

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Tuesday, 30th July, 2019

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

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

PRAYER

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

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

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

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

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

who really cared about the community, and who was a brilliant brain that I would surely miss.

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

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

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

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

May the good Lord rest their souls in eternity.

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

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

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

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

Proceed, Sen. Olekina.

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

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

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

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

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

There are people who have given testimonies that when they are in pain, they control it with *Marijuana*. I have visited farms in the USA where they produce *Marijuana*, and most of their clients are people who have been diagnosed with cancer. There are testimonies to that effect. It is about time that we started deviating from the norm and look at ways we can help.

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

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

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

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

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

When you consider all these common carcinogens that the distinguished Senator was talking about, you will be surprised to hear that some of them include potato crisps.

They are also found in preserved food or even toasted bread. If you eat these foods, you may end up getting cancer.

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

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

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

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

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

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

Thank you, Mr. Deputy Speaker, Sir.

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

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

Mr. Deputy Speaker, Sir, Hon. Okoth was a good friend of mine. When I came to this Parliament, somebody pulled me aside and asked me to look for Hon. Okoth and work with him on human rights issues. In the confusion, I thought he was in this House. I, therefore, went round looking, and when I asked where he was, I was told that he was in the National Assembly. Luckily, I met him a few weeks later at the Human Rights Caucus. From there, we discussed working on different issues concerning human rights and the rights of people to good health and living conditions, especially in informal sectors. That was around the time there were demolitions in his constituency. I promise my friend that I will continue with the fight for the rights of the less privileged, as promised and discussed.

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

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

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

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

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

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

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

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

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

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

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

I congratulate Sen. (Dr.) Ali for this Bill because it has created a conversation, though we must go beyond the conversation. We should get to actionable initiatives that

can be measured in the life of this Parliament. I support this Bill because of its alignment to the Constitution and devolution, though we need to make sure that it leads to service delivery in the frontlines where our people live and work.

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

I support.