave this knowledge unprotected and condemned in the open, the developed West will take advantage of it. There are many medicines the West is

developing today which are made from our plants. Africa is the only natural resource left because of climate change. They are looking at Africa and telling us that we should not go their way in this medicine. I do not know whether you are aware that the same tree I mentioned, which is in my area, was bought by some white men, exported to France to make medicine for prostate cancer and before long, it was being patented in France and London. Before long, we will be unable to access it and Africa will be left unattended. It is high time we appreciated ourselves. This should not only apply to herbal medicine. Africa will never develop until it is ready to appreciate its history and people. Time will prove me right or wrong. We have a country in Africa where unemployment of the youth is a problem because Kenyans are not in charge of the development of their country. Kenyans are not in charge of the big development Budget that we pass in this Parliament. What are we doing? We have opened ourselves to companies from outside to handle that Budget. What do we witness? Wherever we go, we find our unemployed youth. Herbal medicine is also playing to the same machinations and the same inferiority of the African not appreciating himself. It is high time we came out of this cocoon so that Africa can start developing the way America and Europe have developed by taking their tradition and learning from their history.

Mr. Temporary Deputy Speaker, Sir, it is a pity that Dr. Githae who is a veterinary doctor as Mr. Shakeel has said cannot be supported by any organization or this Government to make drugs from his knowledge. He is doing little things in Nyahururu. So, I support herbal medicine and say, once again, that let Africa retreat itself; let us appreciate our people. Herbal medicine will be what it is.

Thank you.

**The Temporary Deputy Speaker** (Mr. Wamalwa): The Mover may respond, there being no other Member to contribute. You are at liberty to donate your time to any hon. Member.

**Eng. Gumbo:** Thank you, Mr. Temporary Deputy Speaker, Sir. Due to time, I will give one minute to Mr. C. Kilonzo.

**Mr. C. Kilonzo:** Mr. Temporary Deputy Speaker, Sir, I wish to support this Motion. I come from an area where this profession has been abused. In Ukambani region where I come from, you will find quacks who operate under the guise of herbal medicine doctors. It is so adverse in *Ukambani* that some of these quacks claim that if they will give you some particular herbs, your straying husband will be caught red-handed under the name of herbal medicine. They tell you that they will come to your homestead and give you some herbs to prevent thieves from breaking into your homestead and stealing.

It is for that reason that we need to legislate the practice of herbal medicine. The false belief that somebody is born with the knowledge is non-existent. Nobody is born with the knowledge. What we need is backup institutions to train people on herbal medicine. We need scientific backup, so that we ensure that whoever practices herbal medicine is properly trained. In years to come, we hope we will have herbal medicine doctors who are graduates from the university.

Due to time constraint, I wish to support this Motion which is long overdue.

**Eng. Gumbo:** Mr. Temporary Deputy Speaker, Sir, I wish to start by thanking all my colleagues who have supported this Motion. These are Mr. Eugene Wamalwa, Dr. Kilemi Mwiria, Dr. Bonny Khalwale, Mr. Asman Kamama, Ms. Milly Odhiambo, Mr.

Francis Baya, Mr. Wakoli Bifwoli, Mr. Shakeel Shabir, Mr. Katoo ole Metito, Eng. Maina, Dr. James Gesami and Mr. Charles Kilonzo.

Mr. Temporary Deputy Speaker, Sir, as has been said by those who stood to support this Motion, the Government needs to put in place regulatory framework; it is long overdue. Currently, we have serious challenges because most herbalists' qualifications are not known and this remains a key area of concern.

Another main challenge is the accurate determination of the correct dosage to prescribe for the patient. The practice of modern medicine has shown remarkable skepticism towards herbal practice.

Mr. Temporary Deputy Speaker, Sir, my colleagues have elaborately and eloquently stated before this House that we have a problem in that we have very knowledgeable herbal practitioners amongst us, but there is need to have a framework which will make it possible to transfer this knowledge.

It is also important that we preserve the useful traditional practices among us. It is encouraging to note that some of the herbal medicines we have with us, for example, *mukobero* will actually increase happiness within our marriages. This is something that we can take advantage of by putting in place the regulatory framework to have these things done. As we know, a lot of herbal pharmaceutical products have been exploited by people from the West. We need protection from patenting by foreigners, so that we can maximize the advantages that derive from this medicine.

Mr. Temporary Deputy Speaker, with those remarks, I beg to move.

*(Question put and agreed to)*

ESTABLISHMENT OF SMALL HOLDER IRRIGATION  
SCHEMES IN ALL CONSTITUENCIES

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

THAT, considering that the country relies on rain fed agriculture for food production; aware that rainfall is inadequate and unreliable; appreciating the need to ensure that all households can reliably and affordably access basic food items; aware that Government has put in place measures to develop and revitalize various irrigation projects which had collapsed; this House resolves that the Ministry of Agriculture in collaboration with the Ministry of Water and Irrigation move to set up small holder irrigation schemes of at least 2,000 acres in all constituencies where applicable so as to facilitate food crop production.

Mr. Temporary Deputy Speaker, Sir, Kenya is a very wonderful country. It is endowed with a lot of resources. We have a lot of rivers, dams and lakes. After many years of Independence, this country still relies on rain fed agriculture. This Motion is very important and the House should pass it, so that we can start small holder irrigation schemes in every constituency to relieve the sufferings of our people who are dying from hunger and starvation in various parts of the country. Recently, I went round this country as the Chairman of the Select Committee on Cattle Rustling and I saw a lot of people who are suffering. We went to Samburu, Garissa, Tana River and many other areas where

our people are really suffering. This Motion is very important that we should stop relying only on rain fed agriculture, but also start some irrigation schemes using all the sources of water that God has given this country, so that our people do not starve to death.

We have Lake Victoria, Tana River and many other water sources in this country. This water is just draining to the sea and yet our people are dying from lack of food. If we plant indigenous crops in the drought prone constituencies and start irrigation schemes, this country will be self-sufficient in food. We shall feed our people and they will continue with their lives without suffering. There is nothing as bad as hunger. It is even worse than diseases. Our people have suffered a lot and after 45 years of Independence, we should eradicate hunger completely. We should use our professionals like hydrological engineers to conserve water for irrigation so that we can get enough food to feed our people.

### ADJOURNMENT

**The Temporary Deputy Speaker** (Mr. Wamalwa): Order, hon. Members! Mr. Kaino, you still have 17 minutes when we will resume.

It is now time for the interruption of business. The House, therefore, stands adjourned until 2.30 p.m. this afternoon.

The House rose at 12.30 p.m.