



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT**

**NATIONAL ASSEMBLY**

**THE HANSARD**

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## THE HANSARD

Thursday, 23<sup>rd</sup> November 2023

The House met at 9.30 a.m.

*[The Temporary Speaker (Hon. Martha Wangari) in the Chair]*

PRAYERS

QUORUM

**The Temporary Speaker** (Hon. Martha Wangari): Serjeants-at-Arms, ring the Quorum Bell for 10 minutes.

*(The Quorum Bell was rung)*

Hon. Members, we have the numbers. We will transact the business. Leader of Majority Party.

PAPERS

**The Temporary Speaker** (Hon. Martha Wangari): Leader of the Majority Party.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Speaker, I beg to lay the following Papers on the Table:

1. Reports of the Auditor-General and Financial Statements in respect of the following Constituencies for the year ended 30<sup>th</sup> June 2022 and the certificates therein:
  - (a) Kapseret;
  - (b) Mvita;
  - (c) Nyali; and
  - (d) Starehe.
2. Reports of the Auditor-General...

*(Hon. (Dr) John K. Mutunga spoke on his phone)*

Hon. Temporary Speaker, protect me from the Member for Tigania West, who is very busy on the phone conversing in Kimeru.

**The Temporary Speaker** (Hon. Martha Wangari): Order, Hon. John Mutunga. Continue Leader of the Majority Party.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Temporary Speaker.

2. Reports of the Auditor-General and Financial Statements for the years ended 30<sup>th</sup> June 2021 and 30<sup>th</sup> June 2022 and the certificates therein in respect of:
  - (a) Eldoro Girls High School.
  - (b) St. Patrick's Naitiri High School.
  - (c) SA Kolanya Boys High School.
  - (d) St. Thomas Aquinas Madende Secondary School.
  - (e) Seko Girls High School.
  - (f) Kanyawanga High School.

- (g) Kitumbi High School.
- (h) Mivumoni Secondary School.

3. The Auditor-General's Performance Audit Report and Financial Statements on contracting of external loans for public development projects for the year ended 30<sup>th</sup> June 2023 and the certificate therein by the National Treasury.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Charles Ngusya, you have a Paper from the Constitution Implementation Oversight Committee.

**Hon. Charles Nguna** (Mwingi West, WDM): Hon. Temporary Speaker, I beg to lay the following Paper on the Table of the House:

Report of the Constitution Implementation Oversight Committee on a Study Visit to the Republic of South Africa from 21<sup>st</sup> to 25<sup>th</sup> August 2023.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Martha Wangari): Next Order.

**Hon. Dorothy Muthoni** (Nominated, UDA): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Martha Wangari): What is out of order, Hon. Ikiara?

**Hon. Dorothy Muthoni** (Nominated, UDA): Thank you, Hon. Temporary Speaker. Can the Hon. Member correct the false information that the Paper was laid on Wednesday but today is Thursday?

**The Temporary Speaker** (Hon. Martha Wangari): Hon. CNN, did you say Wednesday?

**Hon. Charles Nguna** (Mwingi West, WDM): Hon. Temporary Speaker, today is Thursday.

*(Laughter)*

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Members, forgive Hon. CNN. We do not usually have Morning Sittings on Thursdays. Maybe that is the reason.

Next Order.

**Hon. Dekow Mohamed** (Garissa Township, UDA): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Dekow, what is out of order?

**Hon. Dekow Mohamed** (Garissa Township, UDA): I have been told to wait.

**The Temporary Speaker** (Hon. Martha Wangari): You have to wait for a while because you are not using the intervention button.

**Hon. Members:** Okay.

**The Temporary Speaker** (Hon. Martha Wangari): Do you have your log-in card?

**Hon. Dekow Mohamed** (Garissa Township, UDA): I forgot to bring it.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Members, you should carry your cards at all times. You should not raise your hand, Hon. Injendi. When you are coming to the House, carry your log-in cards.

Proceed, Hon. Dekow.

**Hon. Dekow Mohamed** (Garissa Township, UDA): Thank you, Hon. Temporary Speaker. I rise to bring to your attention the fact that on 18<sup>th</sup> October this year, I requested for a Statement from the Chairperson of the Departmental Committee on Social Protection. The Chair undertook to bring a reply within two weeks.

On the 8<sup>th</sup> of this month, I requested for another Statement regarding abduction of two of my constituents, who are still missing. Despite my protest at that time that two weeks would be a long time, we settled on two weeks as per the direction of the presiding Speaker. I have

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been trying to find out why the Statements have not been brought to the House but nothing is forthcoming. I need direction and guidance from the Chair.

Thank you.

*(Loud consultations)*

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Dekow, you said the Departmental Committee on Social Protection and which other Committee?

**Hon. Dekow Mohamed** (Garissa Township, UDA): The Departmental Committee on Administration and Internal Affairs.

**The Temporary Speaker** (Hon. Martha Wangari): Who is the Chairperson of the Departmental Committee on Social Protection? She is not in the House. Who is the Vice-Chairperson? This takes us back to the discussion by the Leader of the Majority Party that Chairpersons of Committees should always be in the House. Who is the Vice-Chairperson of the Departmental Committee on Social Protection? He is also not in the House. Is there any Member of that Committee? Leader of the Majority Party, you will take up this issue.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): I will fire them!

*(Laughter)*

**The Temporary Speaker** (Hon. Martha Wangari): Please, do what you have to do but the Statements need to be brought to the House. We are almost breaking for the long recess for two months. These Statements should be processed before then.

Hon. Tongoyo, Chairman of the Departmental Committee on Administration and Internal Affairs. He is also not in the House. Since the Vice-Chairman is around, can he comment on it?

**Hon. Ali Raso** (Saku, UDA): Thank you, Hon. Temporary Speaker. When I am around, Hon. Tongoyo is also around. We were in a discussion with the Ministry. The Cabinet Secretary and Principal Secretary were not available since Tuesday. However, they already have a response. I will follow up the matter so that we can deliver the response in the afternoon.

**The Temporary Speaker** (Hon. Martha Wangari): Can it be done today in the afternoon?

**Hon. Ali Raso** (Saku, UDA): Yes. I will check with the Cabinet Secretary or the Principal Secretary.

**The Temporary Speaker** (Hon. Martha Wangari): Is that alright, Hon. Dekow?

**Hon. Dekow Mohamed** (Garissa Township, UDA): It is alright, Hon. Temporary Speaker.

**Hon. Malulu Injendi** (Malava, ANC): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Injendi, what is out of order?

**Hon. Malulu Injendi** (Malava, ANC): Hon. Temporary Speaker, my card is in the machine.

**The Temporary Speaker** (Hon. Martha Wangari): I can see you and that is why I have given you the microphone.

**Hon. Malulu Injendi** (Malava, ANC): Hon. Temporary Speaker, on 15<sup>th</sup> August, I asked the Cabinet Secretary for Roads, Transport and Public Works a Question regarding the status of the Kakamega-Kaburengu Road. It is a project sponsored by World Bank but it is incomplete.

**The Temporary Speaker** (Hon. Martha Wangari): Did you raise a Statement or a Question?

**Hon. Malulu Injendi** (Malava, ANC): I asked the Cabinet Secretary a Question but there has not been any response.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Injendi, you know that the Cabinet Secretary comes to answer Questions in the House. Have you filed the Question or did you request for a Statement?

**Hon. Malulu Injendi** (Malava, ANC): I filed the Question.

**The Temporary Speaker** (Hon. Martha Wangari): You filed a Question which has not been scheduled for response.

**Hon. Malulu Injendi** (Malava, ANC): Yes, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Martha Wangari): Leader of the Majority Party, can you comment on this one?

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Temporary Speaker, there are a number of Questions in respect of which we deferred the appearance of Cabinet Secretaries this week and next week. I beg the Member's indulgence to prepare a written Statement to be sent to the Committee. Because of many pending Government Bills, we will not have the Cabinet Secretaries on the remaining Wednesdays. The Question was scheduled with others for reply. If the Member desires a written response, then we can organise to have it relayed to him.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Injendi.

**Hon. Malulu Injendi** (Malava, ANC): Hon. Temporary Speaker, I prefer to wait for the Cabinet Secretary to appear as he normally does in the plenary.

**The Temporary Speaker** (Hon. Martha Wangari): Then it is in the batch to be answered the next time he appears in the House, as it has been confirmed by Leader of the Majority Party.

Next Order.

## MOTIONS

### CONSIDERATION OF CONSOLIDATED FUND SERVICES EXPENDITURES FOR SUPPLEMENTARY ESTIMATES I FOR FY 2023/2024

THAT, this House adopts the Report of the Public Debt and Privatisation Committee on its consideration of the Consolidated Fund Services under the Supplementary Estimates I for the Financial Year 2023/2024, laid on the Table of the House on Thursday, 16<sup>th</sup> November 2023.

*(Moved by Hon. Abdi Shurie on 22.11.2023 – Afternoon Sitting)*

*(Debate concluded on 22.11.2023 – Afternoon Sitting)*

*(Question put and agreed to)*

Next Order.

### RATIFICATION OF THE 1970 UNESCO CONVENTION ON CULTURAL PROPERTY

THAT, this House adopts the Report of the Departmental Committee on Sports and Culture on its consideration of the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of

Ownership of Cultural Property, laid on the Table of the House on Thursday, 12<sup>th</sup> October 2023 and pursuant to the provisions of section 8 (4) of the Treaty Making and Ratification Act, 2012, approves the ratification of the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.

*(Moved by Hon. Daniel Wanyama on 21.11.2023)*

*(Resumption of Debate interrupted on 21.11.2023)*

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Members, this is an ongoing Motion. We have 13 Members who have already contributed. We are resuming debate on it and we have a balance of one-hour-and-45 minutes.

The first chance will go to the Member for Mandera West, Hon. Adan Haji.

**Hon. Yusuf Adan** (Mandera West, UDM): Thank you, Hon. Temporary Speaker for giving me this opportunity. It is vital that we pass this law. Our very important artefacts and cultural heritage that were taken away by our colonial masters many years ago should be brought back and be used for the benefit of the historical memories of Kenyans. At the same time, a lot of our indigenous products such as the *ciondo* basket and our homegrown tea that is mixed with other teas, have been patented by other countries. Therefore, they enjoy the right of ownership of those products. This law should be enacted so that what belongs to us is protected. All products that have been patented by other countries... For example, the *ciondo* basket is a Kenyan basket that has been produced for many years by our mothers but it has since been patented by Japan. If, as a country, we want to put our *ciondo* baskets on the international market, we will have to go through Japan instead of us doing it directly so that we benefit.

As far as cultural heritage is concerned, our cultures are slowly eroding. I sincerely thank the Maasai community. They have kept their culture and they market it. They bring a lot of foreign currency into this country. This is not to say that the other communities of Kenya do not have cultures that can attract tourists and earn this country hard currency. Unfortunately, our cultures are slowly disappearing. We are emulating foreign cultures in terms of dressing, eating and walking styles. That should end. We should be proud of our heritage and culture, and protect what belongs to us.

With those few remarks, I support.

**The Temporary Speaker** (Hon. Martha Wangari): Thank you. Hon. Caroli Omondi.

**Hon. Caroli Omondi** (Suba South, ODM): Thank you very much, Hon. Temporary Speaker for giving me the opportunity to speak on this matter. I rise to support this Motion. Let me begin by expressing some concern that has bothered me for a while. I am aware that the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property and its sister convention – the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict, popularly known as the 1954 Hague Convention – have been in existence for close to 70 years. I am very curious why Kenya is not among the first 143 countries that signed the 1970 UNESCO Convention and the first 135 countries that signed the 1954 Hague Convention.

Cultural property represents the collective human knowledge and represents our common heritage. Therefore, it is important that we adopt a multilateral global framework to preserve and combat illegal trade in them, and assist countries that are interested in getting restitution and return of their artefacts. If you look at the scientific, historical and artistic or religious materials, they sometimes represent very indigenous knowledge. For example, in this country, we have family planning techniques from the coast that are not patented in a scientific

pattern. They are very effective. It is very important that we protect those patterns and other knowledge that humanity has gathered over the years.

By ratifying this treaty, Kenya will access global inventories of our cultural items. It will have the import, export and exchange mechanisms that will help us trace where our cultural heritage is. We will enjoy the benefits of a global criminal justice system that will help us to trace and track those who have traded in our cultural items illegally, have information sharing, support educational tours and more importantly, assist in restitution and return mechanisms for our cultural items.

I will mention a few of our cultural items. In total, it is estimated that we have 3,500 artefacts of Kenyan origin spread all over the world. We recovered some and returned them between 2011 and 2022. In 2011, we received 39 *vigango* from the California State University, Fullerton. In 2019, we received another 30 *vigango* which were repatriated from Denver Museum of Natural History. In 2022, the Illinois State University repatriated 37 *vigango* and the Indiana State Police Museum at Newfields sent 18 *vigango*.

There are so many cultural artefacts, whose locations we have identified, and Kenya should pursue their return. For instance, we have the Islamic Manuscripts of Witu Kingdom, which were repatriated in 1890; the throne of chairs – *Viti vya Enzi kutoka Pwani*, which should be returned. There are household items that are at the Pitt Rivers Museum, which left the country in 1895. There is the Pokomo sacred drum known as Ngadji at the British Museum of History, which was taken there in 1900; and most importantly, we have the remains and personal leadership items of Koitalel arap Samoei, which were taken there in 1900.

As I mentioned, there are still 18 more *vigango* at the University of Wyoming Museum. We have the preserved carcasses of the famous ghost and darkness ‘Man Eaters’ lions of the Tsavo, which are at the Field Museum in Chicago. The lions were taken over by Lt. Col John Patterson. He used them as a rug. He used to seat on them and drink whiskey. In 1924, he sold them to the University of Chicago for \$5,000. They are still there and we need to return them. We have 80 Kamba ethnographic collections at Rautenstrauch-Joest-Museum, Cologne. There are 550 Kenyan cultural collections at the Weltkulturen Museum in Frankfurt. These are some of the examples of the 32,500 cultural artefacts having Kenyan origin and they are spread around the world.

It is, therefore, very important that we ratify this particular treaty and call upon the Government to begin the process of ratifying the 1954 Hague Convention so that we recover all these invaluable cultural properties of the Republic of Kenya.

With those few remarks, I support.

**The Temporary Speaker** (Hon. Martha Wangari): Thank you. The next chance will go to the Member for Turbo, Hon. Janet Sitienei.

**Hon. Janet Sitienei** (Turbo, UDA): Thank you, Hon. Temporary Speaker. I also wish to add my voice to this Motion.

At the outset, I support this Motion. Cultural properties belonging to the Republic of Kenya were exported to other countries in the past. It is time we approved the 1970 UNESCO Convention so that Kenya can get restitution for its cultural properties. The ratification of this Convention is necessary as it speaks directly to the sovereignty of Kenya and its people. There are economic, cultural and social benefits of getting back these artefacts, as well as benefits in terms of our identity. I want to cite one case. One of our greatest leaders was killed during the British colonial era and his head was taken by the British. Koitalel arap Samoei’s skull has never been returned to date. Other artefacts have been returned but we want to use this opportunity to demand the return of his skull so that we can honourably bury it in Kenya.

I support the ratification of the 1970 UNESCO Convention so that the import, export and transfer of cultural properties can be preserved and protected. That is our rich cultural heritage and we need to conserve it and protect it jealously. We also need to get restitution for

the many artefacts that are out there, just as my honourable colleague mentioned. We need to get back those artefacts.

I support this Motion so that Kenya ratifies the Convention. More so, I support it so that the Kalenjin can get back the skull of our freedom fighter, Koitalel Samoei. This Motion will allow our country to get back its rich heritage so that we can preserve it for generations to come.

With those remarks, I support.

**The Temporary Speaker** (Hon. Martha Wangari): Member for Saku, Hon. Raso.

**Hon. Ali Raso** (Saku, UDA): Thank you very much, Hon. Temporary Speaker. I rise to support this Motion on the ratification of the UNESCO Convention. Countries in the West or the so-called 'developed countries' are very particular about intellectual property rights. Had they come up with things like M-Pesa, it would currently be very expensive for other countries to use it. At the same time, they would be making billions of shillings from that invention.

Many artefacts were taken out of countries in the developing world during the colonial days, and more artefacts are still being taken out today. They took artefacts that were made by curio shop owners because they realised the value of hand-crafted artefacts. They also took objects that we inherited from our forefathers. The rich or the smart can use available technology to identify valuable objects that can stand the test of the time so as to be used or seen by generations to come.

The main attractions in museums around the world, and more so in the United States of America (USA), the United Kingdom (UK) and Europe are cultural properties that were taken from Africa. Others were taken during military expeditions when they were fighting Africans to dispossess them of land or to dethrone African leaders.

The UNESCO protects world heritage sites like what we have in Lamu, and in parts of Central and Rift Valley because they attach educational value to those sites. We are still not yet endowed with the intellectual capacity to protect what is rightfully ours as a country. Therefore, we must ratify this Convention so that it becomes part of our laws as per Article 2(6) of the Constitution, so that we protect what is rightfully ours. The Convention will protect our artefacts that had been taken away, or those that somebody might attempt to take away in the future.

With those remarks, I support the Motion.

**The Temporary Speaker** (Hon. Martha Wangari): Next to speak is the Member for Bonchari, Hon. Charles Onchoke.

**Hon. Charles Onchoke** (Bonchari, UPA): Thank you, Hon. Temporary Speaker. I rise to support the Motion. It is long overdue for Kenya to get its act together in terms of protecting its heritage and cultural property.

The items on the shelves in our museums or at the Kenyan National Archives are either very few or are in poor shape because most of the valuable artefacts of Kenyan origin were taken away from us against our will. We need to ratify this Convention so that we protect and prohibit the illicit or illegal exportation of those artefacts.

Equally, we need to recognise that our identity and heritage as a country is our cultural property, which is in some ways defined through language and the items that we make through our own creativity. Therefore, I suggest that the Government allocates adequate resources to institutions like museums and the Kenya National Archives that help us to protect and conserve our heritage and cultural property.

Most of the attractions at Fort Jesus are either donated or have not been properly preserved by the relevant State Department probably due to lack of resources. We should allocate adequate resources to protect our cultural objects and artefacts as we move forward. At the same time, we should implement a policy that will promote the preservation and



creativity of our cultural property, which is slowly fading away, leading us to lose our identity and heritage.

With those few remarks, I support the Motion.

**The Temporary Speaker** (Hon. Martha Wangari): Member for Limuru, Hon. Kiragu.

**Hon. (Eng.) John Kiragu** (Limuru, UDA): Thank you, Hon. Temporary Speaker, for giving me a chance to air my views. I rise to support this Motion.

We are all aware that when the colonialists came to the country, they found our people with what they called ‘crude technology.’ We used to make our own weapons and tools but they took all these things away from us and convinced the rest of the people that Kenyans did not have any knowledge in science. Some of the weapons and tools that were made before the arrival of the colonialists required a lot of heat. There was also need for knowledge on processing, for example, how to refine metals to make iron and steel weapons and tools used before colonialism. The colonialists took away all these things to erase that part of our history. Later, they came back to train us on the same things, like how to make a *jembe* or a *panga* despite the fact that this is a country where people knew how to make spears, bows and arrows.

Recently, I visited the Kenya National Archives in Nairobi. I was elated to see that we have artefacts from our communities preserved there. However, I noted that 75 per cent of our artefacts are from the Turkana community. It is a disappointment that the other Kenyan communities have very little or no artefacts to show. Artefacts are very important items for our history. Therefore, as we discuss this Motion, it is important for us to find ways of bringing back what was taken away from us and to preserve what we already have. There are several universities and centres of research and development in this country. How I wish these universities and learning centres had departments or units that deal with issues of artefacts. This will ensure that we preserve what we have for generations to come. This is a very important Convention for us to ratify.

I support, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Martha Wangari): Thank you. Hon. Next is Hon. Mayaka.

**Hon. Irene Mayaka** (Nominated, ODM): Thank you, Hon. Temporary Speaker. I also rise to register my support for this Motion.

I will start by giving an example of the issue we have had with the *ciondo* basket. The *ciondo* was particularly used in Asian countries. They sought copyright for this particular item yet it is in the public domain that the item originated and was designed by Kenyans. I remember there was such a big fracas on that particular issue but finally Kenya got the rights of the name. Because of such issues, I urge the Committee to consider that, as a country, we have a watermark that has ‘Brand Kenya’ for items we export. This is because we do have non-Kenyans who would love to own Kenyan cultural items. The watermark will ensure that even if these items are sold, especially in large scale, to other countries, it will be well-known that they originate from Kenya.

The second issue that I would like us to consider is to ask ourselves, as Kenyans, what these cultural items that we export to other countries are. What are these things that are known specifically to the Kenyan culture? Allow me to give an example of the famous *jollof* rice from Nigeria. While Nigeria has *jollof* rice, Kenya has a similar cuisine we call *pilau*. Tanzanians claim the naming rights of *pilau* as well. This is one of the things that we need to protect and copyright because culture is also about the food of our country. *Ugali*, *githeri* and how we prepare fish is our food culture. We need to take further steps to ensure that we also copyright our cuisines. If a visitor comes to this country and wants to have a Kenyan meal, in essence what is a Kenyan meal? We need to know what these things are and protect them.

The National Museums of Kenya has done a very good job in terms of preserving some of the things that are dear to us. For example, they have preserved the bones of the Maasai

boy. I am aware that they have gone to an extent of collaborating with Google so that they can also have the items online. This is knowledge that many Kenyans do not have. Kenyans are not aware that one does not have to go to the National Museums of Kenya to see some of the country's artefacts because they are on Google. This is information that needs to be publicised. We need to be at a place where, as a country, we enjoy and love speaking about our culture and the things that are dear to us, which we hold in high regard.

It still worries me that we do not have a national attire that quickly identifies us as Kenyans. When a Kenyan goes out of this country to represent Kenya in another country, is there a national attire that identifies one as Kenyan? All we have is our sportsmen and women donning their tracksuits that have the Kenyan flag colours but that is not enough. We need to have a celebrated national outfit that identifies us as Kenyans. When some of us travel outside Kenya, the one thing that identifies us is wearing our Kenyan wristband. This has become a celebration for most Kenyans. For example, if one happens to wear the Kenyan wristband while at Hamad International Airport in Qatar or Dubai International Airport or at any other international airport and meets Kenyans working there, they get excited and engage you. This is because they quickly recognise that you are Kenyan because of that wristband. There was an incident in a country where a young girl had been kidnapped and maimed. What helped the good Samaritans who rescued her is the wristband she had worn. So, they took her to the Kenyan embassy to be identified and helped. Therefore, this is one of the things that identifies us very fast.

I encourage this Committee to put the Ministry of Gender, Culture, the Arts and Heritage to task. The Ministry needs to provide a database of all the artefacts that identify us directly as Kenyans. This is important so that if someone out there tries to copyright or illegally export stuff that are considered Kenyan culturally, the relevant authorities can flag down such a person for being in violation of the country's rights.

We are all aware that recently, this House passed and confirmed the celebration of 10<sup>th</sup> October as Huduma Day. The Ministry of Gender, Culture, the Arts and Heritage needs to take up the challenge and have this day as a cultural celebration across the whole country. I am aware that the counties take it upon themselves to celebrate their different cultures at the county level but we also need to celebrate our rich diverse culture as Kenyans in general. I do not know how many countries in this world have the level of diversity in culture that we have in this country. We need to celebrate that cultural diversity. As legislators, we need to lead from the front in terms of celebrating and protecting our cultures. We also need to be our brothers' keepers by ensuring that when anyone violates what is considered Kenyan culture out there, we are the first ones to report the violation to the authorities. It is good that we have this Report. It enables us to make regulations to protect our cultural artefacts.

With those few remarks, I support the Report.

**The Temporary Speaker** (Hon. Martha Wangari): Thank you. Next to speak is the Member for Matuga, Hon. Kassim Tandaza.

**Hon. Kassim Tandaza** (Matuga, ANC): Asante sana, Mhe. Spika wa Muda, kwa kunipatia fursa hii nichangie mjadala huu ambao ni muhimu.

Mtu yeyote ambaye hathamini mila yake ama hajui alikotoka, basi huenda hajui anaelekea wapi. Hii ni hali hatari ukiangalia vile Wakenya walivyo. Hoja hii inaangazia swala la vitu vyetu vyenye thamani ambavyo vimepelekwa nje ili kuhakisha kwamba havipelekwi tena nje. Pia, Hoja hii ikipitishwa, vile vitu ambavyo viko nje vitaregeshwa nchini. Mbunge mwenzangu alizungumzia swala la vigango vingi vilivyochukuliwa na kupelekwa ughaibuni.

Vigango ni vitu ambavyo Wamijikenda walikuwa wakivienzi sana. Vilikuwa vinatumika kuleta amani, upendo na utaratibu wa mila za Wamijikenda. Mtu akifiwa na mtu wake, ni lazima kaburi hatimaye itoweke. Kigango, ambacho kilikuwa kikitengenezwa kutokana na mti madhubuti usiooza, kilikuwa kinawekwa na familia ya mwendazake wakijua

kwamba ‘huyu ni babu’ ama ‘nyanya’ yetu na wakati wote mwendazake alikumbukwa. Hii inaleta familia pamoja wakijua kwamba walikuwa na nyanya au mzee wao mahali pale. Endapo kuna ugomvi, kigango hicho kilikuwa kinatumika kama ukumbusho. Kigango hicho kinaskia mnapoteta, na kinajua kwamba kuna haja ya kuleta uwiano katika familia.

Ni muhimu hii historia iweze kuhifadhiwa na kurudishwa. Tukizungumzia utalii, ambao ndio tegemeo la maeneo ya Pwani, kuna hoteli na bahari, lakini baadhi ya watalii hutaka kuona asilia ya jamii. Basi inafaa hivi vigango virudishwe moja kwa moja viweze kudumisha utalii – siyo tu kwa watalii wa kutoka nje; ninasema kwamba hata Wakenya kutoka sehemu nyingine za nchi wangetaka kujua ni kwa nini vigango hivyo vilitumika na vina historia gani.

Ningetaka kuongezea sauti Hoja hii kwa sababu wazungu walichukua raslimali zetu za kiasili na kuzipeleka kwao. Wamenufaika pakubwa kwani kama wenzangu walivyosema, kuna wageni ambao huenda tu kuona raslimali zetu za kiasili. Kwa hivyo, kwa muda wa takriban miaka 100, wameweza kupata hela nyingi kupitia vitu kama vigango na raslimali nyingine.

Kwa hivyo, mbali na hii Hoja inayosema kwamba tusimamishwe kusafirishwa na turejeshwe raslimali zetu za kiasili, ni bora tudai mgao wa pesa ambazo wameweza kukusanya miaka hiyo yote. Kwa sababu, kule ughaibuni, watalii hulipishwa kwa sarafu ya juu sana kuliko shilingi ya Kenya. Watatupatia asilimia ngapi ya hela walizokusanya miaka hii yote? Ni wazi kwamba walikuwa wakifanya biashara haramu kutumia vitu vyetu wakitengeneza hela na mali. Kisheria, si vizuri kuwaruhusu watu, kwa sababu walikuwa mabwenyenye na mabwana wetu wakati wa ukoloni, wanufaike na pesa ambazo wametengeneza. Kwa hivyo, si vizuri mjadala huu uishie hapa. Ninasisitiza kwamba zile pesa ambazo wameweza kukusanya kupitia raslimali hizi miaka hii yote zipigwe hesabu nasi pia tupewe mgao wetu.

Swala lingine muhimu ni zile raslimali ambazo bado tuko nazo na hatuzithamini. Utakuta raslimali nyingi ziko na watu wa kawaida wasio wasomi na wasio na uwezo wala ufahamu. Kwa hivyo, wizara husika ina jukumu la kusimamia. Ikiwa ni vibali ambavyo vinahitajika vya kutambulika, kama ‘*patents*’, basi Serikali inaweza kuvisimamia. Hii ni kwa sababu, tuna uvumbuzi mwingi ambao mpaka sasa bado uko na wizara. Iwapo Wizara haitashuhulikia jambo hili, ni wazi kwamba baadaye uvumbuzi huo unaweza chukuliwa na watu binafsi kutoka nchi za ughaibuni kwa sababu wao wanauwezo wa kitaaluma. Baadaye tutalalamika na kuleta Hoja Bungeni tukidai turegeshwe ilhali pale mwanzo wizara husika haikuweza kutambua na kushughulikia jambo hilo.

Jambo la kushangaza ni kwamba, kama alivyosema mwenzangu, tunalizungumzia jambo hili ilhali hatuna hata vazi la kitaifa. Hivi saa kuna mjadala Bungeni kuhusu vivazi la kitaifa. Nimeelezwa kwamba kila anayezungumza katika Bunge hili ni lazima awe amevaa suti, koti na tai – kama alivyotufundisha mbeberu kabla tupate uhuru. Hii inamaanisha kwamba kifikiria na kiakili bado tunaenzi wale waliotutawala. Tunafikiri tukiendelea kukaa, kuvaa na kula kama wao basi tutakuwa tumestaarabika. Inafaa tujikwamue kutoka fikira kama hizo. Kama kuna vazi la kitamaduni lenye heshima, au vazi la Kiafrika, basi tulishabikie. Wenzetu ambao wanaamini kwamba ukivaa koti na tai basi wewe ndiye mustarabu, tuwambie kwamba hizo ni fikira za kikoloni, ambazo hazitatusaidia.

Kulingana na wataalamu wa kisaikologia, wakati umeweza kumteka mtu na kumfanya azungumze lugha yako; afikirie, akae, ale, na alale kama wewe, umemtawala kifikiria na bado ni mtumwa wako. Hili ni jambo ambalo naona hata sisi Wabunge bado tunatawaliwa kifikiria. Naunga Hoja hii mkono na kama nilivyosema, ningependa ipanuliwe ili raslimali hizo zisiregeshwe tu bali fedha ambazo wamekusanya kupitia vigango vyetu na rasilimali nyingine zikaguliwe ili nasi tuweze kupewa mgao wetu.

Asante sana, Mhe. Spika wa Muda. Naunga mkono.

**Spika Wa Muda** (Mhe. Martha Wangari): Asante sana. Sasa ninampa nafasi Mbunge wa Emurua Dikirr, Mhe. Johana Ng’eno.

**Mhe. Johana Kipyegon** (Emurua Dikir, UDA): Asante sana, Mhe. Spika wa Muda kwa kunipatia nafasi hii niweze kuchangia Hoja hii. *Culture* ni utamaduni na vitu ambavyo watu wa zamani walikuwa wakitumia. Waswahili wanasema ‘Mwacha mila ni mtumwa.’ Mtu ambaye anasahau mila yake na vitu ambavyo watu wake walivitumia hapo zamani, ni mtumwa.

Wakati wa ukoloni, wazungu walikuja nchini Kenya na kutembea Barani Africa wakisambaza utamaduni wao na mambo waliokuwa wakifanya kwao na kufanya mila zetu zikae kama si za maana. Waafrika wote walipokea hiyo injili wakati huo na wakaamini kwamba utamaduni na vitu tulivyokuwa tukitumia kitambo havikuwa vya maana. Walituletea Bibilia na tukakubali kubatizwa na kufuata Yesu Kristo. Tukisoma Agano la Kale na kulinganisha utamaduni wa Wayahudi na utamaduni wa Waafrika – na haswa utamaduni wa watu wa Bonde la Ufa – tunaona kwamba utamaduni hizo mbili zinafanana sana. Hivyo basi tukaamini kwamba utamaduni wetu ulikuwa muhimu sana. Na ni vile watu walikuwa wanataka kutuona ama kufanya yetu ikae kama kitu kibaya. Ninaungana na wenzangu kusema kwamba vitu ambavyo... Nimetembea mara mingi sana hadi huko Ulaya nikaingia katika mahali ambayo wanaviweka vitu vyao.

**A Member:** Makavazi.

*(A Member spoke off the record)*

**Hon. Johana Kipyegon** (Emurua Dikir, UDA): Inaitwa makavazi. Ahsante Mheshimiwa. Unajua Kiswahili kilivuka mpaka huu wetu mdogo kikafika kwetu kama kimechelewa kidogo, kikatupata kama tumeenda. Walitufuata na kutupata barabarani. Kwa hivyo, ni kigumu kidogo.

Nilitembea kwa makavazi huko Ulaya haswa London ama Uingereza. Kwa makavazi zao, wameweka vitu vingi sana vya Kiafrika. Nilishangaa kwa sababu nilienda kuuliza baadhi ya vitu hivyo ni vya nchi gani. Nikaambiwa vingine ni vya Côte d'Ivoire; vingine ni vya Kenya; na vingine sijui ni vya Tanzania. Nilishangaa mbona walikuwa wanakashifu vitu hivyo wakati walikuwa hapa Kenya ilhali wamevipeleka huko kwao wavitumie kama vitu vya kufundisha watoto wao.

Siku moja pia tulikuwa na sherehe upande wa Narok. Watu walikuwa wanalalamika sana. Kuna watu ambao waliuwawa wakati wa ukoloni na vitu vyao vikachukuliwa vikapelekwa huko ng'ambo. Miaka sabini ama mia moja baadaye, wazungu fulani wakavipata hivyo vitu wakavirejesha huko nyumbani. Watu walisherehekea sana. Nikatembea pia upande wa Nandi na tukapata ya kwamba kuna mzee alikuwa shujaa aliuwawa anaitwa Koitalel Samoei. Walichukua kichwa na kubeba vitu vyake alivyokuwa akitumia kutafsiri na kuongoza watu; fimbo kama ile ya Yohana ama ya Musa wakati alikuwa anawaongoza wana wa Israeli. Watu waliwaambia hawa watu warudishe vitu hivyo. Walirudisha vitu hivyo lakini kichwa hawakurudisha. Tungependa tuseme hata sisi Wakipsigis na watu wengine pia tuko na mali yetu ambayo ilichukuliwa na wazungu na tungependa irudishwe, na vitu hivyo vije viwekwe kwenye makavazi yetu ya Kiafrika ama Kenya. Vitu hivyo vipate kuheshimika na pia sisi kama Wakenya tuhakikishe ya kwamba vile vitu ambavyo watu wetu walikuwa wanatumia kwa utamaduni wetu viheshimike. Hakuna utamaduni wa mtu ambao ni mbaya.

Tumeona kwa sherehe nyingi... Tukienda sherehe ya kitaifa Meru, tunaona mavazi ya Wameru ni maridadi sana. Tukienda Kiambu, tunaona mavazi ya watu wa Kiambu ni maridadi sana. Tukienda Narok, tunaona mavazi ya watu wa Narok. Hata juzi walianza kitu kinachoitwa siku ya utamaduni yenye wanasherehekea utamaduni wao na mavazi ya watu hao.

Sisi pia watu wa Bonde la Ufa tumesema lazima tuweke siku yetu ya kitamaduni ndiposa ile mavazi ambayo akina mama na babu zetu walikuwa wanavaa hata wakati wa kutahiri, mambo hayo yote yarudi tufundishe watoto wetu. Hivyo vitu vilikuwa vinafundisha

watu jinsi ya kuishi maisha yao na vitu ambavyo wanafaa kufanya na yale hawafai kufanya. Watu ambao walianzisha kitu ambacho kinasema utamaduni unarudisha masomo nyuma...

**The Temporary Speaker** (Hon. Martha Wangari): Mheshimiwa Kassim, uko na hoja ya nidhamu?

**Hon. Kassim Tandaza** (Matuga, ANC): Ahsante Mheshimiwa Spika wa Muda. Nilikuwa nasimama kwa hoja ya nidhamu nijue Mheshimiwa Ng'eno kama anazungumza Kiswahili ama anazungumza Kizungu ama kinyumbani.

*(Laughter)*

Anaongelea mambo mengi, ananipa shida sana kujua anazungumza lugha gani.

**The Temporary Speaker** (Hon. Martha Wangari): Mheshimiwa Kassim, hata wewe ulipoanza hoja yako ya nidhamu umesema *Madam Speaker*. Ni vizuri turekebishe na usome Kanuni ya Kudumu ya Bunge 77, kipengee cha pili. Inasema ya kuwa ukianza kwa Kiingereza unamaliza kwa Kiingereza. Ukianza kwa Kiswahili, unamaliza kwa Kiswahili. Ukianza kwa lugha ya ishara unamaliza kwa lugha ya ishara. Kwa hivyo, tuwache kuchanganya lugha na tufanye kwa kufuata kanuni zetu. Mheshimiwa Ng'eno, ni Kiswahili ama Kizungu?

**Hon. Johana Kipyegon** (Emurua Dikirr, UDA): Ahsante Mheshimiwa Spika wa Muda. Unajua nimeweka pendekezo la onyo, kwamba Kiwahili kilitupata kama tumeenda. Hakikutupata kama bado tunakaa. Kilitupata kama tumeenda na kwa hivyo, kikatufuata kikatupata barabarani na ikakuwa hivyo. Niliiona kwa televisheni Hoja kwa Bunge ya Tanzania. Watanzania ni watu wa Kiswahili. Nilienda kwa Mheshimiwa Tandaza siku moja alipoanialika. Watu huko wanajaribu kuongea Kiswahili na utafikiria labda ni watu wa Kiswahili. Vuka ng'ambo uende Tanzania uskie Kiswahili chenye. Kwa hivyo, Mheshimiwa Spika wa Muda, usifikirie akina Mheshimiwa Tandaza wanajua Kiswahili. Hio yake ni maji maji. Mimi nilitazama televisheni ya Tanzania. Tanzania wameruhusu lugha ya *Sheng'* itumike ilhali kwao hapo ni nyumbani mwa Kiswahili.

**The Temporary Speaker** (Hon. Martha Wangari): Mheshimiwa Ng'eno, kila nchi inazo sheria zake. Sisi tuko na kanuni zetu na ukisoma utaona vile ilivyo. Ni vizuri ufuata Kanuni zetu za Kudumu ukianza na Kiswahili, sio *Sheng'*. Unaweza fanya utohozi lakini pia lazima uweze kuweka nukuu ama zile alama za kunukuu kwenye Bunge. Ni vizuri tufanye vile inafaa. Hii nchi ni tofauti na Tanzania.

**Hon. Johana Kipyegon** (Emurua Dikirr, UDA): Ahsante Mheshimiwa Spika wa Muda. Kile ningesema ni kwamba labda nilete madabiliko kwa Kanuni za Kudumu. Tujaribu kubadilisha kama mtu anaongea Kiswahili aongee Kiswahili. Kama mtu anaonea *Sheng'* aongee *Sheng'* ya kuchanganyisha Kiswahili na Kiingereza bora watu waelewe. Kwa sababu hata saa hii Kiswahili ambacho tunakiongea hapa hakieleweki huko nje. Watu wamechanganyisha Kiswahili na Kiingereza. Tungekuwa tunatumia Kiswahili kama chombo cha kufundisha watoto wetu kwa madarasa na vitu vyote.

Kwa hivyo, ningependa kusema lazima tudumishe utamaduni wetu na kuhakikisha tumeiweka vizuri na kuitunza. Vitu vyetu ambavyo vilichukuliwa na wazungu virudishwe kwa lazima nyumbani ndio watu wetu wajue vitu ambavyo tumekuwa navyo.

**The Temporary Speaker** (Hon. Martha Wangari): Ahsante sana. Mheshimiwa wa Lamu Mashariki, Mheshimiwa Ruweida.

**Hon. Ruweida Mohamed** (Lamu East, JP): Ahsante Mheshimiwa Spika wa Muda. Nashukuru kwa kunipatia nafasi nichangie kuhusu haya mambo ya kitamaduni. Utamaduni ni muhimu sana. Bidhaa zetu ambazo zimechukuliwa hapa Kenya zikaenda nje na ambazo ni za kitamaduni ni vyema zirejeshwe. Hivi vitu vya kitamaduni vinaleta pesa. Niliwahi kwenda Uturuki nikaenda kwenye Makavazi yao. Hayo Makavazi wameweka vitu ambavyo huku kwetu si muhimu sana. Kitu kama kiinu ama jiwe la kusaga. Kabla hatujapata hizi vitu tunaziita

*blender*, tulikuwa zamani tukitumia jiwe la kusaga. Hizo kwetu ziko mpaka sasa. Hapa Kenya jamii nyingi zinazo lakini hazionyeshi ni kama ni kitu muhimu. Kule kwao wanachukulia umuhimu wa vile vitu. Wameviweka kwenye nyumba nzuri, makavazi mazuri, ziko kwenye glesi na zinapendeza na watu wengi wanaenda kuangalia zikivutia uchumi. Sasa zile zetu zimechukuliwa huku wakaenda wakazipeleka kule zinawapatia pesa. Ni muhimu nazo zirudi na sisi nasi tuviweke vizuri na zile ambazo tuko nazo hazijaenda nje pia nazo tuziweke vizuri. Kila jamii ina tamaduni zake na zile tamaduni tunaona vitu vidogo vidogo tunaweza kuviweka watu wakaja na kusudi la kuviangalia vitu kama hivyo na vikaleta watalii wengi.

Kwetu, kule Lamu Mashariki Kisiwa cha Pate ni kisiwa chenye historia kubwa ya kitamaduni. Ni sisi tu Serikali hatujafuatilia zaidi. Kule kuna nyumba ambazo sisi tunaziita magofu ya kutoka kabla wakati wa Mtume Mohammed hajaambiwa tuabudu tukiswali tukielekea Makkah. Kuna msikiti kwenye kijiji kinachoitwa Shanga. Kuna ile *qibla*. *Qibla* ni pale Waislamu wanaangalia wakiswali. Kwenye *qibla* hii, walikuwa wanaangalia Jerusalem. Saa hii ukiangalia hicho *qibla*, ukiweka *compass*, inakuonyesha unaangalia Msikiti Al-Aqsa. Kisha baadaye, Mtume Sallallahu Aleyhi Wasallam aliambiwa abadilishe kutoka huko, iende Makkah. Historia kama hizo ziko humu ndani na zinaozea pale. Sisi Wakenya hatufanyi bidii tukazionyesha na watu wakajua kama vile watu wanavyokuja Maasai Mara kuangalia hao nyumbu. Hatuzifanyii kazi kisha wengine wakichukua ndio tunalalamika. Hakuna kaunti ambayo haina mambo ya kitamaduni.

Katika mambo mengine ya kitamaduni, ni sharti sisi wenyewe tukuze utamaduni wetu. Tuhakikishe angalau sherehe hii ya utamaduni inazunguka kama ilivyokuwa zamani. Kama safari hii ni Lamu, wakati mwingine twende kwingine ili utamaduni ujulikane. Lazima tuukuze utamaduni watu wajue ili pesa ziingie. Watoto wetu na vizazi vyetu vijue utamaduni wao. Tumewacha utamaduni na watoto wetu wanaingia kwenye mambo kama ya mihadarati. Kama kwangu, utamaduni hakuna. Zamani tulikuwa tukipiga maulidi, tukifanya zile kwetu tunaita sorio, na mambo mengi ya kitamaduni. Sasa hivi, hakuna utamaduni huo. Tunasema disko ni mbaya, lakini wao wanaenda huko. Tunasema mihadarati ni mibaya, na wao wanaenda huko, kwa sababu hakuna mambo kama yale ya kitamaduni ya kumshika yule mtoto. Kwa mfano, zamani kabla msichana hajaolewa, alikuwa akiitwa aende kwa wazee waliokuwa wanamfunza mambo mengi. Siku hizi, watu wanaolewa bila kujua chochote na ndoa zinavunjika. Zote zinasababishwa na sisi kutofuata ule utamaduni wetu.

Ahsante, Spika wa Muda.

**The Temporary Speaker** (Hon. Martha Wangari): Thank you. Member of Parliament for Dagoretti South, Hon. K.J.

**Hon. John Kiarie** (Dagoretti South, UDA): Hon. Temporary Speaker, I support that we ought to be ratifying the 1970 UNESCO Convention on the means of prohibiting and preventing the illicit import, export and transfer of ownership of cultural property.

We are not only seeking to ratify it because the essence of this is to seek restitution. The artefacts that we are talking about were not borrowed from Africa. They were forcefully taken at best, and at worst stolen. It is theft. When we talk about returning them, we are being too kind because the people who picked up those artefacts did not kindly ask to take them. We are seeking restitution against our colonial masters because they were the biggest perpetrators of this evil. They came here, admired what we had, stole and kept it for themselves. You have got to ask yourself...

*(Hon. Johana Kipyegon and Hon. Francis Sigei consulted loudly)*

Hon. Temporary Speaker, kindly protect me from Hon. Johana Ng'eno. I need to hear myself thinking.

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**The Temporary Speaker** (Hon. Martha Wangari): Hon. Ng'eno and Hon. Sigei, keep the consultations low.

**Hon. John Kiarie** (Dagoretti South, UDA): Thank you very much, Hon. Temporary Speaker.

Today, Africa is looked at as a backward continent. This is wrong. We know Africa was well on its way towards a very prosperous civilisation path before the colonial interruption. The colonialists interrupted the African civilisation at a time when Africa was a thought-leader in the world. Today, people envy the Western civilisation. They ask themselves: How is it that the West are so brilliant? If we were true to history and asked the people who originated western civilisation, walked to the English and asked them who civilised them, yet they were known to be barbarians, they will tell you that they got all their knowledge from the Romans. When you walk to the Romans and ask them where they got their knowledge from, they will point you to the Greeks. The Greeks are said to be the fathers of modern civilisation and education. We talk about Socrates, Aristotle and Pythagoras and all those people who are said to be the fathers of education. If you ask the Greek where they got their knowledge from, they will tell you that the so-called fathers of knowledge came to the universities of Africa in Egypt, South Africa, Mali in West Africa and in the Kush Kingdom around the East African Region. There were universities. When they got the knowledge, books and artefacts, their culture was to burn down the African universities so that Africa had to start from scratch. They then came back with their knowledge, education, government and religion and put us well off our trajectory of civilisation.

As we point a finger at our colonialists, we also have to ask ourselves this: What damage have the neo-colonialists done to our artefacts, cultural heritage and even our intellectual property? We know that some of the biggest perpetrators of the damage of our natural environment are our own people. People who took governance from the colonialists are known to perpetrate big evils such as poaching. At a point when ivory was such a valuable commodity, our leaders were the ones who were poaching in our game parks and exporting it. Cultural heritage is of great importance. Even as we are seeking restitution from our colonialists, we also have to ask ourselves the role that was played by our leaders in the destruction of our cultural heritage and identity.

Hon. Temporary Speaker, the UNESCO Convention might have been a 1970 convention, but it is important today because we are now going into a new era. The fourth industrial revolution is telling us that artificial intelligence will have a very big sway in how we manage our human interactions, day to day livelihoods and even how we inform the future. Artificial intelligence shall heavily depend on data because the basics in computing are garbage in, garbage out. The data that shall be input into the artificial intelligence systems shall determine the outcomes of those new progressions in technology. If we input the kind of written knowledge into our artificial intelligence systems, yet again, Africa shall be disenfranchised. This is because we did not have a writing culture. Our numeracy was not documented in books. Our culture is about oral traditions and is used as a means of transferring knowledge from one generation to another. If we were to use the only existing data today in this artificial intelligence age, Africa shall be very disenfranchised.

We need to recollect all our data, recompile and put it for use in readiness for the next generation and especially the new move on artificial intelligence. This Convention is seeking to preserve cultural heritage, counteract illegal activities and promote international collaboration. For that reason, I support the ratification of this Convention. I am looking to a point where Africa can reclaim its traditional and cultural heritage, for the benefit of Africa, for today and into the future.

Thank you very much.

**The Temporary Speaker** (Hon. Martha Wangari): Thank you. Member of Parliament for Turkana North, Hon. Nabuin.

**Hon. Paul Nabuin** (Turkana North, ODM): Thank you, Hon. Temporary Speaker. I rise to support this Motion by the Departmental Committee on Sports and Culture, where I am a member.

All the stakeholders who appeared before our Committee supported the ratification of this convention. You can imagine the number of artifacts that are found outside this country. From the records, more than 32,000 artifacts exist. Though this has taken long, I think Kenya is now prepared to store and protect artifacts if they are returned. A visit to Uhuru Gardens where some of those artifacts will be kept gives an impression that the country is prepared to keep the artifacts.

Away from this, I want to believe that most of the artifacts that will be repatriated might come from Turkana. Given that Turkana is the cradle of mankind and with the records that are there, I believe most of them will come from there. A few years ago, there was excavation of a Turkana Boy and it became a global sensation. The site where this was excavated is next to a main road to Ethiopia, but a visitor passing by that area can never realise that, that area is where this Turkana Boy, a global sensation was excavated, exists. I am bringing this up because as much as we would ratify and get back the artifacts from outside the country, we should take advantage of what has become a global excitement in this country. The Turkana Boy site needs to be developed. It has been many years and the only thing you can see there is a monument. Local people call it an anthill. It is not possible to recognise that the site has some importance.

Therefore, the department under which those artifacts once repatriated will lie, that is the State Department for Heritage and Culture should take advantage of this ratification and see to it that those artifacts become important and can attract tourists and generate revenue for this country.

I support. Thank you.

**The Temporary Speaker** (Hon. Martha Wangari): Thank you. Hon. Rahim, Member for North Imenti Constituency.

**Hon. Rahim Dawood** (North Imenti, Independent): Thank you, Hon. Temporary Speaker. I join my colleagues in supporting the United Nations Educational, Scientific and Cultural Organization (UNESCO) Motion. It is very important as a country to remember our past, but how do we know about our past if we do not... What shall we do in future?

When I was first elected in 2013, I had requested the Meru elders - because Merus came from the middle of Africa, passed through all those places and settled in Meru - to come and document the history of the Meru, their cultures and traditions. Unfortunately, it was deemed to be political and we did not manage to do that. We need the artifacts in foreign museums to come back to the country. They should be brought back as soon as possible. That is the only way we will teach our children the heritage they are inheriting.

With those few remarks, I join my colleagues in supporting the Motion. Thank you.

**The Temporary Speaker** (Hon. Martha Wangari): Thank you. Member for Kisii County, Hon. Dorice Donya.

**Hon. Dorice Donya** (Kisii County, WDM): Ahsante, Mhe. Spika wa Muda.

Ninaposimama kuongea kuhusu utamaduni, nimefurahia sana kwa sababu leo ndio mara yangu ya kwanza kuongea Kiswahili Bungeni. Inaleta shangwe sana kwamba Kiswahili kule nje... Kuna siku nilikuwa nimesafiri Marekani na nikagundua kwamba Wazungu wanapenda Kiswahili. Mkiingia Marekani wanasema, 'karibuni' na 'asanteni'. Hata kama hawaongei jinsi tunavyoongea, wanafurahia kuwa Kiswahili ni *alternative* ya Kingereza.

Nikirudi kwa hii Hoja, kila mtu, iwe ni mtoto mchanga ama mtu mkubwa, ako na hadithi yake. Hizi hadithi zinapatikana kutoka kwa wazee wa kitambo wakifunza watoto. Mafunzo ya chakula cha asili wanacho kila, mavazi wanayovaa na hata tabia. Katika utamaduni



wetu wa Kisii, kwa mfano, wasichana wanafunzwa na kuambiwa haistahili msichana aishi bila heshima. Wasichana hufunzwa na wakubwa wao jinsi ya kuketi, kuongea na wakubwa wao na vile wanafanya uhusiano na watu wengine.

Hizo hadithi sio hadithi za kitambo tu, ni mpaka siku zinazokuja. Tukiwa na hivi vitu ambavyo Wanasheria wanaona, wanaambiwa hii... Kama wakati wa kuolewa kule kwetu, kuna kitu watu huvalia kwa mguu kinachoitwa *Egetinge*. Katika nchi zingine, wanahifadhi vitu kama hivi na vinakuwa vyenye dhamani ya juu, na vinaleta pesa kwa nchi. Vinaweza pia kutumika kufundisha watoto wetu.

Tukiongea hapa nimejiuliza: ‘Kweli utamaduni uko upande gani?’ Sasa utamaduni uko *under Ministry of Sports Culture and Heritage*. Ile inayopatiwa umuhimu sana na kujulikana sana ni upande wa michezo. Huu upande mwingine umemezwa kwa hiyo Ministry. Kama tunataka kusaidia watoto wetu, utamaduni unafaa kuwa kando. *Specifically*, sijui tu...Mhe. K.J., *specifically* kwa Kiswahili ni nini?

**The Temporary Speaker** (Hon. Martha Wangari): Ikuwe kwa uhakika ama haswa.

**Hon. Dorice Donya** (Kisii County, WDM): Haswa. Iwe kwamba kuna Wizara ya utamaduni pekee, ndio utamaduni usimezwe kule katikati. Ni kama watu wawili wamesimama, mmoja amekula vizuri na mwingine hajakula. Yule hajakula haonekani. Ama mmoja ni mweupe na mwingine ni mweusi. Huyo mweusi atapotea hapo katikati. Utamaduni ukiwa haswa umetengenezwa vizuri, watu watajua hadithi za kitambo, mambo yaliyopita na yale ambayo yanayokuja.

Naunga mkono hii Hoja.

**The Temporary Speaker** (Hon. Martha Wangari): Ahsante, sana. Naona leo Kiswahili kitukuzwe. Kwa kujulisha hili Jumba, watu zaidi ya milioni mia mbili duniani wanazungumza Kiswahili. Kwa hivyo, sisi pia tunafaa tuwe na uzoefu kiasi.

Mhe. Mwalyo, Mbunge wa Masinga.

**Hon. Joshua Mwalyo** (Masinga, Independent): Ahsante sana, Mhe. Spika wa Muda kwa kunipatia nafasi hii. Nami pia nitaongea Kiswahili leo kwa sababu nakifahamu. Hoja hii ambayo imeletwa na Kamati hiyo ya Michezo na Utamaduni inazungumzia kuchukua na kumiliki utamaduni wetu. Kwa mfano, wachukue vile vinyago ambavyo vinatengenezwa na Wakamba na kuvipeleka kule ng’ambo na waseme ni vyao. Hii inamaanisha tukatae hivyo visimilikiwe na wale watu wa ng’ambo.

**Hon. John Kiarie** (Dagoretti South, UDA): Mheshimiwa Naibu Spika, ningependa kumfahamisha Mheshimiwa Mwalyo.

**The Temporary Speaker** (Hon. Martha Wangari): Mheshimiwa Mwalyo, unataka kujuzwa na Mheshimiwa KJ?

**Hon. Joshua Mwalyo** (Masinga, Independent): Mheshimiwa KJ, nijulishe tu. Pia, naweza kubadilisha lugha niende kwa Kizungu kama Mhe. Spika wa Muda atakubali kwa maana naona Kiswahili kimeanza kunilemea.

**The Temporary Speaker** (Hon. Martha Wangari): Mheshimiwa Mwalyo, unaweza kuketi chini kwanza iwapo umekubali kuarifiwa. Mheshimiwa wa Dagoretti Kusini.

**Hon. John Kiarie** (Dagoretti South, UDA): Ahsante sana Mheshimiwa Spika wa Muda.

Hoja yangu hasa haihusiani na usanifu wa lugha. Ni kuhusu mada anayoileta Mheshimiwa Mwalyo kwamba vinyago vya Wakamba ni ala za kitamaduni. Ningependa nimjulishe kwamba historia ya Mkamba kuchonga vinyago ni historia ya hivi punde sana. Kwa tamaduni zao, Wakamba hawakuwa wachonga-vinyago ila tu walisoma jinsi ya kuchonga vinyago kutoka kwa Wamakonde ambao walikuja hapa nchini kutoka nchi ya Tanzania wakiwa wamesafiri kutoka nchi za kusini mwa Afrika.

Anapongelea tamaduni za Wakamba, namjulisha kwamba nina ujuzi wa kutosha wa mila za Kikamba. Mimi ni mmoja wa wazaliwa wa Wakamba. Hii tamaduni ya kuchonga

vinyago haitakuwa mfano mzuri wa tamaduni za kiasili za Mkamba kwa kuwa ni moja ya tamaduni za hivi punde zaidi. Nikiweka zile zinaitwa *quote marks*, nasema kwamba “*It is a very recent tradition.*” Hii sio asili hasa ya Mkamba. Ningependa nimjulisha vile.

**The Temporary Speaker** (Hon. Martha Wangari): Nafikiri umempoteza zaidi. Mheshimiwa Mwalyo, Kanuni za Kudumu hazikubali ubadilishe lugha katikati ya mazungumzo. Kwa hivyo, utaendelea kwa Kiswahili. Utapata uzoefu na tajriba kwa kuzungumza zaidi

**Hon. Joshua Mwalyo** (Masinga, Independent): Ahsante sana ndugu yangu Mheshimiwa KJ kwa kunikosa na kunieleza zaidi. Lakini, niko na miaka mingi kidogo tangu nizaliwe. Nilikuta Wakamba tu ndio walikuwa wakitengeneza hivi vitu. Wale wengine wamejifundisha kutoka kwa Wakamba. Kwa hivyo, wacha niendeleo tu.

Kitu cha maana ni sisi wenyewe tuhifadhi mila yetu ili watu wengine wasiichukue na kusema ni yao. Wanaweza kuchukua utamaduni wetu kuwa kama mali yao na waseme ni wao walivumbua na kuanzisha huu utamaduni. Kisha wataununua hata kwa fedha ndio uwe wao. Hii ndiyo inasemekana tukatae na sisi tumiliki kile ambacho ni chetu na tukatae nacho.

Pamoja na hayo, kuna mambo mengi sikubaliani nayo. Mfano ni vile wengine wanasema turudi kwa mila zetu. Mimi siwezi kukubali tuanze kuomba kulingana na mila zetu kama tulivyokuwa tunaomba Mlima Kenya. Ati tuondoke kwa kumwomba Mungu wa asili na tuanze kuomba vitu vingine ambavyo si vya ukweli. Siwezi kurudi kwa desturi ya Wakamba ya kuroga watu iitwayo *kamuti*. Mtu angekuroga na kila angesema kingetendeka. Dunia inaendela mbele na watoto wetu wanasoma ili waendeleo mbele. Tusijirudishe kule.

**The Temporary Speaker** (Hon. Martha Wangari): Ngoja, Mheshimiwa Mwalyo. Mheshimiwa Nyamai ana hoja ya nidhamu.

**Hon. (Dr) Rachael Nyamai** (Kitui South, JP): Mheshimiwa Spika wa Muda, asante sana kwa kunipatia nafasi. Niko na hoja ya nidhamu. Ningependa kuuliza kama ni halali kwa Mheshimiwa Mwalyo kusema maneno ya *kamuti*. Amerudia mara mbili. Anajua inaweza kuleta shida katika Bunge ukirudia mara mbili. Ni halali?

**The Temporary Speaker** (Hon. Martha Wangari): Mheshimiwa Kiarie.

**Hon. John Kiarie** (Dagoretti South, UDA): Mheshimiwa Spika wa Muda, ni vizuri kwamba Mheshimiwa Mwalyo ametusisimua na hoja yake hii ambayo anaileta. Lakini ningependa nimwarifu Mheshimiwa Mwalyo kwamba ingekuwa vyema amsome msomi anayejulikana kama Professor Mailu ili afahamu tamaduni hizi za Wakamba. Jambo hili analotaja kujulikana kama *kamuti* analiita urogi. Angekuwa amefahamu tamaduni za kikamba vyema, angeelewa kwamba hatufai kujidharau wanapotudharau. Ujuzi wetu wa kisayansi na kiteknolojia utaitwa urogi hapa nchini. Wakienda kule uzunguni ama ughaibuni, wanaita teknolojia, *metaphysics* au *spirituality*. Lakini kwa mila zetu, vitu ambavyo vinafaidi watu wetu kama vile kuweza kuungana na Mungu wetu na pepo za waliotuwacha tunaviita urogi.

Ningependa nimkosoe kwa kumjulisha kwamba hatutakubali tudharauliwe wanapotudharau kule nje. Ingekuwa vyema afahamu hilo.

**The Temporary Speaker** (Hon. Martha Wangari): Mheshimiwa, komea hapo. Sasa sijui ni nani anaongea mambo ya ukweli ya Wakamba. Je, ni Mheshimiwa Mwalyo ama ni Mheshimiwa KJ? Mheshimiwa Mwalyo, la muhimu kwa ile hoja ya nidhamu ya Mheshimiwa Nyamai, kile ambacho nitakuhimiza ni kuweka alama za kunukuu ama *quote marks* kwa neno ambalo hauna neno lake la Kiswahili.

Endelea, Mheshimiwa.

**Hon. Joshua Mwalyo** (Masinga, Independent): Asante sana Mheshimiwa Spika wa Muda. Wakati wangu unamalizwa na hizi hoja za nidhamu.

**The Temporary Speaker** (Hon. Martha Wangari): What is out of order, Hon. Ruku?

**Hon. Ruku GK** (Mbeere North, DP): Mheshimiwa Mwalyo mentioned *kamuti*. If he goes to one of the libraries at the Catholic University of Eastern Africa, it is also important for

him to note that he will get a Doctor of Philosophy (PhD) thesis by one Father Kasomo who comes from Ukambani. In that thesis, Father Kasomo talks about this matter.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Ruku, do not debate. That is a point of information. It is not a point of order. You are now debating. Let Hon. Mwalyo finish. If it is information, you will get permission from Hon. Mwalyo.

**Hon. Joshua Mwalyo** (Masinga, Independent): Ahsante sana kwa hayo mambo yote. Ni mazuri lakini wameharibu wakati wangu wote. Naomba uniongeze dakika kidogo tu

**The Temporary Speaker** (Hon. Martha Wangari): You will get two more minutes, Hon. Mwalyo.

**Hon. Joshua Mwalyo** (Masinga, Independent): *Okay*. Nilikuwa ninasema kwamba cha muhimu kabisa ni tukatae ili mali yetu isipelekwe ng'ambo na watu wengine waimiliki wakisema ni yao au wao ndio waliivumbua. Juzi tumeenda Zambia na wanasema kwamba eti Mzungu aliyekuja pale ndiye alivumbua maji yanayomwagika pale ilhali hayo maji yalikuwa hapo. Kisha, maji hayo yakaanza kuitwa kwa jina lake. Tukatae mambo kama hayo ili tutunze na kukubali mali ambayo ni sisi wenyewe tulianza. Tuiweke maanani ili wengine wawe wanavutiwa nayo na watuletee hata pesa za kigeni wakija hapa.

Kwa hayo machache, nakoma hapo.

**The Temporary Speaker** (Hon. Martha Wangari): *Ahsante sana*. Member for Sotik, Hon. Sigei.

**Hon. Francis Sigei** (Sotik, UDA): Mheshimiwa Spika wa Muda, mimi pia ningependa kuchangia Hoja hii kwa lugha ya Kiswahili. Nimechukulia siku hii ya majadiliano kama siku ya maana kwa sababu imetuletea maswala mawili.

Mhe. Spika wa Muda, la kwanza, inatuambia kuwa ni lazima Serikali ifikirie jinsi ya kuimarisha lugha ya Kiswahili kwa sababu ni lugha ya maana. Ningependa hata Bunge hili letu tuanze kufikiria nguo ya Kitaifa ya kuvaa hata siku moja. Niliona Wabunge wengine, hasa akina mama, walivaa nguo ya kitamaduni. Wanaume pia tungependa kuweka kando siku ambayo tutavaa nguo za kitamaduni.

Mhe. Rais alikuwa kwetu Sotik wiki iliyopita. Alikuwa kwa uwanja ambao tumeanza kujenga. Tunafikiria kuweka jina la mtu ambaye alikuwa wa maana kwetu ambaye anaitwa Mugeni. Inafaa hata majina yale tunayo, iwe ya kitamaduni. Kwa mfano, tuna Lake Victoria. Ni nani anaitwa hivyo? Tungependa watu wa Nyanza watafute jina ambalo lina maana kwao. Nataka kuhimiza kwamba wale watu walikuwa wakubwa wetu zamani, warudishe vitu ambavyo walichukua kutoka kwetu.

Nina jambo la pili ambalo ningependa kusema. Wabunge wameongea kwa lugha ya Kiswahili ambayo ni kitu cha maana sana. Tungependa tupatiwe nafasi ili tuseme mambo ambayo tunasema kwetu.

Mhe. Spika wa Muda, naunga mkono Hoja hii. Ahsante.

**Mhe. Spika wa Muda** (Mhe. Martha Wangari): Ahsante, Mhe. Mbunge wa Mbeere Kaskazini, Mhe. Ruku.

**Hon. Ruku GK** (Mbeere North, DP): Thank you, Hon. Temporary speaker. I will not speak in Swahili. I rise to support this Motion because it is in tandem with our Constitution.

Article 11 of our Constitution recognises our culture as a foundation of the nation. As such, it is where the civilisation of Kenya and people of the nation stand on. Therefore, this Motion is extremely important to ensure the ownership of the cultural property is properly entrenched and taken care of in our society and nation. There are so many things which might have gone wrong to erode our culture and pitting it as inferior compared to the colonial culture. We saw the coronation of the King in England the other day. The process was a bit cultural in the items which were being used to carry out that process. If the same items are used in our nation, for example to swear in the President, many people in all corners of the world would say that Kenya has started practising witchcraft in swearing in their leader.

Our culture is extremely important. It is high time we ensure our children and grandchildren will recognise and appreciate the importance of our cultural diversity. We are cold towards culture. We have different cultural perspectives and tradition in this country. If they are brought together, it will be an extremely beautiful item.

This Motion notifies us to approve the ratification of the 1970 United Nations Educational, Scientific and Cultural Organisation (UNESCO) Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. This will go a long way to ensure that we deepen our cultural diversity. We will use it to have a civilisation which our nation can boast of.

With those few remarks, I support this Motion. It is time to be proud of who we are through our cultural diversity. Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Martha Wangari): Thank you. Hon. Nyamai.

**Mhe. (Dr) Rachael Nyamai** (Kitui Kusini, JP): Ahsante sana, Mhe. Spika wa Muda, kwa kunipatia nafasi hii pia niunge mkono Ripoti ambayo imeandikwa na Kamati ya Kiidara ya Michezo na Utamaduni.

Sisi, kama Wakenya, tuna nchi na lugha nzuri ya kiswahili ambayo tunafaa kujivunia na kuipenda. Nimeangalia Ripoti hii kwa makini. Nimeona kwamba Wabunge ambao wako kwa Kamati hii pia wameangalia vile ambavyo nchi zingine zinaangalia utamaduni wao na kuweza kuchunga watu wao wasipoteze vitu vyao ambavyo ni vya kiasili.

Ninapounga mkono Hoja hii, Wakenya - hasa Wamaasai - wana nguo nzuri sana ambayo ni ile shuka ya Kimaasai. Nimeangalia katika mtandao na nimeona kwamba hata sasa hivi, huwezi jua ni ya nchi gani. Imechukuliwa na nchi zingine na wanajivunia. Pia, wamesajili hilo jina, shuka la Kimaasai. Sasa, hujui kama ni ya Kenya ama ni ya wapi. Kwa hivyo, tunafaa kujivunia utamaduni na nguo zetu ambazo tulikuwa tunavaa. Nimeangalia vile Wakamba walikuwa wanavaa nguo nzuri sana zamani. Sio lazima twende kazini na nguo hizi. Tunaweza kujitokeza siku moja na tuzivae. Wasichana wetu, hasa wale wanafanya Mtaala Unaozingatia Uwezo, hali maarufu CBC, wanaweza kuvaa hizo nguo na watuonyeshe vile wasichana wetu wa Kikamba, Kimaasai au Kisamburu walikuwa wanavaa.

Nitatumia fursa hii pia kukubaliana na mtindo wa CBC, kwa sababu unaonyesha watoto wetu vile ilivyokuwa na pia kujaribu kufurahia vile tulikuwa tunavaa nguo na kuimba. Pia, nimechukua muda nikaangalia *kiondo*. Mhe. KJ ambaye tulisoma pamoja ataniambia kama ni jina la Kiswahili. Lakini, limechukuliwa na Wachina na watu wa Kijapani.

**Mhe. John Kiarie** (Dagoretti Kusini, UDA): Hoja ya taarifa, Mhe. Spika wa Muda.

**Mhe. Spika wa Muda** (Mhe. Martha Wangari): Hii hoja ya taarifa ni ya kusema *kiondo* sio Kiswahili bali ni kikapu. Mhe. Nyamai, unakubali kupewa hii taarifa na Mhe. KJ?

**Mhe. (Dr) Rachael Nyamai** (Kitui Kusini, JP): Nakubali kupewa taarifa na Mhe. KJ ambaye tulisoma pamoja.

**Mhe. John Kiarie** (Dagoretti Kusini, UDA): Ni kweli, Mhe. Spika wa Muda, tulikuwa darasani na Mhe. Nyamai.

Nimesimama kwa hoja ya taarifa. *Chondo* sio neno la Kiswahili lakini, tunajua kwamba muda unapoyoyoma, maneno mapya yanaingia kwa lugha. *Chondo* kwa hakika ni kutumia lugha ya kiasili ama lugha ya mama. *Kiondo* ni neno la Kikuyu na Wakamba wanakiita *Chondo*. Waswahili wanakiita kikapu. Wakenya tumekijua kwa umaarufu kwamba ni *chondo*. Ni kweli tulisoma na Mhe. ambaye mnaketi na yeye katika Jopo la Mwenyekiti.

**Mhe. Spika wa Muda** (Mhe. Martha Wangari): Ahsante sana. Unaweza endelea, Mhe. Nyamai.

**Mhe. (Dr) Rachael Nyamai** (Kitui Kusini, JP): Ahsante sana, Mhe. KJ, kwa kunikumbusha ni kikapu. Ni chetu sisi, kama Wakenya. Kinapigiwa debe na dunia yote kwa sababu kinasaidia kuhifadhi mazingira. Kinaweza kutumika mara kadhaa kununua vitu sokoni.

Ni kikapu ambacho tunajivunia na kukiuzua. Tujaribu iwezekanavyo kukataa nacho ili kisiwe cha Wachina au Wajapani kwa sababu wamekichukuwa na kikawa chao.

Nimekuwa nikienda mikutano ofisini mwa Mheshimiwa Sarah Korere, ambaye huwa anavalia vizuri na kujipamba mapambo mazuri mazuri. Sijui kama Mheshimiwa huyo ni Mndorobo, Msamburu au Mmaasai. Huwa anavutia sana anapovaa nguo za kikwao. Sijui kama Kamati hii inaweza kutusaidia kuandikisha mavazi yetu yawe ni ya Kikenya.

Dunia imekuwa kama nchi moja kubwa. Tunajivunia kuona watu kutoka sehemu tofauti, wakiwemo wazungu, wakijivunia mavazi yetu. Tunajua kuwa kuna watalii ambao wanaweza kubeba ngozi za wanyama wetu mifukoni mwao bila jambo hilo kujulikana. Jambo hilo limefanyika. Juzi tu, tuliona mtu ambaye alikuwa amebeba vifaa tofauti tofauti katika Uwanja wa Ndege wa Kimataifa wa Jomo Kenyatta. Tunawaenzi polisi wetu kwa kukamata vitu hivyo.

Ni vizuri tujivunie wanyama wetu ambao wanatuletea watalii wengi. Tujivunie pia mavazi, nyimbo na lugha yetu ya Kiswahili, ambayo hatujaimudu kabisa, lakini tulisomeshwa na kwa sababu hiyo, tutatia bidii kuizungumza ipasavyo.

Ninapomalizia, ningependa kuchukua fursa hii kumuenzi rafiki yangu, Mheshimiwa Kiarie John, aliyeeneza mambo ya utamaduni akiwa kijana mdogo sana. Alikuwa mdogo wangu shuleni. Alieneza utamaduni katika mchezo wa kuigiza uliokuwa ukiitwa *Redykyulass*, na alitengeneza pesa nyingi akawa kama mwalimu wa chuo kikuu wala sio mwanafunzi. Ninamuenzi sana kwa sababu mchezo huo wa kuigiza pia ulikuwa ni utamaduni ambao umeendelezwa na vijana wetu leo. Wameusukuma mbele ukawa kiwanda kizima katika biashara.

**The Temporary Speaker** (Hon. Martha Wangari): Muda uliowekewa kando kwa Hoja hii umeyoyoma. Ningependa kumualika Mheshimiwa Daniel Wanyama, ambaye ndiye mwenye Hoja hii, ili ajibu. Uko na dakika 10 za kujibu, lakini unaweza kuchangia dakika chache kwa wale ambao wamebaki.

**Hon. Daniel Wanyama** (Webuye West, UDA): Thank you, Hon. Temporary Speaker. I will be gracious and generous enough to donate two minutes to Hon. Susan Nduyo, Member for Tharaka Nithi; two minutes to my namesake, Hon. Daniel Karitho, Member for Igembe Central; two minutes to my fellow native, the Member for Nambale; and then I will reply.

**The Temporary Speaker** (Hon. Martha Wangari): Thank you, Chairperson of the Departmental Committee on Sports and Culture.

Member for Tharaka Nithi, you have two minutes.

**Hon. Susan Ngugi** (Tharaka Nithi County, TSP): Thank you, Hon. Temporary Speaker. I rise to support this Motion on the ratification of the 1970 UNESCO Convention on the means of prohibiting and preventing the illicit import, export and transfer of ownership of cultural property.

Europeans came to this country holding the Bible in one hand, and a gun in the other to confuse us to embrace their culture and beliefs. I believe that we would still have developed and become civilised even without those colonisers. We would have used our indigenous knowledge to develop ourselves. We had our own medicine and ornaments. Kenya and Africa were self-contained.

We should always embrace our culture as we travel out of the country. We can start a routine or culture of wearing our African attire and ornaments as we travel out of the country. Many of us look for dresses and suits from Turkey or the United States of America (USA). Why can we not dress in our African attire as we travel out of the country? We should give our children African names whose meanings we are aware of. We should teach our children our songs and dances to train them to carry themselves as Africans.

I am happy that we have embraced our culture in Tharaka Nithi County, and invented the Ura Gate Tharaka Nithi Cultural Festival, which is held on every second week of August.

During that festival, we hold dances, songs and other cultural activities. I am happy that the Ameru and the Tharaka Councils of Elders have indicated that they will hold a very important event to trace our steps and see where we went wrong on 13<sup>th</sup> January, 2024.

*[The Temporary Speaker (Hon. Martha Wangari) left the Chair]*

*[The Temporary Speaker (Hon. (Dr) Rachael Nyamai) took the Chair]*

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Next is Hon. Karitho. Please proceed.

**Hon. Daniel Karitho** (Igembe Central, JP): Ahsante sana, Mheshimiwa Spika wa Muda, kwa kunipatia nafasi hii nichangie Hoja hii ambayo imeletwa na Kamati ya Michezo na Utamaduni.

Mswahili anatuambia kuwa mwacha mila ni mtumwa. Tukiwacha mila zetu na tukubali mila ambazo tuliletwa, tutakuwa watumwa katika njia moja au nyingine. Sisi kama Wakenya, haswa Wameru, tumekuwa na mila na uhusiano wa karibu sana. Mila tulizolelewa nazo ni za kujiheshimu na kuwaheshimu wazee wetu. Kuwacha mila kama hizo ni kupotea njia.

Katika utamaduni wetu wa Kimeru, Mmeru hangekubaliwa kuoa kama hajaleta miraa. Sijui kama kuna mahali pengine duniani ambapo ndoa hairuhusiwi kwa ajili ya sababu kama hiyo. Ningependa mila na tamaduni zetu zifuatwe, zilindwe na kutunzwa ili kijana wangu akioa Uarabuni, itanibidi nipeleke miraa huko. Hiyo ingethibitisha wazi kuwa utamaduni wetu unaaminika.

Tuenzi tamaduni zetu na lugha yetu ya Kiswahili. Kwa sababu Kiswahili ni lugha inayokuwa, hata neno “*kiondo*” linatumika na kukubalika katika lugha ya Kiswahili.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Twende kwa yule Mheshimiwa mwingine, Mjumbe wa Nambale.

**Hon. Geoffrey Mulanya** (Nambale, Independent): Thank you, Hon. Temporary Speaker. I thank my good friend, Hon. Daniel Wanyama, Member for Webuye West.

Allow me to contribute to this noble Motion on the 1970 UNESCO Convention on the means of prohibiting and preventing the illicit import, export and transfer of ownership of cultural property. Culture connects us to the past, and it is everything to us. The only way to protect cultural artefacts is to ratify this Treaty so that it can be anchored under Article 2(6) of the Constitution. This is so that when we lay claim to anything of Kenyan origin, we can bring it back to our country.

Hon. Temporary Speaker, the coronation ceremony of the King of the United Kingdom (UK) taught us a lot. They took the traditional practice of the coronation of a king and followed it to the letter. In Africa, we run away from our culture instead of emulating what is ours. We copy and adapt to what we have seen on the international stage. I believe this Motion is important. Let us ratify this Convention so that we can connect with our past.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Chairperson.

**Hon. Daniel Wanyama** (Webuye West, UDA): Hon. Temporary Speaker, I wish to thank Members for their immense and valuable contribution in support of this Motion. I want to confirm that the Committee has noted the various issues that have been raised. We will make it clear to the Ministry to effectively take the steps to implement and legislate on the objects of the convention that are very dear to Kenyans. I beg that this House adopts this Motion and ratifies the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.

I beg to reply and request that pursuant to Standing Order 53 (3) to defer the putting the question to a later date.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you, Hon. Chairman. Your request is hereby assented to.

*(Putting of the Question deferred)*

Next Order.

## BILL

### *Second Reading*

THE CANCER PREVENTION AND CONTROL (AMENDMENT) (NO.2) BILL  
(National Assembly Bill No. 45 of 2022)

*(Moved by Hon. Rahim Dawood on 8.11.2023 – Morning Sitting)*

*(Resumption of debate interrupted on 8.11.2023 – Morning Sitting)*

Hon. Members, this is a resumption of debate. Only four Members had contributed to this Bill. In the absence of the Member who was on his feet, I would like to call upon Hon. Kiarie.

**Hon. John Kiarie** (Dagoretti South, UDA): Hon. Temporary Speaker, it is a great honour to have the first position to add my voice in support of this amendment by Hon. Rahim Dawood, Member for Imenti Central. My excitement is informed by the fact that any effort towards alleviating the pain caused by cancer in this country is welcome. Cancer has become a calamity in this country. This dangerous killer is not only a painful experience for the patient, but also for the caregivers, families and others. The effort by Hon. Rahim is seeking to amend the principal Act by inserting new definitions. It seeks to define e-health as the combined use of electronic communication and information technology in the health sector. It also seeks to define telemedicine as the provision of healthcare services and sharing of medical knowledge over distance using telecommunication, including consultative, diagnostic and treatment services. There is also an effort to amend the principal Act by enacting regulations that will govern the use of e-health and telemedicine platforms in Kenya.

As I said, cancer is proving to be a calamity. Whenever a family has a cancer patient, they could be one ailment or chemotherapy treatment away from poverty. This disease has become extremely expensive to control, manage and treat. We welcome efforts to adopt technology in alleviating some of the pain that is faced by patients, caregivers, guardians and families.

Hon. Temporary Speaker, your alma mater, Kenyatta University, has since instituted the very impressive Kenyatta University Teaching and Referral Hospital. It has advanced technology called CyberKnife, which is able to attend to cancer growths without any penetration to the skin. It is a non-invasive way to attend to tumours and malignant growths in cancer patients without tearing the skin. Such technology should be recognised as a great effort in the treatment of cancer where possible. This amendment seeks to take advantage of technology so that diagnosis, management and treatment of cancer can be done remotely. A patient will not be required to physically move to where the oncologist is based for care and treatment, whether they are in areas like Tunyai, Chiakariga or Mitunguu in Tharaka Nithi. They will be able to get specialised attention from very accomplished oncologists like Dr Kiarie. They will not need to travel to The Nairobi Hospital or other hospitals in Nairobi for

treatment because they will have access to professional care in the confines of their place of origin. This amendment by Hon. Rahim is extremely welcome.

There will be need to dispatch medicine using technology. If drones are made a mainstream tool for delivery of healthcare products and medicine, we might need to revise the principal Act to include such technological developments. Many Kenyans rely on their mobile devices for information and research on some of the issues affecting them. Cancer treatment requires a lot of information which a patient may not get during a normal doctor's consultation due to the limited number of oncologists in the country. One oncologist is attending to hundreds, if not thousands of patients at any given point. So, the face time between a doctor and patient is limited to the time available to the doctor for that patient.

With the availability of new devices, connectivity and great effort we are putting as a country through the introduction of the digital superhighway, we are calling on Members of Parliament to install digital innovation hubs in their constituencies. Those will be points of reference and information so that every patient from the comfort of their house, using a device or even visiting a connected center, can get critical treatment information about that very dangerous ailment known as cancer.

Technology is always advancing, and our laws also need to keep up with the times. When the principal Act was being authored, it might not have taken cognizance of the advancements that are happening in the Fourth Industrial Revolution (4IR). So, the effort by Hon. Rahim to bring the use of technology in attending to patients and situations of cancer is very much welcome.

Hon. Rahim has spoken to the use of technology in healthcare. As we speak today, if you go round, you will find very many e-health providers in this country. There are corporate and private entities such as MyDawa, who are trying to put e-health as a common place for attending to ailments; mHealth Kenya, *Health-E-Net*, MedAfrica, Access Afya, Nyumbani Medics, Medbit Kenya and Xelpha Health. All those are examples of efforts out there to keep up with technology for better provision of healthcare even beyond cancer treatments.

Hon. Temporary Speaker, I vehemently support the efforts by Hon. Rahim Dawood to bring e-health and telemedicine platform as a way of attending to the calamity called cancer. I will take this last minute to thank my colleagues Hon. Members who have stepped out of their way to assist me at a time when a family member was battling cancer. Early this year, my father was diagnosed with a very aggressive case of colon cancer. Hon. Members were magnanimous enough to stand with my family, not only emotionally and morally, but even financially.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Give him one minute to complete that statement.

**Hon. John Kiarie** (Dagoretti South, UDA): Hon. Temporary Speaker, I really appreciate. I will not take more than a minute.

I want to conclude by saying that as a family, we learnt firsthand how difficult it is to attend to a case of cancer. That it does not matter how well off you think you are as a family. One cancer case is enough to drive any family into poverty. So, any efforts to alleviate this tragedy of cancer is very welcome. I thank Hon. Rahim Dawood for this effort. I ask Members to support him in his effort to amend the mother Act towards e-health and telemedicine.

Thank you very much, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you. Hon. Joshua Mwalyo, Member for Masinga.

**Hon. Joshua Mwalyo** (Masinga, Independent): Thank you very much, Hon. Temporary Speaker. Although, I was still reading the Bill, but I will see what to put across because this is...

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Mwalyo, the only reason I called your name is because you were first on the list on the left side.



**Hon. Joshua Mwalyo** (Masinga, Independent): Thank you very much, Hon. Temporary Speaker. No problem.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): So, would you like to proceed?

**Hon. Joshua Mwalyo** (Masinga, Independent): Yes, I will proceed.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Okay.

**Hon. Joshua Mwalyo** (Masinga, Independent): Hon. Temporary Speaker, I support this very important Bill that has been brought by *Mhe.* Dawood to this House. There is scarcity of doctors who attend to cancer patients even in Kenya. Statistics have shown that one doctor attends to 26,000 patients, which is an overwhelming number. Many people do not study cancer, and that is why we have very few doctors. Therefore, the e-health system that is being introduced will assist many cancer patients.

Doctors subscribed to the e-system can assist a person who is very far away even in America or Australia, while they are seated in the comfort of their homes. So, this Bill should be given the attention it deserves because it is very important. The Government is now doing the national ICT infrastructure in this country. So, a doctor seated in Kenyatta National Hospital (KNH) can treat a person who is seated in the comfort of his bed in Masinga, Kivaa Ward. I support this very noble idea, which will be a game changer.

The same way when you are in America and have money in your phone, you send the money using Mpesa and save somebody in your village. This can also be done for patients who are suffering from cancer, which has been declared a national disaster in this country. This will save many lives. It is very devastating and expensive to treat a cancer patient in this age. It costs a lot of money and you can find a family selling whatever is available to pay all these hospital bills that are incurred by a patient. The e-health system will cost less than physically going to the hospital. I support this idea because it will enhance service delivery. It is also a quick way of saving the lives of Kenyans and those who are suffering from cancer because they can get access to treatment.

Hon. Temporary Speaker, with those few remarks, I support.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you. Hon. Susan Nduyo, Member for Tharaka Nithi.

**Hon. Susan Ngugi** (Tharaka-Nithi County, TSP): Thank you, Hon. Temporary Speaker. I also rise to support this amendment Bill. Cancer is the third killer among all the diseases in the world. We have seen patients suffering because of lack of access to medication and treatment of cancer.

Hon. Temporary Speaker, we need this Bill so that we can have a very comprehensive legal framework to support the treatment of cancer. Having e-health and telemedicine will help patients remotely receive treatment in remote and rural areas.

Telemedicine and e-health have supported patients having cancer to access medicine, ask their doctors questions and receive answers whenever they need them. We have seen patients who have not been able to travel, especially outside the country, to access medication. Thus, I support this Bill so that people living with cancer can access medication through this legal framework that is going to support them, whereby doctors are not going to abuse the ethical values.

Thank you, Hon. Temporary Speaker I support.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Bisau Kakai.

**Hon. Bisau Kakai** (Kiminini, DAP-K): Thank you, Hon. Temporary Speaker. I take this opportunity to thank Hon. Dawood for bringing this Bill, which is very important. As we know, cancer continues to devastate families. Based on the lifestyle and foods we have now, certainly cancer is on the growth. This Bill is very timely, especially to address the logistical component that cancer patients have to go through. Certainly, with e-health and e-medicine,

that is going to make a lot of changes. Given our challenges infrastructure-wise, especially at the moment because of the *El Nino* rains, moving one cancer patient to one point is a challenge.

This is really timely and, in my view, it also could be extended to the special groups, especially persons living with disabilities. I know once the Bill goes through, it should be expedited, like the case of the National Hospital Insurance Fund (NHIF), to try and accommodate the entities that are providing those services, for instance HealthX Africa and the rest, who are in the market, but cannot be accommodated through the NHIF because the Bill has not passed.

So, it is a timely Bill, and I thank Hon. Dawood for bringing it. It will make it easy for many of the families that have been having challenges, not just in terms of efficiency in prescribing medicines, but also in reducing the burden and the pain that the families and the patients have been going through.

I thank you, Hon. Temporary Speaker

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Daniel Karitho.

**Hon. Daniel Karitho** (Igembe Central, JP): Thank you, Hon. Temporary Speaker for giving me this opportunity. I also stand to support this Bill by Hon. Rahim.

First, I take this opportunity to congratulate him for coming up with such a Bill. Cancer has become a problem to most households, especially where I come from. In Meru, we have that problem, and it is a big challenge to the whole community. It is a disease that can depopulate any community in this country. When we have e-health, whereby technology will be used in treating and diagnosing this disease, it will save many families a lot of money, especially on transportation and other costs. When one travels from the far corner of Nthambiro coming to Nairobi for diagnosis and treatment, one has to spend more than Ksh10,000 on transport, night outs and meals. However, if one can move maybe to Maua or even to Nthambiro itself for e-diagnosis, it will reduce the cost of treatment and it will be effective.

We will also request and support the idea of having mobile clinics to assist in areas where communication is not very clear. I remember sometimes back in Meru, we had a governor who had those mobile clinics mostly for diagnosing cancer, and it was quite effective.

Therefore, if the diagnosis is done effectively and the treatment is done through the modern technology, it will save our people a lot of costs, and deaths will be reduced. Many households have gone down and even families have broken up because of cancer. This is because families end up spending everything they have, and they end up having many problems, including children dropping out of schools. Therefore, this one will reduce the cost of running those errands, and this Bill is very essential and important. I believe everyone has had an opportunity, though it is not very encouraging to interact with people with those problems, especially us leaders. We have been invited in most cases to raise funds for the treatment of those problems.

We know very many countries in the world which have been successful in this endeavour, especially Denmark and Japan, which mostly use those e-health technologies. If we embrace this technology, I believe our country will move forward. For example, there is the case of M-Pesa. Supposing one is travelling all the way from Kianjogo to Maua just to be given his money, he will spend all he had on transport. That same case will apply to cancer treatment and diagnosis. Therefore, I stand to support, and I beg that we support this Bill so that this country can make a step ahead in matters medication and treatment.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you. Let us have Hon. Muchangi Karemba.

**Hon. Muchangi Karemba** (Runyejes, UDA): Thank you, Hon. Temporary Speaker, for giving me an opportunity to add my voice to this very important Bill that has been sponsored by my friend, Hon. Dawood. I would say that Hon. Dawood has done a very good job. He is a very active legislator. It is not the first time that he is sponsoring Bills. He was before my

Committee with another Bill that we passed in this House. So, the people of his constituency did not make a mistake.

The issue to do with cancer is a very big debate in this country because cancer has become a disaster. If you walk in every village, like many of the Members can agree, most families have been robbed off their wealth by cancer. Every day and weekend, we have people converging to raise finances for the treatment of people who are suffering from cancer. It is one of the diseases that have caused many deaths in this country.

Our Government needs to do a lot as pertains this disease. I am in support of this Bill so that we can make it easier for our people to access treatment. This is because they spend a lot of money coming all the way from the village to Nairobi to look for treatment, to go to KNH, KUTRH and other hospitals around Nairobi to seek for treatment. If there is an integration of technology in the search for the treatment to this disease, then this will be very good because now it would save the cost for those people who are already suffering. You will agree with me that among the diseases that deplete resources quite fast, cancer is top among them. So, there is need to integrate technology so that we can ensure that our people get the treatment right from the village.

Hon. Temporary Speaker, most of the things are nowadays done using technology. It is just the other day that we passed the Digital Health Bill. I agree that people in rural areas should have an opportunity to get the treatment that they deserve by use of technology. We also have the Cancer Institute, which educates our people about cancer. It is high time this Institute starts training oncologists, because this country does not have enough specialists to handle those cancer cases. If the Institute can be well equipped and we build its capacity, we can have more trained oncologists who can help in the treatment of cancer.

Thank you very much. I support.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Dick Maungu, Member for Luanda.

**Hon. Dick Maungu** (Luanda, DAP-K): Thank you, Hon. Temporary Speaker. I rise to support and celebrate my good brother for coming up with a creative amendment that will see us add value to the treatment and management of cancer in this country. As you are aware, cancer has become a great burden; it is a great strain to many families, especially those from rural areas. Management of cancer is a great burden to our society, and the introduction of this proposed amendment of e-health alternative medicine will ensure that the management of cancer is more enhanced. This is because our rural folks will now enjoy the application of technology in diagnosing and managing cancer, and even getting the right prescriptions.

We realise that cancer has caused a lot of burden to our people financially, emotionally and sometimes domestically, where families end up breaking because of the financial drain that they go through. The idea of e-health whereby we can make use of a pool of doctors and specialists in the area of oncology will be of great value, especially to those who cannot afford or even access those great referral centres in towns like Nairobi. In Luanda, we have a number of people who bear this burden. They go through the challenges of navigating the pains and sorrows that come with cancer.

Therefore, I believe this Amendment Bill is a step in the right direction because a person in a rural setup in Luanda will now be able to use e-health alternative medicine to have his case well diagnosed and prescribed. They will then be able to mitigate the effects that come with cancer. I want to applaud the initiative by my brother here, and pray that it will give us a new frontier in the early diagnosis and management of cancer because more often than not, people are diagnosed with cancer at Stage 4 when it is almost killing them. Having early diagnosis when cancer is still in its early stages will give us an opportunity to manage and, if possible, overcome that great burden in our societies.

I support the Bill. Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you. Let us have Hon. Jackson Lekumontare.

**Hon. Jackson Lekumontare** (Samburu East, KANU): Thank you, Hon. Temporary Speaker. I also support this Bill. Cancer patients have a lot of challenges, including access to information. When cancer strikes a family, it really exhausts their resources. Information is very important for those patients because they need to be assisted. If this technology will assist them to get information and be diagnosed from where they are, then this is a good Bill. The Bill tries to secure the care of those people wherever they are. Cancer is a tough disease in the whole world. This is a good Bill because it seeks to allow patients in rural areas to access those services. This is the way we should go as a country. This Bill provides relief to patients who used to visit hospitals several times and end up exhausting the resources they have. Technology has proved to be very important and helpful because people who live far from cancer hospitals and in remote areas can now access those services. Many cancer patients are suffering because of lack of information. This Bill has come at a time when we need to get the right information and early treatment of those patients. We need to support this Bill for the sake of the people we represent because of the challenges they undergo. Information is power, as people say. Communities need to understand cancer because in some areas, people still fear when someone is diagnosed with cancer. Communities still have a lot of fear concerning it. The environment should be supported so that those patients can get information and treatment away from the hospitals. It will also be good if this technology will assist patients to get medication without incurring travel costs to go and see doctors.

Thank you, Hon. Temporary Speaker. I support this Bill.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you. Let us have Hon. Jane Kagiri, Member for Laikipia County.

**Hon. Jane Kagiri** (Laikipia County, UDA): Thank you, Hon. Temporary Deputy Speaker, for giving me an opportunity to contribute to this amendment Bill. I thank Hon. Rahim for bringing this Bill. It is timely, and it is going to support very many families. This Amendment Bill takes me back to nine months ago, when my father was unwell. He was suffering from cancer. I want to speak for myself and very many families that the use of e-health and telemedicine for the prevention and treatment of persons with cancer is going to help in terms of cost saving. This country has very few oncologists who are able to treat cancer, and many families have to move their loved ones from one hospital to another looking for a specialist who can assist them. This will help us save on that.

Secondly, there is a lot of waiting and trouble when people have to be treated. With telemedicine and e-health, we are going to have our people treated in the confines of their homes or wherever they are.

Thirdly, it is also going to be cost effective for families because they will not have to pay the cost of hospital beds and treatment in hospitals. That will go a long way in assisting needy families who are not able to meet medical expenses.

Fourthly, the patient will engage with the doctors. It is an experience many of us have gone through: that many times when you meet doctors in Kenya, in person, they are always in a hurry to talk to the next person. I believe through telemedicine, we are going to have doctors who will be ready to engage. These will be specialists from anywhere around the world. We will get recommendations from the very best who will engage and assist our people. I could give a good example of my own father whom we moved from one hospital to another and unfortunately, he picked an infection from the hospital we moved him to. In a situation where we have e-health and telemedicine, we will be protecting our loved ones from infections that could be contagious and that could affect them further.

As I conclude, I would want to thank every Hon. Member who stood with me and my family during that very difficult period and I will remain forever grateful for that.

I support this amendment Bill. Thank you.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Geoffrey Ruku, Member for Mbeere North.

**Hon. Ruku G.K** (Mbeere North, DP): Thank you, Hon. Temporary Speaker. I rise to congratulate Hon. Rahim for this very timely amendment. This should be supported not only by this House, but also by the implementing agency, especially bearing in mind that we passed several Bills which touch on the health of the nation. Every Kenyan from every corner of Kenya should be taken care of by the Government.

Cancer and many other diseases like diabetes have made many families in the republic suffer in terms of depleting their savings as well as investments to the extent that they turn to raising funds through friends, relatives, and political leaders within their areas. For this to be taken care of, Hon. Rahim is proposing to ensure that e-health or telemedicine is well entrenched within the republic. It is important for health institutions or hospitals to speak to each other and access patient files, whether in Level 4 or Level 5 hospitals. That way, medical records can be accessed by a doctor who is not necessarily within the same vicinity or building. It will also fast-track the process of treatment.

If you go to many developed nations, hospitals are not many, but doctors are many and they treat patients from every corner of the country. I will give you an example of Germany, where hospitals are not many, but doctors are quite many.

Training of oncologists is an extremely important aspect. We have a shortage of trained and qualified oncologists in Kenya. Not very many years ago, I was working with the Government of Israel and I remember several doctors going for training in oncology in a hospital called Hadassah in Israel. If you go to KNH at 4.00 a.m., you will find long lines of patients. If you do not go early enough, it means you will get treatment very late, or not get treatment at all.

It is very important that this amendment aligns the treatment of some of the diseases like cancer, which has made this country spend a lot of money and also created medical tourism. Many patients have had to go to other countries like India for treatment. You will find many Kenyans, every single day, traveling to India for treatment when we can align things properly in our country and treat those patients who are not only Kenyans, but also from within the region.

Once again, I want to congratulate Hon. Rahim for this timely amendment. It needs to be supported by this House, the Government, and development partners to ensure that we take care of our people. There is nothing that any Kenyan can do not to get cancer, be it eating well or running every morning. You just have to get diagnosed and thereafter start the treatment process which is expensive, painful, and in most cases, not successful.

I support this amendment. Thank you.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Mary Maingi, Member for Mwea.

**Hon. Mary Maingi** (Mwea, UDA): Thank you, Hon. Temporary Speaker, for giving me an opportunity to contribute to this amendment. I would like to start by thanking Hon. Dawood for bringing this amendment to the Floor of this House because it is long overdue.

Cancer affects or has affected all of us either directly or indirectly. Most Kenyans cannot afford to seek an appointment or treatment from an oncologist reason being that we have few oncologists in Kenya. They are also very far in between and getting to see one is a very expensive affair for our Kenyan patients. The use of telemedicine and e-health is, therefore, going to reduce the cost of medical attention through exploitation of smart features to help medical practitioners improve care delivery. It is also going to save Kenyan patients huge transport costs of seeking treatment by an oncologist.

I will give my own example. I lost my dad to cancer. We are told that 50 per cent of cancer treatment is information. Training of health cadres in the specialised area of oncology to include cancer treatment as part of provision of primary healthcare (PHC) is going to be very helpful and useful as we are going to have our community health promoters (CHP) talk about cancer and also give advice on cancer treatment or lifestyle matters to ensure that cancer is prevented.

With those very few remarks, I seek to support this amendment. I congratulate the Mover. Thank you.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Mary Emaase, Member for Teso South.

**Hon. Mary Emaase** (Teso South, UDA): Thank you, Hon. Temporary Speaker, for the opportunity to contribute to this Bill. This is a very important Bill and it is timely. I also want to commend Hon. Rahim for bringing it up.

Cancer is the third largest killer, after infectious and cardiovascular diseases. It is the third largest killer in Kenya and the second in the world. Today, we are losing many people to cancer. When you speak to people, even to colleagues here as I have heard most allude to, you realise that each one of us has lost someone to cancer. It could be a close member of the family. I lost my mother to leukaemia and my father to prostate cancer. It is very important that patients diagnosed with cancer have access to early diagnosis and treatment. They should also have access to information, awareness, and sensitisation. Delayed access to treatment, immediately after diagnosis, is what increases risks and leads to increased mortality rates. The mortality rate is at 40,000 deaths per year. The situation is worsened by delayed access to healthcare. The Bill proposes to introduce e-health whereby we can leverage technology for patients to access treatment and medical attention.

We are aware that we have very few oncologists in the country. Most of our people diagnosed with cancer in villages and rural areas are given referrals. In Busia County where I came from, most cancer patients are referred to either the MTRH, Eldoret, or the KNH. It means that the patient has to be transported to the hospital he or she has been referred to. In some cases, they cannot even sit in an ordinary public transport vehicle. The family members have to look for private means of transport and accompany the patient. Diagnosis also takes more time because oncologists are few in Kenya. They have to be booked. In the process, they have to look for accommodation and upkeep which makes the process very expensive.

With e-health technology, patients will have the best experience because they will interact and speak with doctors wherever they are, whichever geographical location. Patients will get timely help, which is very important. With the introduction of telemedicine, whereby one is diagnosed in hospital A and referred to hospital B, hospital B will access medical history, data, and the tests done in hospital A. It will make treatment easier and faster. Lives will be saved because of timely attention, screening, and treatment.

Hon. Temporary Speaker, this calls for coordination between the Ministry of Health (MoH) and the National Cancer Institute of Kenya to collaborate in training more people. Even the doctors in the oncology sector will get further training so that we can have enough doctors to address cancer treatment in a timely manner.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Rachael Nyamai): Hon. Gichimu, Member for Gichugu. Please, try to trace him. He came very early, but he does not have his card today.

**Hon. Gichimu Githinji** (Gichugu, UDA): Thank you for the opportunity to contribute to this Bill sponsored by Hon. Rahim Dawood, popularly known as *mumeru mutune* within his jurisdiction where he represents the people of Meru Central.

It is very important to entrench e-health in the Cancer Prevention and Control Act of 2015, as has been proposed in this Bill by Hon. Rahim Dawood. This will go a long way in

saving the cost of treatment of this disease that has become a menace in this country. According to research, it is rated as the third largest cause of death in this country. I normally feel for cancer patients. I am talking from the experience I have had in my Gichugu Constituency. I have seen patients move from very deep areas of the constituency all the way to Nairobi and other destinations to seek cancer treatment. If e-health is entrenched in the law, it will ease the burden of such movement, the high cost of accommodation, and other related costs. Patients will be in a position to access medical services, including telemedicine, in the comfort of their homes. In fact, it is only that it has not been entrenched in the law, but there are some companies practising e-health and telemedicine in Kenya. Of course, once it is entrenched in the law, they will also follow regulations on how to do it in accordance with the law and avoid exploitation. There will be a smooth provision of services to deserving patients.

Hon. Temporary Speaker, the other amendment being sought is that the National Cancer Institute of Kenya collaborate with the national Government department responsible for health to promote training of human resources in oncology services. This is very important. I am sure this will also get a boost from the already launched community health promoters (CHPs) who are now in the villages. They can discover diseases early enough because prevention is better than cure. We thank the Kenya Kwanza Government, led by His Excellency the President, for seeing it fit to put priority on primary healthcare through the Universal Health Coverage and by starting the CHP programme at the village level.

I do not want to belabour so much because we are just about to break for lunch and I can see my colleagues also have an interest in this matter. I want to stop at that point and state that I support the Bill. I hope it goes through all the other levels and passes as law.

Thank you, Hon. Temporary Speaker, for the opportunity.

**The Temporary Speaker** (Hon. Rachael Nyamai): Hon. Julius ole Sunkuli, Member for Kilgoris.

**Hon. Julius Sunkuli** (Kilgoris, JP): Hon. Temporary Speaker, thank you very much for giving me this opportunity to contribute to this very useful Bill. I also want to thank my friend from Meru Central for bringing this Bill. No doubt, cancer has become a big problem in Kenya. There must be a reason we have a proliferation of cancer.

Recently, there seems to be a lot of hope for cancer patients in that it is no longer necessarily a death sentence diagnosis. The whole issue is early diagnosis, visiting the oncologists, and early treatment. I have witnessed people who have made a comeback from cancer because of early diagnosis and appropriate treatment. Anything that can be done to make cancer less and less of a deadly disease is going to be helpful.

Hon. Temporary Speaker, this Bill mainly addresses two areas: The establishment of telemedicine in the area of oncology and the National Cancer Institute of Kenya. Telemedicine is a noble area, but it is a very practical one. I know many places are already doing it like MYDAWA and M-Health. I recently visited Gertrude's Children's Hospital in Nairobi and they are already marketing the establishment of telemedicine in children. The MP Shah Hospital is also doing this. The Aga Khan University Hospital has not been left behind. We already have the practice of telemedicine which will help in many ways. Having witnessed the treatment of cancer patients in our facilities, particularly at the Kenyatta National Hospital and the Moi Teaching and Referral Hospital, it is clear that one of the biggest problems we have are the queues of people waiting for treatment.

Telemedicine will address the queuing for doctors. If we make this Bill a law, anyone can access a doctor who is not necessarily geographically located in the same area as oneself. It will make the world smaller by getting a doctor from any part of the world to attend to you. This will decongest our hospitals in a big way because doctors who are also doing their rounds can have their e-patients later on during their free time. This will have a lot of impact in the management of our patients. This will also help in the sharing of information. This is a world

that is full of information sharing. As many Members have said, information is power. We will share information on the prevalence of cancer in certain areas, its nature, and behaviour towards treatment.

Telemedicine will be very useful. As far as the National Cancer Institute of Kenya is concerned, I have always been concerned that part of our problem in Kenya is that we do not allocate a lot of money in research. In the end, we have to make ourselves understand what cancer is. Why is it growing so quickly in Kenya? People might say that we attribute it to food, but do we have the evidence? If we attribute it to lifestyle, do we have the evidence? We need it. It must be through empirical research, so that we can know what causes cancer. The moment it is demystified and we know the things that are causing it, then we would have got near emancipation.

A lot can be said about this Bill. As we go ahead, more attention will be paid to cancer. More Members will bring Bills on other aspects relating to it. We already have a way in which we will deal with it as far as insurance is concerned. The Social Health Insurance Act that we passed classifies cancer as a chronic disease. Patients who will be suffering from chronic diseases will be catered for under the insurance provisions of the Social Health Insurance Fund.

With those remarks, I support the Bill.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Anthony Wainaina, Member for Kieni.

**Hon. Anthony Wainaina** (Kieni, UDA): Thank you so much, Hon. Temporary Speaker, for giving me the opportunity to contribute. First and foremost, we are trying to align cancer management in this country to the international arena. Telemedicine is an emerging technology that is not only used to treat cancer, but also assists treatment in other areas.

The Mover of this Bill supports that a doctor in India, Britain, Spain, Italy or any other part of the world will connect with a doctor in Kenya and collaborate. It means that one can diagnose, treat, and manage cancer from very far. This will bring down the cost of treating the disease. I went to India in 2016 and in my flight, a third of the passengers were on medical tourism to India. The Indians have establishments in Kenya where they treat not only cancer, but also spine injuries. They have brought the technology here. The Rwandese and the Burundians come to Kenya for treatment. Therefore, it eases the burden and the cost of treating the patients in far countries.

Whenever the matter before us is mentioned in Parliament, it brings stigma to Members. Emotions run very high because every Member here has a family member, friend, neighbour, or somebody who concerns them suffering from cancer. The disease is not only expensive to treat, but also it gives a lot of stigma to the patient. If he has resources, it drains them. Land, buildings, and savings are drained. Relatives sell their properties to support their kin who is suffering from cancer. It has become such a big menace in this country. Through the Mover of this Bill, I wish this House can also encompass what this Government established recently - the healthcare givers. This is where the primary treatment of cancer should be anchored. They should be trained on early detection of cancer, so that we may arrest it right before it gets to stage two and three. When cancer gets to stage four, it becomes a little bit worrying and chances of survival become less. We wish the healthcare givers can be well trained to help in early detection of cancer.

We can talk to the National Cancer Institute of Kenya because they connect cancer treatment in this country to the international arena by knowing the most current technology that is used in its management. Thumbs up to the Mover of this Bill which is timely and will help this country.

I support the Bill.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. John Mutunga, Member for Tigania West.



**Hon. (Dr) John K. Mutunga** (Tigania West, UDA): Thank you, Hon. Temporary Speaker. I thank the sponsor of this Bill. Hon. Dawood has brought up some very significant changes. They are not many, but they are extremely significant. I want to point them out.

Hon. Dawood has said that we should promote treatment of persons with cancer as a component of primary healthcare. I want to look at the Kenya Kwanza plan and roll out of digitisation of healthcare services and primary healthcare service providers. Every part of this country is covered by primary healthcare providers. Cancer is easy to detect in the sense that you get cysts, swellings or abscesses of some kind. So, when these primary healthcare service providers visit a patient suffering from cancer, probably, they will be complaining of having a swelling on a certain part of their body. So, they can recommend that person to be checked for cancer. Not all tumours and cysts are cancerous; some are benign and the malignant ones are considered cancerous.

Hon. Dawood is also proposing that we promote the use of e-health and telemedicine for prevention and management of cancer. If possible, this can be linked with the Cancer Treatment Institute which will collaborate with the national Government departments responsible for health, to promote training of human resources for oncology services. I am thinking of a situation where somebody has been diagnosed with a swelling, but does not know whether it is cancerous or not. So, we will have people on the ground already trained to do biopsy by extracting some liquid from the swelling to assess whether it contains cells that are continuously multiplying without dying. Cancer is modification of cells without dying. Naturally, cells multiply, but die. So, this Bill will create clear linkage by enhancing knowledge for diagnosis, initial treatment of cancer and also conveyancing of this information to various centres where patients can get help. If we can do this at the national level, it will be easy.

As some of my colleagues have stated, it is possible to seek treatment outside Kenya. These amendments are significant and key because they will help to reduce costs in various ways. There is the issue of time cost when you have to wait for many days to see a doctor. Also, the travelling cost, if you have to travel from the village to Nairobi to see a doctor and then stay for two or three days. I have had interactions with many cancer patients and I also lost a sister to cancer. So, I have real life experience. When you visit any family, they will tell you about their interaction with a cancer patient who either died or survived. Cancer is highly curable if identified at the first or second stage. Some of my colleagues were diagnosed with cancer more than 10 years ago and they were treated and are still alive. So, I thank God for that. It is possible for us not to lose people to cancer if it is diagnosed early. This knowledge should permeate the rural areas, so that people can do basic diagnosis and be recommended for treatment to specialised centres through the electronic conveyance of information and telemedicine. This will reduce costs and anxiety. It will enable us advise patients appropriately. We will be able to know if a patient will survive cancer or if palliative care is needed for a to live. These amendments are significant and will create huge turnaround in the diagnosis and treatment of cancer.

I support.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Rahab Mukami, Member for Nyeri County.

**Hon. Rahab Mukami** (Nyeri County, UDA): Thank you, Hon. Temporary Speaker, for giving me an opportunity. I want to congratulate Hon. Rahim for bringing this Bill to the House. Personally, I am a victim. I know what people with family members who have cancer go through. I lost my sister five years ago and it was not easy, especially for her family. It is very expensive to treat that disease. It is a monster in this country. I want to support that it is good to have the telemedicine method because it is going to help a lot, especially because of the cost of treating cancer. When you are bringing people to Nairobi to come and queue at the

Kenyatta National Hospital, you end up spending a lot of money instead of using that money to do chemotherapy.

I support telemedicine because it is the best. We also need to train many oncologists because we do not have many doctors who can treat cancer in this country. That is why you see majority of people normally take their patients to India for treatment. In our hospitals, we do not have medical equipment. I also urge the Government to try and see what it can do so that we can have medical equipment in our hospitals for those people who cannot reach Nairobi or other hospitals which can treat cancer.

Kenynes also need to change their eating habits. I know cancer sometimes is brought about by our eating habits. We need to start eating healthy. We also need to start doing organic farming. By doing all that, we will minimise this disaster and live better lives.

I thank you, Hon. Temporary Speaker and I support Hon. Rahim.

**The Temporary Speaker** (Hon. Rachel Nyamai): Hon. Dekow, Member for Garissa Town.

**Hon. Dekow Mohamed** (Garissa Township, UDA): Thank you, Hon. Temporary Speaker. I rise to support the amendment by our colleague, Hon. Abdul Rahim Dawood. As many colleagues who spoke before me have said, this is a very serious issue. Cancer is a very bad disease. It is reported as the third largest killer in the country. It is so rampant again in the region I come from. I do not know why. In this amendment Bill, by my colleague, has talked about two issues, and one of them is telemedicine. As a country, we need to take advantage of the infrastructure we have in the IT industry. Let us use this opportunity to equip our health facilities with telemedicine equipment so that we can take advantage of the global world that is more advanced in the treatment and management of cancer.

Hon. Temporary Speaker, I have had opportunity to travel to India for something else, but in that trip, I went to see a doctor just to carry out the normal check-up. I unfortunately met about six Kenynes accompanied by their families who were seeking treatment in that country. That means it is too costly for individuals to seek medical attention. I think we lack many experienced or trained personnel in Kenya to administer and manage this disease.

With regard to the cancer institute, we need to have more research done on this disease. We do not know what causes it, but we only speculate. The people lack information on what actually causes it and at what time they should seek treatment from experienced or trained personnel. Many of the communities in the rural areas believe this is a curse and yet it is something we understand can be treated if detected in good time. Many people today, once diagnosed with cancer, take it as a death sentence. They feel that all procedures they go through are just to prepare them for death. I think we need to support the amendment on telemedicine.

We should invest more in the IT sector and personnel. Even if we have the equipment and the network as a country with established collaborations with other doctors in the world, we still do not have enough personnel to manage this disease. I stand here to support that we need more investment in this sector.

I support.

**Hon. Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Paul Mwirigi, Member for Igembe South.

**Hon. John Paul Mwirigi** (Igembe South, UDA): Ahsante sana, Mhe. Spika wa Muda. Ningependa hili liende kwenye ripoti: Katika Bunge hili, inaonekana kuna Wabunge zaidi ya wengine. Hii ni kwa sababu kuna Wabunge ambao wanafika mapema, wanaweka kadi na majina yao yanasomwa katika mashine ya Bunge kwamba wametangulia lakini hawapewi nafasi kuzungumza. Sijui ni kwa sababu gani.

**Hon. Temporary Speaker** (Hon. (Dr) Rachael Nyamai): You are out of order, Hon. Mwirigi. I am going to give you time to proceed with your contribution. I will not ask you to withdraw what you have said, but I would like to ask you to proceed.

You are out of order!

**Hon. John Paul Mwirigi** (Igembe South, UDA): Hilo linafaa kuingia kwa rekodi ya Bunge kwa njia hiyo.

Ninataka nimpongeze Mhe. Rahim kwa sababu Mbunge anachaguliwa kuwafanyia wananchi kazi. Kwa hivyo, nampongeza Mhe. Rahim kwa kuuleta Mswada huu kuhusu mambo ya afya ya teknolojia ya kisasa Bungeni. Dunia hii inasonga kwa mwelekeo wa teknolojia ya kisasa. Kwa hivyo, sheria hii imekuja kwa wakati unaofaa. Hii sheria itasaidia wananchi hasa wale ambao wanatoka mbali. Vile vile, itasaidia kupunguza wakati wa kutembea kwa sababu hospitali zinazoshughulikia mambo ya saratani ni chache sana nchini.

Kwa hivyo, teknolojia hii itakapowekwa katika sheria, itasaidia wananchi wengi katika taifa hili. Wananchi watakuwa na mahali pa kuhudumiwa kwa haraka, na rekodi zao pia zitawekwa kwa matumizi ya baadaye. Matumizi ya teknolojia yataweza pia kusaidia wananchi kushirikiana na daktari kwa sababu taasisi zinahusika na mambo ya saratani ni chache sana.

Kwa hivyo, Mswada huu utasaidia kupunguza msongamano mahospitalini na kuhakikisha kwamba wagonjwa wanatibiwa kwa haraka.

Kwa hayo machache, naomba kuunga mkono. Ahsante.

**Hon. Temporary Speaker** (Hon. (Dr) Rachael Nyamai): *Ahsante.*

Hon. Members, I would like to recognise the clergy from the National Independent Church of Africa, (NICA), Embu Diocese, seated in the Speaker's Gallery. They are from Runyenjes Constituency. On behalf of the House, I welcome you to the National Assembly. I would also like to welcome you on behalf of your Member of Parliament, Hon. Karemba, who had already spoken on this Bill.

Hon. Members, I would like to take this opportunity to call upon the Mover to reply.

**Hon. Rahim Dawood** (North Imenti, Independent): Thank you, Hon. Temporary Speaker. Before I reply, I would like to donate my few minutes to the following Members; Hon. John Kiragu, Hon. Adan Haji, Hon. Susan Kiamba and Hon. Andrew Adipo. And if there is more time, I will allow Hon. Taitumu to say something. I, however, do not think there is enough time.

Thank you, Hon. Temporary Speaker.

**Hon. Temporary Speaker** (Hon. (Dr) Rachael Nyamai): They will have one minute each. Let me have the list.

**Hon. (Eng) John Kiragu** (Limuru, UDA): Hon. Temporary Speaker, I rise to support this Bill. First of all, I want to thank my friend, Hon. Rahim, for this Bill. As I stand here, I recognise the seriousness of this cancer problem in the country. I know that telemedicine and the training of more specialists in this country will help us. We have an opportunity to exploit the digital super highway that we are creating. Kenya and other world experts are meeting in Nairobi to discuss the control of radiation, particularly the ionising radiation which can cause cancer. Use of technology...

*(Hon. Eng. John Kiragu's microphone went off)*

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Adan Haji, the Member for Mandera West.

**Hon. Yusuf Haji** (Mandera West, UDM): Thank you, Hon. Temporary Speaker. I also thank Hon. Abdul for bringing this Bill. I stand to support. We need to find the root cause of the upsurge of cancer in this country. About a decade ago, cancer was a very rare thing, but now, the number of cancer cases has increased. Telemedicine is really important because it will reduce the cost of travel, increase productivity, and encourage world-class treatment of cancer. The more cancer cases, the more the oncologists.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Suzanne Kiamba, the Member for Makueni.

**Hon. Suzanne Kiamba** (Makueni, WDM): Thank you, Hon. Temporary Speaker. I wish to add my voice to this very important Bill. I also thank Hon. Dawood for bringing it. As everyone has said, cancer has made many families very poor. Innovations like telemedicine that add value to the sector are highly appreciated. However, we cannot just be recipients of technology. We need our doctors and our experts to carry out thorough research so that this new technology does not make money for other people only. We need clear evidence...

*(Hon. Suzanne Kiamba's microphone went off)*

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Andrew Okuome, the Member for Karachuonyo.

**Hon. Adipo Okuome** (Karachuonyo, ODM): Thank you, Hon. Temporary Speaker. I want to emphasise that cancer has caused havoc in this nation. We need proper action so that we can reduce its impact in Kenya. Telemedicine can help us because enough research has been done on it. We can collaborate with other countries to ensure that we reduce the number of cases in this country. We also need to do a lot of research so that we can even use herbal medicine to treat this dreadful disease.

I thank my friend, Hon. Dawood.

*(Hon. Adipo Okuome's microphone went off)*

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Dawood, you only have two minutes to reply.

**Hon. Rahim Dawood** (North Imenti, Independent): Hon. Temporary Speaker, I do not want to be selfish. If possible, I wish to donate half a minute to Hon. Rael Kasiwai and another half a minute to Hon. Edith Nyenze.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Please, proceed and reply.

**Hon. Rahim Dawood** (North Imenti, Independent): I thank all the Members who have contributed to this Bill which should be put into action immediately after being signed into law. Many times, we pass Bills here, but regulations are not put in place to support them. The best thing to do is to train oncologists. They are important yet we have a shortage of them.

With that, I beg to reply and request that you defer putting of the Question to the next sitting pursuant to Standing Order 53(3).

*(Putting of the Question deferred)*

## ADJOURNMENT

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Hon. Members, the time being 1.00 p.m., the House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 1.00 p.m.

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