

PARLIAMENT OF KENYA**THE SENATE****THE HANSARD****Tuesday, 30th July, 2019**

*The House met at the Senate Chamber,
Parliament Buildings, at 2.30 p.m.*

[The Speaker (Hon. Lusaka) in the Chair]

PRAYER**COMMUNICATION FROM THE CHAIR****HEALTH TALK ON CANCER**

The Speaker (Hon. Lusaka): Hon. Senators, as you may be aware, M/S. Healthcare Ltd was contracted by the Parliamentary Service Commission to provide medical cover for Members of Parliament with effect from 1st January 2018 to 31st December 2019.

One of the deliverables in the contract is for the service provider to conduct health talks for the Members of Parliament. In this regard, the service provider has requested to undertake a health talk to hon. Senators on cancer with a view to demystifying it, apprise Senators on the root causes, preventive measures and treatment for the same. The talk will offer an opportunity for hon. Senators to engage with experts in the field and to address their concerns on the subject.

The talk is scheduled for tomorrow Wednesday 31st July, 2019 at 11.00 am, in the Senate Chambers. All hon. Senators are invited to attend this important talk.

I thank you.

**APPOINTMENT OF MEMBERS TO THE MEDIATION COMMITTEE
ON THE COUNTY GOVERNMENTS (AMENDMENT) BILL
(SENATE BILLS NO. 11 OF 2017)**

Hon. Senators, I wish to bring to your attention that the Senate, vide a letter from the Clerk of the National Assembly, received communication that the Speaker of the National Assembly has appointed the following Members to the Mediation Committee on the County Governments (Amendment) Bill (Senate Bills No. 11 of 2017)-

- (1) The hon. Amos Kimunya, EGH, MP;
- (2) The hon. George Peter Opondo Kaluma, MP;
- (3) The hon. Didmus Barasa, MP;
- (4) The hon. Edward Oku Kaunya, MP; and
- (5) The hon. Halima Mucheke, MP.

Consequently, I have appointed the following Senators to the said Committee-

- (1) Sen. Kipchumba Murkomen, MP;
- (2) Sen. Mary Yiane Seneta, MP;
- (3) Sen. John Kinyua Nderitu, MP;
- (4) Sen. Mutula Kilonzo Jnr, MP; and
- (5) Sen. Judith Pareno, MP.

I urge the Mediation Committee to move with speed and deal with this important assignment.

I thank you!

STATEMENT

ETHNIC AND REGIONAL DISTRIBUTION OF HIGH CADRE JOBS IN ALL GOVERNMENT INSTITUTIONS/AGENCIES

Sen. Malalah: Mr. Speaker, Sir, pursuant to Standing Order 48(1), I rise to seek a Statement from the Chairperson of the Committee on National Cohesion, Equal Opportunity and Regional Integration concerning the ethnic and regional distribution of high cadre jobs in Government ministries, embassies, state agencies, departments and parastatals in Kenya.

In the response, the Chairperson should:-

- (1) List the number of Government Ministries, embassies, State agencies, departments and parastatals as currently constituted in Kenya.
- (2) State the ethnic and regional background of all heads and top ten officers of the Ministries, embassies, State agencies, departments and parastatals as listed in (1) above.
- (3) State whether the distribution of these positions as stated above is in line with the Government policy on equal distribution of opportunities to all communities and regions in Kenya and whether the opportunities as distributed helps the country to achieve cohesion and integration.

I thank you.

The Speaker (Hon. Lusaka): Is there any Member who would like to comment on the Statement?

Kindly proceed, Sen. (Dr.) Zani.

Sen. (Dr.) Zani: Mr. Speaker, Sir, I wish to support Sen. Malalah because he has sought a very important Statement. It addresses one of the key values in this country; equality of opportunities. Different people have various disadvantages as a result of region, ethnicity, geography and gender. All these issues persist in many societies and it is key in the Statement that has been sought.

Apart from giving the data that has been sought, a pattern of analysis should be made in terms of the whether the inequalities are reducing or increasing over time. A stable society moves towards reducing inequalities. Apart from seeking data, I hope that the response will have an indication of the reducing or increasing inequality.

I thank you.

Sen. Kinyua: Mr. Speaker, Sir, this is a very good Statement. I urge the Committee to get information on the qualification of the heads of those institutions as

well. The Statement will ensure that the opportunities that are available are distributed throughout the country.

I thank you.

Sen. (Dr.) Ali: Mr. Speaker, Sir, I support the statement because this country has undergone many problems as a result of inequality and marginalization while others get more opportunities than others. If we followed the law, this problem would not arise. The problem is even in the counties. Although they are required to employ 30 per cent of staff from other regions, that has not been not adhered to. In the national Government, you will be shocked that in the Public Service Commission to find that some ministries and departments have too many people from the same village.

It is important for Kenyans to work together for people to feel that they are part and parcel of this country. Equal opportunities for all Kenyans should be endorsed and supported fully.

I thank you.

Sen. Khaniri: Mr. Speaker, Sir, allow me to thank my neighbour and the Senator for Kakamega County, Sen. Malalah, for raising this important and sensitive issue. The Constitution of Kenya 2010 acknowledges our diversity. However, instead of diversity being our strength, it has become our weakness. The reason we have problems after every election cycle is because there are communities that feel that they have been marginalized since Independence in terms of sharing of resources and appointments in high Government positions. This matter must be addressed if we are to have any peaceful elections in this country. Every community must feel part of this country and must be appreciated.

Mr. Speaker, Sir, I enjoin my colleague from Kakamega County and encourage the Committee that will be given this task to ensure that they come up with a comprehensive answer. We want to get the statistics now and the plans that the current administration has to ensure that we have an all-inclusive public service.

I thank you.

Sen. Poghio: Mr. Speaker, Sir, while I support the Statement, I urge the Committee to look at the Commission that have been constituted by the Government to look into these issues at the national level. The National Cohesion and Integration Commission watch these things happen yet we have not heard of anybody taking this Commission to task. The Committee should begin by tasking the Commission.

More importantly, I would like to suggest that we do not broaden this Statement so much. We should pick an area and it will tell us the whole story. If we make it look like the whole Government is going to be listed, it may take us too long and we will not solve the problem quickly. However, if we pick specific areas and make them sample enough to show us that there is inequality, it will be faster and we will deal with this matter.

Mr. Speaker, Sir, I support this Statement as long it avoids profiling in a negative sense. It will help us to solve the problem of inequality once and for all. I still persist that the Commission that is tasked with the responsibility of ensuring equality should have had an impact on the way that balancing happens in the country.

I thank you.

Sen. Ochillo-Ayacko: Mr. Speaker, Sir, I congratulate Sen. Malalah for raising this issue. Those who have walked the journey of reform know that we have been looking

at the ways and means of having one Kenya that recognizes diversity and plurality of origin, belief and colour.

The answer is almost out there that the Committee will find out that there is no even distribution of opportunities. More importantly, I would like the Community to look at how to solve this problem. The Constitution and other documents are very clear as to what we should have in this country. We are likely to find statistics indicating imbalance in terms of opportunities available to our people but what solutions are we going to get?

So, this Committee, which has been given a very heavy responsibility, should look at what kind of solution would be sustainable and work for this nation. It should also look at what kind of sanctions should be put in place for those who violate this very sacred fabric of our nation.

Mr. Speaker, Sir, lastly, in this Statement, there is no clear mention of inclusion of gender. We are only talking about ethnic and regional balance, whereas it is important to also look at gender. This is because in our gender, lies a lot of potential that is being overlooked but is being overtaken and ignored, yet that is where the future lies.

Thank you.

Sen. Seneta: Thank you, Mr. Speaker, Sir, for giving me a chance to add my voice to this important Statement which is very timely. Besides supporting it, the Committee should move to the next level and task the Ministry of Public Service, Youth and Gender Affairs and see how much they have been dealing with this issue.

It is their role to ensure that there is equality in every sector and, therefore, we would wish to know what they have been doing to help this country address these matters of ethnic imbalance in all sectors, departments and Ministries.

I support and also congratulate Sen. Malalah for coming up with this important Statement.

Sen. Wambua: Thank you, Mr. Speaker, Sir, for this opportunity to join my colleagues in congratulating Sen. Malalah for bringing up this very bold Statement.

I would want to request that the Committee to which this Statement will be committed should also look into what is happening in our counties because very few of our counties, if any, are observing the constitutional requirement that 30 per cent of staff in the counties come from outside the region where the county is situated.

Most importantly, I know that when issues start coming up, there will be so much talk from different quarters, and especially from communities that could be over-represented in the Civil Service in terms of ethnic profiling. The Committee should have the courage to confront the facts as they are and bring the results of the investigations to this House for deliberation.

It is very sad that as we speak today, the National Cohesion and Integration Commission is more or less moribund. The last time I checked, the Commission's term of office had expired. The term of office of the CEO had also expired and there was an on-going court case on the procedure to follow in constituting the Commission.

Mr. Speaker, Sir, even as the Committee interrogates this matter, they should also help the National Cohesion and Integration Commission to be back on its feet and see what legislation is needed to make it more than just a toothless dog.

Thank you.

Sen. (Dr.) Milgo: Thank you, Mr. Speaker, Sir. I also rise to support Sen. Malalah on this Statement. I think it is timely, particularly, because of the fact that we

have been having challenges in this country and we have seen the “handshake”, which is already there. If all institutions are balanced, then we would be having better ways of performing jobs.

The Committee that will deal with this issue should look into this particular matter in terms of having a legal way to ensure that all institutions adhere to the issue of balancing. Balancing of different ethnic groups will lead to efficiency. Most institutions have people from the same ethnic group to the extent that they conduct business in the local dialect, leading to the inefficiencies that we experience today in this country, which leads to increased corruption.

Once the Committee completes its investigations and ethnic balancing is achieved, then the same can be cascaded to the counties and this will lead to cross county transfers, making it easy to exchange ideas among staff. By so doing, our country will improve in terms of performance.

Sen. (Dr.) Musuruve: Thank you, Mr. Speaker, Sir, for giving me this opportunity to support this Statement from the Senator for Kakamega County. I want to say that Sen. Malalah has come up with a very commendable Statement that needs to be thoroughly investigated because the Constitution is really keen on issues of affirmative action.

You will notice that communities that seem to be large are now seemingly marginalized in terms of positions, for example, in the Public Service. The Committee should carry out an audit and find out the situation in terms of ethnic balancing, jobs and positions so that every community is effectively represented.

Mr. Speaker, Sir, even as you talk of representation of communities, they need to ensure that persons living with disabilities are represented effectively, because, yes, they are marginalized, but when it comes to appointments, you will realize that some of them have the necessary qualifications but they are actually left out in the cold.

There is need for this Committee to interrogate this issue for the purpose of national integration and ensure that all Kenyans are benefiting from the national cake.

Thank you.

Sen. Halake: Thank you, Mr. Speaker, Sir. I thank you very much for allowing me to contribute to this Statement. I would like to congratulate Sen. Malalah for this Statement.

I am sure he is aiming at the issue of inclusivity and equal opportunities for our people, so that, then, we have a shared prosperity. I hope that the Committee will go beyond ethnic and regional, to look for other areas of inclusivity with regard to seeing how many women and people with disabilities are actually there.

As much as we are looking at regional balance and the ethnic composition of our workforce, we would also like to see the other aspects of inclusivity, equality and equal opportunities as pertains to women, the youth and people with disability. I hope that the Committee will also include those issues which are very easy to determine from the data that they will obtain.

Mr. Speaker, Sir, if you look deeply into the issue of inclusivity, you will realize that it is also about education. We could also argue that, perhaps, it is not merit alone that is going to determine where you get placed in our Public Service. We should also scrutinize whether our education system is inclusive enough to ensure that upstream to the job market, we have an inclusive representation of everybody in our country as

opposed to having one ethnic or regional group or one gender represented in our work force.

The issue of inclusive education is also important, especially for us who come from those parts of the country where there is a lot of disparity with regard to education. We hope the Committee will give recommendations on the factors that are causing this.

Mr. Speaker, Sir, looking at the issues around what this Statement is speaking to, as you know, we have had issues around ethnic antagonism and competition. Recently, we watched on television people who were being hauled to the courts having the same names or the same regional background. Perhaps this could be the reason why these questions are being asked. We need to look beyond ethnic balance to other perspectives that include women, youth and people with disability.

I congratulate and support Sen. Malalah.

The Speaker (Hon. Lusaka): Proceed, Sen. Orengo.

The Senate Minority Leader (Sen. Orengo): I will speak just briefly, Mr. Speaker, Sir, in support of this request for Statement. I fully support it and commend the Deputy Minority Leader and Senator for Kakamega. One of the things that I wanted to point out, other than the issue of balance in terms of regions and numbers, there is a portfolio balance that is very important. It is not good giving people from a certain area certain positions, which may be merely cynical, and saying, "We have given regions such as the Coast certain positions, which you should appreciate."

Sometimes what is more important is that there are some very key positions in Government which, for some reason--- In fact, if you look at it from the time of Independence, there are some key areas in the Public Service that tend to go to particular communities. This is a matter that should not be considered to be an idle comment. People will feel more included in terms of being part and parcel of the leadership of the nation depending not only on the number of positions that are distributed equitably on the terms of competence and integrity, but also in terms of the portfolio balance. Therefore, it is not just numbers, but also the status of those positions.

Mr. Speaker, Sir, I can see from the distinguished Member who has just spoken, the issue of women, which I think is also very important. There are countries which are taking the lead; for example, in South Africa, they are saying that in the public service, including the Cabinet, you can almost have equal numbers of both genders. That is the way to go. However, beyond that, I would want to see a situation where every position in the public service could be given to anybody, irrespective of where that person comes from.

Mr. Speaker, Sir, if I started enumerating from a position such as that of the Governor of the Central Bank of Kenya (CBK), we can determine where the Governor has come from in the last 50 years. If you take a sector, such as security, and try to determine where these people come from, you will then begin to see how discriminatory the system is, instead of just thinking about numbers.

This is, therefore, a very important request for Statement, and I look forward to seeing it. I remember that there was time when hon. Sifuna asked such as question, and it brought a lot of furore, but what turned out was the truth. These are the kind of signals we should be looking at in advance to determine whether the country is going in the right direction or not.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): Hon. Senators I see a lot of interest and we have many other Statements that we need to speak to. I will, therefore, just give two minutes to those who I will invite to speak from now on.

Proceed, Sen. (Dr.) Kabaka.

Sen. (Dr.) Kabaka: Thank you, Mr. Speaker, Sir, for giving me these two minutes. I support this Statement by the Senator or Kakamega, who is my friend.

Mr. Speaker, Sir, the Constitution is very clear in Article 27 on equality and freedom from discrimination. As the Senator for Siaya has stated, having given some historical genesis of inequalities in the Government positions, I wish to state very clearly that even without this Statement being issued, it is in black and white. We know very clearly that there is a lot of disparity, and we know the tribes to which these key Government positions go to. The problem with this State is the tribes, and it is not a question of academics. This is because the majority of the tribes in this country have people who are well-schooled. However, we still find that they are being discriminated and not given these key positions in the Government.

Mr. Speaker, Sir, we have a problem even with the Parliament, both at the National Assembly and the Senate. Some people may not go through during the vetting process simply because they come from a certain tribe. I would even come down and talk about my tribe, the Kamba. As we have been told here, the Kamba have been given certain positions since Independence, especially in the military and the police. Why are they given those positions? It is not because of their academics, but because they are very honest. However, we are now saying---

The Speaker (Hon. Lusaka): Senator, be careful as you head in that direction, because you may be asked to substantiate how honest the Kamba are. Keep within---

Sen. (Dr.) Kabaka: I will do that, Mr. Speaker, Sir. In 1982, when there was an attempted *coup d'état* in this country, it took the late General Mulinge, a Kamba, to save the then President Moi. That was because of honesty. If he was selfish, this country would have taken a different direction. I am a student of history, but I do want to go to that.

We, therefore, need to have a very equal-levelled kind of governance where all the tribes feel that, indeed, they belong to this country.

I beg to support.

Sen. (Rev.) Waqo: Thank you, Mr. Speaker, Sir, for allowing me to add my voice to this very important Statement by Sen. Malalah. This Statement concerns all of us.

(Loud consultations)

Mr. Speaker, Sir, there is a lot of noise in that corner.

The Speaker (Hon. Lusaka): Let us consult in low tones.

Sen. (Rev.) Waqo: Thank you, Mr. Speaker, Sir. This is a very important Statement to each one of us. The issue of equality is something that has caused most of the challenges that we have in our country today. There are people who are not satisfied; there are people who are marginalised and who have never tasted the best part and portion of the resources that we have.

Due to that, I support this Statement. I believe that it will come to my Committee on National Cohesion, Equal Opportunity and Regional Integration. We will give it all the attention it deserves, and all the responses that the hon. Members are requesting for.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): Proceed, Sen. Boy.

Sen. Boy: Asante sana, Bw. Spika, kwa kunipa fursa hii. Namshukuru Seneta wa Kakamega, Sen. Malalah, kwa kuleta Taarifa hii.

(Loud consultations)

The Speaker (Hon. Lusaka): Hon. Members, let us consult in low tones.

Sen. Boy: Bw. Spika, kama unavyojua, katika nchi yetu hii ya Kenya, mara nyingi sana katika uteuzi wa kazi huwa zina shida sana. Kusema kweli, Mheshimiwa Malalah hii Taarifa uliyoleta Seneti siku ya leo itakapojadiliwa na Kamati hii, itatoa mambo mengi sana. Hii ni kwa sababu umesema unataka kujua ni mabalozi na wakurugenzi wangapi ili tuweze kuhakikisha haki inatendeka.

Bw. Spika, hatusemi kwa ubaya kwamba kuna ubaguzi. Kama unavyojua, sisi ni watu wa nchi moja na tunapendana. Hata hivyo, wakati wa ugavi wa kazi, utashangaa. Wala sitaki kusema mengi. Kamati ambayo itateuliwa ichunguze jambo hili, itatoa ukweli na tutajua ni watu gani waliopewa nafasi hii.

Ninaunga mkono Taarifa ya Sen. Malalah.

Sen. Shiyonga: Thank you, Mr. Speaker, Sir, for giving me this opportunity to support the Statement by Sen. Malalah. Not many people can get the courage to bring such a Statement to be discussed in this House. I congratulate Sen. Malalah for that.

We all embrace our Constitution and the opportunities that have been given in it. However, when you see the distribution of opportunities especially high cadre opportunities in the Government, you will be ashamed. Even if the list will come – seeing as we are requesting for it - you will be dismayed to find that only people from one region or community are the ones who are employed in the lucrative areas.

What is the need then, of us, Kenyans, educating our children? What is the need of us investing in our children and communities if in the end, all the lucrative opportunities are given to the same people and in a biased way? If you look at the embassies and State agencies, you will find that they have employed people from the same community. We are not ashamed to say that these people need to change this culture. It is a heartbreaking culture especially here in Kenya. It is also trickling down to county governments.

When this list comes, I would wish to be a friend of the Committee so that I can also give my contribution.

Thank you, Mr. Speaker, Sir.

Sen. Olekina: Thank you, Mr. Speaker, Sir. I rise to give my few unorthodox views on this Statement. This Statement has come at a very sensitive time in this country when our children seldom know whether they are Maasais, Kikuyus or Kalenjins. I long for the time when we can look at ourselves as one country, as Kenyans.

Having said that, I am also alive to the fact that the issue of ethnicity is more inclined to the issue of resources getting to the people. Although I support my colleague, Sen. Malalah, this is a very dangerous Statement, in my view. I hope that we can look at ourselves as Kenyans. If I ask my seven-year-old son the difference between a Maasai and a Kalenjin, he does not know. Who will give a hoot in hell what the difference is?

It is time we reward merit but not look at people in terms of where and from which ethnic group they come from. Some of us who are the minority, if we were to go in that direction, it would not be good. This problem is not confined to Kenya but the whole of Africa and the world; where people are not able to manage diversity in terms of ethnicity. As this Committee looks at this issue, they should bear in mind that some of these things which are being requested by my colleagues are very dangerous. The Statement is requesting that a list of the number of Government Ministries, embassies, State agencies, departments and parastatals as currently constituted in Kenya be provided. Secondly, it is requesting that we be told which ethnic group they come from. Are they not Kenyans?

We have to be very careful on how we proceed in terms of bringing affirmative action on the issue of inclusivity. I would urge the Committee looking at this, that the first thing that should lead them in getting facts so that we can advance affirmative action, is by defining who are these Kenyans and what part of Kenya they come from. This will ensure that the 47 county governments that we have feel represented in the big national cake.

Sen. (Prof.) Ongeri: Thank you, Mr. Speaker, Sir. Our Constitution, while acknowledging the Almighty God of all creation as the Supreme Being of this world, also recognises the aspirations of all Kenyans for a Government based on the essential values of human rights, equality, freedom, democracy, social justice and the Rule of Law.

Indeed, one of the reasons why this Constitution was established was to ensure that there is clear balance in terms of opportunities and equality in everything that we do whether in educational institutions, social areas or Government positions and everywhere else. We must impart values that our children and the generations to come will espouse, so that they live in a country that is free from all other encumbrances. There is nothing as bad as discrimination. This is what this Committee is supposed to look into and this is what this Statement is seeking. Are we are living true to the fidelity of our Constitution of equality? For now, I will stop there. I will make more comments when the Statement is responded to.

Thank you, Mr. Speaker, Sir.

Sen. Mutula Kilonzo Jnr.: Thank you, Mr. Speaker, Sir. I want to agree with Sen. Olekina that this Statement is necessary but it is also very dangerous. I am not sure whether Kenya is prepared to deal with the truth of what Sen. Malalah is asking.

The truth is that, just like in the Book of John 8.26, the majority of public service employment is centred around tribes of people who have occupied the Presidency. This is a fact. I am not sure once we get this information, what we are supposed to do about it. Therefore, as we interrogate this issue through the Committee, I am not sure whether the information will be given. However, when it is given, there will be gnashing of teeth like in the book of Revelation. This is because jobs in Kenya are given in a principle called “technical know-who” and not merit. Therefore ---

The Speaker (Hon. Lusaka): Sen. Ochillo-Ayacko, what is your intervention?

Sen. Ochillo-Ayacko: Mr. Speaker, Sir, I hate to interrupt my Whip; he might de-whip me. However, my Whip and Sen. Olekina said that what we are seeking is very dangerous. Now, I am very concerned about the security of Members including myself. Would I be in order to request Sen. Mutula Kilonzo Jnr. to let us know what kind of

danger is lurking about the information that we are seeking so that we can take safety measures?

Sen. Mutula Kilonzo Jnr.: Mr. Speaker, Sir, it is not danger to the extent that you need to wear a helmet or have a bodyguard. The information is dangerous to the extent that once you know the tribes of the people who occupy these positions; do you remove them from those positions and give others? Are we going to condemn people who are in office because of their tribe? It is a question in the mind. What will you do with this information once it is given? You find people from the same tribe being listed from number one to 20. Will you remove them from office? That is the question. Who will you refer this matter to? Are you going to affect the principles of employment and other things?

I am just saying that the information is possibly readily available. You do not even need a week. This information can be availed to this House in three days. The fundamental question is; how will Kenya deal with the fact that jobs have been given to people from the same tribes since Independence? That is the danger.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): Hon. Senators, I hope that the Committee that will deal with this matter has intelligent people and they will know what information to provide to this House.

COMMUNICATIONS FROM THE CHAIR

VISITING DELEGATION FROM KEGEITU-INI SECONDARY SCHOOL, MURANG'A COUNTY

I would like to acknowledge the presence in the Public Gallery this afternoon of visiting students and teachers from Kegeitu-ini Secondary School, Murang'a County.

In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them. On behalf of the Senate and on my own behalf, wish them a fruitful visit.

Thank you.

VISITING DELEGATION FROM THE UNIVERSITY OF NAIROBI

The Speaker (Hon. Lusaka): Hon. Senators, I have another Communication to make. I would also like to acknowledge the presence in the Public Gallery this afternoon of visiting students and lecturers from the University of Nairobi, Nairobi City County.

In our tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them. On behalf of the Senate and on my own behalf, I wish them a fruitful visit.

I thank you.

THE DEMISE OF THE LATE HON. KEN OKOTH, MP,
MEMBER FOR KIBRA CONSTITUENCY

The Speaker (Hon. Lusaka): Hon. Senators, I have another Communication on the demise of the Late Hon. Ken Okoth, MP, Member of the National Assembly for Kibra Constituency.

Hon. Senators, on the evening of Friday, 26th July 2019, the country received with great sorrow the sad news of the demise of the Member of the National Assembly for Kibra Constituency, the late Hon. Ken Okoth, MP.

The late Hon. Ken Okoth was born in Kibra's Kisumu Ndogo, Nairobi City County in 1978. He attended Olympic Primary School and thereafter proceeded to the Starehe Boys' Centre where he sat for his KCSE examinations in 1995. Between 1997 and 2001, Hon. Okoth attended St. Lawrence University, Canton, New York, USA, where he graduated with a Bachelor of Arts in German and European Studies. He later attended Georgetown University, Washington DC, USA, for his Master of Arts in German and European Studies between 2002 and 2005.

The late Hon. Okoth made his debut in national politics in the run up to the 2013 General Election when he successfully vied for the Kibra Constituency seat where he served from 2013 to 2017. He was subsequently re-elected in the 2017 General Elections.

He was a vibrant Member of the National Assembly who served actively and diligently. In the 11th Parliament, 2013-2017, he was an active member of the Departmental Committee on Education, Research and Technology where his contribution and participation was commendable. In the current Parliament, he served as a Member of the Constitutional Implementation Oversight Committee and the Procedure and House Rules Committee. He also served as one of the founders and Chairperson of the Parliamentary Caucus on Sustainable Development Goals (SDGs).

Hon. Senators, before joining the National Assembly in 2013, the late Hon. Okoth started his career as a Resident Director in 2001 at St. Lawrence University, Canton, New York, USA. Between 2003 and 2004, he served as a History Instructor at the Friends School of Baltimore. He served as a lecturer of African Studies at Georgetown University School of Foreign Service, between 2005 and 2008. He also served as the Executive Director for the Children of Kibera Foundation, Washington, DC, USA and Nairobi between 2007 and 2012; and as a Resident Director at the University of Dar es Salaam Study Centre.

The late Hon. Okoth was a firm leader who never shied away from defending the rights of his constituents and the people of Kenya in general. In Parliament, he championed for three things among many others, and would always quote them, "*Uchumi bora, Elimu kwanza na Mazingira bora.*" He was also instrumental in the passage of the Prevention of Torture Act, 2017 and the National Coroners Service Act, 2017.

Hon. Senators, his passing marks a dark moment not only for his family, the 12th Parliament and residents of Kibra Constituency, but for the country at large. Kenya has lost a candid, resolute, humble, gentle, pleasant and amiable legislator who endeavoured to give everything for what he believed in with great courage, tenacity and humility.

On behalf of the Senate and indeed on my own behalf, I wish to take this opportunity to condole with the family, friends and constituents of our late brother, Hon. Ken Okoth, for the loss of this great legislator.

In tribute to our departed colleague, I request that we all stand to observe a minute of silence.

I thank you.

*(Hon. Senators stood up in their places and
observed a minute of silence)*

THE DEMISE OF THE LATE HON. (DR.) JOYCE LABOSO, EGH,
GOVERNOR OF BOMET COUNTY

The Speaker (Hon. Lusaka): Hon. Senators, I have another Communication to make on the demise of the Late Hon. (Dr.) Joyce Laboso EGH, Governor of Bomet County.

As you are aware, today is another sad day for the country and the people of Bomet County in particular, following the heart-breaking loss of Governor (Dr.) Joyce Cheron Laboso who passed away while undergoing treatment yesterday, 29th July, 2019.

The late Governor was born on 25th November, 1960, and attended Kaplong and Molo Primary schools before joining Kaplong Girls Secondary School and the Kenya High School. A lover of multi-culturalism, Dr. Laboso studied French, Literature and Education at the Kenyatta University before proceeding to the Paul Valery University in France for Post-Graduate Diploma in Teaching of French. She obtained her Masters in Teaching of English as a Foreign Language from the University of Reading in the United Kingdom and was awarded a Ph.D. in Gender and Language Education at the University of Hull, United Kingdom.

The late Governor began her remarkable career by teaching at Kipsigis Girls High School before joining Egerton University as a lecturer rising to the position of Assistant Dean of Students. She also lectured for four years at Farrow House Education Centre in Hull, United Kingdom, before re-joining Egerton University as the Coordinator of Communications, Media, Library and Information Studies Programmes.

The late hon. (Dr.) Governor Laboso joined elective politics in 2008, following the passing on of her sister, the Hon. Lorna Laboso. She vied for the Sotik Constituency seat, which she won in a by-election on 25th September, 2008.

Governor Joyce Laboso's parliamentary career was highlighted by one historical accolade after the other. To highlight a few, she was appointed to serve in the National Assembly's House Business Committee in her first term and served in the Departmental Committee on Education, Research and Technology. She was also an active Member of the Kenya Women Parliamentary Association (KEWOPA). The people of Sotik Constituency showed confidence in her leadership and development track record by re-electing her back to Parliament in March, 2013. Later in 2017, hon. (Dr.) Laboso made history by becoming the first woman Deputy Speaker in the history of the Parliament of Kenya.

Hon. Senators, the late Hon. (Dr.) Joyce Laboso was elected Co-President of the Africa, Caribbean, Pacific-European Union Joint Parliamentary Assembly (ACP-EU) from 2012 to 2013, taking leadership of Parliaments representing nearly 100 countries from four regions of the world. Her service at the ACP-EU earned her respect and honour in inter-parliamentary diplomacy.

Hon. Senators, as the Member for Sotik Constituency, the late Hon. (Dr.) Laboso had prioritized the development of roads, education, water, electricity and had championed women issues. It is on this pedestal that the people of Bomet County encouraged her to vie for the position of governor in the 2017 General Elections. She made history by becoming one of the first three women governors in Kenya.

As Governor, Hon. (Dr.) Laboso made great strides in transforming the livelihoods of residents of Bomet County through innovative and dynamic leadership, efficient and effective mechanisms and viable partnerships that focused primarily on core development needs of the people identified through public participation forums. Governor Laboso served the people of Bomet County tirelessly and wholeheartedly until her demise on 29th July, 2019.

The residents of Bomet County, the nation at large and the international community have lost a precious jewel, a distinguished scholar, a courageous leader and a good-hearted and jovial person.

On behalf of the Senate and on my own behalf, I wish to take this opportunity to condole with the family and friends of Governor (Dr.) Joyce Laboso, EGH.

In tribute and honour to our departed compatriot, I request that we all stand to observe a minute of silence.

I thank you.

(Hon. Senators stood up in their places and observed a minute of silence)

POINT OF ORDER

TRIBUTE TO THE LATE HON. KEN OKOTH AND THE LATE GOV. (DR.) JOYCE LABOSO

The Senate Majority Leader (Sen. Murkomen): Thank you, Mr. Speaker, Sir. I take this opportunity to pay tribute to the two fallen heroes.

Hon. Ken Okoth was a friend. He was an all-round human being. He loved his friends, family, constituents and country with all his heart. What you saw in Ken is what you got. He did not have different personalities. He was a straightforward person and very friendly.

We were among a group of young legislators elected together to the Eleventh Parliament. He served in the National Assembly as we served in the Senate. I can confidently say that he was ready to work with people across the political divide.

Mr. Speaker, Sir, we went with you to France to visit him. One thing that surprised me is that he dealt with his situation with a lot of grace, smile, commitment and passion for his people despite the fact that he was going through difficult times.

So, I convey my heartfelt condolences, that of my family and the people of Elgeyo-Marakwet County to the family, friends and the constituents of Kibra for the loss of such a great and accomplished gentleman.

Mr. Speaker, Sir, there are things that we have control of as human beings and there are those that we do not. So, those that we do not have control of includes the obvious fact that we will leave this world *via* death. What we can only say is that hon. Ken Okoth inspiring live lives amongst us.

I also convey my condolences to the family of Governor (Dr.) Joyce Laboso who was my personal friend. I got to know her before we passed the Constitution of Kenya 2010 when she engaged me to do civic education in Sotik Constituency. At that point in time, she was a Member of Parliament (MP) and I was a lecturer of law at the Catholic University of Eastern Africa (CUEA) and later Moi University. We worked closely with her. Luckily, when I came to Parliament, we were in the same political party. We served together with her.

I was amongst the people who stood by her when she went for the position of governor. It was a combination of wisdom, intelligence, tenacity and fortitude in the person of Governor (Dr.) Joyce Laboso. She was so intelligent that she got two degrees in the United Kingdom (UK). However, when you went to Bomet or interacted with her, she never loaded her great degrees or her achievements on you. I read an article of the newspaper that said that she became a trailblazer by accident because she inherited the seat from her sister. In fact, I reflect that Governor (Dr.) Laboso has only been in politics and public life for a short period of 10 years. However, when you look through her history as a MP, Deputy Speaker and first woman governor together with the Governor of Kitui and the Governor of Kirinyaga, we thank God for the person we knew. I say *pole* to the people of Bomet.

Mr. Speaker, Sir, as I conclude, there is a huge debate. I know that this afternoon, we will deal with a Bill on cancer prevention and treatment. There are a lot of theories and conversation about what exactly we should do to avoid or treat cancer. Those of us who are laypeople in the sense of being doctors sometimes get confused as to what advice should be taken. It is important that as a nation, we try to eliminate as much as possible the things that could lead to this disease whether it is safety of our food or environment. It is unfortunate that treating or preventing diseases, including cancer is a function of the Ministry of Health.

As a nation, we should do a holistic approach. The conversation of well-being and health of the nation should not focus on what the Ministry or Department of Health is doing. We should have a holistic approach about how our environment, the food we are eating and the department of physical exercise is. Ultimately, we will achieve better health as a nation and not focus on treatment which is extremely expensive and costly to the families. Therefore, because everybody wants to say something, I say *pole* to the people of Bomet and the people of Kibra. We will continue to pray for them. We will do everything possible in our capacity, as leaders, to continue making this country a better place to live in.

The Senate Minority Leader (Sen. Orenge): Mr. Speaker, Sir, I join you in the Message of condolence and say *pole* to the families of these two great leaders that we have lost. To begin with, hon. Ken Okoth was a young and vibrant parliamentarian. He was an all-rounder in many ways. I have seen few MPs who had the capacity like that of

hon. Ken Okoth. He was a good legislator and at the same time, he came from the background of somebody like President Obama who knew how to work with the community do community work. He was extremely eloquent. He is one of the legislators who never shied away from appearing before the media, going on talk shows and answering questions, not only in his area of specialty, but on any matter of public interest. He was ready and set to engage with the media and the public.

Mr. Speaker, Sir, hon. Ken Okoth was elected to not an easy constituency which was formerly led by Rt. hon. Raila Amollo Odinga. Taking over from a person of that stature and offering services to that constituency effectively was not an easy feat to accomplish.

He also had a lot of courage and fortitude. I know few people who during times of pain and suffering still had a lot of fortitude. I did not have the advantage of going to France. However, many of us in the Senate, the National Assembly and the leadership generally went to France partly to see him particularly but some in the middle of their business in France.

He was always ready to be seen and engage those who had gone to see him. Sometimes, he would engage in conversations that a person who was going through so much pain would not be able to bear. He was a unique leader with great promise. I always thought that there were bigger things coming his way with the type of qualities and capacity he had. He not only engaged in leadership formally and institutionally; he also engaged in public advocacy and taking part in engagements which required extra-parliamentary means including in demonstrations.

I see the distinguished Senator for Nairobi City County in a smile. Hon. Ken Okoth beat him a little bit in that although he belongs to that category of leaders who create a brand. One of the things that I always tell my friends is that whichever party you belong to and whichever formation you are in, as elected leaders, you must always create your own brand in politics so that you can be remembered for what you were. Hon. Ken Okoth is one of the few people who we can remember for the kind of brand he created for himself despite the fact he was taking over from somebody who is regarded as a statesman in this country. I hope that his family will have the fortitude and strength to bear this sadness, misery and tragedy that met a young man of his age. May the good Lord rest his soul in eternal peace.

Mr. Speaker, Sir, Governor (Dr.) Laboso was equally a trailblazer because she did a lot of things that many people of her time and age were unable to accomplish. In a matter of decade, she became the first female Deputy Speaker of the National Assembly and was amongst the first three women governors in the country.

Governor (Dr.) Laboso was truly learned. People read literature and you discover that they have read English Literature and are proficient in English Language. It is rare to find somebody who got the highest degrees in English and French. I know that the French are very proud people. I had a French Teacher by the name Monsieur Pugeous. The French believe that they are best in the arts.

The Speaker (Hon. Lusaka): What is your point of intervention, Sen. Kibiru?

(Loud consultations)

Sen. Kibiru: On a point of Order, Mr. Speaker, Sir. The Senators seated next to me are consulting loudly. We need protection from you because we are not used to noise at the back bench.

The Speaker (Hon. Lusaka): Hon. Senators, let us consult in low tones.

Kindly, proceed, Sen. Orengo.

The Senate Minority Leader (Sen. Orengo): Mr. Speaker, Sir, I did not hear that noise myself.

I am sure everybody want to say something so let me make my remarks brief.

Gov. Laboso was a modern leader and a learned lady. As I said earlier, I had a French Professor in the University of Madagascar who used to tell us about the superiority of the French over the English in Literature. About 200 years ago, you could not be a proficient diplomat unless you knew French. Diplomacy used to be carried out in the French Language and that only took a turn towards the end of the 19th Century.

Mr. Speaker, Sir, very people knew that Governor (Dr.) Laboso spoke French because she did not carry it around. She was not just a good speaker of the French Language but very well versed in French history and literature. I have lived in the larger Kericho, and for her to have been elected a governor in that area, it was a feat. I hope that the lady Senators who are here will be inspired to become governors. The lady Senators have what it takes to be governors.

I think that Kenya will be a better place with more ladies as governors than men. The men have been a little bit of disappointment because some of them are thieves. None of the three lady governors has been questioned or subjected to any serious investigations. There might have been audit queries here or there but largely, proportionately, they have done very well. The lady Senators have also done very well. When the men are all gone, the ladies sit here until 6.30 p.m. I do not know where we men hurry to while the lady Senators sit here until the Speaker adjourns the House.

Mr. Speaker, Sir, I pray for the family of Governor (Dr.) Laboso. We are mourning the great lady who has made Kenya one; people mourning in Kisumu and Bomet counties. We are also mourning in Siaya County. That is the wonderful thing about women. They can make the world truly one place. Men are a little bit backward but women can live anywhere, anytime and rise above the rest in life. I pray that the Almighty will put the soul of the late Governor (Dr.) Laboso in eternal peace.

Asante sana, Bw. Spika.

The Speaker (Hon. Lusaka): Hon. Senators, I see a lot of interest in this matter. I therefore direct that for the purpose of equity and fairness, every speaker will have three minutes each.

Kindly proceed, Sen. Kinyua.

Sen. Kinyua: Asante sana, Bw. Spika. Nachukua fursa hii kutuma risala zangu za rambirambi na watu wa Laikipia kwa mwenda zake, Gavana Laboso and mwenda zake, mhe. Ken Okoth.

Jambo la kuvunja moyo ni kwamba wote waliathiriwa na ugonjwa wa saratani. Sisi tuliobaki, tunafaa kujiuliza ni nini tunaweza kufanya kupigana na janga la ugonjwa wa saratani. Ugonjwa wa saratani umekuwa kizungumkuti kwetu sisi.

Bw. Spika, ni muhimu kwa kaunti zote 47 kuweka mahabara za kuchunguza ugonjwa wa saratani kwani jambo hili lasumbua sana.

The Speaker (Hon. Lusaka): Sen. Kinyua, ningependa kukujulisha kwamba kuna mswada wa ugonjwa wa Saratani ambao utajadiliwa kwa undani baada ya kutoa rambirambi zetu. Usijadili ugonjwa wa saratani kwa undani sasa hivi kwani tutajadili kwa undani Mswada huo.

Sen. Kinyua: Bw.Spika, nakubaliana nawe kabisa. Sitaki kujadili swala la ugonjwa wa saratani kwa mapana na marefu sasa hivi.

Namkumbuka Gov. Laboso kwa utendakazi wake. Mwezi wa Julai mwaka jana, tuliungana naye katika kungamano la magavana kule Marekani na niliona kwamba alijitolea mhanga kufa kufanya kazi yake kwa makini na ueledi mwingi.

Bw. Spika, sikuwa nimekutana na mwenda zake, Mbunge wa Kibra, lakini kutokana na yale nimesikia kumhusu, alikuwa mtu aliyefanya kazi yake kwa kujitolea. Alikuwa mtu aliyependa kutabasamu kwani alikuwa mtu wa furaha. Ni vyema sisi kama viongozi kujifunza kwamba mtu anapopewa jukumu, anatakiwa kulitekeleza kwa umahiri mkubwa.

Sina mengi ila kusema kwamba Mungu azilaze nyoyo zao mahali pema peponi.

Asante sana, Bw. Spika.

Sen. Mutula Kilonzo Jnr.: Mr. Speaker, Sir, I also wish to pass my condolences on behalf of my family and the people of Makueni County to the family of the late hon. Ken Okoth and the late Governor (Dr.) Joyce Laboso.

Our minds will never forget a picture that circulated of the late hon. Ken Okoth and one of colleagues, Sen. Sakaja, whom I would like to thank now that he is seated in front of me. At the last function that the late hon. Ken Okoth and Sen. Sakaja attended together, they shared hugs and warmth that will be eked in our minds for a long time. I thank Sen. Sakaja for supporting our brother during his time of need when he was most frail.

Mr. Speaker, Sir, there could be Members of this House who are battling the same disease that the two leaders were fighting. I wish that we could discuss this matter a little more openly so that we can help the people whom we can when we are alive. People should not suffer in silence.

More importantly, during the burial of our late colleague, the Senator for Migori, we said that it is time to set aside our differences as leaders and talk about this matter a little more deeply. Ordinary Kenyans cannot afford the medical care in relation to cancer.

I have posted an article that I found in a newspaper in Britain. I hope that the President and everybody who is involved in the handshake must do this in honour of the two leaders.

The article is on the treatment of cancer without chemotherapy. I was visited by a lady who had cancer. She showed me pictures of when she did not have hair. She did her treatment without chemotherapy; her hair grew and she healed. She told me that the doctor who treated her without chemotherapy is a Kenyan but cannot disclose because his colleagues can get rid of him because cancer is a money minting venture for doctors and hospitals.

There is treatment, but can we discuss this more openly because there is a doctor in Kenya who can treat cancer patients without chemotherapy; he is available. If you go to these cancer and oncology centers in Apollo, India, you will be shocked to think that you are sitting in a small province of Kenya out there in India. This is because of our people seeking treatment there for things that we can do here.

Mr. Speaker, Sir, all of us, leaders, must speak with one voice; and not because we have lost leaders, but because ordinary Kenyans are suffering as much as those two leaders were suffering. Allow me to conclude by saying two things, which will be the last ones. One, I must thank the people of Bomet. It is only until today that I discovered that this lady was married to a Luo from Koru. Kenyans are actually not tribal, if they can elect a lot a lady who is married out there in Kisumu. We, leaders, are the people who bring tribalism to this country.

An hon. Senator: Very true!

Sen. Mutula Kilonzo Jnr.: *Ni nyinyi mnaleta hii maneno.*

Mr. Speaker, Sir, somebody like Hon. Ken Okoth, as a young person at 41, has made such a difference in Kibra. I went to do ablution blocks there when I was the president of Rotary at the age of 25 years old. This tells you that other than tribalism, if the youths of this country were given an opportunity, they would end tribalism, corruption and all the divisions that everybody is talking about.

Thank you, Mr. Speaker, Sir.

Sen. (Prof.) Kamar: Thank you, Mr. Speaker, Sir, for giving the opportunity to join my colleagues in passing my condolences to the two bereaved families; the family of the late Hon. Ken Okoth and the late Governor, Hon. (Dr.) Joyce Laboso. I send condolences both from my family, and on behalf of Uasin Gishu County.

Mr. Speaker, Sir, I did not get to know Hon. Ken Okoth, but when I saw that he was only 41 years, my heart went out to his young family, the children he has left behind within a very short time and the people who depended on him. We learnt a lot about Hon. Ken Okoth after his departure because of women who wailed and said that they did not have anybody else to take care of their children, now that Hon. Ken Okoth is gone. We have lost somebody who was not only a breadwinner to his family, but also to the community.

Mr. Speaker, Sir, I join my colleagues that we need to interrogate this issue called cancer. This is because at the age of 41, you have not even started to live. When you look at a case like that of Hon. Ken Okoth, you realize that the little he made in this world, he spent it treating himself; so, he has gone with everything. We, therefore, need to ask ourselves how we can make cancer a disease that must be treated through the Universal Health Care (UHC), which is free.

Mr. Speaker, Sir, I knew Hon. (Dr.) Joyce Laboso for a very long time. She came to this Parliament when I was in the 10th Parliament. She was an excellent woman, and a trailblazer par excellence. In fact, she took over my position in the Speaker's Panel when I became an Assistant Minister of Environment. When she came back in the 10th Parliament, there was no doubt that she had performed very well as a member of the Speaker's Panel and became our first woman Deputy Speaker in this country.

Hon. (Dr.) Joyce Laboso worked with us in Parliament, specifically in the Kenya Women Parliamentary Association (KEWOPA). She was somebody who freely shared advice, ideas and wanted success for everybody. I would never forget when the 22 Women Members of Parliament were given an opportunity to go for a training course in Sweden, because all of us went. She ended up becoming a resource person herself, because she had a way of interrogating every situation that we were in. She kept interrogating all the issues that we raised, and requested to look at them from the eye of a lecturer, just in case it benefited anybody. We are, therefore, going to miss her.

Mr. Speaker, Sir, as far as Rift Valley women are concerned, she was a woman of excellence and a trailblazer, as I had said earlier. In fact, during her campaign to be governor, it was not only South Rift that campaigned for her, but the whole of the North Rift went for the campaigns. We actually used to go all the way from as far as Trans Nzoia, and all of us from Uasin Gishu and Nandi would go as a convoy to campaign for her. This is because we could see a lot in her; her determination and boldness. For her to have campaigned against a very strong former Cabinet Minister and Governor was something that was unique. We are, therefore, going to miss her. I pray for the two families. May God be with them and strengthen them during this time.

Mr. Speaker, Sir, I am glad we are going to be discussing the issue of cancer in this House. We need to separate two issues; whether Kenya is researching or not researching in this area. If not, we then need to start supporting research on these kinds of diseases that are wiping out our people.

Mr. Speaker, Sir, I know that my colleagues, just like myself, have been involved in fundraising, either for treatment or funerals because of cancer. In the last two years, hardly a month passes by without a case coming before me. I, therefore, join you and the House in sending our condolences to the families.

Thank you.

The Speaker (Hon. Lusaka): You are lucky they did not time you.

However, Sen. Olekina, keep to three minutes.

Sen. Olekina: Mr. Speaker, Sir, on my own behalf, my family and the people of Narok County, I rise to express my condolences to my two good friends. I remember that on 17th December, 2015, was the first time that I shared a podium with the late Hon. Ken Okoth through the Jeff Koinange Live (JKL) Show. I came to appreciate him as a person who really cared about the community, and who was a brilliant brain that I would surely miss.

Mr. Speaker, Sir, on 10th June, 2018, I travelled together with the Governor of Kakamega County to do a fundraiser for Lorna Laboso Secondary School, where we were hosted by the late Governor, Hon. (Dr.) Joyce Laboso. I found her to be very loving, caring, a leader, a mother and a person who cared for the people of Bomet. The people of Bomet have lost a great leader, who tried to unite them.

I vividly remember that when we sat down together, all she cared about was leaving a legacy for her late sister. She really wanted to contribute so much to that school so that it could keep the memory of her sister alive.

Last night, I kept on thinking about how much she cared about her sister; what about her now? It, therefore, behooves us, as leaders, to take this opportunity, now that we have lost two great minds, who are our colleagues, to think about how we live our lives; and to think about this issue of cancer.

Mr. Speaker, Sir, I know we will be debating that issue in detail, but it is about time we really considered about old days when we used to control what we ate. There are many chemicals in this country, which have spread all over. Maybe these are the things that are destroying our population. We have to be bold enough to compare our life with that of our forerunners to see how they led theirs and what it is that we are picking up that is destroying us.

May the good Lord rest their souls in eternity.

Sen. (Dr.) Milgo: Thank you, Mr. Speaker, Sir, for this time to condole with the two families. First of all, I would like to condole the family of the late hon. Ken Okoth, a very youthful leader. He was able to demonstrate that it does not matter where one comes from. If anyone works hard, their dreams will be valid. He was able to transform Kibra Constituency, especially in terms of education.

To my great Governor the “Iron lady”, I pass my condolences to her family and to the great people of Bomet County. Governor Joyce Laboso has borne this disease for over 28 years and still worked very hard. This is one woman who was able to make friends all over. She broke barriers by making friends in all communities. That is why she was even married among the Luo Community. Right now, as the Senate Minority Leader said, there is mourning in three counties because of her. She was such a great leader.

Mr. Speaker, Sir, that is one leader who was able to bring peace in my county in a very miraculous way. Her County Integrated Development Plan (CIDP) and Strategic Plan for the county is so great that I am only wishing that the people who remain behind will be able to take it forward. This is because in a short span, she had done very many things in terms of education.

There was even a very progressive Universal Health Care (UHC) Programme that she recently launched that is going to take care of the needy people based on her interest. In her passion for education, she put up a very magnificent girls’ school in the name of Lorna Laboso Girls’ School where I served sometime back. This was a leader who wanted to ensure that all her people would be able to benefit from education and go to greater heights just as she did.

Mr. Speaker, Sir, this was one woman who is a trailblazer and a mentor for the women. That is why I am here today. We, in the leadership, have lost a great leader, mentor and guide to us. All the time she was calling us and guiding us in terms of how to go about issues. As you know, she was able to fight in a very interesting role when she was vying for the governorship position---

The Speaker (Hon. Lusaka): Your time is up!

Sen. (Dr.) Milgo: Mr. Speaker, Sir, Just one minute. That governor comes from my county.

The Speaker (Hon. Lusaka): Okay. Since you are from Bomet County like her, I have added you one minute.

Sen. (Dr.) Milgo: Thank you, Mr. Speaker, Sir. In recognition of these and many other leaders we have lost, it is high time cancer was declared a national disaster. We should in this case provide free treatment and look into the issue of research to ascertain whether it is lifestyle behaviour or the type of food that is causing cancer. Every weekend we are burying people. When we bury ten people on a weekend, seven of them will have died of cancer. Even right now, there are very many people that are suffering from it.

I thank God that, after a short while, we will be speaking to the Cancer Bill. I am sure we will do something about it.

May God rest the soul of those two great leaders in eternal peace.

The Speaker (Hon. Lusaka): Proceed, Sen. Ochillo-Ayacko.

Sen. Ochillo-Ayacko: Thank you, Mr. Speaker, Sir, for giving me an opportunity to add my voice to the condolences being given to our two great leaders. I buy in totality the positive expressions that have been made in favour of our departed colleagues. I wish to say the following:

Mr. Speaker, Sir, Kibra is known for very many things. However, one of the things people never say is that Kibra people are capable of electing good leaders. At this very difficult time and trying time, I condole with the people of Kibra for losing their leader. I also congratulate them for giving hon. Okoth to the National Assembly---

(Loud consultations)

The Speaker (Hon. Lusaka): Order! Let us consult in low tones, Senators.

Sen. Ochillo-Ayacko: Mr. Speaker, Sir, I also congratulate them for giving hon. Okoth to Parliament. Without the votes and steadfastness of the people of Kibra Constituency, most of us would not have interacted with hon. Okoth. I, therefore, applaud the people of Kibra and pray that their strength and wisdom continues as they mourn and bury their leader and as they seek for his replacement.

I also take this opportunity to thank the people of Bomet. For a people to think of electing a lady who in our culture is married in another community, defend and stand with her, I think the people of Bomet represent the best in terms of the Kenyan electorate. They deserve our prayers and sympathy at this time. As they undergo this kind of agony, I pray that their wisdom continues. In future when opportunity presents, they should continue leading Kenyans in choosing the best among us.

Mr. Speaker, Sir, lastly, there is a verse in the Bible; Proverbs 18:22 which says that a person who finds a wife finds a good thing and is blessed by God. I thank God for blessing Dr. Abonyo and his family and giving unto them hon. Laboso. She was a good woman. May God encourage and defend this family all the time.

I thank you.

Sen. Omanga: Asante, Bw. Spika. Ningependa kujiunga na wenzangu kwa niaba yangu, familia yangu na Wananairobi kwa jumla kuomboleza mhe. Ken Okoth, Mbunge wa Kibra na Bi. Gavana wa Kaunti ya Bomet.

Kusema kweli ugonjwa wa saratani umetunyang'anya watu waadilifu. Kama wenzangu walivyosema, mhe. Ken Okoth ambaye alikuwa kijana na kiongozi hapa Nairobi kwa miaka yake michache, kama Mbunge wa Kibra, alifanya mengi. Aliyekuwa Mbunge kabla yake, akawa Waziri Mkuu na akawa Mbunge miaka 20 hakuweza kufanya yale mhe. Okoth alifanya kwa miaka saba ambayo alikuwa Mbunge.

Bi Gavana ambaye ametuacha amekuwa mama ambaye ni kioo kwa sisi akina mama uongozini. Ni mama aliyetuonyesha mwelekeo. Pia aliweza kutusaidia sisi akina mama ambao tumeingia uongozini.

Sen. Madzayo: Hoja ya nidhamu, Bw. Spika.

The Speaker (Hon. Lusaka): What is your point of order, Sen. Madzayo?

Sen. Madzayo: Bw. Spika, wakati huu tunapomboleza vifo vya viongozi wetu, singependa kumingilia dada yangu, lakini umeyasikia matamshi yake hapo awali, kwamba aliyekuwa Waziri Mkuu, Bw. Raila, hakufanya chochote kwa miaka 20 aliyowakilisha Kibira na kwamba huyu marehemu tunayeomboleza alifanya mengi kwa muda mfupi? Je ni sawa kwa yeye kusema maneno kama hayo? *Standing Orders* zetu hapa haziruhusu mshemiwa kumkashifu mtu ambaye hayuko ndani ya Bunge hili.

The Speaker (Hon. Lusaka): Nafikiria hayo yalikuwa ni maoni yake tu, kwamba alikuwa akilinganisha utendajikazi wa hao watu wawili. Pengine anaona huyu amefanya

kazi nzuri kwa muda mfupi. Si kumaanisha kwamba yule aliyekuwepo hakufanya chochote. Nafikiria ni maoni yake tu.

Sen. Olekina: On a point of order, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): What is your point of order, Sen. Olekina?

Sen. Olekina: Mr. Speaker, Sir, with all due respect, we did listen to what my colleague was alluding to and it is a very dangerous trend. There is no way that the former Prime Minister can defend himself in this House. It is important for us to deviate from issuing such statements unless the Hon. Senator can substantiate her claims; it is not fair to former Prime Minister.

The Speaker (Hon. Lusaka): Sen. Omanga, you may proceed.

Sen. Omanga: Bw. Spika, sikusema kwamba aliyekuwa Waziri Mkuu hakufanya kazi yoyote. Nilikuwa ninazungumzia kilio change na vile ninaweza kuomboleza kama Sen. Omanga. Nazungumza kama mkaazi wa Nairobi kuwa marehemu Ken Okoth amefanya kazi nyingi kwa miaka tano ambayo haikufanywa hapo awali.

Tuko na mama na watoto wetu ambao wanaishi Kibra. Kwa hivyo, sisi kama wakaazi wa Kibra tunasema kuwa marehemu alisaidia kujenga mashule ambayo hayakuwa kabla yeye kuingia uongozini. Sijasema kuwa aliyemtangulia hakufanya chochote. Nilisema kwa maoni yangu na maombolezi yangu kwamba huyu kiongozi ambaye ametuwacha alifanya mengi kuliko ambayo tulifanyiwa miaka 25 iliyopita.

Ningependa kuomboleza na kutoa majonzi yangu kwa hao waheshimwa wawili ambao wametuacha. Tunafaa tutafute tiba ya huu ugonjwa wa saratani. Pia ningependa tuweke mikakati ya kuwezesha watu wetu kupimwa ili ugunduliwe kabla ugonjwa huu haujaingia kwa mwili sana. Pia tunafaa tutoe mafunzo kwa wananchi jinsi wanafaa kuishi na kula ili kuzuia kupata saratani. Ningehimiza idara za Serikali ambazo zimeidhinishwa kuangalia vyakula kama nyama na vyakula vingine, wachunguze hivi vyakula kwa makini sana.

Sen. Wetangula: Thank you, Mr. Speaker, Sir. I join you and the nation and on behalf of myself and my family, the people of Bungoma and the FORD Kenya fraternity to give our condolences to the families of our departed brother Hon. Ken Okoth, the MP for Kibera Constituency and Mama Joyce Laboso, the Governor of Bomet County.

Hon. Ken Okoth brought life and gusto to youthful leadership in this country in general and Nairobi in particular. Representing a complex constituency like Kibera was not easy yet he did it with ease. He was popular, amiable, successful and, above all, a friend to all.

We had an opportunity to visit Hon. Okoth in hospital in Paris and he had such a strong will to live. He told us that he knew he did not have much time to live. However, he also knew that in his short time he had lived, he had done a lot of things. Hon. Okoth will go down in history as one of the few young Members of Parliament who have turned round a constituency and left it better than they found it. We pray that his soul may rest in eternal peace and the people of Kibera will have an opportunity to have yet another Ken Okoth to carry on with the crusade and the journey that he had started.

Mr. Speaker, Sir, Hon. Laboso is a woman like no other. She fought hard, she distinguished herself, was successful and, above all, she succeeded where nobody expected her to succeed. During the campaigns, we had a mammoth rally in Green Stadium in Bomet. I think she was watching the rally on TV because it was aired live. The rally had a huge turnout. After the rally, she called me, she laughed and said: "Weta,

hiyo ni kiti yangu. You guys have come to Bomet. You have been amused by the presence of huge crowds, the votes will come---”

(Sen. Wetangula’s microphone went off)

The Speaker (Hon. Lusaka): You have one minute, please.

Sen. Wetangula: Mr. Speaker, Sir, defeating Hon. Isaac Ruto was not easy. Hon. Isaac Ruto was an institution and had a huge stature politically in this country, but Joyce made mincemeat of him and won the seat. We salute her.

May the good Lord rest her soul in eternal peace.

Mr. Speaker, Sir, the whole country is talking about cancer. As Sen. Murkomen said, the issue of cancer should not just be left to the Ministry of Health only, but all inter-governmental agencies involved in the lives of the people should bring about awareness on the question of eating the right diet and keeping ourselves healthy through exercises. I heard Sen. Mugo say yesterday that installing machines everywhere to detect cancer is not a solution. Helping people to avoid getting cancer is what we should be doing.

Lastly, may I also send my condolences to the family and friends of our colleague in the lower House, Hon. Shinali of Ikolomani Constituency, whose 30 year old son died in the US through a freak swimming pool accident. May the family be given strength as we wait for the body to be brought back home for burial. My nephew knows the family very well and I am sure he feels the way I feel.

Thank you, Mr. Speaker, Sir.

(Interruption of Debate on Statement)

COMMUNICATIONS FROM THE CHAIR

VISITING DELEGATION FROM MUTHAIGA
PRIMARY SCHOOL, NAIROBI COUNTY

The Speaker (Hon. Lusaka): Hon. Senators, I would like to acknowledge the presence in the Public Gallery this afternoon of visiting students and teachers of Muthaiga Primary School in Nairobi County.

In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them. On behalf of the Senate and my own behalf, I wish them a fruitful visit.

Thank you.

Sen. Sakaja, you may proceed.

(Resumption of Debate on Statement)

Sen. Sakaja: Thank you, Mr. Speaker, Sir, for this opportunity to condole with the families of our colleagues on my own behalf and on behalf of the people of Nairobi. First of all, I thank colleagues for condoling with the people of Nairobi. I also give my condolences to the families of Hon. Okoth and Hon. (Dr.) Laboso. We have really lost; it

has been a very tough few weeks for us, as the country. We have lost very many friends over the past few weeks.

[The Speaker (Hon. Lusaka) left the Chair]

[The Deputy Speaker (Sen. (Prof.) Kindiki) in the Chair]

In the death of Hon. Okoth, I have lost a brother, a colleague, a friend and one of the most effective Members of Parliament (MPs) in Nairobi. In 2013, when we came to Parliament, we came together as young MPs and formed what we called the Kenya Young Parliamentarians Association (KYPA), where I am still the Chairperson and Hon. Okoth was then my first treasurer.

As young legislators, we had agreed to come together from across political divides and parties to push the agenda for young people. Hon. Okoth stood very strong, despite a lot of pressure then, because those who were in my Committee at that time from the Orange Democratic Movement (ODM) Party and who were the Majority, were being asked how they elected the Chairperson of The National Alliance (TNA) Party to be the Chairperson of KYPA. However, Hon. Okoth made a strong case.

Mr. Deputy Speaker, Sir, even in the run-up to the election, I remember a photo went out where I was with Hon. Okoth at a social place, and he was under a lot of pressure. People were even calling him a mole because he was interacting freely with me. We said that we should never allow politics to divide us.

We are proud of what Hon. Okoth has done. He is home grown; he was born in Kibra Constituency and was the first Member who came from there and really understood the issues. He was passionate and believed in what we call in Nairobi, *siasa safi*. That no matter where you are from; no matter your tribe or name, we can all co-exist and stay as brothers. His passion for education was palpable.

Mr. Deputy Speaker, Sir, we have lost a man with a great heart and a great vision. I was with Hon. Okoth just the other day at a function he had invited me to in Kibra Constituency. I went to support him. Before he went to France early in the year, we had sat down on Denis Pritt Road and he told me that he would just go for a few months and then he would come back.

During that function, he was very optimistic that after September---

(Sen. Sakaja's microphone went off)

The Deputy Speaker (Sen. (Prof.) Kindiki): Your time is up!

Sen. Sakaja: Mr. Deputy Speaker, Sir, he was my MP.

The Deputy Speaker (Sen. (Prof.) Kindiki): He was an MP of very many people. However, being the Senator for Nairobi, I will give you an additional two minutes.

Sen. Sakaja: Mr. Deputy Speaker, Sir, he had hopes of going back. In fact, he had been told that the treatment that can be done now locally would be enough until September for him to go back.

We, as Nairobians, have lost. There are meetings which are going on where we have been contributing as KYPA. However, tomorrow, we will do a list for all Members to contribute for Hon. Okoth. We will give details of the programme of his funeral.

Finally, Mr. Deputy Speaker, Sir, Hon. (Dr.) Laboso was also a friend. I am happy that on Sunday, I was able to go to hospital. We became close in the last Parliament, where she was the Deputy Speaker. In 2016, when we went to Philadelphia for the Democratic National Convention (DNC) for Mrs. Hillary Clinton, I remember going to print for her caps branded “My choice is Joyce”. The joke was that people in Bomet County would say: “*Chois* my choice” and not differentiating the “J” and “Ch.” She was brilliant. I thank Edwin Abonyo, the husband, who is also my friend for standing strong. We will miss them both.

Finally, my MP from my rural home, Ikolomani Constituency, Hon. Bernard Shinali, has also lost his son. It is a family that I know very well, since we come from the same village. I, therefore, wish to give my condolences.

Thank you, Mr. Deputy Speaker, Sir.

(Loud consultations)

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Senators! The next Bill is about cancer. I have requested the Mover to spend few minutes to move the Bill, issue condolences and then we continue along the same line. The Bill is about cancer, which is now a national disaster. The two Members we are eulogizing have died because of cancer. On that note, I leave it there.

I now direct that we reorganize the business a little bit and go straight to Order No.10; The Cancer Prevention and Control (Amendment) Bill (Senate Bills No.9 of 2019).

Next Order.

BILL

Second Reading

THE CANCER PREVENTION AND CONTROL (AMENDMENT) BILL (SENATE BILLS NO.9 OF 2019)

The Deputy Speaker (Sen. (Prof.) Kindiki): Proceed, Sen. (Dr.) Ali. Keep the promise.

Sen. (Dr.) Ali: Thank you, Mr. Deputy Speaker, Sir.

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

The Deputy Speaker (Sen. (Prof.) Kindiki): What is it, Sen. Wetangula?

Sen. Wetangula: Mr. Deputy Speaker, Sir, I know we have gone digital and the Bills are posted on the screen of our gadgets. However, when a Bill is being moved, you want to read through it, underline certain sections and do all sorts of writing before you contribute intelligently. Can the Clerks-at-Table be bringing at least several hard copies of the Bills to put here for those of us who want to read, underline and analyse the Bills?

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. Wetangula, I thought we went digital. That Bill is on your screen.

Sen. Wetangula: Mr. Deputy Speaker, Sir, it is on the screen, but how do I underline the salient points on the screen before I come to contribute?

(Laughter)

The Deputy Speaker (Sen. (Prof.) Kindiki): All right; it will be provided. I direct that a few copies be provided for Members on request, starting with the Senator for Bungoma County, who already has a copy.

Proceed, Sen. (Dr.) Ali.

Sen. (Dr.) Ali: Thank you, Mr. Deputy Speaker, Sir. First, I stand to give my condolences to the families of the MP for Kibra Constituency and the Governor for Bomet County.

Mr. Deputy Speaker, Sir, I beg to move that The Cancer Prevention and Control (Amendment) Bill (Senate Bills No.9 of 2019) be read a Second Time.

The aim of this Bill is to amend the Cancer Prevention and Control Act No.15 of 2012 in order to align it to the Constitution and bring medical services touching on cancer closer to the people. To achieve this, the Bill seeks to provide a framework for collaboration between the National Cancer Institute of Kenya (NCIK) and county governments, outlining the specific roles of county governments in the prevention, diagnosis, treatment and control of cancer.

Globally, cancer causes more deaths than HIV/AIDS, Tuberculosis (TB) and malaria combined. Cancer is a burden in low and middle income countries. In our country, cancer accounts for 70 per cent of the global cancer burden. In Kenya, cancer is the third leading cause of death and second among non-communicable diseases, accounting for over seven per cent of the overall mortality rate.

Mr. Deputy Speaker, Sir, despite these alarming statistics, the prioritisation of prevention, screening and early detection of cancer as provided for under the Cancer Prevention and Control Act of the National Cancer Control Strategy 2017-2022, cancer screening and early detection services are not available at the primary healthcare level. Facilities offering cancer treatment and palliative care are mainly available at the national level and a few private hospitals. Hence the reason for mass movement of cancer patients to foreign countries in search of treatment.

Mr. Deputy Speaker, Sir, whereas cancer can be manageable, in Kenya, more than 70 per cent of patients diagnosed with it are at advanced stages, with high incidents of misdiagnosis and inadequate screening hindering early detection. The challenge posed by the lack of adequate cancer screening, treatment and palliative care is a huge burden, which we must address as a country with the urgency it deserves.

Mr. Deputy Speaker, Sir, our Constitution provides for two levels of Government; the national Government and county governments. This system of governance was intended to bring power as well resources and services closer to the people. Under the Fourth Schedule of the Constitution, health is a devolved function. County governments are responsible for establishment and management of county health services.

The Health Act provides that county governments are responsible for among other things financing and further development, staffing of health facilities, procuring managing of health supplies, coordinating health activities, monitoring of standards and reporting on county health.

Mr. Deputy Speaker, Sir, although the Cancer Prevention and Control Act was enacted in 2012 after the promulgation of the Constitution, the Act leans towards centralization of services as regards prevention, treatment and control of cancer.

The only function to be performed by counties under this Act is conducting educational and information campaigns on prevention, treatment and control within their respective counties.

Mr. Deputy Speaker, Sir, the Bill proposes to re-engineer the provision of services relating to the prevention, treatment and control of cancer by bringing the County Government on board with a view to effectively address the ever worsening burden associated with cancer.

To achieve this, the Bill proposes to amend Sections 2, 5, 6, 20 and 21 of the Cancer Prevention and Control Act. The Bill also proposes to insert a new Part 3A to provide specific functions of county governments. Whereas Section 6 of the Act provides for a Board of Trustees responsible for the administration and overall governance of the National Council Institute of Kenya, Section 2 of the Act defines the Board as the Board of management established under Section 6.

Clause 2 proposes to amend Section 2 of the Act to redefine the word “both”. Section 4 of the Act establishes the National Council Institute of Kenya. Pursuant to Section 5 of the Act, this institute is responsible for all matters relating to cancer prevention, treatment and control in the country, including advising the Cabinet Secretary, establishment of hospitals, care centers and other institutions to address issues touching on cancer.

Mr. Deputy Speaker, Sir, despite the fact that the bulk of healthcare is devolved, the functions of the institute have not been aligned to the functions of the county government. To address this gap, Clause 3 of the Bill proposes to amend Section 5 of this Act, so that the institute advises both the national and county governments, coordinates services provided by the national Government and collaborates with the county governments in all matters related to cancer, including establishing facilities, delivery of services---

(Loud Consultations)

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Sen. (Dr.) Milgo! You are seated like a roadside vegetable seller.

Sen. (Dr.) Ali: Establish facilities, delivery of---

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

The Deputy Speaker (Sen. (Prof.) Kindiki): What is it, Sen. Sakaja.

Sen. Sakaja: On a point of order Mr. Deputy Speaker, Sir. I do not wish to interrupt the Vice Chairman of the Committee on Health, but I just want your consideration of Standing Order No.90 and the application of it. This is because first time Members might be confused with the application of Standing Order 90 with respect to speeches being read. Your direction is necessary.

I know Sen. (Dr.) Ali is a very experienced legislator, but to what extent can a speech be read or reference be made?

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Sen. (Dr.) Ali! You are supposed to make references to your moving notes. The reading of speeches is not allowed whether you are moving or debating a Motion.

Sen. (Dr.) Ali: Thank you, Mr. Deputy Speaker, Sir. I was moving the Bill.

I said that the Bill proposes to amend Section 6 of the Act by bringing on board two County Directors in the Board from the Council of Governors (CoG).

We have also added a new Part 3 to the Act because this Bill proposes to align the Act to the functions of the County Government. Clauses 5 and 6 of the Bill propose to amend Section 20 and 21 of the Act to obligate the county governments to maintain county cancer registers specific to the respective counties.

Clause 7 of the Bill seeks to amend the Act by inserting a new Part 3A to address the prevention and control of cancer in counties.

The Bill also proposes a new Section 22A which makes provision for the roles of county government in the prevention and control of cancer in counties, obligating county governments to establish cancer centers and palliative care facilities, employ adequate personnel and implement national policies and standards.

The proposed new Section 22B makes it mandatory for every county to establish a county centre within the respective counties. The functions of the County Cancer Center are set out under proposed new Section 22C. The proposed new Section 22D on its part outlines the framework for reporting by a County Cancer Centre.

Mr. Deputy Speaker, Sir, the burden of cancer is placing a huge burden to the country, particularly those people responsible suffer a lot. This is what I intend to present and I will ask Sen. (Dr.) Musuruve to second.

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. (Dr.) Musuruve, I will exercise Standing Order No.1. You also do not have more than 10 minutes so that you allow the other colleagues to not only debate the Bill, but also to give their condolences.

Sen. (Dr.) Musuruve: Thank you, Mr. Deputy Speaker, Sir, for giving me an opportunity to second this Bill. Before I second, I pass my condolences to the families of the late hon. Joyce Laboso and the late hon. Ken Okoth. On behalf of my family and persons with disabilities, I say *pole* to the friends, relatives and the nation at large.

Mr. Deputy Speaker, Sir, this Bill is coming at the right time when we are talking about issues of cancer. The amendments are coming in handy. They are amending the principle Act of 2012 where counties were not feeling factored in and cancer was looked at from a national perspective. It was not possible to address and reach out to the real Kenyan who is affected by cancer.

Cancer is very expensive. For the common *mwananchi*, it is not easy to manage. As a cancer survivor, I went through the hustle of trying to look for funds in order to go for treatment in India and it was not very easy.

Mr. Deputy Speaker, Sir, these amendments are good because they will allow the common *mwananchi* to be able to access diagnosis and screening at the county level. It will also be able to treat and even ensure that palliative care is given to the common *mwananchi*.

We talk strongly about cancer when leaders are affected. I think we need to speak to this issue every time so that we ensure common *mwananchi* is aware of it. As I speak right now, the entire nation is looking at the Senate to see what legislative measures we are coming up with to ensure that the common man is getting services. There is need for the common *mwananchi* to access, afford and be treated of cancer.

There is also need for county governments to take up this responsibility. This Bill proposes establishment of cancer centres in all 47 counties. I support it because if we have these centres, it means that the county governments will ensure they factor in the issue of cancer prevention, diagnosis and treatment.

Cancer should be one of the development plans for the counties. Every county should have a plan on how to prevent cancer. They should have palliative care and psychological treatment for those who are suffering from it.

Many Kenyans are ignorant when it comes to cancer. These centres will educate people about it. Some types of cancer are genetic and we also have the risk factors of cancer. Therefore, there is need for research at county level and that will help the counties know how to deal with this issue.

This Bill has addressed the research issue. There is need for us to ensure that these services reach the common man. Vision 2030 talks of the wellbeing for all Kenyans. However, we cannot achieve it if we are unable to curb the cancer menace. Treatment should reach the common man. National Hospital Insurance Fund (NHIF) should cover cancer patients. Many families are affected by cancer. These are issues that we have to address as a Senate. We cannot be a productive nation if we do not address the wellbeing of the people.

Many doctors have taken cancer to be a moneybag. That is why cancer treatment is extremely expensive in this country. There are centres that claim to deal with cancer, but they do not encourage research. We must invest in our oncologists by training them. Many people go out of the country to look for specialised treatment. I believe it is possible for us to have affordable cancer treatment in Kenya. All we need to do it to train our own oncologists.

Many Kenyans are bleeding because of cancer. I fear calling some of the cancer patients because they are always asking for money for treatment or drugs. I am not the Government. We must make legislations that will enable them to access affordable treatment. Cancer drugs are very expensive and the common man cannot afford them. In fact, the common man wallows in pain and waits for God to tell them, "come home."

We must address this issue. We cannot rest on our laurels when Kenyans are dying. The national policy on cancer should go down to the county government. The county executive should come here to tell us what they are doing. This Bill talks of the need for a register in all counties. This centre is supposed to have a register of people who have been diagnosed with cancer. It should also indicate what the county government have done to curb the disease.

The money that goes to the counties should be used to prevent cancer. The county executives should bring a report to the Senate to show us what they are doing in the counties. We have to know how they are curbing the disease. We should not keep quiet about it, but we address it. Kenyans are depending on the policies that we will make in this House. Declaring cancer as a national disaster is not enough. What will happen after declaring it as a national disaster? If the Twelfth Parliament walks the talk, Kenyans will commend it for curbing this disease.

HIV/AIDS scourge once claimed many lives. In 2011, President Obasanjo called upon world leaders to address it. The world leaders converged and agreed it was actually killing a number of people. The countries agreed to invest a lot of money in research and that helped reduce the disease. It is possible for cancer to come to a stop---

(The Red timer went off)

Mr. Deputy Speaker, Sir, can I kindly have one minute?

The Deputy Speaker (Sen. (Prof.) Kindiki): I will give you two more minutes.

Sen. (Dr.) Musuruve: Thank you, Mr. Deputy Speaker, Sir. I am sure that we can stop the spread of cancer if we come together. We all agree cancer is killing people and invest in research.

The debates going on about cancer are misleading. One will advise you not to eat a certain food just for you to be told that deficiency of that food will make you suffer from marasmus. We have diverse causes and treatment of cancer. Therefore, we must have diverse approaches towards it. We have to take this with a lot of seriousness and I am sure that the nation will appreciate it. We have to come up with practical solutions to ensure that cancer is curbed immediately.

The Deputy Speaker (Sen. (Prof.) Kindiki): And you beg to?

Sen. (Dr.) Musuruve: Thank you, Mr. Deputy Speaker, Sir. I beg to second.

The Deputy Speaker (Sen. (Prof.) Kindiki): That was very passionate.

(Question proposed)

(Interruption of Debate on the Bill)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM CHEBONEI GIRLS HIGH
SCHOOL, BOMET COUNTY

Hon. Senators, I want to recognize visitors who are with us in the Public Gallery. They are students and teachers from Chebonei Girls High School, Bomet County. They are welcome to the proceedings of the Senate this afternoon.

I thank you.

(Resumption of Debate on the Bill)

Sen. Kang'ata: Thank you, Mr. Deputy Speaker, Sir. Allow me to support the proposed amendment by the Senator for Wajir County. These are timely amendments.

Currently, Kenya is in the midst of an epidemic that we call non-communicable diseases which include cancer, diabetes and high blood pressure. It is time for us we came up with sophisticated interventions to ensure that our people do not die from the new non-communicable diseases.

There are several interventions that this country can undertake. I propose that we teach our people to eat healthy food. It is said that we are as healthy as what we eat. Traditionally, people used to eat foodstuff such arrow roots, sweet potatoes and others. They used to drink porridge.

These days we drink sodas and eat processed foods. Science has been able to prove that consumption of such foodstuff is one of the many causes of cancer. I would urge our people to revert back to what we call African roots and culture, particularly with regard to consumption of natural food. It is what made our forefathers to live for long and to live a healthy life as opposed to the current trend where people are now consuming sugary and processed foods which are not quite healthy. This is one of the causes of cancer.

Mr. Deputy Speaker, Sir, we would urge our counties to continue diagnosing. Early detection of cancer can assist in ensuring that we do more intervention. Personally, I have been conducting free medical camps in Murang'a County without any support from the Government or any donor. I usually save some of the little money that we are paid here in the Senate, and use it to conduct medical camps. For instance, I will be holding a medical camp on 17th August, this year. One of the services that I will render in that camp is free cancer screening. The idea of that is to ensure that we screen our people for free and do a Pap Smear to check cervical cancer for our women. We will also conduct physical examination of breast cancer so that we can do better intervention.

This amendment by our brother can assist in that endeavour to raise public awareness that there are simple ways of checking whether you have cancer. For instance, one can go to our clinics and do diagnosis of cancer. I support that amendment to the extent that maybe through my endeavours, private donors and public interventions we can continue making our people knowledgeable on issues concerning cancer.

The third intervention which is captured in this Bill is the one that is aimed at ensuring our Level Three and Level Four hospitals can become cancer centres. Currently, I have seen those interventions here in Nairobi. They tend to be quite expensive. However, the poor people in this country cannot come all the way to Nairobi or go to referral hospitals to get good cancer services. I hope this proposal will devolve those curative interventions at the grassroots level. For instance, in Murang'a County, I would want to hear that a person from Mathioya Constituency, Kangema Constituency and Maragua in Makuyu can access these cancer, curative or intervention measures there.

I now want to talk about the two leaders who passed away. I take this opportunity on behalf of myself, family and the people of Murang'a to County express grief for the loss of the two leaders. I knew them at a personal level by virtue that I was a Member of the National Assembly between the years 2013 and 2017. At that time, those two leaders were also serving in the Eleventh Parliament in the National Assembly.

I knew the then Deputy Speaker, Dr. Joyce Laboso as a very good person, amiable and very selfless. The people of Bomet will surely miss her.

Let me also take this opportunity to eulogize my personal friend, Hon. Ken Okoth. He was a very good friend of mine and was a fairly young person. We have lost a young leader. He was also quite thoughtful; I recall one day we appeared with him at a debate on *Citizen TV* and he was able to persuade me that he thought the Government should not intervene in the management of Kenya Airways (KQ). To him, he thought this was a grand project that at times could not add value. He gave very solid arguments towards such an unconventional issue and I was very impressed by him.

Most importantly, Ken will always be remembered by the people of Kibra. We all know Kibera is a constituency comprising of one of the largest *ghettos* in this world. It is an area with a lot of poverty.

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. Kang'ata, please, summarise. The levels of interest are very high.

You are just going round and round which is against the Standing Orders.

Sen. Kang'ata: Mr. Deputy Speaker, Sir, we will miss Hon. Ken Okoth and we shall always love him, particularly the people of Kibera and those of who have sat with him in the National Assembly.

The Deputy Speaker (Sen. (Prof.) Kindiki): Hon. Members, some of the best speeches are normally short. The most remembered speeches are short and brutally precise.

The Senate Majority Leader.

The Senate Majority Leader (Sen. Murkomen): Mr. Deputy Speaker, Sir, I thank the Mover of this very important amendment Bill for recognizing that the involvement of the counties in the fight against this scourge of cancer has not been done for the last many years.

Mr. Deputy Speaker, Sir, I have heard the Mover and the Seconder of this Motion make very passionate presentations. One of the things that we must tell ourselves is that it is important to have good equipment for the diagnosis of cancer. That is a good step at the local level. The next step is to ask ourselves is once cancer has been diagnosed what can be done? What kind of treatment is available? Is it going to be a death sentence for everybody who is discovered to have cancer?

There are many stories that are untold about cancer survivors and victors. Two of them are in this House; Sen. Mugo and Sen. (Dr.) Musuruve have gone public to say that they have survived the scourge of cancer by going through the right treatment. Prof. Anyang'- Nyong'o was also among the first leaders to go public on the same.

Mr. Deputy Speaker, Sir, what we need to do now to amplify is not just the diagnosis, but to tell people that it is possible to do early diagnosis and that the Government has provided mechanisms for successful treatment. Just like in the scourge of HIV/AIDS, in the past, one of the reasons why people never wanted to go and test whether they were HVI positive or not was because some feared that once you find it, you wait for the day to die. Now because there is hope and treatment, many people are willing to go through the process of diagnosis of whether or not they are HIV positive.

The same way we must, first of all, provide mechanisms for treating persons who have found to have cancer or whatever kind of tumours as a country. How is that going to be possible? It is only through universal healthcare. Universal healthcare means that it is possible for every citizen to get healthcare in this country. How can we guarantee this universal healthcare? We can do this by having universal health coverage. When you talk about health insurance in this country, we need to move the National Hospital Insurance Fund (NHIF) programme to a level where we can treat everybody who is going through any kind of disease, including cancer. Since the cost of treating cancer is so high, most of the patients go through pain and suffering.

I must confess that I feared to go and see my friend, the late Governor Joyce Laboso in hospital because the pain and suffering she went through in the last few days was unbearable. I was there two days before she passed on and she was in indescribable pain. Not just her. Cancer patients and their families go through a lot of pain and suffering. Just imagine a person going for treatment in London, India and then she comes back to the country by air. It was terrible for Gov. Dr. Laboso and her husband.

We must make a little heaven down here. The only way as leaders we can make a little heaven down here is to guarantee our people universal healthcare. The best way to do so, in my opinion, is to ensure that once we give the equipment to every county, we must move a step further and make universal healthcare and insurance accessible to every citizen.

Mr. Deputy Speaker, Sir, we must also have proper research. What is the point of having universities in this country that have fantastic professors and ecologists if there is no link between them and the society? We waited until we had doctors from India for them to treat certain diseases in certain parts of the country that were usually ignored, for example, skin cancers among others. Is it possible for us in leadership, through the universal healthcare in the national Government's Big Four Agenda to move the practice of medicine from the university and medical centres to the rural level? As Sen. Kangata said, most people here do medical camps. Is it possible to have that kind of practice in the local level?

Mr. Deputy Speaker, Sir, I know of a certain lady in my county whose son I employed and kept saying that they used traditional medicine to treat cancer. Unbelievably, that is about five years ago and his mother is still alive. He took local medicine and treatment. Is there a way to go beyond this argument that cancer treatment and medicine is expensive? As Sen. (Dr.) Musuruve said, it becomes a mechanism for profiteering. Also can people be given honest answers, for example, if they do not do chemotherapy they will live for long than to precipitate with certain treatments or surgeries? This information must be put in public.

We are getting confused as citizens. When such situations occur, social media and *WhatsApp* groups send all kinds of information as to what causes cancer. Some say that if a person drinks bottled water or hot tea, they get cancer. A research was in the public that because people drink a lot of hot tea in Bomet and Kericho counties, there is a lot of cancer of esophagus. It is difficult to believe some of it. However, in moments of desperation, citizens get confused and people panic. Where do we go for proper information that people can take and use?

The thing that disturbs my mind at the moment is if you go to many places in my region of North Rift, many people grind maize that has aflatoxins and have gone bad and they give it to cattle. When cows take it, we are told that the milk will have traces of aflatoxin which we are told cause cancer. If that is true, why is it that the practice is still prevalent in a whole region? There is that kind of conversation across the country. Can we take public information and public health seriously?

If you look at public health departments in the counties and national Government, they are small departments yet as Sen. (Prof.) Ongeru will educate us further, they are more important because they work towards prevention. However, we are focusing so much on the treatment instead of working on the prevention. What are we doing about sewage or vegetables that are harvested from sewages in Nairobi and sold in our markets?

I praise journalist Dennis Okari for covering the issue of the meat which triggered action. However, that action will take place in two or three weeks. When the cameras are removed, we will go back to our normal behaviour of preserving food with the wrong preservatives and so forth. This information needs to be put in the public.

This Bill is fantastic. When a person moves a Bill, he or she should sit here or designate someone to take proposals from Members.

The Deputy Speaker (Sen. (Prof.) Kindiki): Order!

The Senate Majority Leader (Sen. Murkomen): Mr. Deputy Speaker, Sir, anyway, we have the HANSARD.

It is important to create a mechanism for collecting public information on cancer that can be used to prevent it rather than for purposes of treatment.

I support and state that we must stay on course to deal with this matter. It is important to go to heaven and it is also important to make a little heaven down here.

Sen. Madzayo: Asante, Bw. Naibu Spika. Naunga mkono Mswada huu ambao unataka kufanya mageuzi katika sheria zetu zilizoko za ugonjwa wa saratani na vile tunaweza kujikinga ili tusipatikane na athari zake.

Tangu tuingie hapa mwaka 2017, tumempoteza Seneta mmoja, ndugu yetu, Seneta wa Migori aliyeshikwa na ugonjwa wa saratani ya koo na kupoteza maisha yake. Ikiwa itawezekana, ni muhimu kulisitiza zaidi kwamba Serikali iweze kuchukua hatua na iweze kuweka kipaombele na uangaliwe sana kama janga la kitaifa.

Watu wanaofariki kutokana na athari za ugonjwa wa saratani ni wengi sana. Si wa Bomet, Elgeyo Marakwet ama sehemu za Rift Valley tu, bali Wakenya wengi wanapoteza maisha yao kwa saratani. Hata kule Kilifi Referral Hospital kuona wadi maalum ya wagonjwa wa saratani. Tunajiuliza maswali mengi. Tangu tupake Uhuru, hatujawahi kuwa na visa vingi vya ugonjwa wa saratani kama ilivyo sasa.

Namshukuru ndugu yangu, Sen. (Dr.) Ali, kwa kuleta mageuzi katika sheria ya ugonjwa wa saratani na vile mtu anaweza kujikinga ili kufanya maisha ya Wakenya yawe bora zaidi.

Nikiangalia uzuri wa Mswada huu ni kuwa kila kaunti ya Kenya itatajikana kuwa na *cancer centre*, ambayo itakuwa katika hospitali na kila mtu atapewa nafasi ya kuchunguzwa kama ana ugonjwa wa saratani. Hilo ni jambo nzuri. Ni lazima tulisitize vifaa hivi vyakuchunguza ugonjwa viwe katika kila kauli hapa nchini.

Bw. Naibu Spika, Wakenya wengi wamepoteza pesa nyingi wakitaifuta matibabu ya wapendwa wao. Watu wameuza nyumba wanamoishi, mifugo, mali zao zote na vitu vyote ndani ya ili baba, mama, shangazi, nyanya au ndugu zao waweze kupona kutokana na ugonjwa huu wa saratani. Hatima ya kufanya hivyo, watu wao wanafariki. Mfano mzuri ni huu wa dada yangu, Dr. Laboso, aliyepata tabu sana. Alienda hospitali Ulaya na pesa nyingi zilitumika. Vile vile ndugu yetu, Ken Okoth, alitumia pesa nyingi sana kujitibu. Lakini mwishowe haikuwezekana.

Ni lazima liwe jukumu letu sote, kama Wakenya, kuangamiza ugonjwa huu wa saratani kwa kupitisha sheria hii ambayo italeti mageuzi mazuri, kwamba kila Mkenya aweze kufikia hospitali ili atibiwe ugonjwa huu wa saratani.

Bw. Naibu Spika, mwisho naomba uniruhusu nitoe rambirambi zangu kwa familia na jamii ya Mbunge wa Kibra, ambaye alikua rafiki yangu. Urafiki wetu ulikuja baada ya kugeuziana kofia; kwa kuwa yangu ilikua inamtosha yeye, na yake ilikua inanitoshia mimi. Tulikua katika zile harakati za siasa, lakini Mwenyezi Mungu ana sababu zake. Alikuwa kijana miaka 41. Aliwafanya ni mengi watu wake.

Sisi sote tuliwapenda Mhe. Ken. Okoth, na dada yetu, Dkt. Joyce Laboso, lakini Mwenyezi Mungu anazo sababu zake. Ikiwa sababu za kuwachukua hawa wawili ni kuhakikisha kwamba Wakenya wote watakaobaki hai wataweza kupona, basi wao wametangulia. Ikiwa wametangulia, wametangulia kwa sababu yetu, ili vifo vyao viokoe Wakenya wote watakaopatikana na ugonjwa wa saratani ikiwa Mswada huu utapita na pia Serikali ikitia mkazo kuhakikisha kwamba hatua zimechukuliwa dhidi ya ugonjwa wa saratani. Ugonjwa huu unafaa kutangazwa kuwa janga la kitaifa ili Wakenya wote wafahamu na tuipige vita vya kutosha ili tuuangamize kabisa.

Asante, Bw. Naibu Spika.

Sen. (Prof.) Ogeri: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to also ventilate my views on this issue of cancer.

First of all, I want to convey my condolences to the family of the late Joyce Laboso. I had the singular honour of being very close to her late parents, Mzee Laboso and Mama Sarah. We used to be together and have meals together and I saw them grow up. It was a rude shock yesterday to hear about her untimely death because of cancer. Equally, I want to pass my condolences to the family of the late hon. Ken Okoth for such an untimely death, again due to cancer.

The dominant factor here is that when I was in medical school teaching Sen. (Dr.) Ali, I used to tell them that one of the causes of cancer is old age. However, this narrative has changed dramatically and age is no longer a factor. This is because we are seeing many young people who are in their tender ages developing cancer. As he rightly mentioned during the presentation, cancer now stands out at number 3 as one of the major causes of death. If you look at the prevalence level, cancer stands out prominently as one of the areas that we, as nation, need to pay attention to. Therefore, while supporting this Bill, there are certain areas that we need to correctly and appropriately place emphasis.

What is this animal called cancer? Cancer is caused by carcinogens or carcinogenic agents. Your body is made up normal cells that work under normal circumstances, which maintains a normal environment, a normal milieu and a normal Ph. The body functions very well at the optimal body fluids level. However, when there is change in the characteristics of the cell or the cell membrane, it does not matter whether the cell is in the breast, prostate, uterus ovary, intestine, colon, stomach, lungs or even in the brain. When the cell's normal characteristics are lost – in other words the cells in the body are not able to recognize that cell – then you have what you call a cancer process. This is where cells start proliferating abnormally. They grow very fast and in a very uncontrollable manner, therefore, causing disease and, obviously, the kind of death that we are seeing here today.

Mr. Deputy Speaker, Sir, there are agents that trigger these mechanisms. I want to mention just one or two things. They could be chemicals or some of these pollutants that we see around us. There are so many chemicals that are now coming into the market, particularly in the agricultural sector, in our own houses, in fumigation and in meat preservatives. Particularly what we heard the other day, the metabisulphites, which are full if nitrites. These are positive causative agents of cancer.

We need to understand that it is only by preventing these things that are around us that we can prevent the incidence and prevalence of cancer to the level it has reached in this country. It could also be molecular like in the case of those who are working in tobacco farms. Those who are exposed to tobacco leaves via the skin or those who chew tobacco, it could affect either their tongue, lungs or the throat.

As I mentioned earlier, some could also be caused by viral infections. There are very few number of causes that are genetic or which are inherited from one family to the other. One of the things that I would have expected to see, Sen. (Dr.) Ali, is that there should be a representation of people living with cancer in whatever board there is. Yes, I agree that the county governments must now wake up and create cancer centres. However, I would have liked a greater emphasis on prevention, which you put much later in the Bill. This is because prevention has the potential of curtailing the incidents and prevalence of cancer to the extent we are seeing today.

Mr. Deputy Speaker, Sir, we appreciate and understand that some of the gases that we are working with are dangerous. These days, we are working in mines where we mine coal and other substances to enrich ourselves. However, do we know that some of these gases are potential agents that cause cancer? There was a time when the roofing was made of asbestos sheets, and yet we would drink water from these roofs. That is a potential way of getting cancer.

Mr. Deputy Speaker, Sir, we need to look at the environment and the agents that cause some of these cancer problems. In the environment, we have gases, some of which are very innocuous. They may appear to be odorless, but they cause problems, particularly in areas where you have a lot of these other minerals that form radioactive substances. These might include lithium and many other elements that are able to fluoresce. This is particularly in areas where there are a lot of minerals that form the radioactive substances, I think lithium and many other elements that are able to fluoresce. These elements can produce odourless gas, which when one inhales, they feel that they are okay and yet, they are inhaling poison that causes cancer.

Mr. Deputy Speaker, Sir, we should now look at the environment. What are we doing about it? Look at the pollution level in this country and we are complaining about the causes of cancer. The pollution level is a result of so many chemical fumigations that are going on in the dumping sites and garbage that is fermenting all over the place and emitting gases that are not good for us to breathe. We should, therefore, look at the environment we live in, our home surroundings, cities and towns. How do we approve the plans? The congestion that we see both in buses and markets creates a potential for one getting cancer.

We also have occupational problems. We have issues such as chemicals, for those who are working in chemical industries and hospitals. They are potentially exposed to radioactive substances. Those who are working in asbestos firms are potentially exposed to those substances.

Mr. Deputy Speaker, Sir, I want to come to lifestyle. I think I heard Sen. Murkomen asking about the advice we could get. Our lifestyle has got to change dramatically. The consumption of sugar in this country is a potentially dangerous element towards the onset of cancer. I think we must accept it. It is a delicacy; we eat sweets, give them to our children, encourage the drinking of Coca-Cola sodas and all the ales full of sugars. That is potentially one way of getting diabetes, which predisposes one to cancer.

Some of the cells are destroyed and, therefore, become unrecognizable by their own body cells. There is what we call autoimmune system that sets in and makes those cells unrecognizable. The normal cells will tend to attack and create unnecessary proliferation of abnormal cells that cause cancer. We, therefore, need to look at these elements.

We also need to look at the meats we eat and some of the preservatives. The other day health workers pounced on supermarkets that sell meat. That is a classic example, and Kenyans over the weekends are feasting on these meats all over the place. What amount of chemicals are they ingesting, and yet we are saying that cancer is all over the place? We should look at the causative elements of these cancers, so that we can deal with them more squarely and straight.

Do the foods we eat contain a lot of nitrites and other substances that are not important? I should have gone the scientific way, but let me make it simple; things that contain lots of carbon chains are potential foods that will cause cancer in this country.

Mr. Deputy Speaker, Sir, I have every reason to say that the Mover of the Bill, Sen. (Dr.) Ali, was very well trained. I had the opportunity to train him. My contribution is that we should now shift our emphasis to preventive rather than curative measures. Yes, for those who have the disease, we will be able to treat them at these centres that will be established. However, let us also encourage Kenyans to have a normal habit of going for early check-ups. This is because simple things such as obesity are other causative factors of cancer.

We need not run away from what we see are glaring causes of cancer. We need to tell our people that the lifestyles we enjoy need to be limited. We need to limit the foodstuff we take. We do not drink enough clean water. I do not mean polluted water because some of this polluted water has some of these substances like chemicals and gases, such as radon gas which comes from other gases that are potential agents for causing cancer.

We now need to look at water and the simple foods that we take in our homes and restaurants and how they are prepared. We need to look at simple things such as the air we breathe and whether it is clean. You will have noticed these days that when in Nairobi, you are a sick person, but when you move to Meru, you feel well as if some new energy has come into you. This is because of the change of atmosphere and oxygen. The oxygen saturation level is much higher than we find here in Nairobi. If I looked at the oxygen saturation level in Nairobi, it will not be 97 or 98 per cent. It will probably be between 92 and 94 per cent. That is why when you see us walking here, we are panting for air because the air is potentially polluted, and we must accept that.

Mr. Deputy Speaker, Sir, in China, for instance, when you go to Peking and other cities you see a lot of smoke in the air. Those are pollutants. That is why the element of cancer is fairly high in those places, but they have known how to manage these cases.

Once cancer sets in, its rate of growth is so rapid that one extends from stage one to stage two, which is manageable. By the time one goes to stage three and four, they are getting to a level that is unmanageable. We are now asking: Are some of the therapies available to us today effective or aiding towards accelerating death? The drugs in the chemotherapy we give are extremely powerful, toxic and make the body very weak. They also denude the cells that are able to act as good cells, to swallow up the bad cells.

What do you find? You find that instead of improving, there is also remedy. Why do we not try simple remedies in the foodstuffs that are available? Let us look at the diets that we take. I used to tell people that one of the major causes of HIV/AIDS was the level of micronutrients we ingest in the body. If they are low then the index of immunity goes down, and there is a likelihood to contract HIV/AIDS once the virus gets into the body. However, if you have a robust health, you may not be able to get to that level.

Mr. Deputy Speaker, Sir, I thank the Mover of this Bill because there is now an opportunity to get our county governments--- Health is a fully devolved function and, therefore, we must be able to embolden and say quite categorically, as Senators who are overlooking the governors, that one area we would like to see great investments is health. It should attract 15 per cent of the annual budget of the county, in accordance with the Abuja Declaration.

Secondly, we should now be able to look at the environment, public health and nutrition as major elements in preventing diseases, not necessarily cancer alone. These should be viewed as a major war against some of the diseases we are seeing today.

If we get patients who have cancer at any stage, we should now make it a regular habit--- Our health workers must be trained at the dispensary level, health centre level and Level 2, 3 and 4 hospitals, to be able to do simple screens that can detect cancer in the early stage. This is because once it is detected at stage one and two, it is a manageable condition. By the time it is in stage three and four, then you go to unmanageable situations and highly voluted treatments such as chemotherapy, radiotherapy and manner of things that add up to just weakening the body and a miserable life. It is not a life that you want to live because you feel a lot of pain.

Mr. Deputy Speaker, Sir, I would rather change the emphasis from one of curative to preventive because we will have a larger population that we can catch at the early stage before they go to the end stage. If they are at the end stage, we have a duty as professionals to treat them in a very adequate way by improving their diets, conditions of living, easing their pain and giving palliative management, so that they can live a comfortable life before they die.

Mr. Deputy Speaker, Sir, thank you for giving me this opportunity to contribute.

The Deputy Speaker (Sen. (Prof.) Kindiki): Thank you.

Proceed, Sen. Olekina.

Sen. Olekina: Thank you, Mr. Deputy Speaker, Sir. I rise to make my contributions to The Cancer Prevention and Control (Amendment) Bill (Senate Bills No.9 of 2019).

As I sat here, I listened to the distinguished Senator for Kisii County talking about pain. Today, my submissions will be completely unorthodox because I think some of the problems that we cause ourselves in this country arise when we stray from what we were taught when we were brought up and adopt new technologies and practices.

As a young boy, every day, I would consume what is called *Seketek* in Maasai, which are traditional herbs. Whenever we were sick, we would grind the herbs, mix with milk and drink. In most cases when you were sick and drank that concoction, you would get better. There is a very good friend of ours nowadays called Google. I challenge every Member in this House to spend some time going through Google and look at some of the things considered evil or uncouth in this society. One in particular is medical *Marijuana*.

When you look at countries in the West; some States in the USA and countries in Europe, they have now accepted that there is not enough information known about *Marijuana*. In this country, we have made sure that when you are caught with *Marijuana*, you are arrested and yet, *Marijuana* is known scientifically as a herb that can be used to reduce pain. The distinguished Senator for Kisii talked about pain. If you take a minute and look at Google, you will find that many States in USA are using medical *Marijuana* to reduce the pain associated with the treatment of cancer.

Mr. Deputy Speaker, Sir, I would like to request the sponsor of this Bill to think about incorporating a few things, which in this country depending on which side you fall in religiously, you might consider to be evil. He should think about incorporating an element where this country can start doing more research on medical *Marijuana*.

There are people who have given testimonies that when they are in pain, they control it with *Marijuana*. I have visited farms in the USA where they produce

Marijuana, and most of their clients are people who have been diagnosed with cancer. There are testimonies to that effect. It is about time that we started deviating from the norm and look at ways we can help.

The other Senators who spoke earlier, when they were expressing their condolences following the loss of the two good leaders, spoke about the challenges that we face in this country. They mentioned that chemotherapy or cancer is perceived to be a business enterprise. The distinguished Senator for Makueni County gave a statement about how a doctor cured many people using traditional herbs away from *Marijuana*, but he is afraid of coming out and saying this is what we need to do because it is a business enterprise.

When I was sitting here, I heard the distinguished Senator for Kilifi, saying that when he went to visit our late brother, the former Senator from Migori, he saw the way the drugs had consumed his body. He used to weigh about 180 pounds, but ended up dying when he was about 60 pounds.

We really need to think beyond just accepting these things. When we go to our farms in the rural areas, we find a lot of chemicals being used to preserve food. Something which I consider completely evil, is when people use the same chemicals used to preserve bodies to preserve milk. They are actually selling this milk. They keep it for days.

You then ask yourself: who is killing who? We are killing ourselves? We as leaders of this country have completely forgotten our roles as people who are supposed to represent people. We are supporting entities that lower standards. The number of fertilizers and chemicals that are imported in this country depend mostly on how much they will earn in profits, and not the standards.

The distinguished Senator for Kisii County spoke about carcinogens. These are the things that cause cancer. This is the opportunity for us to amend this law and look at the broad picture or entire spectrum of everything, including the furniture that we use in our homes. There are hemihydrates which are chemicals used to fix ply woods. Whenever you go to a nice home you will see a beautiful piece of furniture. All manner of chemicals have been put there to make it look neat, but they do cause cancer.

When you consider all these common carcinogens that the distinguished Senator was talking about, you will be surprised to hear that some of them include potato crisps. They are also found in preserved food or even toasted bread. If you eat these foods, you may end up getting cancer.

We have an opportunity now to try and raise standards of things that are imported into this country and chemicals used to preserve food. One of them is used to preserve maize in the traditional storage. The chemicals are applied on the maize to kill the pests and preserve the food, but it is supposed to last for three months. After three months, instead of us taking the maize out and aerating it, we take the maize and add more of that preservative substance to it. We then grind and continue consuming it.

Many of our people are dying because of negligence. During the campaigns, I went to a place called Imburvutia in Loita, Narok South. I heard that every single day, you will find a home where someone has died of cancer. You will hear someone saying: "I just got a small cut and it has never healed." When you think about it, the kind of treatment that these people get or the food they are exposed to--- There is no clean water

and food stays on the road for three or four days before it is delivered to them, and they end up consuming it.

If we really care about our population, as Kenyans, we should not let our people die. We would rather make a decision and say: "I will not subject my relative to go through chemotherapy. We should just allow the life support machines to be switched off." This applies to those who can afford it. Those who cannot afford, will go into a hospital, be given medicine and continue taking it.

Let us explore. There is nothing evil in us looking at the option of medical *Marijuana* if it can ease the pain. There is nothing evil in us saying: Let us put so much money into this Universal Health Care (UHC), but also look into the issue of herbs. There is nothing wrong in us talking to our citizens and asking them to go back to organic food.

Mr. Deputy Speaker, Sir, the bananas that come from your county, Tharaka-Nithi, are brought to Nairobi when they are green. Then, they ripen overnight and you can eat them. We then ask ourselves why our people are dying of cancer. We are seeing all these things, but we are also failing in taking measures to stop that in this House.

Mr. Deputy Speaker, Sir, this is a very painful period in this country. As I summarise my submissions, I would like to encourage the distinguished Sen. (Dr.) Ali, who sponsored this Bill, to take some time and have a conversation with our sister, Sen. Mugo. She gave her testimony and talked about how we are so confused in terms of curing or helping our population, I think she has something to say that can help this Bill. If we do that, we will not just invest in technology. When we invest so much in technology and all those machines, we are just lining someone's pocket, but killing the population. Those producing the machines are so much concerned in the machines working, rather than preventing the disease. We cannot allow that to continue. This is a country that we care about. If God has blessed and put us into this House, and given us good healthcare, then it is about time we took care of those people who cannot afford good health care.

Thank you, Mr. Deputy Speaker, Sir.

Sen. Halake: Thank you, Mr. Deputy Speaker, Sir. I rise to support this Bill. I also join my colleagues in grieving for our colleagues, Hon. Okoth and my sister, Hon. (Dr.) Laboso, the Governor of Bomet County, who succumbed to cancer in the last few days.

Mr. Deputy Speaker, Sir, in addition to them, there are 27,000 Kenyans who die from cancer every year. I also rise to grieve for them as well. Hopefully, through grieving for our colleagues, who have been our friends, we will also remember that every year, there are new cases of cancer involving 40,000 Kenyans, out of which 27,000 die of the disease every year. I know that most of us have been affected by cancer. Therefore, as we grieve and mourn our colleagues, Hon. Okoth and Hon. (Dr.) Laboso, we should also remember to honour them and the lives of the other Kenyans who have succumbed to this disease.

Mr. Deputy Speaker, Sir, Hon. Okoth was a good friend of mine. When I came to this Parliament, somebody pulled me aside and asked me to look for Hon. Okoth and work with him on human rights issues. In the confusion, I thought he was in this House. I, therefore, went round looking, and when I asked where he was, I was told that he was in the National Assembly. Luckily, I met him a few weeks later at the Human Rights Caucus. From there, we discussed working on different issues concerning human rights

and the rights of people to good health and living conditions, especially in informal sectors. That was around the time there were demolitions in his constituency. I promise my friend that I will continue with the fight for the rights of the less privileged, as promised and discussed.

Mr. Deputy Speaker, Sir, I got to know Hon. (Dr.) Laboso during the repeat Presidential Elections in 2017. She was, in typical form, the leader coordinating our efforts for the different groups going to campaign for the President. At that point, I was asked to do the budgets for a few groups, and that is how I came to know her. She was a woman of excellence and one we looked up to. She was very courageous, of course, and we were, therefore, very proud of her.

I know many women who have got no courage to face giants like Hon. Isaac Rutto, who we know for a fact, is not a push over of a politician. She, however, stood up to him, trailed the blaze and made sure the path was cleared for other women who, perhaps, did not have courage. As Sir Winston Churchill said, perhaps courage is rightly esteemed as the most important quality of a human being, because it assures all other qualities. She has courage. As I mourn her, I also celebrate her.

Mr. Deputy Speaker, Sir, public service or leadership constitutes some sort of kinship with other leaders. Therefore, I feel sad not just for the loss of a colleague, but a friend and family. Therefore, for both of them, rest in peace my friends. The journey and fight you started, the rest of us will continue. But to the rest of the 27,000 Kenyans, I mourn with them and honour their lives. I know that their lives are also as rich in their families and in accomplishments as our colleagues were. We also honour them as well, not forgetting that they are our kin and fellow citizens.

Mr. Deputy Speaker, Sir, going to The Cancer Prevention and Control (Amendment) Bill (Senate Bills No.2 of 2019), I would like to congratulate my brother and Senator for Wajir County, Sen. (Dr.) Ali, for bringing this amendment. First of all, this is very timely, not only because Kenyans are dying of cancer, but also because it aligns the prevention and control of cancer to counties. The old Act just read as though we did not have devolution. Therefore, congratulations, Sen. (Dr.) Ali, for ensuring that you take our mandate, as the Senate, under Article 96, very seriously; and also for making sure that the laws of this country acknowledge the existence of devolution and the important role that devolution plays.

Mr. Deputy Speaker, Sir, I know that our senior Senator for Kisii has spoken so much about some of the things that I had listed and, therefore, I will skip them. However, I will look at it from the perspective of our broken regulatory system. I know that he spoke about carcinogenic agents all over. I also know that my colleague and friend from Narok, Sen Olekina, spoke about all the different preservatives, like formalin and other things that are being used. We should do something about it.

If there is one thing we must do, it is to fix our broken regulatory systems. What is the Pharmacy and Poisons Board doing? Who is holding them accountable? If this House must do that, let us hold them accountable because 80 per cent of the drugs we use – and sometimes you wonder why we do not get better – are actually fake. The same is true for all the other things; from pesticides that we use in our agricultural sector to even the cattle dips that we use in the pastoral areas. Who is regulating what?

Our regulatory system is so broken that we do not even know, and it does not matter your economic or social status. We are not even sure whether the water we are

drinking here is actually fit for consumption. This country is, therefore, treading on very dangerous grounds. I do not know if this Bill can lend itself to that. We could find a way of making sure that the regulatory system is also looked at, so that it then becomes part of the preventive measures that the distinguished senior Senator has talked about. That way, we can then look at prevention and prioritise it over the curative aspects.

Mr. Deputy Speaker, Sir, I know that we have prioritised buying goods in this country because of the quick procurement issues, the percentages and the opportunity for corruption that is possible. We are in the process of prioritising things that perhaps would not even help us. I hope that the cancer centres proposed in this Bill will prioritise prevention over curative measures as well. If you look at what we have learnt today and from what we know, there is opportunity if you have been diagnosed with cancer in the early stages. We have seen that even people with the best medical cover are not immune from the eventualities of this disease.

I looked at the strategies put in place by the Ministry of Health and realised that they are all about control of diseases and not prevention. The names of those strategies are actually a misnomer. In fact, the strategy for cancer is called The Cancer Control Strategy, 2017-2022 and its priority is getting Computed Tomography (CT) scans, chemotherapy and radiotherapy machines. What is this obsession with buying stuff? Is it part of corruption where one wants to get a cut and move on? Those machines may not even be useful to the people.

We have all been affected by cancer. My sister, Jillo, died of cancer at a very young age. I am sure that we can all talk of family members and friends who have succumbed to this disease. This is not about them but us. We need to look at prevention. This House should look at our regulatory systems such as the Pharmacy and Poisons Board and the Kenya Bureau of Standards (KeBS) to get to know what is happening there.

My colleagues have talked of research. This is something that we should focus on, especially research on traditional ways of controlling this disease. We should also focus on traditional lifestyles that do not have risk factors. Cancer is the third leading cause of mortality in Kenya. It stands at 7 per cent. We need to look at how we can prevent it.

I congratulate Sen. (Dr.) Ali for this Bill because it has created a conversation, though we must go beyond the conversation. We should get to actionable initiatives that can be measured in the life of this Parliament. I support this Bill because of its alignment to the Constitution and devolution, though we need to make sure that it leads to service delivery in the frontlines where our people live and work.

The question is: what services are those that need to be taken to the counties? I do not think that they are the machines that are being thrown in the counties. It must go beyond those machines to things that we can touch and measure. We have to make sure that the lives of Kenyans and our colleagues, who we have honoured here today, do not go in vain.

I support.

Sen. Cherargei: Thank you, Mr. Deputy Speaker, Sir, for this opportunity. On behalf of the people of Nandi County and my family, I would like to pass our condolences to the people of Kibra for the untimely demise of their Member of Parliament, Hon. Ken Okoth, who was a cancer warrior. His service to the people of Kibra is unmatched.

I also pass our condolences to the family, friends, relatives and the great people of Bomet County following the death of their beloved Governor, Dr. Joyce Cherono Laboso, who died yesterday. We wish the family well. Gov. (Dr.) Joyce Laboso was one of the pioneer women governors in this Republic. She showed that women do not have to sit back and wait to be given positions. Instead, they can go out in the field, campaign and get elected as either Member of Parliament or Governor. That should be an inspiration for many women and girls in this country.

Gov. (Dr.) Joyce Laboso was charming and friendly. We continue to pray for the family. Nandi and Bomet counties have a close tie. We come from the same region. Interestingly, the recent statistics released by the National Cancer Institute show that Rift Valley, and more so, Bomet County, has been leading in throat cancer. They blamed it on our favourite drink, *mursik* or what is called fermented milk.

Mursik is an energiser and that is why Eliud Kipchoge chases the wind in London, but the National Cancer Institute is now blaming it and hot tea for throat cancer. I am sure that your people will be the biggest losers in this. They are also laying blame on alcohol and tobacco. Fermented milk is not only adored as food in our place, but also has cultural significance. We want the National Cancer Institute to tell us the reason they are saying *mursik* is a precursor for cancer of the throat. Those are some of the answers they need to give us.

Sen. Ochillo-Ayacko: On a point of order Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): What is it, Sen. Ochillo-Ayacko?

Sen. Ochillo-Ayacko: Mr. Deputy Speaker, Sir, I did not want to interrupt my friend, but had to do it for the sake of our sportsmen. He has said the *mursik* assists people to break the record. Is he not insinuating that our athletes take substances that enhance performance, hence they can be banned? Is he in order? He is making remarks that can threaten the future of our athletes.

The Deputy Speaker (Sen. (Prof.) Kindiki): Senator for Nandi County, the Senator for Migori is asking you if you are saying that *mursik* is equivalent to some of the banned substances under the anti-doping legislation. If that is the case, then it will be prejudicial to the athletes. Is that so?

Sen. Cherargei: Mr. Deputy Speaker, Sir, under the Anti-Doping Agency of Kenya (ADAK) and the World Anti-Doping Agency (WADA), *mursik* has not been listed as one of the banned substance. It is fermented milk. Where I come from, it is not only used as food, but also for cultural proposes.

Mr. Deputy Speaker, Sir, I know your future is luminous. So, when you get a bigger seat, we will welcome you with *mursik*, which means that the *wazees* and the spirits have endorsed you to sit well in that seat.

The Deputy Speaker (Sen. (Prof.) Kindiki): The question from the Senator for Migori is whether your statement was that what makes the athletes win is *Mursik*.

Sen. Cherargei: No, Mr. Deputy Speaker, Sir. It is just food.

The Deputy Speaker (Sen. (Prof.) Kindiki): So, according to you, anybody who takes *mursik*, whether they are from Jamaica or the other corner of the world will break the record?

Sen. Cherargei: Mr. Deputy Speaker, Sir, in fact, apart from high altitudes, there are so many factors. I will assist the Senator for Migori because, apparently, he does not come from where the legends of the track are made.

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. Farhiya, are you on a point of order?

Sen. Farhiya: Mr. Deputy Speaker, Sir, I want to inform the Senator for Migori, Sen. Ochillo-Ayacko.

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. Ochillo-Ayacko is not on the microphone. However, you can inform the House.

Sen. Farhiya: Mr. Deputy Speaker, Sir, I wish to inform the House that it is true that it gives energy.

The Deputy Speaker (Sen. (Prof.) Kindiki): What gives energy?

Sen. Farhiya: Mr. Deputy Speaker, Sir, milk gives energy.

The Deputy Speaker (Sen. (Prof.) Kindiki): Which one? Is it the one of Sen. Cherargei?

Sen. Farhiya: Mr. Deputy Speaker, Sir, *mursik, ititu* or whatever it is called in our language. That is a good marketing strategy for our milk. I wish to inform the Senator that there is no illegal chemical in the milk.

The Deputy Speaker (Sen. (Prof.) Kindiki): Proceed, Sen. Cherargei.

Sen. Cherargei: Mr. Deputy Speaker, Sir, in the spirit of brotherhood and my friendship with the Senator for Migori County, I will invite him one of these fine days to the source of champions to see how legends who run the world are made.

Those are some of the questions that Kenyans will be asking. The other day, the House applauded Dennis Okari for his '*Red Alert*' series. Those are some of the preservatives that cause cancer. I do not want to belabour the point. However, let us enhance the capacity of National Cancer Institute (NCI), so that they can investigate some of these foods that I have highlighted, for example, *miraa*, which can change the fortunes of your people and region. It is said that taking hot tea with *miraa* is one of the causes or precursor for cancer. That means that people will run away from buying *miraa*, which will cause losses. Especially, in North Eastern---

Sen. (Dr.) Ali: On a point of order, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): What is it, Sen. (Dr.) Ali?

Sen. (Dr.) Ali: Mr. Deputy Speaker, Sir, is the hon. Senator for Nandi County in order to call *miraa* food? Is *miraa* food?

The Deputy Speaker (Sen. (Prof.) Kindiki): The last time I checked, it was a crop under The Crops Act, which was passed by this House in the last Parliament. So, that matter is legislatively settled.

Sen. Cherargei: Thank you, Mr. Deputy Speaker, Sir. *Pole* for that slip of the tongue. I like this Bill by my brother Sen. (Dr.) Ali. We also need to give capacity to NCI, so that it has more ability and resources to tell us how taking hot tea and *miraa* causes cancer. I like the way women have fought cancer through breast cancer awareness.

In the year 2000 when some of us were finishing crawling and starting to walk, His Excellency, President Daniel Moi declared HIV/AIDS a national disaster. We are calling upon His Excellency, our beloved President, whom we love whole heartedly, to come out and declare cancer a national disaster. I do not know why Sen. Mutula Kilonzo Jnr. is excited.

The Deputy Speaker (Sen. (Prof.) Kindiki): Neither does the Speaker know what this declaration of love is about? Can you proceed?

Sen. Cherargei: Mr. Deputy Speaker, Sir, I am almost concluding.

The Deputy Speaker (Sen. (Prof.) Kindiki): Yes, we need to make progress. We have a lot of interest and the time is short.

Sen. Cherargei: Mr. Deputy Speaker, Sir, I was making a critical point that the President, whom we believe in, should declare cancer a national disaster, so that we put more focus and energy on it. I agree with the Council of Governors (CoGs) on that.

The proposed new Section 22A states that county governments should be part of the process by providing screening, counseling and palliative centres. When a person is under palliative care, they need the support system of the community and family members. How do we ensure that we provide for the welfare of the people?

The other day, we conducted a fundraiser for a person in Simbi. However, he later passed on because of lack of palliative care. In Kipkorio, Nandi County, there is prevalence of throat cancer. These are some of the challenges.

Mr. Deputy Speaker, Sir, we need to agree on the way forward with regard to Genetically Modified Organisms (GMOs). I am aware that there has been clamour whether or not to go for GMO. As a country, we must make a decision.

When you go to Western Countries, there are organic foods and GMOs. As a country, what way should we agree on? Should we legislate? The NCI or the International Centre of Insect Physiology and Ecology (ICIPE) in Kasarani should come up with proper mechanisms to assist us on which way to go, especially on the issue of GMOs.

Mr. Deputy Speaker, Sir, I have heard people say that cancer was detected on them at Stage Four, which is too late. Is this a systemic problem or that of our hospitals, for example, Kakamega Referral Hospital or Kapsabet County Referral Hospital? Does it mean that our hospitals do not have capacity to detect and diagnose cancer at an early stage that can be cured? This issue must be relooked at. The county should be involved in training.

As I conclude, I call on my colleagues to agree with these amendments. We call upon the Cabinet Secretary (CS) in charge of Health, Ms. Cecily Kariuki. We have not seen any policy that has been generated by the Ministry of Health. The counties only control Kshs3 billion. However, in the Fourth Schedule, the national Government has been given Kshs96 billion. So, it has more money. What is the Ministry, through the CS, Cecily Kariuki, doing to ensure that they come up with a policy on how to guide the country?

Yesterday, I saw on national television that even in the local dialects, people are discussing cancer. Therefore, the Ministry should give guidance and direction to Kenyans. They should work with Parliament and assist us to come up with a way forward.

Mr. Deputy Speaker, Sir, with those many remarks, I thank you, for your indulgence.

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. Shiyonga, be brief.

Sen. Shiyonga: Thank you, Mr. Deputy Speaker, Sir. I will be very brief. I stand to support The Cancer Prevention and Control (Amendment) Bill, 2019.

I would like to start by sending my condolences to the family of the late hon. Okoth and hon. (Dr.) Laboso. These are two great leaders who had an opportunity, and true to their word, were dedicated to their work. They were public servants from whom we were expecting a lot in service to this country. My condolences to their families,

friends and relatives. For the shortest time that I knew the late hon. (Dr.) Laboso, I admired all that she did as a woman leader in the political world. I will miss a friend, a leader and companion.

I stand here because the late hon. Okoth was a Member of my political party, and we shared a lot despite his sickness. I want to say that 26th and 29th of this month, happened to be two dark days in our lives, especially as leaders. We lost leaders from whom we were expecting a lot. May the Lord Almighty God rest their souls in eternal peace.

Mr. Deputy Speaker, Sir, moving straight to this Bill, I want to support the proposed amendments by adding that raising public awareness on cancer is very important. This will enable our Members to visit health facilities at the earliest opportunity. It is not only the prominent personalities that are affected by this disease, but everyone is exposed and is at risk of having cancer.

It is true that cancer treatment is expensive in terms of the palliative care, treatment and time taken. It is high time Kenya, through the Ministry of Education, took its preventive measures as a first score in preventing this condition.

Mr. Deputy Speaker, Sir, capacity building, especially of our health care workers in this field is important. This is especially when it comes to detection and taking care of patients, as my colleagues have said. We are talking about a condition that is brought about by so many factors that affect health, including importation of artificial goods, preservation of foodstuff and even climate change. All these are factors that increase the risk of cancer in our bodies. It is high time Kenya changed its parameters of how it can prevent, fight and take care of those already affected by cancer.

Mr. Deputy Speaker, Sir, we are losing so many Kenyans, and just pronouncing or saying that cancer should be declared a national disaster is not enough. We need to also look at how many resources are being allocated, putting into consideration that healthcare or health services have been devolved. How much will we allocate despite us purchasing very relevant equipment? How much are we going to put into capacity building and equipment that will detect the most current cancers in the world or in our country?

It is, therefore, my appeal that the Senate, works around making sure that this Bill is adopted to fast-track what is needed to go into this Bill, so that we can save Kenyans. This is because it is a time-bomb that we are sitting on as Kenyans, especially when we talk about people losing their lives as a result of cancer and not doing the much that is needed.

Thank you. I support.

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. Ochilo-Ayacko.

Sen. Ochillo-Ayacko: Thank you, Mr. Deputy Speaker, Sir, for giving me an opportunity to make remarks regarding this very important topic. Allow me to congratulate my brother, Sen. (Dr.) Ali, for remembering the sick and also being concerned about the state of our health in this nation. Sen. (Dr.) Ali as was indicated by his teacher, Sen. (Prof.) Ongeru, is a good person. I have served in this Parliament with him and can attest to his goodness. That goodness is manifested in his desire to have legislation that handles cancer.

This piece of legislation is important because we hitherto did not have legislation that had aligned the attention cancer should have with the devolved nature of our

governance structure. This proposition that counties get involved as key players in trying to control, prevent and handle the threat of cancer, is one that must be supported. This is because the Constitution, as we made it in 2010, envisaged that health will be carried out in counties, and that resources must be put in counties, so that we attend to it.

Mr. Deputy Speaker, Sir, I know that my colleagues and I have paid our tribute and sent our condolences to the families of both the late Gov. (Dr.) Laboso and Hon. Ken Okoth. However, we may be forgetting that just this month we also lost Joe Kadenge. Joe Kadenge, as we all know, was a great player. We also lost him through cancer. This means that if we were to look at the statistics of the people we lose through cancer, the list would be endless.

Cancer seems to be what Chinua Achebe was talking about. He said:-

“When suffering knocks at your door and you say there is no seat for him, he tells you not to worry because he has brought his own stool.”

Cancer as a trouble, has visited our country with its own seat and is seated everywhere. It is seated at the high table, middle table and all those tables. We all must get alarmed because if we do not get alarmed, I am sure that it will exterminate all of us.

Mr. Deputy Speaker, Sir, cancer as a disease will of course kill those it has attacked. More so, it will wipe away all your savings and resources and leave in its wake, both physical pain of loss of a loved one and the pain of losing all the resources that you probably worked for the whole of your life. If we do not deal with it, I think it is a direct ticket to poverty. If you think that you have enough resources and are able to look after yourself and family, wait until cancer invites itself into your family and gets a seat. You will go to London, India and everywhere and at the end of it all, it will only exit the family or your body once it has exhausted all the resources that you had accumulated.

This is a serious issue and as we talk about prominent personalities we have lost through cancer, it is also important to remember that we stand for the voiceless and the humble people. I am absolutely sure that if you were to take a census of those who are suffering from cancer now, and do not have access to treatment, in Kibra alone, the number would be countless. If you were to go to Bomet or Makueni, where Sen. Mutula Kilonzo Jnr. ably represents, the number would be countless. I do not want to mention Migori because I suspect that most of my people there even visit witchdoctors and other forms of doctors because treatment is not available.

Therefore, the proposition that we make it an obligation in our counties to provide for these services and take care of our people, is welcome and a good one.

Mr. Deputy Speaker, Sir, it is also important that there be mandatory statistics taking in this proposed amendment by Sen. (Dr.) Ali. It is important that we understand the magnitude of this onslaught, the extent it has ravaged our people or the spread so that, from a planning perspective, we can allocate sufficient resources to deal with it.

I hear colleagues talking about declaring it a national disaster. If you declare it a national disaster and do not have statistics as to its prevalence and spread, it would then be very difficult, from a planning stand point, to know how much to set aside and with what intensity to deal with the extent to which it has spread. It is, therefore, welcome, in this proposed amendment, to have statistics and data. That data should be available so that those who plan and finance know what to prioritise and the extent to which this disease has come.

Mr. Deputy Speaker, Sir, it is painful that it is everywhere. I am sure that even those who have agreed to talk in public about their suffering are just a few in this House. There are many of us in this House who suffer in silence because we do not want many people to see how vulnerable we are. We speak to God in private or our friends, but never say that we have cancer. However, if we were to get the notes of the prayers that we send to God, truly cancer is a disaster. It is not just a national disaster, but a universal disaster.

Mr. Deputy Speaker, Sir, countries that have dealt with the magnitude of this problem have addressed the issue of the cost of treatment. Countries have also addressed the issue of awareness, which this amendment seeks to intensify. Countries have also addressed the issue of research, which this amendment seeks to do. I am, therefore, very pleased that this House is discussing this matter.

When I read through what was on social media yesterday and the day before, I noticed that young Kenyans were posting out there that Senators, Governors and their staff will only compose beautiful messages of condolences. They wondered why we cannot take time and legislate or do something. I am, therefore, glad that Sen. (Dr.) Ali has come forward and availed an avenue through which we can interrogate this matter. We can do something using our mandate.

With those many remarks, Mr. Deputy Speaker, Sir, I beg to support. I hope that all of us will be supporting this Bill.

The Deputy Speaker (Sen. (Prof.) Kindiki): Thank you.

Proceed, Sen. (Rev.) Waqo. If you can save a few more minutes for another speaker, it would be welcome.

Sen. (Rev.) Waqo: Thank you, Mr. Deputy Speaker, Sir, for allowing me to add my voice to this important Bill by Sen. (Dr.) Ali, who is my brother and a good friend.

(Sen. Mutula Kilonzo Jnr. spoke off record)

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Sen. Mutula Kilonzo Jnr.! Are you disputing the goodness of the Senator for Wajir County? It has been stated repeatedly by his teacher, Sen. (Prof.) Ongeru, in your absence, and by many Senators. I think what Sen. (Rev.) Waqo is doing is just to reaffirm an established issue. Do you have issues with the goodness of the Senator for Wajir County?

Sen. Mutula Kilonzo Jnr.: I am sorry, Mr. Deputy Speaker, Sir. Maybe I missed the memo. I thought the compliments were excessive, but it is okay.

(Laughter)

The Deputy Speaker (Sen. (Prof.) Kindiki): Maybe he is excessively good!

Sen. (Rev.) Waqo: Mr. Deputy Speaker, Sir, what is the measure of excessiveness?

(Laughter)

The Deputy Speaker (Sen. (Prof.) Kindiki): Proceed, Sen. (Rev.) Waqo.

Sen. (Rev.) Waqo: Mr. Deputy Speaker, why should he comment on what I have said? This is a serious discussion. I congratulate Sen. (Dr.) Ali for bringing this Bill

because cancer is affecting the entire nation. It has robbed us family members, breadwinners and great leaders.

We have lost great leaders in the last one month. Likewise, many people have died out of cancer in the last one month in my county. In the village where I was born, we lost two people and one of them was an elder who had always guided the villagers. Cancer is affecting the entire nation and we need to come up with solutions.

In my county, people have been told that they are getting cancer because of eating a lot of meat, yet it is our staple food. We have now been told that milk also contributes to cancer. *Mursik* is what we call *ititu* in my place, and we all enjoy it. I actually took a glass of *ititu* last night and I am now surprised to learn that it can also cause cancer. Cancer is so close to us and has taken so many lives.

I support this Bill, which proposes to amend the Cancer Prevention and Control Act to provide for additional function of county governments in prevention and treatment of cancer. This Bill will make us to all own the problem and the county governments shall be responsible for prevention, treatment, rehabilitation and control. If all the counties do this, then those who are suffering from cancer will be encouraged and have hope.

The Bill seeks to establish the county cancer centres in every county. That will make the Government to invest money for us to take care of our citizens. Statistics indicate that we lose 33,000 Kenyans every year to cancer. Early screening is the best thing that we can do to our people, but the cost is immense. It is only those who have money that can afford early screening. What about the people in the villages who have no access to these facilities or transport to go to hospital? Some of them do not even have an idea of what they are suffering from. This Bill will get the services close to the people.

Free screening should be done as we wait for the centres to be developed in every county because time is not on our side. Many Kenyans could be suffering from cancer without knowing. Therefore, the Government should allow those who want to be screened to get the services free of charge. That will help Kenyans to know their status. We do record 47,887 new cases of cancer every year, and this is alarming. We should encourage the citizens to go for screening.

Part IIIA of the Bill talks of prevention and control of cancer in counties.

However, I will not go into the details. The proposed New Section 22A (a) and (b) talk of capacity building for professionals. Most of the time, we put the wrong people in places that need attention. Therefore, I suggest that only people who are qualified for a particular job are employed and capacity building done from time to time.

I support this because in the proposed New Section 22A (g), the Bill suggests that we conduct counseling sessions not only to people who have cancer, but also to the caregivers. As we all know, people who take care of the patients suffer a lot. This has made Kenyans poorer and increased the poverty level in our nation. Therefore, families that go through this need counseling sessions.

Clause 22(D) states that:-

“Every county cancer centre shall submit a quarterly report to the County Executive Committee Member.

This is a good suggestion because most of the time, we do not keep proper records. We do things for the sake of it. Therefore, by doing this, we are assured of proper records at the county level. I also suggest that we have a national data collection centre where we

can get the data of people who are suffering, what stage they are, the medication they are taking and how the country and county is taking care of them.

Mr. Deputy Speaker, Sir, I had more points. However, I would like to give others time to speak. Therefore, I stop here and support the Bill.

Sen. Mutula Kilonzo Jnr.: Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity. Allow me to also extend my compliments to Sen. (Dr.) Ali for being a good man and doing everything that is good.

(Laughter)

I propose two things that are impediments. I have been told that the doctors who come from India normally go to Tanzania, on a regular basis, to assist heart patients and other conditions. In this Bill, we should find a place to waive some of the requirements that are made so difficult by Kenya Medical Association (KMA), so that they can come here regularly. It is not that we do not have infrastructure, possibly, it is equipment. So, I agree that we should have cancer centres all over the country, but the next challenge will be capacity.

The second one is whether Sen. (Dr.) Ali can consider having a conditional grant from the national Government to build capacity of our hospitals, so that it not only build infrastructure---

The Deputy Speaker (Sen. (Prof.) Kindiki): Order! Sorry, Sen. Mutula Kilonzo Jnr. You only had two minutes, courtesy of Sen. (Rev.) Waqo. When this matter comes for debate next time, you have a balance of 19 minutes.

ADJOURNMENT

The Deputy Speaker (Sen. (Prof.) Kindiki): Hon. Senators, it is now 6:30 p.m., time to adjourn the House. The Senate, therefore, stands adjourned until tomorrow, Wednesday 31st July, 2019, at 2:30 p.m.

The Senate rose at 6.30 p.m.