

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 18<sup>th</sup> March, 2015

The House met at 9.30 a.m.

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

### PRAYERS

**The Temporary Deputy Speaker** (Hon. Cheboi): Order, hon. Members! We have quorum and I must congratulate you for making it in good time.

### PAPERS LAID

**The Temporary Deputy Speaker** (Hon. Cheboi): On that order, do we have the Vice Chairperson of the Departmental Committee on Finance, Planning and Trade? Yes, proceed.

**Hon. Gaichuhie**: Thank you, hon. Temporary Deputy Speaker. I beg to lay the following Paper today, Wednesday 18<sup>th</sup> March, 2015:-

The Report of the Departmental Committee on Finance, Planning and Trade on its consideration of the Public Audit Bill, 2014.

*(Hon. Gaichuhie laid the document on the Table)*

### BILL

#### *First Reading*

THE ENGINEERING TECHNOLOGISTS AND TECHNICIANS BILL

*(Order for First Reading read - Read the First Time and  
ordered to be referred to the relevant Departmental Committee)*

### MOTIONS

RE-INTRODUCTION OF EXAMINATION RANKING SYSTEM OF SCHOOLS

*(Hon. Wakhungu on 11.3.2015)*

*(Resumption of Debate interrupted on 11.3.2015)*

**The Temporary Deputy Speaker** (Hon. Cheboi): Who was on the Floor? It is hon. Tong'i. Is he in because he has five minutes? Well, unfortunately he is not in. We will proceed straightaway. I believe that hon. Members who have made requests want to speak to this.

We will have the hon. Member for Uriri, John Kobado.

**Hon. Kobado:** Thank you, hon. Temporary Deputy Speaker. I stand to oppose this Motion. I want to begin by acknowledging the fact that, indeed, ranking encourages competition, inculcates a sense of competition and it can be used as a tool for benchmarking. That notwithstanding, in overall terms, ranking does more harm than good. Competition needs to be fair. If you have to talk about fair competition, then we must set very clear parameters upon which we need to compete.

There is need to look at the infrastructure. There is need to look at teacher to student ratio. There is need to look at the learning resources. So to speak, there is need to standardize certain things before we can allow schools to compete. For ranking to meet those thresholds, it should be part of a comprehensive educational reform but you do not single it out as ranking and be able to make any impact in terms of improving the standards and quality of education in schools.

Therefore, there is need to have a rather holistic approach to this process so that as we rank, we look at the curriculum and the extra-curriculum activities rather than focusing on the syllabus as it is done currently.

There is need to consider other factors which would influence the outcome of an education process. We need to also consider things like life skills, talents of the students and the syllabus itself so that we have a comprehensive approach to the ranking process.

Ranking, hon. Speaker, encourages a lot of other things which have not gone well with our education system in this country. It encourages malpractices in schools. Indeed, cheating is motivated by ranking and that is why we have a lot of cheating in schools. There is need, therefore, to stop this cut-throat competition that we are currently seeing in schools by dropping ranking but bringing it back in a more comprehensive approach so that as you rank, you look at the total individual or an all-round person to come up with something that is proper.

Last year alone, in the results of the Kenya Certificate of Secondary Education (KCSE) of 2014, we had close to 3,000 students whose results were cancelled because they were caught cheating and this was motivated by ranking. So, there is need to look at this thing a bit more comprehensively. It is possible to realise zero tolerance on cheating if cheating is looked at from the source. We can stop cheating from the source because many students are victims of circumstances.

**Hon. (Eng.) Gumbo:** On a point of order, hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Cheboi): What is it, hon. (Eng.) Gumbo?

**Hon. (Eng.) Gumbo:** Hon. Temporary Deputy Speaker, I have no intention of interrupting the hon. Member for Uriri but is he really in order to say that students were caught cheating last year because of ranking when we know that there was no ranking last year? There was no ranking. The schools were not ranked. Is he really in order?

**The Temporary Deputy Speaker** (Hon. Cheboi): Well, hon. Kobado, maybe you can insist on the first bit of your statement and forget about the second. So, just

proceed because there was no ranking but in terms of cheating, it is in public knowledge that there was cheating.

**Hon. Kobado:** Hon. Temporary Deputy Speaker, a total of 2,975 candidates had their results cancelled as a result of cheating. That is what I was saying and the records are there.

Hon. Temporary Deputy Speaker, ranking has made students operate like robots in schools. The focus is entirely on completion of the syllabus early enough and then students are drilled to pass exams. This practice should stop if we are to improve the standards of education in our schools. Let us borrow from what they do in other institutions like universities. Before you rank, there is need to come up with a basis for ranking. Schools should meet certain minimum parameters before they are even allowed to present students for exams. They must have proper classrooms, laboratories for practicals and other learning resources. The student to teacher ratio must be appropriate up to a certain level before they are allowed to present students for exams. That way we shall be able to come up with ranking process or procedure.

There is need to look at the entire education value chain so that as we rank we do not just rank students based on a single exam. There is need to look at the entire value chain. We consider the continuous assessments. We consider right from, Form One as they come in. What happens in universities? You join the university and you earn your grade right from day one. The process is considered totally so that at the end of the day, what comes out reflects the efforts that a candidate has put into his or her education. But the way it is done at the moment, it is messing up the standards of education in this country. The education sector requires comprehensive reforms. So, we can only pass this thing if it was modified so that it becomes a ranking process that is comprehensive; that considers all those other factors.

Given the limitation of time, I beg to oppose this Motion.

Thank you.

**The Temporary Deputy Speaker** (Hon. Cheboi): Very well. I will give the Leader of the Majority Party the last ten minutes. We only have 20 minutes. The Leader of the Majority Party, kindly let me pick somebody else so that you become the last one. I will give the hon. Member for Navakholo. Hon. Member for Navakholo, you should not be putting your card both at the intervention and at the request slot.

**Hon. Wangwe:** I stand guided, hon. Temporary Deputy Speaker. Thank you for giving me this chance to air my views on the ranking system. On the outset, I want to support the idea of ranking. One thing that we need to know is that education is a system and out of a system, there must be a product. Ranking is what depicts the product that is going to come from the long waited system that a child or a student has gone through. The issue of getting the schools ranked simply enables the outside community to know the efforts of teachers and parents. Remember that the result is only a product of students, parents and teachers. Therefore, the combination of the three must be recognised at the end of the fourth year or the eighth year depending on the system of education that somebody is undertaking. We need not hide in a cocoon and say that we are not going to expose the competence, ability and the efforts delivered in a particular system of education. Therefore, the product of competition must be

recognised and let the whole country know who is doing the right thing at the right time.

When you look at the performance in the past several years when ranking was there, it had no attribute in terms of who is not performing and who is performing in respect of the various institutions that were listed in the ranking system. It is important that if we are to recognise the various strata involved in education, ranking from the national schools, provincial schools - now called county schools - and various sub-county schools is important. It is only by ranking that we are able to know which school belongs to which cluster of institutions. Therefore, it is important that we put ranking as a priority to enable us select and choose where we belong in terms of our institutions.

When you look at the issue of quality of education, we could give it a position in terms of which school is giving what result in terms of quality. The Kenya National Examinations Council is just one. The papers that each and every student does are one. It does not matter how well you teach a student. You find that somebody in a day school is still able to score a straight "A" as long as that child was competent enough to undertake the process of education. Therefore, the issue of looking at the environment and whatever condition, as long as the student or the child is competent enough to undertake a study, since the examination is the same, you will still end up with the same results. It is important we revert back to the system of ranking, support our children to know who the best was at what institution and what the limitations are. When it comes to resource allocation, this House allocates CDF to various institutions. How do you know what the school is lacking? How does the national Government know what resources to be put where? It is only out of the product of examination that we should now be able to know that this institution is lacking a laboratory or this institution is lacking whatever supplies and then you can allocate resources accordingly. Therefore, it is important that we let ranking be exposed outside the cocoon of the institution itself so that we allocate financial resources to the various institutions.

Another thing we need to know is that competition is very healthy. When it comes to competition, it is the only product that gives you a chance to analyse and see the implication of what you have been doing for past couple of years. It is important that out of the competition, the best can be selected. Let principals compete to give good results. There is a difference between competition and drilling of students. What I refer to in this aspect is competition, not drilling.

Therefore, I stand to support this and if you would allow me to donate my last two minutes to my colleague, hon. Keter, I would do so.  
Thank you.

**The Temporary Deputy Speaker** (Hon. Cheboi): You have absolutely no power to donate. That is totally out of order. I will donate it at the right time, if I so wish.

Hon. Members, I have decided to increase the debate by 30 minutes for two simple reasons. One, I have the power to do so.

*(Laughter)*

Two, hon. Members arrived in very good time and there are many requests on this. There seems to be a lot of interest. The only issue that I will decide on this is that we are going to have hon. Members contributing for a maximum of five minutes; the less the better.

**Hon. Members:** Yes!

**The Temporary Deputy Speaker** (Hon. Cheboi): I will start with hon. Maanzo, Member for Makueni. A maximum of five minutes but if you can take three minutes, the better. We have 32 requests now.

**Hon. Maanzo:** Thank you, hon. Temporary Deputy Speaker, for giving me the opportunity to contribute on this Motion on the ranking system for national schools.

I want to support this Motion. In Makueni where I come from, we have very good primary and secondary schools and part of it has been through competition and ranking. Therefore, pupils, including myself when I was one, would look forward to competition at the end of the year. I remember when I left primary school, we were number three in Kenya and that caused a lot of excitement. Others wanted to be like us because competition improves studying. I also remember when I left secondary school going to university, my school was number one in Kenya and it caused a lot of excitement. Therefore, school ranking is very important. It does not happen only in Kenya, it happens all over the world. There was no basis for the Ministry of Education, Science and Technology either in law or in common practice, just to one day wake up and do away with the school ranking system. There was no consultation; it did not consult the relevant education stakeholders. They just woke up and a few people decided that there cannot be ranking probably for their own private reasons.

Therefore, it is important that school ranking is done. Even if they do not do it, the media and teachers still rank schools. So, whatever they have done is of no effect. The issue of schools examinations results is factual. Whether one had grade “D”, “A”, or “B”, it is specific. It can be seen on the face of it from the results which are also everywhere. So, people are able to rank. Therefore, I want to support this Motion.

Hon. Temporary Deputy Speaker, you have been kind enough, I also want to be kind enough like you to let other Members also contribute. I support.

**The Temporary Deputy Speaker** (Hon. Cheboi): Very well. We will have the Member for Ainabkoi.

**Hon. Chepkong’a:** Thank you, hon. Temporary Deputy Speaker. You have just given me a chance at the right time. Hon. Maanzo is my very good friend. I do not want to waste a lot of time but he has just spoken the wrong thing in the right place.

I stand to vigorously oppose this Motion for three reasons. One, ranking should not be mistaken or abused for grading which is totally a separate item. Ranking has been abused by teachers because everybody is trying to get to the headlines. What the teachers have resorted to is to be giving exams to children like food. You give exams in the morning, over lunch time and then at 5.00 p.m. We are not going to produce children, the so-called test tube children that were referred to somewhere in the United Kingdom. We do not want that. Malcolm Forbes said that the purpose of education is to replace an empty mind with an open mind. We are not here to replace an empty mind with competition. We are preparing our children so that they can navigate life in future.

When you give children exams everyday, you train that child to receive exams. Now, when they come out---Some of us who have been in school, and I am sure all of us---

**The Temporary Deputy Speaker** (Hon. Cheboi): I am wondering aloud hon. Chepkong'a. What is the difference between an empty mind and an open mind?

*(Laughter)*

**Hon. Chepkong'a**: There is a very big difference.

**The Temporary Deputy Speaker** (Hon. Cheboi): Well, proceed.

**Hon. Chepkong'a**: The difference, hon. Temporary Deputy Speaker, is that an empty mind has nothing but an open mind is full of many things to think about. These are creative minds. What we want to do is to train our children so that they can be creative.

Secondly, exam grading is used for administrative purposes as opposed to ranking which is used for competition. We have had so many fallacies and stories. People have been saying that parents are complaining that ranking has been removed. Why would a parent be complaining? The purpose of taking a child to school is to pass exams not to be ranked. We miss the point. I am referring to hon. Maanzo because he is my good friend. I also went to a school. Unfortunately that school in Ainabkoi Constituency because of poor facilities---Government has not been investing on facilities and so the students there are not doing very well as compared to students who go to Alliance High School and many other schools. There are differentials in facilities and teachers. The problem that we have with teachers is that all the good teachers want to be in towns and all the average teachers want to stay in the rural areas. So, what happens is that we then train children in the rural areas to become average and they are expected to compete with town children who have computers. Children in the rural areas have never seen computers and yet you are ranking them with children who school in town. That one you are comparing apples with oranges; not apples with apples. That is the reason we are saying that if ranking has to be there, it has to be holistic. Otherwise, we will be saying that physical education, Arts and spiritual education are not important. So, why do we have these teachers? Why do we not scrap these courses because students are not ranked on the basis of that; rather it is on the basis of exams? It is not holistic. We are not talking about a holistic person.

*(Loud consultations)*

There are some people who are campaigning behind here, hon. Temporary Deputy Speaker. They are campaigning very well to defeat this Motion. I want to thank them very much.

**The Temporary Deputy Speaker** (Hon. Cheboi): Concentrate hon. Chepkong'a. Your time is almost over.

**Hon. Chepkong'a**: I completely vigorously oppose this Motion. Thank you, hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Cheboi): Let us have the Member for Butula.

**Hon. Onyura:** Thank you very much, hon. Temporary Deputy Speaker. I stand to oppose this Motion. Ranking in the form in which it is now, I would not support it. I believe that when the ranking started, it was meant to be good. However, with time, the focus has been narrowing so that now what everybody is focussing on is how to be number one in their zone, sub-county, county and in the whole country.

Competition is good. We all accept that. However, it is only meaningful if we have clear rules, level playing ground and not where goal posts can be changed when the game is going on. How is this done? You find that because schools are focussing on how to be number one, unethical practices start creeping in. For example, schools will want to be number one at any cost even if it means weeding out children who are little bit weaker. They either take them to other schools or they make them repeat. This kind of thing infringes on the rights of these children. When competition now just narrows on position or certain gains, it can derail the whole purpose or objective.

Hon. Temporary Deputy Speaker, compare this with what we are seeing now in our sports. In athletics, for example, because the focus is increasingly targeting financial gains in that field, you will find that some unacceptable practices like doping are now creeping in. The focus now is on how they can get money and not just the spirit of competition where you do your best. When we are talking about competition as it has been said, we must start comparing like with like. You cannot, for example, rank schools in Nairobi, say Kilimani, Consolata and Nairobi Primary with schools in a place like Kapedo or Masende Valley in my constituency. They are not the same. So, I would only support ranking if it is more holistic than what it is now so that we look across the whole development of our children. It cannot be realistic to expect that every child that we take to school will become a professor or a doctor. Some have academic limitations, but they might be much better in other fields where they can excel and earn a living.

Personally, the way it is, I will not support this Motion if ranking remains narrow on exams alone. If we spread and widen it, I will support it. Ranking should not just be based on exams. That is training robots and it is not what we want. We will have problems because we will not have whole persons in future. So, hon. Temporary Deputy Speaker, I oppose this Motion on ranking. Thank you.

**The Temporary Deputy Speaker** (Hon. Cheboi): Well, at this point in time, I will give a chance to the Leader of the Majority Party. We still have Members who will be speaking. I know that the Leader of the Majority Party will be appearing before one of the Committees of this House and I am sure he will be happy to go and prepare.

Proceed, hon. Leader of the Majority Party.

**Hon. A.B. Duale:** Hon. Temporary Deputy Speaker, to make it more clear, hon. Jakoyo and I are appearing before your committee. I stand to oppose this Motion. If you allow me, I want to take the House through seven commissions which have been set up by the Government since 1999, that have opposed ranking and the reasons they gave.

I want to start with Dr. Davy Koech Commission in 1999, which was looking at total integrated quality education and training. In its Recommendation 7.4, it recommended that school ranking system be abolished forthwith and other more credible ways of encouraging schools to pursue excellence in academic and other areas be identified. He said that the pressure of examinations and ranking of schools was blamed on lack of depth in the learning and teaching process. I will then go to the report

of the Task Force on Student Discipline and Unrest in Secondary Schools in 2001, chaired by a current member of the Teachers Service Commission (TSC), who by then was the Director of Education, Naomi Wangai, which was presented by the then Minister for Education, Henry Kosgey. In Recommendation 24, the report says that the Kenya National Examinations Council (KNEC) should stop ranking of schools. The reason given was that ranking of schools---

*(Hon. Washiali consulted loudly)*

Hon. Temporary Deputy Speaker, hon. Washiali is still doing sugar business.

**The Temporary Deputy Speaker** (Hon. Cheboi): Order, Members! Let us give each other an opportunity.

**Hon. A.B. Duale:** He did it on *Cheche* the whole morning and now he is transferring the same to the Chamber.

The reason against ranking as given by the taskforce was that ranking of schools in accordance with performance in the national examinations causes teachers to be preoccupied with testing and examination at the expense of character molding.

In 2008, in this House and I was a Member, there was indiscipline in schools. The Committee on Education led by hon. David Koech did an inquiry into student unrest and strikes in secondary schools. You will remember that there were strikes. That Parliamentary Committee in the last Parliament recommended that ranking of schools in order of performance in national examinations was one possible root-cause of unrest in schools. Teachers give students leakage for them to pass. When students realise that they are unable to pass, there are a lot of strikes and unrest prior to examinations. Hon. Isaac Rutto and hon. Aden Keynan were Members of that Committee.

In 2010, the Task Force on the Alignment of the Education Sector to the Constitution of Kenya, 2010, was formed by the Government. The report of the task force was presented in February 2012. It was chaired by Prof. Douglas Odhiambo, a respected Kenyan educationist. What did he report? In his Recommendation 6.1, he told KNEC to abolish ranking of schools and students when releasing examination results. He gave the reason that ranking of schools based on examination performance has brought about a lot of negative effects. For example, head-teachers of schools that are ranked low often get demoralised and others even commit suicide. Secondly, he said that pupils who score low grades and are ranked regard themselves as failures in life. Some of them commit suicide. This is a report of a task force that was led by Prof. Douglas Odhiambo.

In 2014, there was the Kilemi Mwiria Commission. I am about to finish. He says that the current system of ranking schools should be reviewed and a more comprehensive system should be established. In a nutshell, I am a victim of the poor ranking system. In the last Parliament, about 60 per cent of the exams in my constituency were cancelled. Ranking is used by private primary and secondary schools to entice parents to take their children there. When their school is number one in the constituency, parents remove their children from the other schools and take them to that school.



Thirdly, teachers go the extra mile to cheat, so that they appear on top. We must find another way.

**Hon. Member:** *Hapana!*

**Hon. A.B. Duale:** You can say *hapana*, but that is unparliamentary. Hon. Speaker, there is someone who is fighting here. That is not the way to do it in Parliament. In Parliament, you wait for your chance and then you counter.

This is a policy based on evidence from seven commissions whose expenses were paid by the taxpayers. This House urges the Government to make sure that education is for equity and for all children. The children of Garissa, Homa Bay and Bondo cannot be compared with the children in Makini and Riara.

I beg to oppose.

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

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

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Thank you. Well spoken. Next on my request list is hon. Nyikal, Member for Seme.

**Hon. (Prof.) Nyikal:** Thank you, hon. Temporary Deputy Speaker. I stand to oppose the Motion as it is. Ranking in principle is good for competition. However, that competition must be on a level playing ground.

Internationally, there are ranking criteria in place. Universities are ranked, but we look at the criteria that are put in place. We should look at the infrastructure, extra-curricular activities and the student to teacher ratio. You cannot take a school where the student to teacher ratio is almost 1:1 and rank it with a school where the student to teacher ratio is 1:20. That does not work. We have had a lot of problems with ranking. The Leader of the Majority Party has indicated all this. We cannot be a country that establishes task forces, gets results and then we ignore them.

I have read a book which says: “Why are “A” students working for “C” students? This is basically because the ranking system, as we are proposing now, just concentrates on getting students to get high grades and not building the character and the ability of the students. In this country today, we need students who are open-minded and can process information, but not students who can recall information. We have had a lot of problems with ranking. The reports have indicated the same. Students have gone on strike demanding that their headmasters have not leaked exams to them. We know schools which have two examination centres, namely, one for the best 20 pupils and the other for the rest of the pupils. Only the results of the 20 best pupils are used to rank the school. Is that what we want? Some children are even denied the chance to sit for the exams because in the assessment of the teachers, they will bring the ranking of the schools down because of their performance. We know schools that force students out.

*(Loud consultations)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Order Members, I know we have to consult, but can we consult in low tones? Carry on.

**Hon. (Prof.) Nyikal:** Hon. Temporary Deputy Speaker, we know of schools which force children out of schools if they do not attain a certain grade. This is merely because they will bring the ranking of the school down.

In the end, we come out with products of rote learning. We cannot allow the ranking as it is. I had an amendment that was shot down, and I wonder why, where we must take into consideration all the factors. We should look at the infrastructure, laboratories, extra-curricular infrastructure, history of discipline and performance of the school. If any of us wants to take a child to a school which we think will perform best, we cannot go by a single performance.

You will need to have the comprehensive character of the school. Therefore, I appeal to all colleagues that ranking, as provided in this Bill, is detrimental to our education system. If we have to get ranking, we should adopt a comprehensive ranking system that takes all considerations that categorize schools in terms of infrastructure and the teacher to student ratio as well as fees levied by each school. Ranking, as it is, is also against the poor. What happens in this country is that if a school starts to do well, people with money start getting their children to that school and, through the Parents Teachers Association (PTA), they increase school fees. Consequently, poor parents are forced to withdraw their children from such schools. A school that was previously absorbing children from a local area, once it starts performing well, you find that it is full of people from all other place except the local area, and all of them are well moneyed. You get to a situation---

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Your time is over, Prof. Nyikal.

Next is the Member for Marakwet West. Is he in the House? If he is not in, the next on the list is hon. William Kipkemoi

**Hon. Kisang:** Thank you, hon. Temporary Deputy Speaker. I rise to support this Motion.

This Motion is very good. This year, the Ministry of Education, Science and Technology stopped ranking the Kenya Certificate of Secondary Education (KCSE) and Kenya Certificate of Primary Education (KCPE) examinations. For those of us who went through the old system of education, I remember that when I did my Kenya Certificate of Education in 1985, ranking was there. Each student used to get a booklet showing what number he or she was in the country. I do not see any reason for us to stop ranking. Ranking creates a healthy competition among students. It encourages each of them to work hard since one would want to know his performance in relation to other students. The only problem we have with the current system of ranking is that it is between private schools and public schools. In my constituency, we already know the mean grade for each of the primary schools for both private and public schools. What is so difficult for us to make ranking known? It is already known on the ground. Therefore, I believe that it is right for us to---

*(Loud consultations)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Order! Order! Hon. Members, please, lower the level of consultations. We need to hear what the Member for Marakwet West is saying.

**Hon. Kisang:** Thank you, hon. Temporary Deputy Speaker, for your protection. I remember that while we were on recess, the newspapers analysed how Members of Parliament contributed to debate during the Second Session of the National Assembly. It emerged that some Members had spoken for over 1000 times. None of those Members asked why we were being ranked. Basically, that is part of ranking. Even when we compete for positions, each one of us is ranked from number one through to number last. The only thing we need to consider is improving the system of ranking, especially for private schools. They transfer some students to public schools when they do not attain a particular grade. I know that recently all the universities were ranked internationally. Our public universities were also ranked. I do not see why we should not know how our universities are faring in relation to other universities globally.

Hon. Temporary Deputy Speaker, I will stop at this point since I want to give my colleagues a chance to debate this Motion. I want to urge them to be sober and support this Motion, so that at least ranking of schools can be reinstated.

With those remarks, I beg to support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Next is the Member for Kathiani, hon. Robert Mbui.

**Hon. Mbui:** Thank you, hon. Temporary Deputy Speaker, for this opportunity. I rise to support ranking of schools.

*(Applause)*

Hon. Temporary Deputy Speaker, competition is natural. Children go to school for the purposes of preparing for life. As young people grow, they compete in all aspects. In fact, as you watch our children grow, you notice that they compete in simple things like running, playing marbles, in age and height. Therefore, it is natural for us to compete. As we grow older, we still compete. In fact, competition among older people is in terms of the amount of money available in their bank accounts, the size of house one lives in, the types of cars they drive, among other aspects. We need to be careful to note that competition is natural. The purpose of education is to prepare children for life ahead. We have to rank our children so that they can grow up naturally, knowing that there is competition in the future.

As we get into the job market, there are targets set by our employers. Target setting for employees is actually a form of ranking. The employees who perform better in organizations are ranked better. Therefore, they get promotions. When we tell our children that we are doing away with ranking and, therefore, we shall not have number one through to number last, we are being unnatural and very unfair.

There are some arguments that have been propagated in this House, which cannot go unchallenged. There is an argument that has been advanced against ranking – that, ranking encourages cheating in examinations. The real reason for cheating is for students to qualify for admission into better performing secondary schools, or to get

enrolled for a better course at the university. Cheating is not caused by ranking of schools or students. It is caused by the desire for good grades. People cheat to get better grades, and not to be ranked as number one. What is the solution to cheating? Instead of arguing for scraping of ranking of schools, let us tackle the problem through improvement of examination administration by the Kenya National Examinations Council (KNEC). There are weaknesses in the administrative systems of the Council. Examination supervisors and invigilators are part of the problem as far as examination administration is concerned. Therefore, the Government should deal with examination administration integrity as opposed to cancellation of ranking of schools.

The other argument is on the issue of a level playing ground. In a race of 100 metres, we do not say that if you are very tall, you cannot compete against someone who is short. A race is a race; it is competition. When you argue that there is no fair playing ground because some schools have better infrastructure than others, while some have more teachers than others, whose problem is it? Is it the learner's? It is a problem of the Government. The Government needs to address the issue of a level playing ground. There are investors in this country who have put money into the education sector. They have set up better learning institutions. They have built classrooms, laboratories and other relevant facilities. The Government can do the same for public schools. Instead of cancelling ranking of schools, the Government should put up infrastructure in public schools. How can they do so? They can do by increasing the budgetary allocation to the Constituencies Development Fund (CDF). We have been putting up infrastructure in schools in our various constituencies. The Government could hasten the process by increasing the budgetary allocations for free primary and secondary education.

Even former President Moi, who is a politician of high ranking, has come out in the open and said that we have to rank schools. Since we know that Jubilee is a rebirth of the Kenya African National Union (KANU), it is important that we support school ranking because our professor of politics has said that we should do so.

Finally, there was ranking in Kajiado Central Constituency. I am thankful that the Orange Democratic Movement (ODM) was ranked number one, while the Jubilee Alliance Party (JAP) was ranked number last.

Hon. Temporary Deputy Speaker, with those remarks, I beg to support ranking.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Member for Ruiru, hon. Gathogo, the Floor is yours.

**Hon. (Ms.) Gathogo:** Ahsante sana, Naibu Spika wa Muda. Kwanza, nashukuru kwa sababu, mimi ni mama wa kwanza kuongea katika Bunge leo. Nimesimama kuunga mkono hii Hoja. Kuna mambo mengi ambayo yamezungumzwa. Kabla ya hayo, ningependa kusema ya kwamba, nimetumwa na watu wa Kaunti ya Ruiru. Wanasema tuendelee kuomba Bunge letu la Kumi na Moja ndiyo tusiweze kuchafuliwa na mambo yanayopita ya kamati. Mimi ni mmoja wa wahubiri ambao bado hawajateuliwa. Ningependa kuchukua jukumu la kuomba Bunge hili. Tuendelee kuomba kwa sababu uchafu ukiingia katika hii nyumba, hata ikiwa huna uchafu, utakushika. Nasema hivyo kwa sababu mimi ni mhubiri.

Tukikosa kujua ni shule gani zinafanya vyema shule zitarudi nyuma. Walimu nao watakosa kufanya kazi kwa bidii kwa sababu watajiambia kwamba hata shule

ikifanya vibaya kwenye mitihani hakuna mtu atajua. Kuna shule ambazo hazina madarasa na mambo mengi ya kufaulisha shule. Tunayo hazina ya CDF. Sisi hapa tunaruhusiwa kusaidia shule kwa kutumia pesa za CDF. Kwa hivyo wale ambao wana shule ambazo hazina vifaa katika maeneo yao wanaweza kutumia pesa ya CDF. Kuna shule ambazo zinafanya vizuri lakini siyo lazima kila mtu aende kusomea huko. Muhimu ni kwamba tujue ni mbinu gani shule hizo zinatumia kupita mitihani. Tukikosa kufanya hivyo hali ya masomo itarudi chini. Wale wanaotia bidii watasikia vibaya kwa sababu ni vizuri kujulikana kuwa umefanya vizuri. Siku ile ulishinda uchaguzi, kama hungeambiwa wewe ndiwe mshindi ungesikiaje, Naibu Spika Wa Muda? Kwa hivyo, kwa heshima, ningepomba tuendelee kuorodhesha shule ili tujue ni shule gani zimeenda chini. Tusiseme eti shule fulani imeenda chini bali tujue palipo shida. Kuna shule tulisikia imefanya mitihani vibaya. Lakini shule hiyo ilipoangazwa kwenye runinga, tuliona zile shida ambazo watoto wanapitia. Wanafunzi wengine huenda kuchota maji na kwa hivyo hurudi shuleni wakiwa wamechoka. Inabidi tuwapatie maji ndiposa waache kwenda mtoni na wawe na muda wa kusoma. Nina hakika tukifanya hivyo watapita mitihani. Kwa hivyo, naunga mkono Hoja hii. Mimi ni mhubiri ijapokuwa sijateuliwa. Tuendelee kuombea hili Bunge.

**Hon. Mwadhegu:** Ahsante Naibu Spika wa Muda, kwa fursa hii ambayo umenipa nami niweze kutoa maoni yangu kuhusu Hoja hii. Kwanza, naunga mkono Hoja hii kwa dhiti. Ni jambo la kushangaza kuwa wenzangu wanasema ni vibaya kuorodhesha shule ama wanafunzi ambao wamehitimu vyema katika mitihani ya taifa. Tunaorodhesha shule ambazo zimefanya vyema ili umma upate kujua ni wapi matokeo yamekuwa mazuri. Watu watajiuliza ni kwa nini matokeo yamekuwa mazuri. Huenda ikawa ni kwa sababu ya vifaa vizuri vya shule, walimu, mazingara nakadhalika. Tusipoorodhesha shule na wanafunzi, ni lini umma utajua sehemu fulani inafanya vyema kuliko sehemu nyingine? Tusipofanya hivyo fedha za serikali zitapelekwa mahali fulani peke yake. Basi itakuwa rahisi kwamba ni sehemu fulani za nchi ambazo zitatoa vinara na wanafunzi shupavu. Si kwamba wao wamejaaliwa akili kuliko wenzao bali ni kwa sababu ya kuwa na vifaa bora.

Mheshimiwa wa Rarieda ananiambia kwamba katika eneo lake kuna wanafunzi ambao hawana viatu. Anasema kwamba shule zao hazina mijengo wala maabara. Ingawa hivyo wamefanya vizuri. Walipata alama nzuri za “A”, “B” na “C”. Hii ni kwa sababu wanafunzi wenyewe wanaweza kusoma. Wanafunzi wanakosa vifaa vya kutosha. Tunaomba waorodheshwe ili watu wajue ni vipi wanafanya mitihani. Hata wabunge ambao wako Bungeni wameorodheshwa. Mbona sisi tukatae shule ziorodheshwe? Nakubaliana na wenzangu kuwa mara nyingi watu wamechukua nafasi hii ili kutengeneza hela katika zile shule zinazofanya vizuri kwa sababu ya kuorodheshwa. Serikali lazima ichukue jukumu la kuhakikisha kwamba tabia kama hiyo imekomeshwa. Tusiseme kwamba kwa sababu tabia hiyo ipo basi ni kwa sababu ya kuorodheshwa. Lazima shule ziwe na mpangilio. Sharti ziorodheshwe ndipo tutajua sehemu fulani inafanya vyema kwa sababu fulani na fulani.

Nimesikia mwenzangu akisema kuna kamati ambazo zimeteuliwa kufanya utafiti na zimependekeza kwamba shule zisiorodheshwe. Mimi nafikiri hii ni kwa sababu Serikali imeshindwa kutekeleza majukumu yake hasa kwa kuhakikisha kwamba vifaa vya shule vimesambazwa nchini kote. Sharti Serikali ihakikishe kwamba

wanafunzi wanashindana katika mazingara ambayo ni sawia. Shule za hapa jijini Nairobi zina vifaa. Kwa hivyo walimu wanakimbilia huku. Wale waliobaki mashinani wana shida zao. Shule huko hazina vifaa. Kama Serikali itahakikisha imesambaza vifaa na walimu wazuri wanabaki mashinani, basi wanafunzi watakuwa wakishindana katika mazingara sawasawa.

Kwa hivyo, naunga mkono Hoja hii. Nawasihi Wabunge wenzangu wafikirie ni nini wanachotaka kufanyia wanafunzi wetu wanaposema shule zisiorodheshwe. Juzi hatukupata hiyo orodha. Nini kimetokea? Orodha ziko. Hata katika kaunti yangu najua zile shule ambazo zimefanya vyema na zile ambazo hazikufanya vema. Nimejua upungufu uko wapi. Tunajua ni wapi tunatelezea. Hii ni kwa sababu shule zimeorodheshwa hata huko mashinani katika kaunti. Mnataka kuficha ukweli na hali tunaomba huo ukweli ujitokeze waziwazi ili tujue fedha zinapelekwa wapi.

Kwa hayo machache, naunga mkono Hoja huu.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Members, as per the previous Communication by the Speaker, you were given 30 minutes. I do call upon the Mover to reply. I must express the interest that we have from the hon. Members. I have 44 requests.

I have a Communication signed by the Speaker, that hon. Chris Wamalwa has been approved to dedicate it to the hon. Member for ---

**Hon. (Eng.) Gumbo:** Thank you, hon. Temporary Deputy Speaker. Allow me to reply on behalf of hon. Chris Wamalwa.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. (Eng.) Nicholas Gumbo to reply on his behalf.

**Hon. (Eng.) Gumbo:** Yes, I will reply on behalf of hon. Dr. Chrisantus Wamalwa, but allow me to donate two minutes to hon. Irungu Kangata and another two minutes to hon. Omulele.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Irungu, you have two minutes donated to you.

**Hon. Kangata:** Hon. Temporary Deputy Speaker, I rise to support this Motion and the reasons are very clear. One, the reasons which were advanced by those people who were opposing did not make a point. The argument has been that if we continue with ranking, there will be a lot of cheating in exams. The issue of cheating, as far as I am concerned, is an issue of the examining body. Even if you were to stop ranking, the issue of cheating would still continue. So, we are mixing two issues.

Number two, there is the argument that we cannot rank schools which are not equal. That is an administrative issue which should be done by the Ministry of Education, Science and Technology. Even if you were to stop ranking, it is an internal issue of the Ministry of Education, Science and Technology. So, it is not beneficial for us to stop ranking on that account. Therefore, I rise to support ranking. I urge Members that we need to support competition in our schools.

Thank you.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Two minutes are over. The other beneficiary Member is hon. Omulele.

**Hon. Omulele:** Thank you, hon. Temporary Deputy Speaker, for giving me this opportunity to speak to this very important Motion. I express my gratitude to my brother, hon. Gumbo, for giving me these two minutes.

It is very important for me to say that I support this Motion. Ranking is very important in this country. The Cabinet Secretary (CS) for Education has failed this country by purporting to set aside the requirement for ranking in our schools. Anybody who has lived in this country and who lives in this world knows that there is a hierarchy of ranking in everything. In human life and even in the animal kingdom there is ranking. You will find that animals that probably have deficiencies in one way or another are denied some rights in the animal kingdom.

So, ranking in our schools goes to the very foundation of our education system. It will enable our children to know that they need to compete, otherwise we are going to have children and a population in this country that will not understand what competition is about. If we do not have competition in this country, we might as well forget about a nation and stop telling people that we need to improve ourselves.

So, I urge the Ministry of Education, Science and Technology to go back to ranking our children in the schools. I support this Motion.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Gumbo, you have your six minutes.

**Hon. (Eng.) Gumbo:** Thank you, hon. Temporary Deputy Speaker. I know there are many of my colleagues who want to support the Motion, but I cannot donate all my ten minutes.

I wish to thank all my colleagues who have supported ranking. The great Greek philosopher, Plato, once said: "Opinion is the medium between knowledge and ignorance." Sometimes what we express is perhaps because of lack of sufficient knowledge. I have heard opinions expressed here that ranking makes people zombies and robots, politicises education through rewards, makes our children be overloaded, leads to vilification of those who do not get good results, can only make sense when all schools have the same facilities, produces students who have closed minds and it is against the poor. Nothing could be further from the truth. For instance, yours truly the Member for Rarieda is a product of ranking. Most of us in this House are products of ranking. If ranking was to---

*(Loud consultations)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Order, Members! The Mover is replying. You can only make a decision after your contributions and with the sentiments that the Mover who is replying is going to put across.

**Hon. (Eng.) Gumbo:** Hon. Temporary Deputy Speaker, some say that ranking discriminates against the poor. Nothing could be further from the truth. For instance, yours truly the Member for Rarieda was the only student in school who had no shoes and yet he is here. Today if---

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Member, you are too tall. Try to get closer to the microphone.

**Hon. (Eng.) Gumbo:** Hon. Temporary Deputy Speaker, today one of the legacies I am most proud of is the fact that in the days that we did A-Levels at the famous Cardinal Otunga High School, we were ranked among the top schools. After that ranking, our headteacher called us and said: “You have conquered Kenya. Now go and conquer the world.” If we are here today, it is from that ranking.

Yes, I have heard what has been said. Currently, we do not have a policy on ranking. However, that is what this House is for. I would wish to propose to my colleagues, including those who are against ranking that let us do it in a way that takes care of the disparities in our society. Ranking enables us to do a SWOT analysis. I have heard some people saying that if, for instance, you are in Alliance High School then you cannot be compared with somebody in a rural school. I have a student from my constituency who went to a secondary school where there was no laboratory. It is a school I only started four years ago. The student got an “A” in Maths, Physics, Biology and Chemistry. So, these are the realities. We cannot all be the same.

As we stand today, parents want ranking. I am a parent and I want ranking. Teachers and their unions want ranking. If there is no policy in place, that is what this House is for. Let us put a policy which can rank rural schools differently from urban schools and private schools differently from public schools so that we will be able to identify the gaps that exist in our education system. Without ranking, we cannot identify these gaps.

With those remarks, I beg to move.

*(Question of the Motion as amended put and agreed to)*

*Resolved accordingly:*

THAT, aware that Article 35(1)(a) of the Constitution provides for the right of access to information held by the State; further aware that the education sector has recently been marred by confusion and unnecessary anxiety due to the abolishment of the ranking system in national examinations; concerned that this action by the Ministry of Education was arrived at without due consultation with all relevant stakeholders including KUPPET, KNUT, the parent associations, investors in the sector among others, contrary to Article 118 of the Constitution; cognisant of the fact that the ranking system has been a long-held tradition in the sector both locally and internationally, and has been a source of positive competition, motivation, rewarding and an important guideline for resource allocation; this House resolves that the Government through the Ministry immediately reverts to the ranking system for national examination and specifically the Kenya Certificate of Primary Education (KCPE) and the Kenya Certificate of Secondary Education (KCSE).

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

*(Loud consultations)*

If anyone is claiming for a Division, we need 30 of you. I can confirm that there are no numbers.



*(Loud consultations)*

Let us get clarification and confirmation from the Clerk's Desk that we have 30 Members who are asking for Division.

*(Hon. Simba crossed the Floor without bowing)*

Hon. Simba Arati, get back and do what is necessary. Order, Members! I can confirm from my position that we do not have sufficient numbers to call for a Division.

*(Applause)*

Next Order! Order, hon. Members! Order, Members! Those who are walking out, do so quietly. I must appreciate the anxiety generated. Let us still observe our decorum in the House. Next is Order No.10, a Motion by hon. Kigo Njenga.

**Hon. Njenga:** Thank you, hon. Temporary Deputy Speaker. I am being threatened by hon. Gikaria that I will be in trouble, but I think I will not.

#### PROPER DISPOSAL OF ALCOHOLIC CONTAINERS

Hon. Temporary Deputy Speaker, I beg to move the following Motion:-

THAT, aware that there has been an increase of alcohol use and abuse in Kenya especially in urban areas; further aware that over 2.2 million Kenyans are addicted to alcohol; noting that improper disposal of alcoholic containers has been on the rise leading to unintended exposure and use of containers for vending illicit brew especially by school going children; deeply concerned that this is both an environmental and health risk; this House urges the Government in conjunction with all relevant authorities particularly NACADA, to institute and ensure proper disposal of alcoholic containers and organise recreational activities during school holidays in all constituencies.

Article 46 of our Constitution states clearly that consumers have a right to goods and services of reasonable quality. They also have a right to information in order to gain full benefit from the said goods and services. Further, the same Article gives us the right to protection of our health, safety and any other economic interest. This Article applies to both goods and services offered by public entities or the private sector.

The 2.2 million people is five per cent of our population. It may look like a small figure, but if you divide 2.2 by the 290 constituencies in this country, you will find that there are very few statistics per constituency of the people who are addicted to drugs and alcohol. This situation came to be some 30 years ago when the Government of the former President Moi abolished trade of illicit drinks such as *muratina*, *busaa*, *chang'aa*, *mnazi* and many others. This started as a small community drinking in small numbers and then the multiplier effect took effect. People decided that they must get drunk. Today, NACADA has identified 3,300 types of alcoholic drinks that are being used in this country. This includes *muratina*, *chang'aa* and the others. They have been

paraded and shelved on the 16<sup>th</sup> Floor of the NSSF Building. I urge Members to go and see what our people are consuming.

The same products have been qualitatively and quantitatively analysed and preliminary results indicate that these drinks have traces of herbicides, pesticides and aflatoxin. This, therefore, makes the drinks outright toxic. Further analysis has indicated that they are carcinogenic. The Member for Seme, Prof. Nyikal, can tell us what carcinogenic is all about. These are some of the agents that have caused kidney and liver failure and other health failures.

The Committee on Health needs to confirm to us what is in the public domain that over 3,000 elites visit India every year for kidney and liver treatments and other related diseases. You can then imagine the millions of Kenyans who use these products, but cannot afford to go to India, neither can they afford treatment at the Nairobi Hospital, the Aga Khan and other high class hospitals. They are just dying without being able to do anything about it. When you look at this data, which we have and need to confirm, you will see that our country is at risk. We are at risk of losing a complete generation. In fact, we have lost it. If we do not do something, we will be in total trouble.

What is funny about the whole scenario is how we got into the situation. In Kenya, containers of imported spirits are disposed carelessly. They are then collected and sold to *Jua Kali* artisans and to homesteads that trade in illicit drinks. They make fake alcoholic drinks with the names of the imported drinks. Then they sell them to big hotels where we consume them without knowing. If you look at the class of people who visit those hotels, for example, the hotels we visit, we are also suffering from those diseases.

More importantly, the statistics can speak for themselves that the kinds of alcoholic drinks that are imported into this country are from a bigger source than the sources that are there. We have more people selling alcoholic drinks to Kenya than the factories out there. This means that illicit businessmen from those countries, for instance, Asia, Europe and even Africa, manufacture illicit alcoholic drinks, pack them and bring them to our country. We then consume them. We are therefore, having death right, left and centre.

Worse still is when these containers are released to the *Jua Kali* artisans and the illicit brewers. They add poison to poison. The poison is then sold and kills our people. The cycle is vicious, and it continues to increase. This country is suffering from a situation where we just sit down and watch as things go wrong. We are going to spend so much on health. We are already spending so much on health. You can see how much the Government spent the other day to manage cancer in this country – a whopping sum of Kshs38 billion. You can see how much money is spent to manage kidney failure and other diseases. You can see how much losses we are incurring due to insecurity. People are clobbering one another and killing families. All this is very expensive to us. We are wasting so much time at funerals and *Harambees* raising money for these people. We are wasting so much manpower, resources and money that we invested, especially in free primary education. Most of the pupils who started enjoying free primary education have become victims of cartels. It is for this reason that we are experiencing a very bad scenario.

What I want by this Motion is that we must get to the source of the problem and solve it from there. What is the source of the problem? It is that NACADA was established to control alcohol and drug abuse. The National AIDS Control Council (NACC) was established when we nearly lost a complete generation from the scourge of HIV/AIDS and related diseases. Today, the NACC can be seen to be working. They have actually brought in awareness amongst our people. People are now using condoms, knowing the effects of unprotected sex. It is time for us to make NACADA let Kenyans know the dangers of consuming illicit brews just as NACC made Kenyans know the effects of unprotected sex. If NACC gets prostitutes around and gives them Kshs28,000 as business start-up cash, why can NACADA not be involved more? It should be more involved in the rehabilitation process.

We give NACADA a lot of money through the Budget. Last year, we gave them about Kshs80 million to spend on rehabilitation. Most of us cannot stand here and say that NACADA is rehabilitating our people. Such resources are just wasted in research that has no benefit. It is high time they moved out of their laboratories, where they are researching, and started a process of rehabilitating our people. It is high time that NACADA, in partnership with those who trade in alcohol like East African Breweries, Keroche Industries, Kenya Wines Agency and others, practised corporate social responsibility by financing collection of all the bottles used by illicit brewers. NACADA should also collect all the bottles and have them either destroyed or recycled. They should be serialised so that we can follow where they are. If you are a retailer, you should surrender bottles as you buy your next stock. If you have a party, you should collect the empty bottles at the end. Otherwise they will continue being used to bring in poison, which we shall continue consuming as professionals, businessmen and *wananchi*.

It is high time we also took this mission to our schools. We have three terms in a year. Our youth are free during school holidays, because there is no tuition. Once you are free and idle, you expect the devil to tempt you to join the club of drunkards.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Order, hon. Member! Hon. Members, just to remind you again, it is until a Motion is moved and seconded that it becomes a property of the House, and we can make our contributions to it.

**Hon. Njenga:** Thank you, hon. Temporary Deputy Speaker. I do not want to take a lot of time. I would like to inform this House that statistics that are as recent as 2014 should make us support this Motion. You remember in May 2014, we lost five people in Naivasha at a place called Flyover. Six deaths were reported in Machakos and Makueni while 80 deaths were reported in Embu, Makueni, Kitui, Kiambu and Murang'a. That was just last year. We give a lot of money to NACADA. They should use this money during school holidays. In every constituency, they must be involved in bringing our youth together through sports and other related activities. They can use this opportunity to block youth entry into alcoholism. It is here that they should rehabilitate our spoilt children.

My call is that this House approves the Motion; I urge that NACADA be involved in activities of deterring our young people's entry into the drinking world, rehabilitate our people and ensure that they abide by the law which Parliament has made. It should be obeyed. In fact it is high time they had enforcement officers on the

ground to ensure that we do not lose a generation. This country must not work and tax people and then lose the said earned revenue in trying to make people good, or even on matters of health and security.

Every family in Kenya is affected by alcohol. We are all affected. I expect this House to play its representative role effectively and help drunkards to reform. Every household in Kenya is either affected by drugs or alcohol; this is especially so in the Mount Kenya and Coast regions. All of us are part of this country. This is the time to support this Motion, and we close this gate, so that those who are in can be dealt with from inside.

With that, I move the Motion and call upon the Member of Meru County, hon. Florence Kajuju, to second.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Florence Kajuju, the Floor is yours.

**Hon. (Ms.) Kajuju:** Thank you, hon. Temporary Deputy Speaker. Let me begin by thanking my colleague and MP for Gatundu North, hon. Njenga, for finding it fit to present this Motion to this House for debate.

I believe that this is the right time for this House to address the issues that have been raised in this Motion by my brother, hon. Njenga. If we need to restore this country to its lost glory in as far as the youth and our men are concerned, then this is a Motion that not only addresses the root cause of the problem but also looks at the issues that can be sorted out, so that our youth can engage in economic activities. Looking at what has been expounded by the Mover--- He has talked of 'expected consumers' rights. By 'consumer' I mean any person who partakes of any commodity that is supposed to be partaken. Every consumer has rights that are established and incorporated in the Constitution. Those rights must be respected by the persons who produce goods that are consumed by other persons. The goods that are supposed to be consumed must be of a reasonable quality. The consumers of the goods must have information that is necessary for making a decision as to what kind of goods they are consuming at any one particular moment.

This then would give them the benefit to determine whether it is healthy or unhealthy or whether it is safe for them to partake.

Hon. Temporary Deputy Speaker, this Article 46 also refers to every public or private entity that produces any kind of drinks. Therefore, when any industrialist produces any type of commodity that is supposed to be consumed by a human being, they have to take care of it from the moment it is produced to the time when it is consumed. But then we have not seen legislation that has been able to respond to the issue of containers or bottles that have been used and disposed as far as alcohol is concerned. That is why this Motion seeks to ask the question: What do we do with many bottles that are being disposed of day in, day out in our country in every village, market, town and city that our youth and people are living in?

Hon. Temporary Deputy Speaker, we encourage local investors and industries but every industry, as established by law, must have corporate responsibility. This responsibility does not stop at the point at which they put the goods in the market. We are saying that corporate responsibility must extend to the environment. It must extend to how the disposables by consumers are utilized. I have seen in most of the towns that

we visit that there are street children who pick these bottles, put glue in them and you find them sniffing glue from these bottles. These are the bottles that at one point in time had some alcoholic drink in them. So, we are asking ourselves: Are we taking care of our youth? Are we taking care of the environment? How are we dealing with waste management? Therefore, this Motion comes in to respond to that question.

We have been saying that we speak to our youth as they are the leaders of tomorrow. Our youth cannot be the leaders of tomorrow if we are destroying them today. Therefore, we are looking at how we will assist the youth, so that they do not get tempted to use commodities that at the end of the day will not only mess up with their health, but will mess up with their lives.

There has been an outcry about the boy-child. Women have been accused that day in, day out they talk about the girl-child and no one talks about the boy-child. We are saying, if you want us to talk about the boy-child allow us then to address the problems that the boy-child is experiencing in villages, rural areas and urban centres; this is the way to deal with it. Let us require industries to manage their waste.

In my practice as a lawyer, I have seen very many petitions for divorce. Most of the issues that have been raised in those petitions as the grounds for divorce are that petitioners have accused respondents of neglecting their families. Why do they neglect their families? It is because most of them partake of traditional brews that are not good. We know that there are traditional brews that are okay. Our elders and ancestors partook of them. *Muratina* is one of them and we have never heard of a situation that someone has died of liver cirrhosis because of partaking *Muratina*, which is a traditional brew that is commonly accepted in our towns and homes. But when we partake of other drinks that are not known in law, that do not enter the market through the right procedure, that is where the problem lies. You see families breaking up because when they partake of these drinks using some containers that have been thrown somewhere, they recycle them, and that is where the problem lies. For us to protect our families, let us start by passing this Motion.

Hon. Temporary Deputy Speaker, we have also seen cases where children have killed their parents. What was the reason? A boy went and drank, lost his sense and ended up being brutal to the mother, sister or other people within the family setup. This is the only way we are going to curtail the violence that we have seen in our families.

My brother, hon. Kigo, has spoken about NACADA. We, as Parliament, allocate a lot of money to NACADA as an institution that is established to ensure that our youth do not end up rotting anywhere because of partaking of these kinds of illicit brews. They should go a step further and conduct mentorship programmes. When our children are at home during holidays, let NACADA organize mentorship programmes to speak to our youth and tell them the way to go in as far as partaking of any illicit drink is concerned. Let us have sensitisation from the family level where parents, children and everybody else are sensitized to stop partaking of such illicit brews. This is going to help us in ensuring that the rise in crime that we have seen in our country is curtailed to some proportion.

So, I beg hon. Members who are present in this House today. This is a very important Motion that we should support and ensure that it passes. The implementation Committee then must go a step further to ensure that it is implemented because we are

not just passing Motions in this House, so that they go and gather dust somewhere else. Let it work on it. I beg you to ensure that this Motion is passed and thank you my brother, hon. Njenga, for bringing this Motion.

I therefore, second the Motion as presented.

Thank you.

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Members, before you make your contributions, let me make two statements. One, please let us not allow hon. Members to come to the Speaker's desk. If you have any issue, consult with the Clerks-at-the-table. This one we have agreed on. This is a new House. After we went to Mombasa we said that we needed a House that is not - as they were telling us - a secondary school. We want to prove to them that we are different.

Please join me hon. Members in welcoming Mugona Girls Secondary School, Tharaka/Nithi County who are in the Chamber today. They are watching.

*(Applause)*

Let me give the first one to hon. Pukose. Hon. Pukose has walked out; so, I will get to hon. Mwadime, Member for Mwatate.

**Hon. Mwadime:** Ahsante sana, mhe. Naibu Spika wa Muda kwa fursa hii. Mwanzo kabisa ninaunga mkono hii Hoja ambayo imeletwa na mwenzetu, mhe. Njenga. Ukweli kabisa ni kwamba vijana wetu, haswa wale wa shule, wakati wako likizo huwa ni hatari sana kwa sababu hivi vijibwasha haviko tu mijini mikubwa ya Kenya bali viko katika kila sehemu ya Kenya. Ni tatizo kubwa na sugu kwa sababu mambo ya pombe na madawa, mihadarati ni hatari sana kwa vijana wetu. Hata Serikali hupoteza vijana wengi kwa sababu ya kutupatupa mikebe na vibwasha kila mahali.

Ni vyema kabisa kuzidhibiti na ikiwezekana mashirika kama NACADA yawezeshwe angalau kuzuia utupaji wake mapema, maanake tukiziona mapema ni vyema zaidi kuliko kuzuia baadaye. Nikiongea kuhusu eneo la Bunge la Mwatate, ni tatizo sugu maanake vijana wadogo, ingawaje amesema wa kiume hata pia wa kike, wako katika hali hiyo hiyo. Kwa hivyo ingekuwa ni vyema tuzuie hili tatizo mapema kwa kudhibiti na kuzuia kabisa mpaka wakati hawa vijana wamefika wakati unaofaa ndio waweze kujishughulisha na vinywaji.

Suala hili kwanza limeenea zaidi katika maeneo ya Kenya ambako hakuna kazi. Nikiangazia sana eneo Bunge la Mwatate, utakuta kwamba hatuna kiwanda hata kimoja. Mvua hakuna na maji ni tatizo. Tuko tu na wale ndovu wakubwa ambao wanakula chakula kingi na wanatumaliza chakula chetu shambani. Basi hao vijana, kwa sababu hawana shughuli nyingi, mambo ya pombe na madawa ndio hujishughulisha nayo. Ingekuwa ni vyema tutafute njia mwafaka ya kuwezesha haya mashirika angalau wadhibiti utupaji wa vitu hivi. Hata kile kiwango tumefikia kwa sasa hivi nchini, ingewezekana tungetengeneza mahala pia pa kuwezesha hawa vijana kutibiwa maanake wengine wako katika hali mbaya sana. Tungekuwa na *rehabilitation centres* katika kila jimbo ingekuwa ni vyema zaidi.

Nampa pongezi mhe. Njenga kwa kuleta hii Hoja maanake hili ni swala tata sana; vilevile ni swala ambalo linatutiza sana sisi viongozi. Mambo ya pombe na madawa yako kila mahali Kenya nzima. Utawakuta watu hata mchana katika hali ya kujiburudisha ingawaje ni kujiharibu. Ingekuwa ni vyema kabisa hili swala lishughulikiwe kikamilifu na liwe ni kitu ambacho tumemalizana nacho. Vijana wetu ndio viongozi wetu wa miaka ijayo. Tukishughulikia hili swala itakuwa ni vizuri.

Sina mengi zaidi bali ni naunga mkono hii Hoja. Ahsante sana.

**The Temporary Deputy Speaker** (Hon. Mbalu): Unaunga mkono; ahsante kabisa.

Member for Nakuru Town East, hon. Gikaria.

**Hon. Gikaria:** Thank you, hon. Temporary Deputy Speaker, for giving me this opportunity. As I rise to support this Motion brought by hon. Njenga, my reservation is that implementation aspect of this Motion. Part of the problem that I see as a Member of the Departmental Committee on Implementation is where we have resolved as Parliament to deal with some of the issues which have been raised here; when it comes to the actual implementation, it has become a problem. I am saying this taking cognizance of the fact that the aspect of waste management has been bestowed on the county governments. A Motion was brought here sometime back by one hon. Member regarding issues to do with waste management. We have had an opportunity of visiting four counties just to understand how they are managing this aspect. They have been found with so many other issues regarding waste management; affecting them most is the issue of very few resources or very little money allocated towards this operation.

Our Committee, besides looking into the implementation and status of that resolution, is also asking the House whether it is possible for this House as we do the Budget to undertake to give waste management a conditional grant to counties, so that they can undertake wastage management in their respective counties effectively. We have visited these places and what we are also noticing is that waste management is just cleaning of the towns and moving the waste to another place. Of course, the issue of land has come up. The issue of separation of this at the source, so that we are able to have waste separated effectively in some of the areas; only around 30 per cent of the counties are doing this.

This now gives us an indication whether NACADA has the legal mandate to direct how waste in form of alcoholic containers is supposed to be handled. This is the biggest problem I have, and I am supporting the Motion with a lot of reservations.

The best that the hon. Member would have done would have been to come up with a policy because the legislation is there. The National Environment Management Authority (NEMA), as an agent, has been bestowed with the responsibility of managing waste, and it has a lot of powers to undertake to do this. I am wondering how the Government, through the relevant Ministry, will implement what we are talking about.

All the same, it is true that alcoholic containers need to be handled in a proper way just like the medical waste in some hospitals that we have seen. There are no incinerators in these hospitals and they are disposing of waste. We had an opportunity to visit Dandora Dumpsite. We asked workers how they manage their medical waste, and they told us how effective they have been because there are a few incinerators

around Nairobi; we saw a bunch of needles and other cotton waste with a lot of blood and things like that. It was pathetic.

So, we just want to understand from the Mover of the Motion what he wanted to achieve by this particular Motion. The Tenth Parliament made a law. Before people used to sell illicit brews in sachets and plastic bottles. There was a law which was passed indicating that you cannot sell alcoholic drinks in sachets or plastics. They came up with glass bottles and that is good. However, as it has been said, people are still using sachets. Established brewing companies like Keroche and others follow suit. You have to pay a deposit as you pick your bottle of alcohol. You are refunded your money when you return the empty bottle. At least, that has been happening.

Hon. Temporary Deputy Speaker, I have been in the football game. I remember at one point Kenya Breweries offered to sponsor football activities in the country. In this regard, they had to display their advertisements. If we are going to encourage manufacturers of alcohol, under the social corporate responsibility, to sponsor activities during school holidays or weekends, then the question that they will ask is: "Are we going to display our products?" Will that have an effect? Will it help in terms of reducing the abuse? It is very unfortunate that we have lost so many people through illicit brews. Recreational activities will help the youth because they will now spend time doing something meaningful like drama, football, or athletics. I do not know whether these manufacturers will offer to sponsor recreational activities if they are not allowed to display their products. Again, it is a big challenge for us. Manufacturers are required by law to display warning signs on their products.

I agree with the Secunder that we need to encourage NACADA to take responsibility and educate the youth on the dangers of consuming alcohol and drugs. NACADA ought to enhance capacity building and mobilise its officers, so that they advise the young people on how best they can avoid consumption of alcohol and drugs. I want to thank some of the counties which have taken this initiative, especially Mombasa. We know that in Mombasa County, there are great efforts to address the menace of drug abuse. If other counties emulate what Mombasa is doing, we will do well as a country.

I am disturbed that we might agree to pass this Motion. I am a Member of the Implementation Committee and my only fear is that we will find a lot of difficulties pushing for the implementation of these terms. I know some of them will say that they need to get in touch with the counties which are free to handle their own issues without being given directives. We will try to push for the allocation of some money in the form of conditional grant. That money could be used to address most of the issues.

Thank you, hon. Temporary Deputy Speaker.

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

The Member for Kaloleni, hon. Gunga Mwinga. Is he in the House?

**Hon. Chea:** Shukrani, Bi. Naibu Spika wa Muda kwa fursa hii. Nilikuwa nafanya ushauri wa karibu na mhe Kamoti.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): It is allowed.

**Hon. Chea:** Mhe Naibu Spika wa Muda, ningependa kuchukua fursa hii kuunga mkono Hoja hii. Nampa shukrani zangu mheshimiwa Kigo Njenga kwa kuleta masuala



haya. Kinachonivutia zaidi katika Hoja hii ni kwamba inapendekeza tuanzie mashinani. Hoja hii imezungumza hasa kuhusu watoto wetu wa shule. Hii ni ishara kwamba tunaenda kuambatana na yale wahenga walisema, kwamba ni lazima samaki tumkunje angali mbichi. Tunazungumza kuhusu masuala ya pombe, hasa pombe ambayo haijahalalishwa na sheria. Sijui kama mheshimiwa Kigo alikosea, lakini alisema kwamba pombe ya mnazi ni baadhi ya zile pombe haramu. Nataka kusawazisha maoni haya. Mnazi si haramu. Pombe hii inatoka kwenye mti aina ya mnazi na haina matatizo yoyote.

Ningependa kusema kwamba unywaji pombe, hasa miongoni mwa vijana, umedidimiza uchumi sana. Vijana wanapoingilia unywaji pombe wanakosa kujihulisha na masuala ya maendeleo. Hivyo basi ni kweli kwamba kuna haja ya NACADA kujizatiti zaidi kwa kuibua mbinu mwafaka ambazo zitahakikisha suala hili linashughulikiwa vilivyo. Tatizo hili halihitaji tu suluhu kutoka kwa Serikali peke yake. Hili tatizo ambalo linatuhitaji sisi viongozi na wazazi kulitilia maanani. Hoja hii inazungumzia hasa matumizi ya pombe haramu katika miji yetu. Sharti tukubali kwamba jinsi tunavyoishi makwetu ni muhimu. Kwa mfano, si vema kuwatuma watoto wadogo dukani kununua pombe. Wazazi wakome kufanya hivyo. Sharti tuhakikishe tumewaonyesha watoto wetu mienendo mizuri.

Ni muhimu walimu wetu wachangie katika kukuza watoto wetu kwa njia nzuri. Najua haya masuala yako kwenye *syllabus* ambazo walimu wanafuata. Ningependekeza kwamba washikadau wote wahusike katika kutatua tatizo hili. Lazima wahusike kwa njia nzuri kwa sababu kama suala hili halitaangaziwa vyema, huenda ikawa tumefungua nafasi ya baadhi ya watu kuleta ufisadi. Mimi ninaamini kunazo sheria ambazo zinadhibiti unywaji pombe. Ni sheria ambazo zikifuatwa kwa njia nzuri basi hatutakuwa na matatizo kama yale yamezungumziwa na wanenaji wenzangu.

Kwa hivyo, ninaiunga mkono Hoja hii. Ningependa kwa mara ya pili kumshukuru mhe. Kigo kwa kuileta Hoja hii.

Ninaiunga mkono.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Thank you, hon. Members. Now that we have Mugona Girls Secondary School in the House and the Chair is a big girl, I will give this chance to another big girl. Hon. Esther Murugi, the Member for Nyeri Town.

**Hon. (Ms.) Mathenge:** Thank you very much, hon. Temporary Deputy Speaker. I want to appreciate the students from Nyeri County, who are here today.

*(Applause)*

It is very worrying that 2.2 million Kenyans are addicted to alcohol and drug abuse. We should be concerned because this is a very big percentage of our population that is at stake. We do not even know what their future is. If you come from a county like Nyeri, you will know that we have had very many incidents of persons who abuse drugs and have caused a lot of havoc in their families.

I support this Motion. Organisations which manufacture these alcoholic drinks must be held responsible for the disposal of containers. Containers should not be thrown everywhere, where young children can access them. Perhaps, those concerned should go

to Japan and learn from them. In Japan, every bottle that is sold, be it of water or anything else, is either reused or recycled. After recycling, some of them are used for construction of houses or roads instead of tarmac.

**Hon. (Ms.) B.N. Nyaga:** On a point of information, hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Murugi, there is a point of order or information. Hon. Murugi, do you want to be informed by hon. Beatrice Nyaga, the Member for Tharaka Nithi?

**Hon. (Ms.) Mathenge:** I do not think so. I would rather just continue.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): She does not think so. She does not want to be informed. Hon. Member for Tharaka/Nithi, she has refused your information. You will have your chance to speak.

**Hon. (Ms.) B.N. Nyaga:** The students---

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Students are not determining whoever I give a chance to speak.

Carry on.

**Hon. (Ms.) Mathenge:** Thank you very much, hon. Temporary Deputy Speaker. When we were young, we used to have 4K Clubs. During holidays, children went to farming institutions to learn life skills and a lot of other skills. They were also taught to avoid harmful things like alcohol. Alcohol manufacturers should join NACADA and the county governments to contribute to the fight against drug abuse. They should ensure that our children do not just have sports, but also learn other skills. These clubs were very useful. If you go to Wambugu Farm, you will find some children going there during holidays to learn farming skills, especially in farming areas.

Even if we say that alcoholic drinks should only be sold to persons who are over 18 years old, when one goes to the counter to buy alcoholic drinks, even if he or she looks young, nobody asks him or her for an identity card. In Europe, if you look young when you are 30 years old, you will have to produce an identity card. We must make it compulsory for anybody buying alcohol to produce an identity card before they can get it.

Those of us who take alcohol are in the habit of sending our children to kiosks to buy Tusker *baridi* for us in the evening. They are lazy to go to the kiosk. This habit makes children to feel that taking alcohol is not a big deal.

As we dispose of containers, let us ensure that we make proper use of them. Once we ensure that corporations control the disposal of the containers, we can create employment in the areas where alcohol is sold and also make our environment clean.

I do not think I have to use my 10 minutes because most of the other points have already been addressed. Bw. Kabando wa Kabando wants me to donate to him the balance of my time.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): You cannot donate it. You are a senior Member of this House. I know your sentiments have gone through. It is not possible to donate, as much as you are philanthropic. This is at my discretion because of where I sit. Let me give a chance to the Member for Tharaka/Nithi, hon. Beatrice Nyaga.

**Hon. (Ms.) B. N. Nyaga:** Thank you, hon. Temporary Deputy Speaker for giving me this opportunity. The students are from Mugona Girls Secondary School in Tharaka\Nithi County.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Member, you do not need to repeat that. I may take the microphone away from you. I announced where the students come from. Are you contributing or you are just giving a clarification?

**Hon. (Ms.) B. N. Nyaga:** Hon. Temporary Deputy Speaker, let me contribute.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Do you want to contribute or to give clarifications?

**Hon. (Ms.) B. N. Nyaga:** Hon. Temporary Deputy Speaker, I wanted to make that clarification, but I can still contribute.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): If you want to give a clarification and not to contribute, let us get those who are ready to contribute.

**Hon. (Ms.) B. N. Nyaga:** Hon. Temporary Deputy Speaker, I have already made the clarification. Can I support the Motion, please?

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Because today is my Sunday, go ahead.

**Hon. (Ms.) B. N. Nyaga:** Thank you, hon. Temporary Deputy Speaker. I stand to support the Motion.

When we walk around towns, we see many containers which are hazardous to the community. Manufacturers of alcoholic drinks should collect their containers, recycle them or discard them properly.

In European countries, you will never see a container dropped anywhere. In our towns like Nairobi and others, containers are dropped carelessly by consumers. Manufacturers are not bothered about the proper way of discarding containers. It is the responsibility of the manufacturers to dispose of containers. They are supposed to know where containers should be taken after use. Containers can be reused or recycled.

I support the Motion, which is very important. I thank hon. Kigo for bringing it.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): The Member for Rarieda, hon. Gumbo is next on my list.

**Hon. Lati:** It was my turn!

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): This is a different Motion, hon. Members. In every Motion, you have the same probability of speaking.

**Hon. (Eng.) Gumbo:** Hon. Temporary Deputy Speaker, he is still a rookie; probably, he does not understand.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): He does not come to the House? He is never in the House?

**Hon. (Eng.) Gumbo:** This is a ranking Member. This is a different Motion.

Thank you, hon. Temporary Deputy Speaker for giving me the opportunity to contribute to this Motion, which is an important one. I want to encourage my good friend, brother and a colleague in---

*(Hon. Lati stood up in his place)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Lelelit, I will declare you out of order. Just be in order, if you want to stay in this House.

**Hon. (Eng.) Gumbo:** I want to encourage my good friend, brother and colleague to go a step further. The idea of this Motion is to try to control the menace of alcohol and drug abuse in our country. I would want him to go a step further, so that from this Motion, we either pass an Act of Parliament or amendments to existing Acts of Parliament, particularly the NACADA Act, so that these good points that we are discussing can be taken care of and be converted into statutes that can be implemented.

In this Parliament, I have been reluctant to bring Motions which “urge”. When you urge, you give an option. It is a difficulty that those of us who were privileged to be in the last Parliament find. In the Tenth Parliament, we had the Executive sitting with us and we would, through a Motion, direct them. However, since they do not sit here, that is the difficulty which we find ourselves in.

Hon. Temporary Deputy Speaker, I am not criticising anybody but the only way we can realize the good intentions of this Motion is if we convert it into an Act of Parliament, either by amending the existing laws or creating a new law that can take all these good ideas onboard. I say this because the issue of alcohol and drug abuse is now reaching crisis proportions in our country, particularly among the youth. Recently, a report was released; I think it was yesterday. I read in newspapers that in fact this matter is getting out of hand. Honestly, we have to look at the entire environment of the production, sale, management and consumption of all alcoholic drinks and beverages.

Sometimes when we do strengths, weaknesses, opportunities and threats (SWOT) analysis it is not for the purposes of criticism, it is for seeing where you are coming from, where you are, where you want to go and how you intend to get there. We have now reached a point where we must ask ourselves to what extent agencies fighting alcoholism and drug abuse in our country have succeeded. This is not intended to be a criticism. We cannot be investing huge sums of money in these agencies yet these things are seemingly getting out of control. The question to be asked is: “What then is the problem with the design? Is it in the approach or the way we do it?”

From where I sit, most of the interventions that have been taken particularly by NACADA tend to be reactive. When we talk of rehabilitation centres, we are already talking about somebody who has been affected. Why can we not look at the possibility of redesigning the whole approach with a view to preventing alcoholism? As the old saying goes, prevention is always better than cure and in more cases than one, it is always cheaper than to cure. For this Motion to have come here, hon. Kigo Njenga must have engaged with the people we have put in charge of fighting alcohol and drug abuse. There is a concern in the country today that NACADA spends more money on what you would call “public relations (PR)” than in the substantive work.

It worries me when every time and again NACADA engages in seminars and travels. Is it not time we asked ourselves to what extent NACADA has spent their budget on the substantive work of fighting alcohol and drug abuse. This thing is subtle. Some of us might be sitting here thinking that we are very safe. The other day I was called to my children’s school. I have teenage children who are in school. In my mind, they are very okay. When they sit near me, they appear to be very okay; they look like disciplined citizens. I was surprised to be told that my son had been caught smoking.

These things happen in a way that make us think that we are safe. No one is safe. Therefore, I would tell my good friend that the reports that we have are not looking good. Let NACADA come out and tell us, if there are structural weaknesses in the legal framework as it is now, and how we can help. We are here to help with policies and making laws. However, making laws alone is not enough. Even the processes and methodology are important. Is there something structurally wrong with the methodology that NACADA currently uses to fight alcohol and drug abuse? We cannot be doing this over and over again. Hon. Mututho is a very good friend of mine, but of late I have seen him looking more like those prophets who wrote the book of Lamentations in the Bible. We did not put him there to lament; we put him there to stem this social vice. Lamenting and complaining about what he can or cannot do is not enough. If he is lacking the muscle, the place to get it is here. He has been here. He is by all means a political practitioner. He knows what it takes to get the instruments that he needs to fight the vice. Let him stop lamenting. Let him lament less and come and engage us, so that we can agree.

As some of the contributors before me have said, when we, for instance, go, with no offence meant, to producers of alcoholic beverages to sponsor football, what are we saying? How do you ask them to spend their money but at the same time you do not want them to promote their products? It is a dichotomy that does not work. The moment you go to them and tell them that you want them to give you their money to promote certain social development, for me, that is signing on the invisible line that we are also allowing them to advertise their products. We have restrictions on advertisement for alcoholic drinks, but we do not have restrictions on attending sports meetings. This thing needs to be tackled because at the end of the day, all the good things that we are talking about, the plans that we have for our country and the economic blue prints that we have forwarded, can only happen if we have a generation of our young men and women whom we can count on to take over from us.

Hon. Temporary Deputy Speaker, this is a good Motion but I encourage my brother to take the leap of faith to bring the substantive issues so that we can convert the good intentions contained therein. Even if you collect all the cans and the containers and you do not succeed in confronting the menace of alcohol and drug abuse, it will ultimately have been an exercise in futility. So, my good brother, my request to you is, look at the relevant sections of the law. Let us engage with the people but most importantly, it is time for NACADA to come and tell us what they have done. It is not a criticism but rather an opportunity for us to see where we have come from, where we are, where we want to go and how we intend to get there, working together as a community, and facing a problem that does not discriminate.

With those remarks, I beg to support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Member for Westlands, I had seen your request. If you have withdrawn, let me give the Floor to the next person, the Member for Samburu West, with the caution that you have to be patient and respect the rules of this House.

**Hon. Lati:** Hon. Temporary Deputy Speaker, I do not think I did anything wrong. I was just suggesting that I was ahead.

I want to start by thanking the Mover for bringing a very important Motion to the House. It is very important for this country. The Motion captures two broad areas. One of them is the disposal of alcoholic waste containers and the other one is recreational facilities for our youth. As I support the Motion, my only worry is whether NACADA has the mandate or whether these two things remain under the domain of NACADA. The function of disposal of containers, in my opinion, is in the realm of the National Environment and Management Authority (NEMA). The other one, of recreation, I tend to think it is in the realm of the Department of Sports. My other worry is that Motions of money, like this one, progress into money Bills. If the Motion ends up becoming a Bill, and we are to consider the funds that we give to NACADA, NEMA and the Department of Sports, it will cover those areas. The spirit is good. That is why I support the Motion.

Hon. Temporary Deputy Speaker, before I proceed to say what I want to say, we also have to consider the fact that in 2010, this House enacted the Alcoholic Drinks Control Act, 2010. Within the Act are very important provisions. It would have been better for the Mover to have looked at that Act with a view to adding the proposals of this Motion to the Act through an amendment.

That would help us use alcohol responsibly and as part of our lives because it is part of the economy. If you look at the economy of Kenya, until recently, when Safaricom was listed in the Nairobi Stock Exchange, the biggest capitalized company for so many years in our stock market in East and Central Africa was East African Breweries, which does nothing else but only sell alcohol. Therefore, alcohol in itself is not only a consumption product but it is one of the areas that puts our economy above the rest in this region. Still, the Act was very nice and particularly in the licensing area because of where we all come from.

In the rural areas, we have ladies who have educated their children by brewing things like *Busaa*. The people who are doctors, lawyers, Members of Parliament and everything else--- Some of us were educated through brewing by old ladies. That Act actually served very well because it recognized the licensing of *Busaa* brew. The other thing that you really need to do is to enforce that Act because it also requires that anyone buying alcohol should be of 18 years of age, although in other countries, especially the USA the age is 21 years. They actually enforce that law in those countries. You cannot buy alcohol in the USA if you do not have a proper identification that tells you are 21 years of age. What we lack in Kenya is the enforcement. If we do not want to expose our kids to buying alcohol--- Buying it makes them think alcohol is okay, yet alcohol is not okay in so many ways.

Somebody talked of rehabilitation centers for alcohol abusers. I think this is one area that, probably, is a recreational facility of a kind that we should invest in. We need to bring back people who have wasted their lives. A few days ago, in this Budget and last year's Budget, we did put in some money for the County Members of Parliament. When I looked at their regulation, it was for rehabilitation facilities. This is now a challenge that we get into and try to rehabilitate our people. This Motion states that alcohol abuse is more rampant in urban areas, but I want to say this is everywhere.

I am now proud of Samburu County because sometimes traditional ways work better than legislation. Elders from Samburu County sat down and did a curse on all

*Chang'aa* and everything. Today, I can proudly say Samburu is free of *Chang'aa*. I have seen people from other counties drinking until they go blind and finally die, which is not good. I request that we also use our traditional ways in those parts of the country with traditional systems because I know there are those that are very strong. Let us follow what our elders did in Samburu. Curses sometimes work better than laws, and I hope we can apply them in other parts of the country.

With those few remarks, I want to say I support. If I was a little disorderly today, I apologize, withdraw and will never repeat. Thank you, hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Thank you. It is good to apologize and withdraw. The Member for Westlands, hon. Timothy Wanyonyi, the Floor is yours.

**Hon. Wetangula:** Thank you, hon. Temporary Deputy Speaker for giving me this opportunity. I also wish to support this Motion. I would like to say I represent a constituency where I have seen the hard reality of alcohol abuse. I have seen young people whom I will call a generation that we are losing because of alcohol abuse. Because of poverty, people think that alcohol is business and some of this illicit brew rules informal settlement, where it is the order of the day. It is recreation for anyone and you find people drink 24/7. Unless this thing is managed properly and controlled, we are losing a generation of young people to alcohol. You find girls as young as ten and 12 years with kids. You find old men---It is such a sorry state. I believe that this Motion---

We look at the functions of NACADA. They should move and educate the public on the use of alcohol and how we can really deal with issues of alcohol; some speakers have mentioned setting up rehabilitation centers in areas where we have rampant cases. We have seen cases where people go blind or die because of this illicit brew. There are also unscrupulous people who are using chemicals and some other unknown substances to alter the chemical composition of alcohol for the sake of trying to make cash as quickly as possible.

As leaders we must come up with something. Maybe this Motion can be raised to the level of legislation that can support the existing law and be able to bring about control of alcohol abuse and other substances in our country. Infection with HIV thrives because of people who just spend all their time drinking. When people have developed an addiction in this kind of situation, sometimes it becomes very difficult to control the addiction. Therefore, we must find ways and means of dealing with this situation because it is actually getting out of control.

We also find that even our administrators like the chiefs are sometimes compromised. They are bribed by the people who brew this stuff and then they let them do whatever they want. Sometimes, it does not matter who is buying alcohol because even children as young as--- Even school going children buy this stuff. As parents, at times we also lose our own focus and send a small child to go and buy for you alcohol. It is not right because that is how we end up exposing them to drinking at an early stage. This is because they will wonder “what is this father is drinking that I cannot take?” Sometimes we also keep the same stuff in the house carelessly. Therefore, I look at it as a holistic problem that we are having in our society. We must find solutions to it

because many of our young generations are going to be wasted because of alcohol. Alcohol is a kind of way of life because people have been drinking from time immemorial. It is only that when it is properly managed and regulated, alcohol becomes useful. If it is just left the way it is now, then it is not going to work for us and neither are we going to end up with a society that will avoid losing a generation.

I support this Motion. Maybe, the Mover might consider developing it into a Bill which we can then pass into an Act of Parliament to regulate the alcohol industry. I know there are other legislations, but we must also put pressure on the National Authority for the Campaign Against Alcohol and Drug Abuse (NACADA). As hon. Gumbo has said, it is like hon. Mututho has lost the vigour that he originally used to have. Those days, he is just out there lamenting and looking very helpless. If he does not have teeth, we should give him teeth so that he can bite and make sure that we control the problem. We must move this Motion a notch higher than this.

Thank you for giving me this time to speak.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Thank you. Hon. Members, we have an amendment to the Motion by hon. Dan Kazungu. I now call upon the hon. Member to move the amendment.

**Hon. Muzee:** Thank you, hon. Speaker, for giving me this opportunity to move an amendment to this Motion by the Member for Gatundu North, hon. Kigo Njenga. I beg to move:-

THAT, the Motion be amended by deleting all the words appearing immediately after the word “NACADA” and substituting thereof with the following words-

“to launch targeted campaigns in all constituencies towards safe disposal of the containers as well as recycling measures and enforce all existing laws relating to safe disposal of the said containers.”

First of all, let me thank the Mover, hon. Kigo, for this well-timed Motion. Alcohol and drug abuse has been discussed here on the Floor of the House and the situation is dire. Urgent measures need to be taken to ensure that this country not only confronts the issue of alcoholism, but also the issue of safe disposal of containers. Some of them may contain alcohol that our youth and the people of Kenya may continue to consume and that becomes a health hazard. It is an issue that the country needs to confront.

My focus on this Motion is this: There is need for NACADA and the Government to ensure that there are targeted campaigns in all constituencies. NACADA has county representatives, but they need to cascade further down to constituencies and have targeted campaigns. That will ensure the youth and the people of Kenya get the message. We have just heard that while NACADA and hon. Mututho used to be focused and passionate on this, there is a sense in which we do not see much of that happening on the ground. So, part of that will be looked into to ensure that we give enough money to NACADA. They may say that they have the zeal and will to do the work, but they do not have adequate financial capacity. I just met them last month when I went to sit down with hon. Mututho. In Malindi, we have the problem of alcoholism and drug abuse, which I wanted him to address. However, he is handicapped because he does not have the finances to help us with the campaigns or build rehabilitation centres which would be helpful.



So, my urge is that we broaden this. There are so many activities that NACADA can do with proper funding, including setting up recreational centres as hon. Kigo has suggested. However, they also need to work with county governments to help set up recycling centres. It is one thing to put those empty bottles together. It would be better if we can focus on how to recycle some of those products. That would not only be an environmental plus for the country and the constituencies, but it would also ensure that we create opportunities as well. That is because recycling is big business.

We should also ask NACADA to ensure that they enforce the existing laws because the laws are there. Laws relating to issues of alcoholism and safe disposal of those bottles were passed in this august House. So, they need to be enforced. Maybe NACADA needs to work in tandem with other security organs to ensure that there is proper enforcement of laws on safe disposal of those waste materials.

The other day, I got very angry when I was driving in the streets of Nairobi. I saw a vehicle full of Administration Police (AP) officers driving in front of me. Suddenly, I saw an officer drinking some beverage and throwing cans on the road. There are some things that are really hurting to see. Some things are basic issues of culture that no one will teach you. There are some things which you need to teach yourself or learn from your culture. You cannot throw dirt around and tomorrow, you complain about garbage in the city. So, that kind of behaviour is a cultural and educational issue. I am sure NACADA can do that if they are empowered financially and otherwise. If we can help NACADA to do that in all the constituencies, Kenya would be a cleaner place, especially for those of us who come from the counties which are tourist destinations. The last thing you want to see is dirt all over the place and people shunning your place and going to other places because you cannot clean your town.

So, I urge that this amendment be included in this Motion to ensure that we take the cleanliness of our environment seriously. If we do not do that, it will cause health issues. It will be a health hazard to our communities. Even if we cannot construct factories and all those big businesses, certainly, we can clean our environment. That is the first thing we need to do. We can clean up our environment and ensure safe places for our people. We should do it for ourselves before we can start talking about doing it for visitors.

I thank *Mheshimiwa* Kigo for bringing this Motion. Hopefully, this can be the beginning for us to move forward and come up with a resolution that can ensure that we take this message of environmental care and safe disposal of waste alcohol materials seriously.

I thank you, hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Do you have a Secunder to your amendment?

**Hon. Muzee:** Hon. Temporary Deputy Speaker, I have a Secunder; the Member for Nyaribari Chache from where the great Simon Nyachae hails from. He is hon. Tong'i.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Let us have hon. Tong'i to second. Remember, we are seconding the amendment. Let us not debate the amendment. We will go back to the original Motion.

**Hon. Tong'i:** Thank you, hon. Temporary Deputy Speaker. I second the amendment by my colleague. I thank the two Members who have done a wonderful job in ensuring that this Motion has come to the Floor of the House. I thank hon. Kigo Njenga for a well thought-out Motion.

As a country, we are hurting because of giving priorities to things which do not add any value to the society and our next generation.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Tong'i, please, second the amendment and not the Motion. Assume you are not aware of the Motion. This is the amendment that has just been moved by hon. Kazungu.

**Hon. Tong'i:** Hon. Temporary Deputy Speaker, that is what I am doing. I have seconded the amendment as moved by hon. Kazungu.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Your sentiments should be on that amendment. Your discussion should be on that amendment and not the Motion. We will come back to the Motion.

**Hon. Tong'i:** Hon. Temporary Deputy Speaker, they are more or less the same thing.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Tong'i, they are not the same. It is an amendment which has been proposed. You can even bow as a way of seconding. You will still have your chance to debate on the Motion as amended or the original Motion.

**Hon. Tong'i:** Hon. Temporary Deputy Speaker, I second.

*(Question of the first part of the amendment,  
that the words to be left out be left out, proposed)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Members, I will give a chance to two or three Members to debate the amendment. Then I will put the Question on the amendment and if it is carried, we will go to the Motion as amended. If it is not, we will go back to the original Motion.

Let me start with the Mover. Do I read the mood of the House that I put the Question? Before I put the Question, can I give a chance to hon. Wangamati? Members will get a chance to speak to the Motion. Hon. Tong'i, you have already seconded and you will speak to the other Motion. Hon. Patrick Wangamati, take the Floor before I put the Question. I can read the mood in the House.

Do you want to contribute to the amendment or to the Motion?

**Hon. Wangamati:** Hon. Temporary Deputy Speaker, I want to contribute to the Motion. Just put the Question.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): He wants to contribute to the Motion either as amended or in its original form.

*(Question of the first part of the amendment,  
that the words to be left out be left out,  
put and agreed to)*

*(Question of the second part of the amendment,*

*that the words to be inserted in place  
thereof be inserted, put and agreed to)*

Hon. Members, for purposes of the HANSARD and for clarity, the amended Motion reads:-

THAT, aware that there has been an increase of alcohol use and abuse in Kenya especially in urban areas; further aware that over 2.2 million Kenyans are addicted to alcohol; noting that improper disposal of alcoholic containers has been on the rise leading to unintended exposure and use of containers for vending illicit brew especially by school going children; deeply concerned that this is both an environmental and a health risk; this House urges the Government in conjunction with all relevant authorities particularly NACADA, to launch targeted campaigns in all constituencies towards safe disposal of those containers as well as recycling measures and enforce all existing laws relating to safe disposal of the said containers.

Hon. Members, we are going to debate the Motion as amended. Let me give the chance to hon. Wangamati.

*(Question of the Motion as amended proposed)*

**Hon. Wangamati:** Thank you, hon. Temporary Deputy for giving me this opportunity that I may join others in making my contribution. I rise to support this important Motion. I also want to thank the Mover.

It is dangerous to our youth who pick those containers to check whether there is something good in them to take. This country is advancing and many people are coming up with different types of investments in terms of manufacturing different types of foods. The Government must do something about it so that we can dispose those containers properly. It should be the responsibility of manufacturers to guide and follow up to ensure that their containers are not scattered and thrown anyhow. That exposes our children to a lot of health hazards.

While I support the Motion, we as parents, local administrators and leaders should encourage our children not to pick those empty containers. We are not guiding our children. As parents, we should guide our children and tell them to stop picking those containers.

During our days, we could not just leave our children to go and pick something, walk and look at what is in containers to see if there is something for them to play with. Parents should be encouraged to look after their children. We should look at them until they are about 14 or 16 years before we leave them. We should guide them. We are becoming too soft to our children, and we are always asking the Government to intervene. We are now creating a law but how do we implement it so that our children do not do what they are not supposed to do? We are the ones who are supposed to show our children that they should not pick things anyhow and start testing them. As parents, we should be responsible. We should encourage children and tell them not to go and just pick things.

Even in our homes in the rural areas, we have nylon papers. You will see what we call 'paper bags' strewn all over. People do not tell their children to collect those things and put them somewhere after using them. After they have used them, they dump them there instead of throwing them away.

With those remarks, I support the Motion.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Let me hear what is in Othaya constituency. Hon. Munene, the chance is yours.

**Hon. (Ms.) Munene:** Thank you, hon, Temporary Deputy Speaker, for giving me this opportunity to support the Motion, as amended.

The reason why I support this Motion is this: We are saying that the Government should do this and that. As parents, we want to take care of our boys and girls. When a six-year old boy sees you making beer at home, or when you take your children to a bar to buy them chips and chicken and you drink beer with your wife, you cannot tell those children that it is not good to drink beer. Some people buy beer which is sold in plastic papers and take it home. They then drink it and throw the empty sachets outside. Children would want to try what their parents are drinking. When they test, they think it is something good because their parents take it. Even if we tell our Government to help us, we also need to help ourselves.

As parents, we need to have discipline. When we were young, our fathers used to go out to drink and when they came home drunk, they did not want their children to see them. The Government is me, you and the people who are out there. We want to discipline our children because, sometimes, we leave them thinking that, because they have been to secondary school, they are grown-ups. We give them pocket money. When they come back home, instead of giving them something to do, we leave them to do whatever they want to do. However, we should show them somewhere to go and become busy – like camps, churches or where boys can play football and hockey. That is the way we can help this nation.

We are losing our young boys and girls to alcoholism. Girls meet boys when they are drunk. A child is going to be brought home by a child of 12 or 13 years, who will have become a mother. How is that girl going to help herself? It is you who is going to suffer. I remember the late Wangari Maathai saying that those plastic papers are not good for our country. We are throwing them anywhere and there is nobody who is responsible. Boys and people who are out there collect those papers and they give them to bars where they are used to package the drinks which they drink. We need to help this nation. We want to work as one team, as parents and as a Government to help this country. If we are not going to help our country, we are going to lose the men.

Nowadays, girls do better than boys in school. Boys feel that they have been abandoned since we talk more of the girl-child. We also want to help those boys. I also want to tell male parents to help their sons. Previously, we used to see men sitting down with their young boys talking to them and explaining to them how to behave when they reach certain ages. Our mothers also used to tell girls how to behave when they get to different stages. However, we now do not have time for our children because we are so busy looking for school fees and what they will eat. As God said, let us help our children. We do not want to be punished like priest Ezekiel who was punished by God because of the behaviour of his children. So, let us help this nation. This House is the

one which can help. We can make the laws but we have to know how to guide our children.

I appeal to hon. Mututho, the Chairman of NACADA. He was so active before. We want him to go round the country and talk to young people. He should not be going to a particular county but everywhere. Let those people meet boys and girls during holiday and tell them how alcohol is bad and how they can ruin their lives by taking alcohol. When you are drunk, you cannot do anything else. We have heard women complaining everywhere because of alcohol. What are we going to do? We should have a law about alcohol. People who are supposed to arrest offenders are also drinking. You can see them lying somewhere because they are drunk and yet, they are the ones who are supposed to arrest the people who make illicit alcoholic beverages. We want to make sure that there is no corruption in this country, so that our people can be helped. Chiefs and assistant chiefs must do their job.

Thank you very much.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): The next one on my list is the Member for Vihiga, hon. Chanzu. Hon. Tong'i, my statement is that when you contribute to the amendment, you still have a chance to contribute to the Motion.

**Hon. Chanzu:** Thank you, hon. Temporary Deputy Speaker, for giving me this opportunity to support this very important Motion, as amended. The amendment is quite in order because we have various existing laws in place. Unfortunately or fortunately, we have many pieces of legislation which, as my colleagues have alluded to, their implementation seems to be the problem. We have various agencies which can assist us to implement the laws, but it has become a problem. That is the reason why the amendment is quite in order – so that we can look at whatever exists, including the NACADA laws, and implement what we are talking about.

Generally, waste disposal is a major problem in this country. Disposal of materials for alcoholic beverages is worse. People buy things like chips in paper bags. They go to supermarkets and buy crisps or other things and eat them. When you are driving, you see them dropping them on the roads. That is not very good for a country which is aspiring towards Vision 2030. In other countries, there are policemen all over the place who arrest car owners who dispose things carelessly to make sure that it is not repeated. It is important that we look at this in a much wider way.

So, disposal should be a very important element that we should address. I remember sometimes back in this country when the Opposition was fighting to get rid of the Chiefs Act. Those of us who were here must have seen what had happened. Those who were in the Opposition at that time saw the consequences. I think that is what has rendered the Provincial Administration to appear to be lame ducks. The matter was even made worse by the new Constitution when some of us were campaigning and saying that we were going to get rid of the Provincial Administration, and which was not the case. The Constitution never said that we were going to get rid of the Provincial Administration.

So, as leaders, we must know that we will be haunted by some of the actions that we take. The main proponents of the change that time are in the leadership of this Government and even Kibaki's Government. You saw what happened. Women came out and went to the streets carrying twigs protesting that their husbands were not taking

care of their conjugal rights. So, it is a very serious issue that must be addressed. We have heard it from some of my colleagues who have contributed. They have said that it is something that is being emulated. Consumption of alcohol or any other habit can be learned. You know habits are learnt and so our children are learning from the many of us who consume those alcoholic things even in cars and throw away those containers.

You remember hon. Temporary Deputy Speaker, that there was a year when we had a problem at Kenyatta International Conference Centre (KICC) when students came for those music concerts. It was very interesting when it was discovered that there are some drinks which are brought to this country and their bottles looked like soda bottles. But they were alcoholic drinks. It was discovered here at KICC that there were students who were consuming those alcoholic drinks, but you would think that they were taking soda.

There is a time when someone told me that even in schools now there are students who sit in class and you cannot know that they are having some drugs. Some of them take something and hide it in their mouths as the teachers continue teaching. I think those are some of the habits that our children have learnt and which we are giving to our children.

With a population of over 40 million, I think the figure of those who are affected and addicted to alcohol is more than 2.2 million. The way I see Kenya - and because those Members of Parliament come from places where we have schools, market places and so on - my brother from Malindi will agree with me that this figure is much higher. This is a conservative figure of somebody who has done some kind of study. But if you go to every market place where majority of our youth who are not employed are, what you see practically is far much higher.

Idle youth are waiting for somebody to come and give them something. Like in our place, there are very good youths but, if you give them something, they disappear behind the shops. When they come back, they have already changed. There are a quite a number of them. So, what we are saying is that we must address this issue seriously. Let us have proper statistics so that even when we are campaigning across the whole country, we know what we are addressing in terms of numbers. We know what resources to put because another problem is that, as we know in economics, resources are scarce. When you start with a figure which is low, you do not end up achieving. In fact, the problem Mr. Mututho is having is that, when he was talking about what he was going to do, he did not know he required other issues to go with it, like financial resources.

Hon. Temporary Deputy Speaker, I am only hoping that for the Mututho issue, it is not the Kenyan habit where people go jumping up and down for jobs but once they are given the jobs, they settle down. There are many commissions that we set up in this Parliament, but they are not performing. There is the Ethics and Anti-Corruption Commission (EACC). I was reading in the newspapers that they have only prosecuted three cases - I do not know for how many years - and they have been taking millions of shillings. There is the Auditor-General's Office which has also not done much and this is why you are seeing a lot of money in counties being siphoned into people's pockets. The county governments have now engaged in construction everywhere, like in our place in Vihiga they just come with a bulldozer and "bulldoze" all over the place. They

came and removed a fence at my house from the back where I do not need to drive a vehicle saying that they were trying to create a road, in order to make money. The institutions we have in place need to be considered so that they can, in terms of funding--

**Hon. Okoth:** On a point of order, hon. Temporary Deputy Speaker.

**Hon. Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): There is a point of order. Hon. Member for Kibra, I would rather you state what is out of order. You have your Standing Orders. What is out of order?

**Hon. Okoth:** Thank you, hon. Temporary Deputy Speaker. Standing Order No.106 tells us that we need to stick to relevance. I sense the mood of the House is that this thing has had the life debated out of it and hon. Members are saying things which are not relevant. We have gone from containers and NACADA issues to everything about corruption. Would I be in order to call upon the Mover to reply?

*(Loud consultations)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Thank you. I am the Temporary Deputy Speaker. My discretion is that we cannot call the Mover to reply. I know hon. Members are not contributing irrelevances. Hon. Member for Kibra, were you here in the morning when the Motion was being moved? It was amended and so, let us continue! Hon. Members let us watch that we confine ourselves to the Motion. I order that the Motion continues.

**Hon. Chanzu:** Hon. Temporary Deputy Speaker, hon. Okoth has a big constituency. If he does not have anything to do in this House, he can go to Kibra. There are many problems in Kibra which he could address. There is a lot that this Motion is addressing and so, he better listen to what hon. Members are contributing. That is because it can help him in his constituency. This is an important Motion. I believe that if we can implement what hon. Members are contributing here and what we have in place already, including the institutions--- I was just talking about the institutions that we have in place, they will go a long way in assisting us to solve some of the problems we have with our youth and even the grown-ups; those who end up breaking marriages and so on.

With those few remarks, I support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Member for Kibra, I know you represent Kibra Constituency and what *Mheshimiwa* has said is common in all places. So, he is still in order. I know you will speak for them. Let me have the hon. Member for Shinyalu, hon. Anami.

**Hon. Anami:** Thank you, hon. Temporary Deputy Speaker. I would like to thank *Mheshimiwa* Njenga for bringing this Motion. Indeed, the central issue here is alcohol abuse. Alcohol abuse is leading to crime, illnesses, ailments of members of the society and under-productivity.

It is a serious matter. If we want to get this nation on the rail and running again, we must deal with this 5 per cent of citizens who are not productive because they have given themselves to alcohol. They are sick! The way we treat them is very important. We should not encourage and provide opportunity for others to get sick also. We should

not allow our youths to get addicted. So, this is a very important Motion. I want to support it so that we can take all the necessary measures to make sure that our nation is healthy and productive. I want to thank the Member for bringing the Motion.

Today, we have rehabilitation centres. In our traditional African society, we had systematic approaches that took care of alcoholism. Now, the police have come into the picture. They have been hard on brewers of traditional brew and consumers of the same. This makes a bad situation worse. For example, when police come across a drunkard who is wasting, they take him and lock him up in police cells. I wish they could take such people to hospital because that is where they belong. I wish such people could be followed up with remedial measures that could help them heal from the alcohol abuse. As a Government, we need to have those centres and make them mandatory. The way we say that we must have schools and churches, so must we have rehabilitation centres. I would like to support the notion that such centres should be initiated at sub-county level. We should put a time frame on this because there are very many things that we have said, but because there is no time frame, they are wished away and overtaken by other priorities. We need to prioritize this so that every sub-county has, at least, one rehabilitation centre to deal with alcoholism.

There is the interface between commercial interests and social interests of practitioners in this sector. Sometimes we take the commercial interests too high at the expense of social interests. That is why we have had instances of mothers complaining that fathers of their children are no longer fathers and cannot be fathers anymore. So, we need to have an intervention here because populations and productivity are going down.

We need to take care of the environmental concerns because waste management is crucial here. We should avoid environmental degradation. We have broken bottles and polythene papers all over. Some of them contain remains of contaminated alcoholic substances. When children come across those bottles, they are tempted to taste the contents. The same applies to cigarette packs and medicinal containers. We have to take care of this problem. We have the National Environment Management Authority (NEMA), but is it not doing what it is supposed to do about waste management. We should have the law re-enforced so that NEMA can be put to account. If NEMA does not measure, then we need to take action.

Hon. Temporary Deputy Speaker, the second part of this Motion comes up with an even more interesting approach, that is, recreational activities. This is because idle minds are the devil's workshop. It is important that recreational activities are initiated, provided for and funded by all authorities and not just those in the business of manufacturing alcohol. That way, our people will not get frustrated.

Indeed, many people waste in alcoholism because of frustrations. Let us have this as an initiative. The Ministry of Sports, Culture and Arts should come up with programmes at the sub-county level to provide for recreation. It is a pity that the only way our people are enjoying football is through television and yet, they could be active footballers in the field if those facilities were created. We have great musicians who could be organised in clubs and societies that compose music and enjoy that. We have great dancers and thespians, but there are no facilities for them to spend their time and be productive. The end result is poverty because those people cannot produce. We need



to have interventions to re-energize our society, the youth and our children through recreational activities in and outside the school system. That way, then we can take care of the vices that we experience every other day, which are initiated by idle players.

I support this Motion. I thank my brother Kigo who is always doing very good things, thinking very well about Kenyans and his people of Gatundu North.

*Mungu ambariki sana.*

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Member for Bureti. Hon. Members, we do not need to spend our ten minutes if we are going to repeat what others have said. We can spend fewer minutes.

**Hon. Sang:** Thank you, hon. Temporary Deputy Speaker. I wish to congratulate my friend, hon. Kigo, for coming up with this Motion, which is very important. It is not good to see Kenyans consuming alcohol in large numbers. This is creating a lot of problems not only in urban areas, but also in rural areas. It is unfortunate that the statistics are there that 2.2 million Kenyans are addicted to alcohol.

I do not know what hon. Kigo will do with regard to issues of rehabilitation in connection to the fact that 2.2 million Kenyans are addicted to alcohol. It is my wish that the number of Kenyans who are addicted to alcohol will come down.

It is also very unfortunate that the disposal of alcohol containers is not being regulated. You see alcohol containers everywhere. This has contributed so much to issues of illicit brews. It is time that hon. Kigo and ourselves came up with legislation to regulate the disposal of containers and recycling, so that we do not expose our children to alcohol abuse. It is unfortunate that the effect of alcohol on health cannot be over-emphasized. It has affected a good number of Kenyans. We have issues of liver and kidney problems as well as malfunctioning families.

Hon. Kigo has come up with a document that shows the number of Kenyans who have died from 1998 to date. It is very sad. Those people include some from our constituencies and the numbers are not captured here. Kenyans are dying from drugs and alcohol abuse.

It is time hon. Kigo Njenga came up with a good legislation so that we can regulate and help Kenyans drink responsibly.

With those remarks, I beg to support

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Very well summarised and to the point. Brilliant! Hon. Tong'i, you are next.

**Hon. Tong'i:** Thank you, hon. Temporary Deputy Speaker, for giving me this opportunity to contribute to this wonderful Motion as amended. I want to take this opportunity to thank the Mover of the Motion, hon. Kigo Njenga. I would also like to thank my colleague from Malindi for amending it.

It is time we had these kinds of Motions to make a difference in our youth's lives. Alcoholism is a challenge in the country and we have a duty to address it well. This kind of Motion makes all the difference. The boy-child in Kenya is endangered. We have invested too much time and energy on the girl-child at the expense of the boy-child. We are almost losing a generation, unless we do something. This Motion will go a long way in addressing that issue.

I do not want to repeat what has been said by my colleagues, but I want to mention that, as a country, we have a duty to set up rehabilitation centres now that we

have the statistics on people who are affected by alcoholism. We need to have them rehabilitated and taken back to the society. If rehabilitation centres are set up at the county level, it will make a big difference. In my constituency, there are so many youths who are affected by alcoholism. I know that the same is true for many constituencies in the country. That is partly because all the land that was meant for development of recreational facilities has been grabbed. As a country, we have a duty to address this problem. Grabbed land meant for sports and recreational facilities should be reclaimed by the Government. We know a number of such cases.

Lately, I have seen some disturbing adverts in the newspapers and on some billboards mounted on buildings in towns. One billboard proclaims: “Kenya is a Tusker country”. That is very misleading information. How can we allow people to refer to our country as “a Tusker country?” What message are we sending to the young people, if we can allow a beer maker to say that Kenya is a “Tusker country”? When did they pick my opinion on what I think of Kenya? How about Muslims and Christians, who are not beer takers? How do you condemn the entire country as a “Tusker country” and yet, we all know the damage that beer has caused in this country.

As a House, which is charged with the responsibility of ensuring fairness, we need to condemn that kind of advertisement because it is misleading young people, who would imagine that, that is what we believe in, as a country, and that it is okay to drink Tusker.

It is time we called upon beer makers to account for their container disposals because they cannot run away from what they are doing. If you make beer, it is only fair that you also make appropriate disposal arrangements. How are you going to dispose empty cans? How are you going to handle the wastes from your products? That makes all the difference. We cannot keep on complaining that our country is dirty and that the county governments are not doing much to clean it when we do not hold to account the corporate entities whose waste litter our countryside. We need to do something. It is time we started using CCTV cameras to hold to account motorists who litter our roads. That is what the civilized countries are doing. In the USA, Europe and Dubai, people are held accountable for dumping waste materials in public places. We cannot keep on complaining that this country is dirty and yet, we do nothing to keep it clean. Mother Teresa once said: “If each one of us can clean the front of our homes, the entire country will be a very clean environment to live in”.

We cannot keep on sitting back, whining and saying that the Government has failed to do its work and yet, as a citizen and a constituent, you have not done anything to ensure that the country is looking beautiful and acceptable to all of us in terms of the environment. We are losing a generation to beer and we must condemn it. We must do something about it to ensure that we are not going to lose an entire generation to beer-makers because we are getting some taxes from the beer. That is not enough. We can sacrifice the beer and taxes that we are making from the industry and make that money for more legitimate businesses. All we are asking for is accountability on the part of the beer-makers to ensure that they are not taking advantage of our youths who do not know much of the implications of taking beer in excess and that will endanger the future generations of this country.

As I conclude, plastic bags should also be included in this debate. It is such a nuisance and irritating when you walk on the streets and you see plastic bags and cans littered everywhere. We need to mount dustbins in every corner of the town to have a more organized way of disposing the wastes within our reach. That way, our country will be a better place to live in.

I want to, once again, thank the Mover of the Motion, Mheshimiwa Kigo and my colleague from Malindi for the amendment that he made. We think it will make all the difference. It will make Kenya a better place to live in and we all want a Kenya that we can be proud of.

With that, I support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): You support. Thank you. Let me go to Makueni County that was adversely mentioned by the Mover. Hon. Member for Kilome, the Floor is yours. Members, we can just contribute by not being irrelevant and not repeating ourselves as per our Standing Orders.

**Hon. (Ms.) Muia:** Thank you, hon. Temporary Deputy Speaker. I am not going to repeat what has been said by my colleagues. I rise to support the Motion as amended. Here, we are talking about alcohol increase and abuse in Kenya and, more so, in the urban areas.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Those Members who are moving out, you can do so while having some good manners. We will have 40 minutes to debate this in the next Sitting next week, Wednesday, so you can also get ready with your presentation.

**Hon. (Ms.) Muia:** I am just looking at the number of the young people who are involved in alcohol. I am sure if proper research is done, we will get more than this. As we discuss and debate alcohol abuse, I would request parents---

On several occasions, we have seen parents going out on a drinking spree with very young kids. They go and drink and, sometimes, it is like a demonstration. It is going to become very difficult for such parents to turn round and tell their children: "Drinking is not good for you." We must demonstrate that as parents. In some countries, parents are not allowed to go out with kids who are under 18 years. Here in Kenya, it is like we discuss and debate laws, but we are unable to implement them. As we continue, I think we must come up with a law. If any parent is found in a drinking place with kids who are underage, he or she should be arrested and charged in a court of law.

I want to point out something about NACADA. For the last one year, I have not seen or witnessed the NACADA group doing anything. Remember that last year there were several deaths resulting from poisonous alcoholic drinks. Nothing has been done. You only see them making statements in the media and it stops there.

One of the Members talked about some of the posters that are put up to advertise alcohol. Surely, when are we going to see a poster written by NACADA saying that any distributor or bar owner selling alcohol to persons under 18 years will be arrested and put in, including the students? We cannot keep on shouting and those people will never implement anything. We want to see NACADA working. We want to see action. We want to see them working as they said they would do.

With those few words, thank you very much, hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Thank you for being well-timed. You would have had six minutes if you never completed.

Hon. Members, let me give the last opportunity to hon. Christine Ombaka, for one minute.

**Hon. (Ms.) Ombaka:** Thank you very much, hon. Temporary Deputy Speaker, for giving me this opportunity. This is a very good topic. When we are talking about this Motion, we are talking about environmental cleanliness. That is what is lacking among Kenyans. However, more importantly, is the idea of arranging recreational activities during school holidays. This is very important because it prevents children from getting involved in alcohol and doing other illicit things.

When I was growing up, holidays were very important. We were members of---

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Thank you, hon. (Ms.) Christine Ombaka. You will have nine minutes in the next session. I must appreciate the requests by hon. Members. The Motion has a balance of 40 minutes on Wednesday next week. This is a House of rules and procedures. I must appreciate the good work they have done.

### ADJOURNMENT

Hon. Members, the time being 1.00 p.m., the House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 1.00 p.m.