

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 1st March, 2017

The House met at 9.30 a.m.

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

PRAYERS

QUORUM

The Temporary Deputy Speaker (Hon. Cheboi): Order, Hon. Members! On the face of it, we are short of the requisite quorum. Never mind the fact that the Hon. Chair of a very serious party is in the House but without his troop. I order that the Quorum Bell be rung.

(The Quorum Bell was rung)

Order, Members! We now have the requisite quorum and business will begin. I urge Members to kindly remain in the Chamber for a few minutes because there are very important Questions to be put which we cannot put without quorum. So, I strongly advise members to, at least, remain in the Chamber for the next 10 minutes.

Proceed.

MOTIONS

APPROVAL OF SUPPLEMENTARY ESTIMATES
FOR 2016/2017 FINANCIAL YEAR

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

Resolved accordingly:

THAT, this House adopts the Report of the Budget and Appropriations Committee on the First Supplementary Estimates for the Financial Year 2016/2017, laid on the Table of the House on Thursday, February 23, 2017 and in accordance with the provisions of Article 223 of the Constitution, approves-

- (i) The Report of the Budget and Appropriations Committee on the First Supplementary Estimates for the Financial Year 2016/2017;

- (ii) An increment of the total Recurrent Expenditure for the Financial Year 2016/2017 by Kshs61,567,939,605 in respect of the votes as attached in the First Schedule;
- (iii) A reduction of the capital expenditure for the Financial Year 2016/2017 by Kshs61,796,854,140 in respect of the votes as attached in the First Schedule;
- (iv) An overall reduction in the total budget for the Financial Year 2016/2017 by Kshs228,914,535 in respect of the votes as attached in the First Schedule.

Subject to-

- (a) deletion of sub-paragraph (ii) under paragraph 27 on Recommendations on page 12 of the Report (relating to the proposed increment for the State Department of Education);
- (b) deletion of the sub-paragraph (xii) under paragraph 27 on Recommendations on page 13 of the Report (relating to the proposed increment for the State Department of ICT and Innovation);
- (c) deletion of the sub-paragraph (vi) and (vii) under paragraph 27 on Recommendations on page 12 of the Report and replacing it with the following –
 - (i) Increase Kshs167 million to the recurrent estimates and Kshs1.233 billion to the development estimates of State Department for Sports Development under the ‘Sports Programme’ for preparation of the 2017 Under-18 Championships.
 - (ii) Increase Kshs1.5 billion to the development estimates of the State Department for Energy under the ‘Power Transmission and Distribution Programme’ for Street Lighting project.
- (d) deletion of sub-paragraph (ii) under paragraph 28 on Recommendations on page 13 of the Report (relating to the proposed reduction for the Ministry of Health);
- (e) deletion of sub-paragraph (iii) under paragraph 28 on Recommendations on page 13 of the Report (relating to the proposed reduction for the State Department of Infrastructure); and
- (f) effecting the consequential amendments to the First Schedule and the total sum approved accordingly.

REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON
THE INSTITUTE OF DIRECTORS OF KENYA BILL

The Temporary Deputy Speaker (Hon. Cheboi): Order, Hon. Members.

(Hon. Abass stood in the gangway)

The Member for Ijara, you have to freeze.

(Question put and agreed to)

Can the Mover move for the Third Reading?

Hon. Ochieng: Hon. Temporary Deputy Speaker, I beg to move that the Institute of Directors of Kenya Bill (National Assembly Bill No. 30 of 2016) be now read the Third Time.

I also request Hon. Wanyonyi to second.

The Temporary Deputy Speaker (Hon. Cheboi): Order, Members! Can you kindly give us a few more minutes? The Member for Ijara, kindly give us a few more minutes so that we can completely transact this matter. I understand that at this point in time many Members have---
Order, Members!

(Loud consultations)

Proceed, Hon. Ochieng. Had you finalised?

Hon. Ochieng: I had finalised, Hon. Temporary Deputy Speaker and asked Hon. Wanyonyi to second.

Hon. F. K. Wanyonyi: I beg to second.

(Question proposed)

Hon. Members: Put the Question!

The Temporary Deputy Speaker (Hon. Cheboi): Let me first confirm that we have the quorum. Yes, we do. I confirm that we have the required quorum. You can resume your seats, Hon. Members.

(Question put and agreed to)

(The Bill was accordingly read the Third Time and passed)

BILLS

Second Reading

THE CLINICAL OFFICERS (TRAINING, REGISTRATION AND LICENSING) BILL

(Debate concluded on 22.2.2017 - Morning Sitting)

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Members, I confirm that we still have the requisite quorum.

(Question put and agreed to)

(The Bill was read a Second Time and committed to a Committee of the whole House tomorrow)

*Second Reading*THE NATIONAL AUTHORITY FOR THE CAMPAIGN AGAINST
ALCOHOL AND DRUG ABUSE (AMENDMENT) BILL

Hon. Ferdinand Waititu: Hon. Temporary Deputy Speaker, I beg to move that the National Authority for the Campaign against Alcohol and Drug Abuse (Amendment) Bill (National Assembly Bill No.35 of 2016) be now read a Second Time.

The object of the Bill is to amend the principal Act so that a new board can be constituted to reduce the number of board members from 15 to nine as per the Constitution and the Report by the Presidential Task Force which recommended that the maximum number of board members should be nine.

Hon. Temporary Deputy Speaker, the present board that has 15 members is controlled by members who are principally from various ministries and appointees by the President have no control over the performance of the board. Therefore, you find that the National Authority for the Campaign Against Alcohol and Drug Abuse (NACADA) which should play a very big role to control alcohol and drug abuse has been ineffective completely because the appointees by the President are overshadowed by the board members from various ministries.

I beg to move and ask Hon. Gikaria, the Member for Nakuru Town East to second.

The Temporary Deputy Speaker (Hon. Cheboi): Yes, the Member for Nakuru Town East.

Hon. Gikaria: Hon. Temporary Deputy Speaker, I beg to second the National Authority for the Campaign against Alcohol and Drug Abuse (Amendment) Bill brought by Hon. Waititu.

You will note that this country has had many problems on the NACADA Act. The former Member of Parliament for Naivasha, Hon. John Mututho had brought a very good Bill under the name of NACADA. In fact, at one point Hon. Mututho had proposed that we change the title of the NACADA Act because it is a national campaign. This campaign against alcohol use and drug abuse cannot continue forever. So, at one point and on this, I totally agree with Hon. John Mututho that we need to change the title from “campaign” to “control”. We have been campaigning and so we have to make some efforts to try and stop alcohol and drug abuse. You cannot continue with public sensitization. As it is, I totally support the Amendment Bill that has been brought by Hon. Waititu.

It has been very difficult for the Chairman of NACADA to actualise the dream, purpose and objective of the Act itself. This has risen out of the huge number of the board members. We have 15 members from all sorts of departments, sections and stakeholders. At the end of the day, you find that NACADA cannot fulfil the purpose and objective for which it was formed. I totally agree with what Hon. Mututho had suggested that we try and look at the title. The Accounting Officer of NACADA is the Chief Executive Officer (CEO). At the same time the Chairman who plays a big role---

One example that we need to consider is that the Chairman brought forward the issue of misuse of Kshs100 million by the CEO who had a lot of support from the board members. However, he could do nothing. The Kshs100 million was meant to assist some Community Based Organisations (CBOs) and Non-Governmental Organisations (NGOs) in regions that are affected by alcohol and drug abuse.

The Chairman could not do anything because the majority of the board members, who are not appointees of the President, were against him. At some point, we had an opportunity, because

I am in the Departmental Committee on Administration and National Security where NACADA falls, of interrogating a few board members. The CEO had backing from the board members. We came to realise later on that most of those board members had interest in some of the CBOs which received this money. We lost the Kshs100 million which went to waste. No returns were given to show what had happened to address some of the issues.

I totally agree that the number of board members should be reduced. At the same time, this country has been bogged down by a huge wage bill. All the time, we are trying to manage it. Hon. Chepkong'a at some point wanted to bring a Bill to reduce the number of members in boards and commissions to a reasonable number and have a secretariat that can handle most of the work. It has not seen light of the day. We hope that sooner than later, we will reduce the number of board members so that we can also reduce the wage bill.

Last but not least, if you remember at some point, the young musician called Jaguar, who represents the youth in the NACADA Board, said that he wanted to resign because what he was trying to air never got backing from his colleagues. He said that they could not spend all that money to continue with the campaign. He said that they needed to do something for the youth. He also said they should build rehabilitation centres to address the needs of those who have stopped taking alcohol.

(Hon. (Ms.) Kajuju consulted loudly)

The Temporary Deputy Speaker (Hon. Cheboi): Order! Who is this Member who is consulting loudly? I cannot see her clearly. Is that the Member for Meru?

Anyway, proceed.

Hon. Gikaria: Thank you, Hon. Temporary Deputy Speaker. The young musician, Jaguar proposed that the young people that have been rehabilitated in correctional centres not to go back to the bad habit of taking drugs and alcohol, needed something to do. His proposal was to start a fund that is supported by NACADA which young people could use to start businesses after coming out of rehabilitation centres. To his surprise and disbelief, his proposal was not implemented. The purpose of his proposal was to help the young people who are mainly affected by alcohol and drugs.

I totally support that we need to think how we can reduce the number of board members so that the Chairman can have an opportunity to actualise the objective and the purpose for which NACADA was established.

We will also bring an amendment to the title in the Committee of the whole House. We will also talk about the provision of funding for purposes of starting businesses after young people have left rehabilitation centres.

You might not believe that when I had an opportunity to visit JOMEC Rehabilitation Centre in Nakuru under the stewardship of Hon. John Mututho, I found two chief magistrates of this country there. They had been taken there for rehabilitation. The two are back in courts, actively participating and executing their mandate to give fast judgement and justice after they went through rehabilitation. One of the chief magistrates from Mombasa said that after he goes back to court, he would become an ambassador against drug abuse and talk to young people to stop the habit.

With those few remarks, I beg to second the amendments which have been brought by Hon. Waititu. As with the reduction in the numbers, first, it is to cater for the huge allowances that are paid and at the same time make some sense. A commission of around 15 people is too

big and cannot bring meaningful change. For example, from the religious aspect where we have a representative from the Muslims and another one from the Christians, we can have one person representing the religious family in the board. There are very many others from different quarters. We can merge them so that they can deliver services.

With those few remarks, I beg to second.

(Question proposed)

The Temporary Deputy Speaker (Hon. Cheboi): I will give the first shot to Hon. Abdalla.

Hon. (Ms.) Abdalla: Thank you very much, Hon. Temporary Deputy Speaker. I beg to support.

Hon. Mulu: But Hon. Temporary Deputy Speaker---

Hon. (Ms.) Abdalla: I can see Hon. Makali Mulu complaining bitterly. Maybe I need to give him a few lessons of history to remember. For the information of the House and Hon. Makali Muli, NACADA was established by a *Gazette Notice*. It is only when I brought the Bill in 2012 to establish it as a statutory body that NACADA became a parastatal. My good friend, the man on the Speaker's Chair, is giving me the opportunity to contribute to this Bill in recognition of my contribution of having established NACADA as a statutory body and as parastatal.

It is very gratifying to see people improving work that you had done in the past. I have been very pleased that Hon. Mututho did a lot of amendments to that Act when he was here and to the Alcoholic Drinks Act. I am happier also that Hon. Ferdinand Waititu has now taken this matter further by wanting this Authority to be more effective and to be able to conform to the *Mwongozo* that recommends that boards should have only nine members.

I am happy that we have now the capacity, power and leeway to do Bills the way we are doing with this presidential system of government. I can tell you I saw the danger of having the 15 members but at that point, our decision was based on whether we agreed with the Government's long list and had an authority passed and an Act of Parliament to establish a parastatal to fight drugs or fight or reduce the numbers and make an effective board and have the Government which had the numbers oppose the Bill which was a Private Member's Bill. We agreed with the Government and we knew there was going to be problems. The problems were even more than just the numbers. The problem was on the people that the Government was insisting to chair that board; people with vested interests.

You would notice that many Members were amused when they had to Chair NACADA through a vetting process by the House. That was made necessary because we realised that people who have vested interests either in treating drug addicts or in being pharmacists themselves were presenting themselves as persons to lead this organisation. So, I want to thank Hon. Waititu and say that with what he has recommended, we are going to have a leaner, more effective NACADA Board and in essence be able to meet the functions for which this Authority has been established and go beyond the campaign.

Hon. Gikaria has spoken about establishment of rehabilitation centres. That is part of the functions of NACADA but because when you have too many cooks you will end up spoiling the broth, the work that this organisation is intended to do has not been achieved and whoever is made chair with the bloated board cannot be effective. He or she can end up being a very

frustrated person such as what happened to Hon. Mututho and also to Members who want a real change such as Jaguar who is a musician.

I want to thank Hon. Waititu for improving on work that I initiated and look forward to this House passing this amendment. I would like the President, when nominating these persons to this board to know that this problem cannot be solved by taking technocrats who are not motivated to end this menace to be leaders in this board.

With those few remarks, I wish to support this Bill and urge fellow Members to support the proposal by Hon. Waititu.

Thank you.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Makali Mulu, you have the Floor.

Hon. Mulu: Thank you, Hon. Temporary Deputy Speaker. Let me also join my colleagues in supporting this amendment by Hon. Waititu. I take this opportunity to appreciate the good work of my friend, Hon. Amina, who seems to be the person who initiated this important Act of Parliament. We are all aware that NACADA has a very important mandate in this country. This mandate is very important to this country because the work they do is supposed to shape the lives of Kenyans who have issues with drug abuse, and more so, our youth who are involved in this social evil.

We are all aware that late last year, this House approved appointment of a Chair to this important board. Being a Member of the Departmental Committee on Administration and National Security, I participated in the interview of the Chairman. At the time of interviewing the Chairman, what came out very clearly was that he had a lot of passion for what he was expected to do as the board Chair. Looking at what happened last year where we had a lot of conflicts between the CEO and the board, one of the questions we asked him was how he was going to make sure that he sorts out those internal conflicts which were making NACADA not be effective.

One of the things the Chair said was that he was going to make sure that they work as a team and use his experience and skills to make sure that this board which has 15 members have the same vision. So, when I saw this amendment, I have been imagining that making sure that 15 people work as a team is not easy. This is more so people who are appointed by the President because they all think that they are equal in terms of the appointing authority. When I see Hon. Waititu reducing the number from 15 to 9, it is a commendable move.

One thing we need to do is to ensure that even as we reduce the number to nine, those who represent specific Ministries, Departments and Agencies (MDAs) do not at the end of the day become the majority of the nine members. This can easily be done again and the board fails to achieve its objective. So, even though we are reducing the number of board members, the Bill is not clear on the offices we are deleting from the list. I will try to read through, but at the end of the day, we need to achieve a situation where the appointees who are outside the Government, to some extent, are the majority so that they help this board achieve its objective.

The NACADA is an important institution in this country and it needs our support in terms of enhancing their budget because it is facing a challenge of inadequate funds. If we adequately finance this Authority, irrespective of the number of board members, it will still achieve its mandate. As we reduce the number of board members, which is a move in the right direction, we should also enhance its budget.

Hon. Temporary Deputy Speaker, as I conclude, I still believe nine is a big number for board members. We can have a maximum of five and a minimum of three members. Board

members are mandated to provide policy and strategic direction. They leave the technical people to do the work.

As part of the parastatal reforms, we should reduce the number of board members to a maximum of five and a minimum of three. We should also restrict their mandate to policy direction and strategic issues. Once they do that, the technical people should take up the implementation aspect and we will achieve high growth as a country.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Kubai Iringo, you have the Floor.

Hon. Kubai Iringo: Thank you, Hon. Temporary Deputy Speaker for giving me the opportunity to contribute to this Bill. I want to thank Hon. Waititu for coming up with this Bill. As he has rightly put it, the purpose of the Bill is to correct the anomaly or make it conform to the current Constitution. Following the promulgation of the new Constitution, very many Acts have been amended but they are yet to be concluded. The amendments have taken a long time given the fact that the Constitution is over seven years old.

This Bill is timely because we should have the right number of board members in the Authority, as dictated by the Constitution. The NACADA is very important but it is toothless. We have not seen much change since it was put in place. The former Chairman, Hon. Mututho, tried to make the Authority work but it has not lived up to our expectations. Alcoholic drinks are now sold everywhere. We have lost our youth and very resourceful people to alcoholism. Families have been broken because of alcoholism.

Recently, the Akasha family got into problems with the law because of drug trafficking. As we align these laws to the new Constitution, members of the Authority must be people of integrity. They should be well vetted. Once they assume office, they should do thorough work so that we can move forward in terms of controlling the ills affecting us as far as drugs are concerned.

Not long ago, the President started a campaign against second generation alcohol. He commissioned county commissioners and Hon. Members to go out, especially in Central Kenya, and destroy illicit liquor dens because everything had gone out of hand. Their efforts were rewarded but people have gone back into brewing illicit alcoholic drinks under weird conditions.

As we get the right number of members of the board, I hope that they will work effectively with the support from the Ministry of Interior and Coordination of National Government, and all the other stakeholders so that we can reduce the level of drug abuse in our country and build a strong and an effective population.

The Temporary Deputy Speaker (Hon. Cheboi): Yes, the Member for Turkana Central.

Hon. Nakara: Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity to contribute to this Bill. The NACADA is bearing good fruits because we have seen good changes among our youth. It is encouraging to see that some people have been rehabilitated through the effort of this organisation. The number of the board members of the NACADA is not equivalent to the output we are getting. We have been fighting about the burden that the common *mwananchi* is carrying by paying tax to maintain bloated Government structures, including such institutions. Reducing the number of board members to nine will save some money. The saved funds will be used in carrying out activities that will help victims of drug abuse.

We have been making appointments in this country to favour some people. We have appointed people without expertise and clue about the institutions because we want to please them. The Government should appoint people with expertise and those who can positively

contribute to the organization. That way, we will get good results and people will benefit. Appointing people for the sake of it is not good. We should have nine board members because they are manageable and are cost effective. The other funds will be saved and used for rehabilitating victims of drug abuse.

Hon. Temporary Deputy Speaker, we should also involve victims of drug and alcohol abuse. An organisation cannot succeed without involving victims. We are making progress in the fight against HIV/AIDS because victims have come out to declare their status publicly and are now urging people to take caution. The HIV/AIDS victims are now role models to the public. So, we want to see the appointment of such people in an institution like NACADA where we have many victims. We need those victims to be rehabilitated and involved in the business of NACADA because they know the problem. They have suffered. Therefore, they can be a life example to others. When they tell their stories and testimonies, they will encourage others to get changed but when you put somebody who has never even smoked, has never taken any alcohol, has no problem with alcohol and has just been put there for the sake of it, what experience will this person share to change the victims?

I suggest that we need to get the victims of this problem of drug abuse to be part and parcel of this board so that when they go somewhere, they will testify and say “I was like this and now I am like this” and people will start changing. This is because life example is the best teacher. Putting a board with members who have no experience or expertise or who have not gone through the problem of drug abuse cannot change anybody. They will just give plain talk.

I support this Bill and thank Hon. Waititu for coming with it so that we can save the taxpayer from carrying a big load just because of a few people. In addition to that, even the members should be part-time. We can have two or three full time members and the secretariat. Those people can move the organisation forward. We need to have a secretariat which is full time in the office to run the operations of the organisation but board members can come when they are needed or when there is a meeting. They should not just stay in the offices and get allowances and yet they are not producing any good result. I support the Bill and encourage other members to support it.

Finally, I want to give a warning that the board members should not use institutions as a way of gaining political mileage. The former chairman of NACADA was using it as a platform to get political mileage. Wherever he went, he made announcements and yet he went there purposely to market the issue of NACADA. We warn board members that when they are given an opportunity, they should not use it as a platform to climb into their political positions. We need to encourage NACADA to have rehabilitation centres all over the country. They should have at least one in every county. This is because there is no county in this country which has never gone through the problem of drug abuse.

It is not in Coast or Nairobi alone but even in rural areas like West Pokot and Turkana. Transporters who transport things to Sudan and Uganda pass through those counties and they carry those things. If possible, we encourage that we have rehabilitation centres in every county so that we can fight this menace of drug abuse. People have suffered because of this and, therefore, board members who are going to take over this organisation need to get challenged. We need them to go to the rural areas because this problem is not only in urban centres. It is all over. It is not only in Nairobi or Mombasa. Drug abuse is a problem even outside urban centres and we need to address it.

With those few remarks, I support the Bill.

The Temporary Deputy Speaker (Hon. Cheboi): Can we have Hon. Gunga Mwinga.

Hon. Chea: Asante, Mhe. Naibu Spika wa Muda kwa kunipatia nafasi hii niweze kuchangia Mswada huu wa marekebisho ya sheria ya NACADA ambao umeletwa Bungeni na Mhe. Ferdinand Waititu.

Nachukua fursa hii kumpongeza rafiki yangu huyu kwa kufikiria kwa kina na kuleta Mswada huu. Nimesimama kuunga mkono Mswada huu nikijua kwamba ni Mswada mzuri utakaenda kwa kiwango kikubwa sana kusaidia Jamuhuri hii ya Kenya.

Kuna umuhimu sana wa kuhakikisha kwamba ndani ya bodi ya NACADA tuna watu wachache ambao wataketi chini vizuri pasipo utata na kuleta masuala muhimu ambayo yatasaidia wananchi wa Kenya. Naunga mkono pendekezo la kupunguza idadi ya watu ambao watakaa katika Bodi hii kwa sababu mara nyingi utapata kwamba watu watakuwa wengi lakini ukiangalia sana utaona hakuna kazi muhimu ambayo wanafanya.

Ni muhimu pia wakati tukiangalia watu watakaokaa katika Bodi hii tuangalie watu waliohitimu sawasawa na wanaoelewa vizuri masuala ya dawa za kulevya na jukumu ambalo limewekwa katika NACADA. Kama vile Mbunge ambaye amezungumza kabla yangu alivyosema, hatutaki watu wapewe nafasi hizi kwa sababu wako sawa kisiasa ama wanapewa kama zawadi kwa jambo fulani walilofanya. Ni muhimu watu ambao watapewa jukumu hili wajue kwamba wamepewa jukumu ambalo wamelisomea ama wako na ujuzi wa miaka mingi kukumbana na masuala kama haya.

Mhe. Naibu Spika wa Muda, utakubaliana nami kwamba kama kuna mahali ambapo pameathirika kwa kiwango kikubwa na suala la dawa za kulevya ni eneo la Pwani. Ndio maana tunasema mbali tu na ile Bodi ambayo itakuwa inakaa na kuweka mipangilio, kuna haja pia ya Bodi hii kuweka mikakati mwafaka ya kuhakikisha kwamba katika kaunti nyinyine, ikiwemo Kaunti za Mombasa, Kilifi na Kwale kuna watu ambao wanahusika katika kuangalia suala hili. Hii ni kwa sababu utumizi wa pombe kiholela na dawa za kulevya unaathiri jamii kwa kiwango kikumbwa.

Leo hii ukienda katika miji ya Mombasa na Kilifi, utawapata vijana wengi walioharibika kwa sababu ya matumizi ya dawa hizi. Tunasema kwamba kuna umuhimu wa kuhakikisha kwamba shirika hili la NACADA linaweka watu kule mashinani ambao watahakikisha kwamba wanaangalia jinsi suala hili litakavyochukuliwa. Mila na desturi za watu fulani pia siku nyingine huleta utata.

Nakumbuka wakati fulani nikiwa nimeenda mazishini. Labda yule aliyekuwa akizikwa alikuwa ni mtu wa kutumia dawa za kulevya. Utapata kundi la vijana na hata wengine labda ni wazee wakisema kwamba ili yule jamaa aweze kuzikwa na aende vizuri na huku nyuma asiachie watu matatizo, basi lazima watu wavute dawa hizi pale mbele ya umma ndio wajue wamepeana heri kwa rafiki yao. Mambo haya yanaturejesha nyuma. Tungekuwa na watu pale mashinani ambao wataangalia tabia kama hizi, nafikiri ingesaidia sana kupambana na suala hili la dawa za kulevya.

Tunajua shirika hili la NACADA limefanya kazi nzuri sana katika masuala ya pombe lakini imebidi watu wengine waingilie kati kwa sababu watu ambao wako kule mashinani kuangalia mambo yanafanyika namna gani mara nyingi wamejipata mahali pabaya kwa sababu hawajasoma sheria vizuri na kujua pombe halali na pombe haramu. Nakumbuka nikifanya mazungumzo sana nilipoona baadhi ya watu katika NACADA wakiingilia masuala ya pombe ya mnazi kwa hali ambayo si nzuri. Ndio nikasema kuwa kuna umuhimu wa wale watu watakaopewa nafasi ya kuhudumu kama wanachama wa bodi hiyo na wale ambao watakuwa wakitekeleza sera za bodi hiyo, wawe wamesoma sheria zote ambazo zinahusu masuala kama haya. Ninaamini kwamba mambo kama haya yakifanyika, tutasaidika pakubwa.

Ikiwa masuala ya dawa za kulevya, na bila shaka pombe, yataangaliwa vizuri, hata mahakama zetu zitaanza kuwa na kesi chache sana kwa sababu imebainika kwamba uhalifu mwingi hutokea wakati watu wanapotumia vileo. Kwa hivyo, ningependa kusema kuwa kuna umuhimu wa washikadau katika jamii, na wale wanaohusika na utekelezaji wa sera hizi, kushirikiana. Baadhi ya majukumu ya bodi hii ni kuhakikisha kwamba jamii inasaidika tutokana na kazi yao. Je, watoto wetu ambao wako katika shule za msingi, shule za upili na kwenye vyuo vikuu, wanapata masomo ya kutosha ama la? Kama kweli tunataka tuwe na jamii ambayo haitajiingiza katika janga la matumizi ya madawa ya kulevya, ni lazima tuhakikishe kwamba watoto wetu katika shule za msingi, shule za upili na hata kwenye vyuo vikuu wanapata elimu ya kutosha ndio wajue athari za matumizi ya madawa haya.

Mhe. Naibu Spika wa Muda, hili ni jambo mwafaka. Ni jambo zuri ambalo litaisaidia Serikali. Badala ya kutumia hela nyingi kuwalipa marupurupu watu wachache ambao watakua wanakaa hapa Nairobi, tuzipeleke hela hizo kule mashinani zikasaidie shughuli za kampeini dhidi ya masuala haya. Singetaka kuwa mwingi wa maneno. Ningependa kutumia fursa hii kumshukuru Mhe. Waititu kwa kuuleta Mswada huu Bungeni.

Ahsante sana.

The Temporary Deputy Speaker (Hon. Cheboi): Member for Kwanza.

Hon. F.K. Wanyonyi: Thank you very much, Hon. Temporary Deputy Speaker for giving me the opportunity to contribute to this Bill by my namesake, Hon. Ferdinand Waititu. I quite agree that the members of the board are many. The persons making up the board include the Principal Secretaries (PS) in charge of national security and finance or their designated officers. I do not see the role of these people and they should be removed. Others are PSs in charge of public health, education, children and the youth or their designated officers. I do not think it is necessary for these people to sit on the board. We have so much Government involvement in the board.

As somebody mentioned, we need a leaner and more effective group to handle this very important board. As most of my colleagues have mentioned, we have a problem. We have to wage a war to protect the youth, who are the future of this country. The future lies in the hands of the youth. If we do not do what we are doing now in terms of creating an effective board, we will lose the war. There are rumours that because NACADA is not working, illegal brews are back in Nairobi. That tells you that the war against drug abuse has not yet been won.

Recently, there was a crackdown in the coastal region where suspected drug barons were extradited to the United States of America (USA). We should do something urgently. I support the proposal by Hon. Waititu to reduce the number of the board members of this Authority from 15 to nine, if not eight, because too many cooks spoil the broth. The Authority should get people who are motivated to enable it do its work properly. The danger of having 15 members on the board is that people with vested interests may end up being part of the board. They will join the board, earn allowance and go. The war against drug abuse will never be won with too many people on the board.

As another Member has said, the campaign is over. We should now be talking about controlling alcohol and drug abuse. That can be done by putting in place effective mechanisms for follow up to find out how individuals who have benefitted from the services of rehabilitation centres are faring. Without a follow up, we might end up having the same individuals going back to drug abuse. In my area, I have a case of five boys who were taken to rehabilitation centres, but went back to their old habits after they were discharged. We should change the title of this Bill to

the “National Authority for Control against Drugs and Alcohol Abuse” Bill. The campaign is over. We should now embark on controlling drug and alcohol abuse.

The other thing I would like to talk about is the usage of the money that is voted for this Authority. There is a lot of corruption. I am told that Kshs100 million was misused by the Chief Executive Officer (CEO). He cannot account for it yet he is still sitting there. Either the Public Investments Committee (PIC) or the Public Accounts Committee (PAC) should follow up to establish where that money is so that every cent of it can be accounted for. A sum of Kshs100 million is not Kshs5. I am told that when the chairman was asked about it, he said that he could not account for it. Who should account for it? We should move fast and ensure that this guy appears before the PAC to account for the Kshs100 million that was given to the Authority.

I would like to once again thank my namesake, Hon. Ferdinand Waititu, for bringing the Bill to the House so that we can have a leaner board to run the Authority in a more effective way. With those remarks, I support.

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

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

The Temporary Deputy Speaker (Hon. Omulele): Let us have the Member for Saku, Hon. Ali Rasso.

Hon. Dido: Thank you very much, Hon. Temporary Deputy Speaker. I rise to support the amendment Bill. The appointment of Lt-Col (Rtd) Githiria as the chairman of NACADA provides a watershed in terms of providing good leadership to the institution. Lt-Col (Rtd) Githiria takes to the board a wealth of experience, having served in the Kenya Defence Forces (KDF) for many years and also being a star officer who retired at the peak of his career having achieved all that could be achieved by an officer of that rank. If supported, I am sure he is going to deliver as the chairman of this organisation.

Drugs, alcohol and substance abuse are major threat to our youth. With availability of money and many Kenyans moving to the middle class, one of the pastimes is when people try to test substances and drugs. If we have good laws for NACADA, then I believe we should enforce them so that drugs do not destroy our society. As you may have noticed, in the recent weeks there was talk about peddling, selling and running of drugs at the Coast. While the importance of that message to the people of Kenya cannot be gainsaid, the noble voices were lost in the hullabaloo of politics. At the end of the day, politics took over and what would have been a noble war against drugs was lost. People thought that individuals were being targeted for the purpose of politics.

The issue of the board is at the centre of this amendment. Any board that is put in place is as good as the organisation. If the board is weak, consequently it will not provide the necessary guidance in terms of policy and enforcement of matters within the institution. At the end of the day, the board just becomes a gathering of individuals coming for allowances rather than giving it direction and shape to enforce its mandate.

In terms of numbers, if we say that we will reduce the numbers and that the current numbers are very many or unmanageable in terms of the board reaching a decision, then the recommendation that the board should have nine members must be seen to have value for

money. What will the nine board members do that the 15 were unable to do? I support the reduction of the numbers. However, it must also be clearly focused on who should form the membership. The members must be picked based on appropriate qualifications to guide NACADA.

The other issue on NACADA is about funding. The USA's Drugs Enforcement Administration (DEA) is one of the most powerful institutions in that country. This is to do with funding and manning in terms of the right personnel and the mandate. If we want NACADA to be successful, we must look at it in the fullness of time. It has a very serious purpose, particularly in assisting and making sure that our cities and youth are free from drugs and substance abuse. I support the Bill because of church organisations and the Council of Muslim Imams who will form part of the advocacy group. The NACADA has to do with the social setting of our country and communities. Once we take it to churches and mosques to be part of the advocacy group, then they will pass messages, so that it is not just the institution of NACADA or the Government that is vested with that responsibility, but it is owned by the nation of Kenya at every level.

This board must be tough on licensing, particularly of alcohol. Currently, harmful alcoholic drinks are cheap. For example, the *kumi kumi* that are available at every street corner even in small towns across this country. These are consumed by very young boys and sometimes girls. But if we are tough on licensing, we are likely to kick this habit out of the society.

Finally, the issue of drug, substance and alcohol abuse is inextricably linked to HIV/AIDS where youngsters easily engage in unsafe sex or those who use needles exchange the needles and drugs without taking the necessary precaution. For that reason, I thank Hon. Waititu for the Bill.

I beg to support.

The Temporary Deputy Speaker (Hon. Omulele): Hon. Alice Chae, Member for Nyamira.

Hon. (Ms.) Chae: Thank you, Hon. Temporary Deputy Speaker, for the opportunity to also add my voice to the debate on the Bill. I thank Hon. Ferdinand Waititu for bringing it and I support it.

To reduce the board members from 15 to nine is good, but a lot more is expected so that we can feel the Authority across the country. Drug abuse is everywhere in the country. Where I come from, we do not have a rehabilitation centre. Professionals, youths, husbands and even wives have been victims of drugs and substance abuse. We have to take them very far for help. Many people are involved like churches and other organisations.

Therefore, we need to strengthen the mandate of the board to ensure that it is effective and its impact is felt across the country. We will not ensure that this is done if this House will not give adequate resources to ensure that they have enough money to be effective as they are supposed to be.

When people have messed themselves up, it is not their wish, but they find themselves to be victims. There is a way in which we are supposed to treat them. This means that the board and the secretariat must ensure awareness creation is done, so that people can know how to treat the victims as sick people and not reject them. So, the Authority will only be effective if it is given money to establish rehabilitation centres across the 47 counties. This will enhance correctional measures to the victims.

Victims need to be rehabilitated, but they are instead jailed. This means that our correctional measures are inappropriate. The board must ensure that only the products that are fit for consumption are available. There is a problem when there is a lot of illicit liquor in the

market. With the reduction of board members, there must be a secretariat that understands how the victims ought to be rehabilitated and reduce drug addiction in the country.

We should ensure that the Authority is given enough money to perform its mandate.

I support.

The Temporary Deputy Speaker (Hon. Omulele): We shall have the Member for Meru. Hon. Kajuju.

Hon. Kajuju: Thank you, Hon. Temporary Deputy Speaker for the opportunity to support the amendment brought by Hon. Ferdinand Waititu.

Boards are supposed to make policy decisions which are supposed to be implemented by the secretariat. From my experience, if you have a very big board, it is not possible to have a meeting of the minds where policies that are important to the people can be passed. I support the fact that we are reducing the membership and ensuring that whatever policies they make can be implemented by the secretariat.

The NACADA is a very important body in this country. Our unemployed youth abuse drugs. So, we need to look beyond policy formulation. What is it that we are doing to ensure that whatever policies are passed are implemented not just at the boardroom level, but deep down to the county level? The youth are the future generation and we cannot afford to let them go especially when it comes to drugs and alcohol abuse.

Some laws are passed by county assemblies and some levies are levied on businesses that deal with the sale and consumption of alcohol. When NACADA comes in, there is a lot of conflict between the laws that guide NACADA and those that are passed at the county level conflict.

There seems to be lack of proper regulations when it comes to issuance of licences to bar operators and any other persons who is handling alcoholic products. Even as we collapse the board to a manageable size, they should look at the issue of issuance of licences between NACADA and county governments as that is where the problems lie.

We have not found a proper implementation mechanism at the county level. When NACADA comes in to regulate the issuance of licences, there is a lot of conflict between the two bodies. Even as we look at the composition of the board, we need to go further and ask ourselves about the implementation process between the county governments and NACADA. We know that public funds are channeled to NACADA for them to deliver on their mandate. A lot of money has been pumped to NACADA, yet we do not see that money when it comes to educating the youth. We have severally applied to NACADA to come to our counties to sensitise the young people on issues of drugs and the effects of drugs, but this does not happen. I have never seen NACADA doing any public participation and sensitisation at the county level.

Time has come for NACADA to get down to the grassroots and talk to our young people and all the stakeholders in this industry, so that even the mega producers of alcohol such as the East African Breweries and Keroche can come in and do corporate social responsibility (CSR) to support the youth. This will make our youth better informed and there will be reduced use of alcohol in our counties.

I support this amendment.

The Temporary Deputy Speaker (Hon. Omulele): Very well spoken, I get you to be looking at the efficacy of the structure of NACADA as it is *vis-a-vis* the devolved units. That is a valid point and it is appreciated. We shall have Hon. Millie Odhiambo.

Hon. (Ms.) Odhiambo-Mabona: Thank you, Hon. Temporary Deputy Speaker, for this opportunity. I thank Hon. Waititu for bringing these amendments. I partially support, but

partially do not support the amendments. I know that the aim of these proposed amendments is to ensure that the Act conforms with the Presidential taskforce recommendations that requires a minimum of three members to a maximum of nine members to sit on a board for purposes of efficacy, efficiency and reduction of public expenditure.

Even as we are doing that, we are to ensure that we conform to the Constitution. However, we should not compromise on quality and the intention of the law. This is a law that sets up NACADA. The majority of the people who are affected by alcohol and drug abuse are young persons. We know there are older persons who are affected, but the majority are the young. Because of that, I am concerned that the amendment seeks to remove the CS for Education, Science and Technology, the PS in the Ministry for the time being responsible for children and youth affairs. It seeks to remove one person nominated by a representative organisation working with the youth and appointed by the CS. What will be remaining are PSs from other ministries other than the core ministry which relates to persons who are affected by drug abuse.

My recommendation to Hon. Waititu, who unfortunately is not here, and I wish he was here, is to bring an amendment to Clause 6(1)(a), so that the appointment of the chairperson is from persons nominated. In that way, we will kill two birds with one stone. So, the chair does not have to be an extra person. As the law currently provides, it means that a chairperson is counted as a separate person.

Secondly, looking at Clause 6(1)(h), it proposes that the number of persons appointed by the CS be reduced from three to two. Those mentioned there are healthcare providers, yet they are already provided for by a person who is nominated by the Medical Practitioners and Dentists Board, researchers, policy and legal practitioners, media and communication professionals, educationists, security, safety and environmental experts. The security expert is also already provided for. If I was to rank in terms of expertise the persons we really need, I would not focus on communication professionals, legal practitioners and researchers above an educationist or a person representing the youth.

I would suggest that Clause 6(1)(h) provides only one slot which should be given to a person representing children and the youth. Then the other slot which will be saved by the chairperson being appointed from the nominees would go to an educationist. They are the ones who are concerned about curriculum development and issues pertaining to children. Sometimes, if we do not have these sectors, the focus is lost. That is why you find dealing with issues of alcohol and drug abuse have been lopsided because we have not focused on the areas we need to.

Many of our young people are being destroyed by drugs and we need to focus on rehabilitation centres. When this Bill was brought in the last Parliament, it was discussed by the Members of Parliament (MPs). One thing which was clear is virtually every household has a person who is addicted to alcohol or drugs. The response that the Government is giving is not sufficient. We need to deal with it as an issue of national crisis, maybe with the same level of urgency that we dealt with it when the President made a declaration in relation to certain parts of the country, of course, respecting the rule of law because that action did not respect it. That level of action needs to be countrywide because it is not only Central Kenya and the Coast which are affected by alcohol and drug abuse. It is a countrywide problem. The same level of urgency and seriousness that has been shown in those two areas should be shown to the rest of the country. I, therefore, support, but with the proposed amendments that I have suggested.

The Temporary Deputy Speaker (Hon. Omulele): Hon. Millie, those are very salient amendments. It will be beneficial to the House and nation if you were to make them at the Third stage of this Bill, so that we do not continue losing the youth.

We shall now have Hon. Manoti, Member for Bobasi.

Hon. Manoti: Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity. First, I want to thank the Mover of this very important Bill. As we all know, we are losing a big number of our youths because of alcohol and drug abuse. A number of businessmen who deal in drug trafficking have made a lot of money and we have lost our youth. From my observation, as a country, we have not taken any steps to come out openly to stop drug trafficking.

You find that we have very few rehabilitation centres and most of them are in Nairobi and a few in Mombasa. The whole country is affected and I would suggest that all counties should have rehabilitation centres to deal with this problem. Our chiefs can be advised to carry out seminars in their respective areas to advise the youth against alcohol and drug abuse. The same can be extended to our churches where the youth go on Saturdays and Sundays to have special sessions on alcohol and drug abuse.

If you go to many towns especially in the evenings, the youth are on the streets. We will lose our country if we do not control this problem. The youth will be lost and the country will not have people to run it in future. The number of the board members should be reduced to nine. Usually, they do not have much to do since their work is just policy making and they should be reduced to three. We should have people managing alcohol and drug abuse at the sub-county level to help control the problem.

Hon. Irea: On a point of order.

The Temporary Deputy Speaker (Hon. Omulele): Hon. Gideon Irea, what is out of order?

Hon. Irea: On a point of order, Hon. Temporary Deputy Speaker. We are blaming alcohol too much, but if we created employment, we will not find youth loitering in towns. If you go to Meru, you will find Asians conducting businesses there. You do not find their youth loitering in town. The Government should look for ways of creating employment. The NACADA should not say that alcohol and drug abuse is the main reason why the youth are loitering in towns. The statement by Hon. Manoti is misleading that when you go to towns, you find the youth loitering because of alcohol and drug abuse. This is because they have nothing to do.

The Temporary Deputy Speaker (Hon. Omulele): Hon. Gideon Irea, I do not think that is a proper point of order. Let us proceed, Hon. Manoti.

Hon. Manoti: Thank you, Hon. Temporary Deputy Speaker. That was not a point of order. He just wanted to issue a statement and he could have waited for his turn to do so. That is why you find most of our youth loitering in the streets at night buying uncontrolled drugs and alcohol in our bars. Since this is a big problem in our country, we should encourage the Government to put in place strict measures against people who sell these drugs.

With those few remarks, I support the amendment Bill.

The Temporary Deputy Speaker (Hon. Omulele): Let us have Hon. Shakila Abdalla, Member for Lamu.

Hon. (Ms.) Shakila Mohamed: Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to support this amendment Bill. I thank the Member for bringing this amendment Bill.

I fully support the reduction of the NACADA board members. As we are all aware, the drug menace should be declared a national disaster. Every household in every part of this country is affected one way or the other. I want to give you an example of where I come from in the Coast region and mostly in Lamu. In every four homes, there is a drug victim. As much as we want to blame the Government or NACADA for not doing much, we, as a people, the community and the Government, can do our bit too.

To start with, NACADA is a toothless organisation. It does not do much as far as the problem of drug abuse is concerned. It is not felt much anywhere in the country. It operates in boardrooms. We need an organisation which can actually be felt on the ground and deal with this menace. The results will be seen all over the country. The Government should start dealing with this drug problem by targeting the dealers instead of the addicts. About 80 per cent of prisoners are drug addicts as opposed to the drug dealers. Why is the Government targeting addicts who are sick people who need treatment and help instead of targeting the dealers who spoil the youth and the country as a whole? The NACADA needs to come up with a programme to educate the youth on drugs and help them to stop using drugs. As at now, NACADA has no programmes in place to rehabilitate the addicts and empower them on the effects of drugs.

The drug problem is the elephant in the room. Sometimes you realise that Government officers are involved in the drug problem. They protect the dealers and are paid by them. That is why we cannot eradicate this problem the way we want and deal with it once and for all. We can reduce the membership of the NACADA Board, talk a lot and come up with many Bills, but if the board has no teeth and resources to do its work, I am not sure whether we will get anywhere as far as this problem is concerned. The Government should wake up and come up with a strategy of saving our youth whom we are losing to the drug abuse menace. We are losing youths with a lot of potential to drive this country to another level to the drug and alcohol menace. The Government has buried its head on this particular issue, more so, by dealing with the drug dealers instead of dealing with the addicts.

I support the Bill. However, the Government should do more to deal with the effects of drug abuse instead of just creating a NACADA Board as an excuse yet it is not doing the job as required.

The Temporary Deputy Speaker (Hon. Omulele): Let us have Hon. Samuel Ndiritu, Member for Gilgil.

Hon. Ndiritu: Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute to this Bill. I support the Bill, but only to the extent that it reduces the number of directors to conform to the law. I congratulate Hon. Ferdinand Waititu for bringing the Bill.

It gives us an opportunity to talk about the major duties that we feel NACADA should perform. I do not think there will be much difference if we do not go back to the law and the Bill itself and find out why we have heard so much about NACADA, but on the ground, there is not much to take home. First of all, we remember NACADA because of the person who initiated the NACADA law, Hon. Mututho, who later became its chairman. We heard so much about it at that time and everybody knew the Mututho law. We all talked about it. How much information about it reached the ground? I heard somebody talk about its public participation, but rather than talk about public participation, I would talk about how much it has educated the masses on the ground and created rehabilitation centres where it can take care of drug and other substances addicts. We have only heard of it in the news and seen some advertisements, but we have not seen it quite act on the ground.

In Gilgil, we provided land within the hospital. Our hospital has huge land and we said that we would sacrifice part of it to put up a rehabilitation centre. Further to that, we had approached the former county council government and it allocated land which was grabbed and NACADA could not do anything about it. We are still fighting the grabbers. If NACADA had seized the opportunity, it would have made a lot of difference to the young people in Gilgil and elsewhere in the country.

In 2015, His Excellency the President gave us an order to lead in the campaign to destroy illicit brews that had mushroomed. I congratulate him. Maybe, the first thing that we should do now is to go back to the NACADA law. The NACADA law allowed local brews as long as they passed the test. A law was made and it started operating, but there was no capacity. It is only in very few places, if there are any that I know of, where when you arrest a *chang'aa* brewer, you can pin him in court. If he is bold, he does not accept the offence and if he is able, he hires a lawyer. There is no way you can prove without the necessary laboratory test the contents of the *chang'aa* or illegal brew that has been taken by the police.

There were cartels which could hire lawyers to defend them and they always walked scot free. We need to look at the law to establish whether we have the capacity to enforce the good suggestions and proposals that it has. Secondly, there is conflict in the Constitution where licensing of alcohol is vested in county governments. County governments have looked at it as a commercial way of raising revenue. Virtually everybody has complained. I congratulate some women and men who have taken it up although women have participated in this more than men.

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

*[The Deputy Speaker (Hon. (Dr.) Laboso)
took the Chair]*

They have said that they do not want bars to be licensed in their areas.

Hon. Deputy Speaker, when we started fighting the people who were flouting alcohol drinking hours, we found that county governments had given all the bars restaurant status. Restaurants are supposed to open from 10.00 a.m. or 11.00 a.m. If somebody wants to sell alcohol outside the Mututho law, we should make licensing so punitive that it is only the places that are patronised by people who know what they are doing that can operate before alcohol drinking hours. We have no problem with people who can afford good alcohol. There was that problem. We tried, but failed. I have a court case with people who say they have county government licences, are in business legally and nobody should touch what they are selling. Although we used the Presidential Decree, it could not shield us from the law. If you say that it is an illegal brew, how are you going to prove that it is one if we do not have the capacity to do that?

It is time we made it mandatory for any alcohol licence to be endorsed by the NACADA Board, so that county governments are not driven by greed for revenue at the expense of our youth.

Finally, NACADA should concentrate more on rehabilitating, creating awareness and using peer groups so that they can reach the people who have been affected by drugs and alcohol.

I support the Bill. Thank you very much for the opportunity.

Hon. Deputy Speaker: Hon. Grace Kiptui.

Hon. (Ms.) Kiptui: Thank you, Hon. Deputy Speaker for giving me this opportunity. I rise to support the Bill moved by Hon. Waititu. It will go a long way in ensuring that we are within constitutional boundaries of ensuring that board members are reduced from 15 to nine. That is a point every Member has spoken about and I concur.

When it comes to NACADA, we oversee it. We have ensured that they have enough money in the Budget to carry out their mandate. In the past, they had been complaining about lack of money. However, we know that as a country, we are doing our best to control excessive consumption of alcoholic drinks which affects performance of people in our country.

In developed countries, alcohol is consumed like any other meal. This is as a result of education provided by their governments that alcohol should be taken with food and not excessively. Some of them take their drinks in their houses and it is limited to that extent. We have a long way to go as a country in educating our people to take alcohol with food.

The other issue is about understanding. Most people condemn alcoholics instead of sympathising with them. It is important that we should regard them as sick people and have sympathy instead of condemnation and try to take them to rehabilitation centres however small they are so that they can get out of that situation.

I support the Bill.

Hon. Deputy Speaker: Hon. Onyango Oloo.

Hon. Oyoo: Onyango K'Oyoo. Thank you, Hon. Deputy Speaker. I want to commend the efforts by my good friend, Hon. Waititu, in trying to come up with a new framework of how NACADA can be run. It is not enough to reduce the number of appointees or those who are going to run the board because this will only enable the Government to control the wage bill, which to some extent has been the clarion call of the Jubilee Government in words, but not in deeds.

The drug menace is a reality and the people targeted here are our youth who are the fabric of society and who will step in when we step out. Unfortunately, like many other schemes that come out and the Government starts with a lot of gusto, we have taken the war on drugs and excessive alcoholism with a lot of play. Not much has been done to practically get this menace out of our midst for the better of our future or posterity.

Mechanisms must be put in place to make sure that there is proper follow up in drug recuperation areas. Those who are going through the process of recovery should be followed properly and the Government must have a proper budget to favour the recovery centres. The war against drugs is not going to be won by very frivolous conferences in high end hotels and resorts because the people targeted are the downtrodden in the rural areas. There are people who are affected by excessive consumption of *chang'aa* and drugs. Mainly, those affected are lured towards this path because of poor economic times. The Government is doing very little despite having promised to provide and create jobs for the youth. They are going to ask for votes again without showing that this was something they meant. Our boys who have gone to schools are zombies in the rural areas because there are no jobs and efforts are not being made to create jobs. The Government and leaders have taken a lot of time in propagating political propaganda as opposed to effective job creation mechanisms.

Whereas I hope this Bill is going to create an avenue for controlling excessive consumption of alcohol and drug abuse, I think the suppliers will be targeted. People who venture into drug business have good connections with the ruling mandarins. Of late, we have been discouraged and disheartened, those of us who mean well for this country, when people who are supposed to provide leadership, give direction and take action so that those perceived

drug peddlers or businessmen can be put behind bars, have taken a lot of steps in politicising the issue so that people are only perceived to be drug pushers, peddlers or users if they are on the other side of the political divide. We have been made to understand that our leaders are perhaps the drug pushers. If tomorrow we hear they have defected to the Jubilee Party, they will become clean people doing very good businesses. This is not the way to control the menace that we face. We need to be very active and make sure that we do not mix the war against drugs and excessive alcoholism with politics.

Hon. Deputy Speaker, I am incensed by excessive alcoholism. Some time ago, it was reported that there was excessive consumption of the second-generation alcohol in the country and Central Kenya was most ravaged. The Government of the day took a lot of interest in controlling this and they were in charge. My colleagues here from Central Kenya were mobilised. They went upcountry to campaign against it. The leaders of this country took charge and made sure that this menace was controlled or eliminated. We liked the spirit. We only believe that this spirit should not only be concentrated in Central Kenya but in the whole of Kenya.

There are signs that the excessive alcohol that was consumed in Central Kenya was controlled and nearly stamped out, but huge chunk of it may have been taken back to western Kenya. Our children are now slowly being lured with that second-generation alcohol. They are also Kenyans. We are pleading to the same leaders that Kenya is one. Irrespective of the political affiliation of the people that we represent, the leaders should also help us and move with gusto to stamp out excessive alcoholism, more so, the spread of the second-generation alcohol in our country. They should make sure that our youth are allowed to grow up as responsible citizens. I hope the Government, after this Bill is passed, will ensure that it is not going to create job opportunities for members of the Jubilee tribes, but for all Kenyans who have the knowhow to help curb excessive alcohol consumption and drug abuse. This should be stamped out of this country.

Otherwise, I want to support and commend once more my good friend, Ferdinand Waititu, for coming up with this Bill. I only want to insist that those who are charged with the responsibility of implementing the Bill should make sure that after we have passed it, it will be implemented to the letter. It should be made to create a difference in our society. I support.

Hon. Mwangi: Thank you, Hon. Deputy Speaker, for giving me this chance to deliberate briefly on this Bill, which has been brought by my good friend, Ferdinand Waititu. If there is anything which is killing our youth, it is the use of drugs and alcohol. For quite a long time, we have been trying in vain to fight it in Central Kenya in order to eradicate it, but our biggest hurdle has been NACADA. This is one of the authorities that we have in this country which do not have teeth. If we have to control the use of drugs and have a future for the youth, it is high time we started having a body or a department of the police, which shall be walking around with the Authority to make sure the alcoholic law is adhered to.

Whatever else we have been trying to do as the national Government has been crippled by the laws and rules of county governments. County governments issue licences to bars and restaurants as if they are giving out licences for kiosks. It is high time we started controlling it because we have to control the future of our children. It is also suggested that we have a counselling body. It is not only by jailing that we can control alcoholism, but we can also try to give counselling services so that we can make sure that those who are addicted get back on their feet. We have seen it happening in our country. We had alcohol addicts in Murang'a, but some of

them are good people today. They are doing good jobs. We commend the county government of Murang'a for what they did in establishing rehabilitation centres when the President took charge. I agree with Hon. Waititu, but at the same time, as a country, we need to look for ways and means of controlling the menace because it is killing our youth. We cannot have youth who are turned to cabbages by drugs and alcohol. It is a very serious case. When we go for meetings, you hear women crying that there are so many bars in a certain market place more than shops or churches. For us to know the appropriate number of bars in a certain area, we must know the population of that area so that we can understand that even if we are creating jobs, we are killing our people.

I agree with the provisions of the Bill. The amendments are coming at the right time. Even if we want to create jobs by starting factories using what we have, it is high time we started thinking about how to go back to what was used by our fathers, namely, our traditional beer. In Kikuyu land, the *muratina* should be controlled. It should not be seen as a crime to have *muratina*. We have *mnazi* at the Coast and *busaa* in Busia and other places. We should not be denied our tradition and culture.

With those few remarks, I support.

Hon. Deputy Speaker: Kabando wa Kabando.

Hon. Kabando wa Kabando: Thank you, Hon. Deputy Speaker. I also rise to support this amendment. From the outset, I congratulate Hon. Ferdinand Waititu who has been very active and passionate about the war on illicit brew and drugs. It is important to continue streamlining institutions for public service and, indeed, to make sure that they are properly aligned with the supreme law. Reports have been composed through the Executive in order to enable these institutions, first, to have the requisite capacity, two, to enable efficiency and thirdly, of course, to utilise public resources in a prudent manner.

While this amendment is important, I endorse it because it shows that the Mover is concentrating not just with the field activities to fight against the dangerous substances, but he is also intellectually focused to create the enabling institutional environment for those that are charged with the mandate to do it effectively and efficiently.

That notwithstanding, it is not institutions that do not exist, in this country, it is impunity or the corrupt merchants of drugs and dangerous substances.

Hon. Deputy Speaker, in the last Parliament where I was privileged to serve with you, a report was tabled before Parliament. Some of us made a call for the respective principals in the then Grand Coalition Government to crack the whip and punish those that had been mentioned or rather seek for their stepping down so that proper investigations, obligated by the law particularly the Public Officers Ethics Act, could take root. Nothing happened. It did not happen, it has not happened and it is unlikely to happen even with this amendment. It is good to have the law in place, but there is obvious and evident deficiency of the political authorities to fight ruthlessly the merchants of impunity in this country.

As I speak, from our homes, villages and from where we work, we suffer the menace of drug abuse because the perpetrators take it as a regular and legal trade. While we continue to jail chicken thieves and shoplifters, does it not worry us more that not a single individual is in jail for being involved in the trading of illicit substances? No one has been arrested. Except for the fear that mentioning names would popularize the individuals involved - and it would be unfair because we must commit ourselves to following the due process of the law - their identity is anybody's guess. From the Eastlands of Nairobi to the Central Business District, through to the leafy estates of Lavington, Runda, Muthaiga and Karen, there are centres of drug abuse, where

the sale happens. People have been caught, but it does not take long before the cases are frustrated.

Just like there is war on illicit drugs, so is the question of illegal trade in guns. Members of the political class have been brandishing guns with impunity in every part of the country. In Turkana, Baringo, Dagoretti and Embakasi, we continue to witness impunity among members of the political class. This shows how impotent the state is in terms of not being able to deal with them. No one is arrested. Even the firearms licensing authorities are not acting. While people engage in impunity in broad daylight, and such incidents are broadcast on television and published in newspapers, no action is taken. I support this Amendment Bill. I speak with a heavy heart because of everybody who is seated here. Many Kenyans appreciate that the question of illicit drug business is diminishing the security of this country and creating impotence among the generations that should otherwise be producing for this country - for their own welfare and human dignity. It is no longer secret that the education standards are very low in the coastal region of this country. While I appreciate that some efforts have been made in the recent past to address the situation, I urge that the talk in rallies about who is involved in illicit drug trade should stop. The leadership in the Opposition should stop telling us who is involved. Also, the Executive should stop telling us that it will arrest people. Instead, it should be telling us that people have been arrested, taken to court and jailed. It should be just like the shoplifters, drivers and conductors who violate the laws on the road. They are jailed. That is what we need.

I laud the spirit of this Amendment Bill despite the hurdles that exist. We were part of the efforts that happened nearly two years ago, where we went to our villages to seek the involvement of all the stakeholders – religious leaders, members of our communities and security officers – in the fight against illicit drugs and brews. The barons of impunity went to court to sue Members of Parliament from Central Kenya who were involved. Some of us were asked why we were fighting their companies, but we did not give a damn. You can make billions of shillings overnight, in a week, a day or a minute so long the environment you inhabit – be it residential or industrial – is not secure because of the energetic young people who are addicted to the drugs that continue to enrich you. Your pursuit for success in business is evil and will not give you glory or happiness. If you are rich out of poisoning other peoples' children, it means that you will not park your car in safety or travel to the countryside or the centre of the city safely because the population is not secure.

As I conclude, I want to reiterate that we need political will to fight that menace, particularly from those who are in charge of political parties and from the Executive. What we have seen is that, once one is mentioned, either the Jubilee Coalition or the CORD Coalition, as the case may be, congregates to protect one of their own. That does not pay anybody. This is a question of life and death. Families have shed tears because their relatives and neighbours have been committed to a life of uselessness and violation of law and ethics. I laud Hon. Ferdinand Waititu, who is my good friend and comrade in this fight.

I support.

Hon. Deputy Speaker: Hon. Leonard Sang.

Hon. Sang: Thank you, Hon. Deputy Speaker for giving me this opportunity to contribute to this Bill. I want to congratulate Hon. Waititu for bringing this Bill, which seeks to align the current Act with the Constitution. Alcohol issues cannot be over-emphasised. We have seen that drugs and alcohol abuse have caused a lot of problems to our people. A very big number of our young men and women are suffering. Being a medical doctor, I understand that drugs and alcohol have negative effects to the health of young Kenyans. Alcohol and drugs have

caused family breakages. We must appreciate the fact that, back in our constituencies, there are dysfunctional families because of alcoholism. If we give teeth to that Authority, then we will be able to tackle some of the issues in our families.

Hon. Deputy Speaker, we also understand that drugs and alcohol abuse cause infertility. Not long ago, the President took a step in the fight against alcohol abuse. He must have realised that families in Central Kenya were not having the numbers of children that were desired. Some families, probably, have few children because of alcohol and drug abuse.

Alcohol causes liver cirrhosis. Most of the patients with alcohol related complications have liver cirrhosis. This is a problem that causes the liver to shrink and the cells fail to grow. This leads to liver failure and people end up dying.

Alcohol manufactured by Kenya Breweries Limited is fair, but the second-generation alcohol brewed in villages cause ulcers. Most of the patients who approach us for treatment cannot even afford the National Hospital Insurance Fund (NHIF) cover. Another problem that is caused by alcohol is arthritis.

Lastly, there are issues of malnutrition. When you go around and see the problems that alcohol and drugs have caused to our population, it is actually pathetic. Most young boys and women who are supposed to contribute to our economy and build our country are wasted. That is because they rarely feed. Every morning, instead of going to work, they go to social places where alcohol, especially the illegal ones, is sold. In the process, they do not feed and that causes malnutrition. There is a problem called pellagra. Once this board has been put in place, I know it will perform its duties. It will reduce alcohol dependency and malnutrition will be a thing of the past.

It has been unfortunate. Illegal alcohol is being sold with illegal drugs. We have seen mental illnesses going up. When you go back to the streets and everywhere we go - although they say almost everybody is mad, but the level of madness differs, drugs and alcohol abuse cause mental diseases. Those mental diseases have caused a lot of untold suffering to most Kenyans who suffer from those particular problems.

I support my colleague. I have seen that a good number of ministries will be represented in that particular board. I have seen a representative from the Ministry of Interior and Coordination of National Government. Once we involve the chiefs and the Provincial Administration, we will ease the effects of those particular problems.

I know the board will definitely require some finances from the Principle Secretary (PS) responsible for Finance. Once that has been factored in, I know things will be sorted out well. The PS responsible for public health has also been included. We do not have a ministry of public health at the moment, but we have the Ministry of Health. I know Hon. Waititu will come with an amendment. When we use the healthcare workers, I know we will reduce that particular problem. The Ministry of Education, Science and Technology has also been represented here. We are supposed to educate our people to enlighten them on the effects of alcohol. Information is power. I know with time, people will know that if they take alcohol and drugs, there are bad effects. That way, we may succeed in reducing the uptake of alcohol and drugs.

I can also see the PS responsible for children and the youth. I started by saying that most of the people who have that problem are young. With the involvement of the PS responsible for children and young people, I know they will be engaged. With that engagement, we will reduce the problem.

Finally, I want to say that once the board is in office--- We have one now and it is not doing so well. They are average. I know that once this Bill goes through the Third Reading and the President assents to it, we will tackle alcoholism comprehensively.

I am happy to see the involvement of the religious sector. I can see here the Supreme Council of Kenya Muslims, the Episcopal Conference, the National Council of Churches of Kenya and other churches. Once we have the religious people on board, we will reduce the problem.

Thank you and I support this Bill. Once it is passed, most of our young people will be saved from the effects of alcoholism and drug abuse.

Hon. Deputy Speaker: Hon. Timothy Wanyonyi.

Hon. Wetangula: Thank you, Hon. Deputy Speaker. I also support this Bill. This amendment is about improving the efficiency of the board. The amendment will create some efficiency in the management of that important Authority.

I represent an urban constituency. I have come into confrontation with this reality about alcohol and drug abuse among the young people within the informal settlements in our neighbourhoods. We have seen young men and women who are wasted. They have almost totally become cabbages. They are wasted completely because of alcohol and drug abuse. This is something that we need to address as a country and society collectively, because it is eating away our young people in their productive age. We need to confront that monster, especially the drug peddlers. They are actually the ones who are selling drugs to our young population. It has also become a past-time for young people to retreat to alcohol whenever they are frustrated about anything.

Unemployment and poverty are driving our young people to drugs. It is very easy because it is just there for them. They can get it from their friends. If they are girls, they will get it from their boyfriends. You find people with small businesses. You do not even know what they do. But they are the people who are selling drugs to our young people. Unless we confront this thing, it is going to destroy this country. It is eating away our young population, both men and women. Before, it was a problem of the urban centres. Nowadays, it has gone even in the villages. You will find these things in the villages down there in the grassroots. It is a very worrying trend that we must confront as a country. It must come from the highest office – the Executive and all of us, as the past speaker has said.

We must confront it as religious leaders and learning institutions. It must even be incorporated in the school curriculum because this thing starts at the level when those people are in colleges.

So, amending the Act will improve the efficiency and performance of that board. I believe that we will be able to deal with these issues and even go down to the lowest level by devolving the functions of the board to the lowest level of management. We should have it at the county level and even at the village level, and have people doing civic education and showing people the exact effects of drug abuse on the health of somebody.

I do not know why we want to delete some of these amendments. Some of the proposed deletions may not be prudent. For instance, it may not be prudent to delete the Principal Secretary (PS) in the Ministry responsible for children and youth because children are the people we are trying to protect. I believe it is very important for the PS to be represented on the board. We will need to rethink this part of the amendment. We need to look at it properly during the next stage, so that we do not delete because we just want to reduce the board. We can reduce the board, but we should look for other areas to remove in order to improve it.

This country has very beautiful laws, but they are not helping us because the implementation is lacking. When it comes to the implementation of our beautiful statutes, something is amiss. We must look at what we must do to ensure that the laws are effective, and that they serve the purpose they are intended for. We do not want to legislate in vain. When we make legislations that do not bring any change or improvement in our society, we will not be helping anybody. We must look into the area of implementation to ensure that these laws are properly used so that we arrest the situation that we want to be dealt with. We saw the President come out openly to deal with issues of alcohol and substance abuse. One wonders whether we have legislation to deal with it. It is in our statutes, but we are not dealing with it properly. It must be taken down there. It is not just a matter of dealing with the users. We must also deal with the people who sell drugs to users as well as those who bring drugs into the county, with a view to cutting off the existing channels. How do drugs get into our country?

Other than the areas proposed for amendment, when the Bill gets to the next stage, we will have to look at it again and see if we can improve further to properly align it with the Constitution. We must not dilute it. We must make it more effective so that we can use it to protect our young generation. If we continue the way we are going, at some stage, this country will have a population gap. The people who are supposed to take over from the old generation will have been destroyed. This is something I am foreseeing. We have to confront it before it becomes too late. I have seen parents suffering. I have also seen people of the age of 25 years suffering. You find a young man or woman completely destroyed. He cannot do anything; he just sits there. This is a burden to our economy. Parents who invested heavily in such young person realize that they have wasted their wealth.

I thank Hon. Ferdinand Waititu for bringing this amendment Bill to improve the efficiency of the board.

Thank you for giving me an opportunity to support.

Hon. Deputy Speaker: Hon. Paul Koinange.

Hon. Koinange: Thank you, Hon. Deputy Speaker. I rise to support this amendment. I have been with people who deal in bad illicit brews and drugs. They do not understand why they should not do it. When I think about what has been happening with drug dealers and illicit brewers, I believe the pathway to win the war against drugs abuse is to seize the drug barons' property and freeze their bank accounts. That way, they will stop to deal in the businesses. Most of our children have got into the bad habit of drugs and brew abuse. People who do those businesses have no value for human life. That is why they continue to do that business without caring about our young people. If we have to save the generation of the youth, we should wage a war against the people who are involved in the business of illicit drugs and brews in order to save the youth.

With those remarks, I support the amendment Bill.

Hon. Deputy Speaker: Hon. Mary Wambui.

Hon. (Ms.) Munene: Thank you, Hon. Deputy Speaker for giving me this opportunity to support this amendment Bill. I know we have a big problem because our youth are not doing anything productive - they just drink. We also have a problem with people who sell drugs. The Government should deal with people who deal in drugs. There are people who act as beggars on the streets but, if you are keen, you will realize that they are not beggars. They are selling drugs. I come from Central Kenya. We have a problem there because young people do not work. All they do is drink and use drugs. We want the Government to take action. The board whose membership we are reducing to nine should go to the lowest level and work there.

We also have shops where drugs are sold to young people. We must establish where the drugs come from. The people who sell drugs are rich, and they do not care about the young people. I do not know whether they are parents. I am sure that some of them are parents. I cannot be happy when their children consume drugs. The use of *bhang* is also bad. There are so many people who think that, by involving themselves in the illicit drugs business, they will become rich.

I hope the board will do a good job. The Government must think about the future of our children. There are many youths in universities who are saying that there are no jobs. Drugs cannot be a solution. Employment does not just mean that you have to work in an office. There are so many things that one can do to get his daily bread. I hope the Government will ensure that the board does a good job. Kenyans need not to be frustrated because there are no jobs. There are so many things that they can do. I want to tell our youth that people do not begin at the top. People begin at the bottom and grow to become great business people. They should not think that because they are not working, they cannot go anywhere.

With those remarks, I support.

Hon. Deputy Speaker: Hon. Hellen Chepkwony.

Hon. (Ms.) Chepkwony: Thank you, Hon. Deputy Speaker. I rise to support this amendment. The problem of drugs and alcohol has destroyed this country. Our young boys who have finished school and even those who have not finished school indulge in drinking and drug abuse. It is high time our Government took major steps to fight this menace of drug abuse and alcoholism.

As I stand here, our generation, especially young boys, are having young families. The families are really destroyed because of alcoholism and drug abuse. The Government knows the people who are doing that business. We should act seriously so that those people are brought to book. You will find those drugs and alcohol being sold in front of security people. For example, the chiefs in the villages know where the wrong alcohol is being sold and they do not take any steps to make sure that the youth are protected. Even the investigators who are investigating drug trafficking engage in corruption to cover up the culprits. That way, we are really destroying our generation. If we continue doing this, in the next 10 or 20 years, our young generation will be completely destroyed.

We are grateful to our President and Deputy President who have taken the initiative to make sure that those who are involved are disciplined in the right way. For this Bill to go through, we need to support it heavily so that our generation can be changed.

As I speak, there are families who cannot get children because of alcoholism and drug abuse. We need to protect our generation. In Central Kenya, there are some places without nursery schools. The reason is that our young generations have taken too much drugs and alcohol that they cannot actually produce anything. Therefore, we need to fight this menace of alcoholism and drug trafficking. I do not think the drugs can reach Nairobi or other destinations without the knowledge of the security officers on our roads, in the sea and in the air. This amendment should take immediate effect.

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

Hon. Deputy Speaker: Hon. Ababu Namwamba.

Hon. Ababu: Hon. Deputy Speaker, we have been talking about drugs and alcohol for a very long time. I do recall that in the 10th Parliament, where you Hon. Deputy Speaker and I served, we had occasion to even discuss a whole report prepared by the US Embassy on matters of drug trafficking; a Report that even identified some individuals as being suspects of that very

evil, very destructive trade that has destroyed dozens, hundreds and thousands of our young people across the length and breadth of this Republic, and especially in our urban areas – and more so, in the coastal region towns like Mombasa, Ukunda and Malindi. Young people are completely destroyed because of drug abuse.

It is important that, as we debate this Amendment Bill, we should take a fresh look at exactly how NACADA has contributed to the control of abuse of drugs and alcohol. I would not hesitate to pass the verdict that NACADA has not been very successful. Therefore, this law should aim or purpose to tighten the screws and give that agency greater wherewithal, greater capacity to confront more effectively the menace of drugs, alcohol and substance abuse.

It is very important for us to enhance penalties for those found guilty of drug trafficking. We want to see persons who are suspected of being drug peddlers being classified in the same rubric as murderers, as killers; because they destroy lives. So, the penalties against persons found guilty of drug trafficking should really be severe. We must move away from a situation where some drug suspects are feted as rock stars and untouchables, maybe because with the monies they amass through that illegal, evil, destructive trade, they are able to bribe their way around the media and the legal system. We must find a way to deal with that lacuna. Therefore, we should tighten the penalties, improve the process through which we identify suspects of drug trafficking and actually taking action, not just talking the talk but, indeed, walking the walk of the war against drugs, alcohol and substance abuse.

On the question of alcohol, we need to be pragmatic and progressive. We know that in the neighbouring countries such as Uganda, the drink which is commonly or ordinarily called *Waragi* - or the drink commonly and ordinarily called *Konyagi* in Tanzania - is actually what Kenyans call *chang'aa*. It is exactly the same drink. The process of distillation that arrives at the production of that drink is the same. Yet, *Waragi* in Uganda and *Konyagi* in Tanzania is legal, safe and does not destroy lives. It does not cause any harm to those who consume it, of course, in acceptable quantities.

Let the law also be progressive and move towards a framework where, rather than blanket condemnation that leads to illegal handling of those brews, it can be changed so that we have an arrangement where brews such as *chang'aa*, *busaa* and *mrija* can be produced in a clean and controlled environment, can be packaged and put in the market in a very well-regulated manner, so that you avoid the underground behaviour that leads to very fatal consequences as we have seen in some parts of this country, especially the Central part. I hope that this law can be that progressive in providing a framework. We want to see *chang'aa* packaged and sold in bars and supermarkets as a legal, clean and safe drink, similar to *Waragi* in Uganda and *Konyagi* in Tanzania. That is the reality because you are not going to get rid of the consumption of alcohol overnight.

That is also providing an avenue to those who produce those brews to turn their businesses into commercially viable ventures. Otherwise, let us challenge NACADA that even as we provide legislation that can facilitate its work, let it deploy the legal instruments already at its disposal to be an effective agency in controlling drug substance and alcohol abuse. If this amendment can lead us on that path, then I definitely declare my support. Thank you.

Hon. Deputy Speaker: Let us have Hon. Wamunyinyi.

Hon. Wamunyinyi: Thank you, Hon. Deputy Speaker for giving me the opportunity to contribute to this important Bill. The lives of many Kenyans have been destroyed by addiction to drugs and alcohol. Therefore, it is important that we have a good law in place to control the excessive use of drugs and alcohol in our country. It is not just about the destruction of lives. We

have seen young children from primary schools and secondary schools engaged in drug use in this country. The use of drugs has broken families. Those employed have lost their jobs. Those in schools have dropped out. It has cost lives by some getting involved in accidents, committing suicide and many other undesirable acts.

The intention of this Bill is to strengthen the existing law so that the management of the process of drug control is undertaken in a smooth manner. I came in when my brother Hon. Ababu Namwamba was referring to some drinks that are brewed in our neighboring countries. Where I come from, the use of *chang'aa* is very high. I have personally witnessed my neighbours, friends, and relatives fall into the addiction of that substance and they are suffering greatly. People have not realized that addiction is sickness. It is a serious illness that must be treated.

It is high time we considered strengthening the management of such sick people through establishment of good rehabilitation institutions. That is because once one gets addicted, he or she loses control. They do not know anything else other than the use of drugs. In fact, in my area, those who are addicted to *chang'aa* “unlock” in the morning by taking a glass or a “*peki*”, which is half a glass. It is taken once in a gulp in order to “unlock” so that they can get normal.

People who are addicted cannot do anything until they take whatever drug they are addicted to. This is a very serious thing which is even affecting the economy of our country because people do not work. The number of addicts has been increasing day by day and those who benefit from the business enhance it by bringing in more drugs and brewing more alcohol. The measures which have been mentioned by my brother should be considered so that we deal with this issue of addiction. In some European countries, for those who use hard drugs or inject themselves, measures have been put in place to take them to rehabilitation institutions or hospitals. They are given a dose to sustain them as they are managed in the process of enhancing recovery from addiction. I think we should also take this as a very serious sickness and illness. It is something that people suffer from and our children are exposed everyday to drug traffickers.

This Bill that has been brought by Hon. Waititu, just seeks to strengthen NACADA by introducing a reduction in the number of the management team. We must also make further amendments to the existing law because NACADA has not been effective in implementing its mandate. We have seen people dying in families and such deaths could have been avoided if they were managed and taken to rehabilitation centres where they would be helped to get out of addiction. I lost my own brother who was addicted and was involved in drug abuse. We tried rehabilitation but it did not work and that is why I am speaking passionately. It is important for us to take measures which will ensure that our efforts to control alcohol and drug abuse are successful.

Other Government agencies, other than NACADA, that are responsible for dealing with this issue - for instance the police - have not done their work. In some places where they know that *bhang* is sold, they merely pass by there and the owner of the business tells them: “Business is not good today. Take this and go.” They take whatever they are given and that has seriously contributed to drug abuse. For them, *chang'aa* is big business. They collect “tax” where it is brewed and sold every day, and even from the dealers.

As we strengthen NACADA, we must also deal with the other Government agencies. The Government should put in place measures to control the officers who have dealings with drug traffickers. I appeal to Members that, as leaders, we must consider seriously the issue of alcohol and drug abuse in our country. We have seen lip service from the Government. Not much has been done because the people involved buy their way out when they are caught. We have seen

influential people, some of whom are in this Parliament, and others who are big businessmen, involved in drug trafficking. Stern measures and actions need to be taken to ensure that they are prevented from destroying the lives of Kenyans. They try to get people hooked - even those who are not addicts - so that the numbers can increase. I am told it is even sold in sodas and snacks and once you get hooked, you will then look for it. It is a serious issue which must be given attention by everybody and, particularly, the Government.

We should strengthen counselling in our country. We should devolve counselling, recruit more counsellors and devolve counsellors to the counties and grassroots. As we do this, we already have a Psychology Act in place. It will help to deal with the issue of counselling so as to help those that are affected.

Hon. Deputy Speaker: Lastly, let us have Hon. Anami.

Hon. Anami: Thank you, Hon. Deputy Speaker. I would like to contribute to this Amendment Bill with the view of partially supporting it and seeking to strengthen some aspects of it.

Drugs addiction in this country is a very serious matter. In fact, it has risen to crisis levels. The establishment of NACADA was intended to mitigate this and to heal this country, especially the younger people, from that menace of drug addiction. We are losing them. When we lose the young people, we are losing the future of this country. We would like to invest in the young people by way of character formation, productivity and enhancement of our living human values. But then there is this menace of drugs that waylays them and takes them away from the course of development. Sometimes, there is the issue of peer pressure. We thought that, that is the area where NACADA, in liaison with other agencies, would focus on to heal this country from drug addiction.

The systems that we use in the schools and the education process puts a lot of pressure on young people, especially adolescents to the extent that they find an escape in drug addiction and forming cliques amongst themselves, which are then used to promote drugs. The greatest challenge is the systems that we put in place to eradicate drugs, especially when it comes to the people that traffic those drugs. The people who are trafficking those drugs are the well-to-do. Most of them are the leaders of this country. When we come to deal with this matter, we do so half-heartedly. There is a lukewarm approach to things. We need to get serious as a Government and an institution so that we legislate in such a way that we do not have people getting away with that crime.

Sometimes, we use scapegoats like when we start attacking traditional foods and beverages which are there to guarantee sustainable development. Every community in the world has its own regime of foods and beverages. In my community, we have a famous brew called *busaa*. It is cultural and traditional. It has no harm. Actually, it is food or an enhancer of health. But anytime it is taken in excess, it becomes poison.

Hon. Deputy Speaker, we have *chang'aa* which also, if taken in excess, can be a challenge to the person consuming it, the society and the people associated with the person taking it. But, over a period of time, we have groups of people and individuals who have been brewing those beverages and have eked their livelihoods upon them and have educated their children from them.

We, therefore, need a balanced approach to this so that we do not throw those people off-board without alternatives. I would like to propose a legislation that provides alternatives for those people who are already used to brewing *chang'aa*, so that they can do something else which will help them get school fees for their children and eke their livelihoods. In Shinyalu, for

example, we have started a co-operative society for women where many of those dealers are investing. But, in the process, which should be gradual, we have the intervention of the police. Police have the tendency of capitalizing on the situation. They chase those women and get money from them. I am just hesitating to say that they obtain bribes from those women. This is extortion that must be taken care of. For me, that is even a bigger problem than *chang'aa* brewing. We have incidents - and I have said this in this House before - where very innocent women who have never ever attempted to brew *chang'aa* have been arrested by the police and money extorted from them. So, we need to look at all those aspects of management of drug addiction and alcoholism.

Alcoholics are sick people. We need to have a legislation that sympathizes with sickness. You cannot get hold of a sick person and take him to the police. Sick people should be taken to hospitals. So, we need to have rehabilitation centres dotted across the country to deal with that crisis so that people who are alcoholics can be taken for treatment or rehabilitation, instead of ushering them into police cells where their situation is made even worse. When they leave that place, they can do nothing else but just go to booze themselves off even more.

We need to inculcate good eating and drinking manners in our society by understanding, first and foremost, where we are coming from. Different communities have different beverages and they are served differently like *busaa*. If you remove it from some societies, it will be like killing them. When we remove it, there must be something else. Let us remove it gradually with alternatives to replace it coming in place gradually. Missionaries, churches and mosques have done this very well. I would like to commend the Quakers or the Friends Church in my community. They have wonderful programmes because it starts in the church. People are trained to take more tea than *busaa*. So, we need a balanced approach where we, as the leadership, should also not take advantage of the situation and gravity of this matter and start witch-hunting. There are aspects of witch-hunting where drugs are planted in people's homes and those people are hounded by the criminal investigation officers. That is not going to help the situation because it makes people resistant and respond negatively to the exercise of eradication of drug abuse and alcoholism.

I have a raft of amendments which I will kindly propose during the Committee of the whole House. But, at the moment, I would like to support the process of amending this legislation, so that it is able to serve Kenyans across board. Thank you.

Hon. Deputy Speaker: I want to end there. We have had almost 30 contributions on this. It will be responded to by the Mover when it is next on the Order Paper. I want to give these remaining few minutes to Hon. Chris Kiptui, so that we can make progress with regard to the Basic Education (Amendment) Bill.

Second Reading

THE BASIC EDUCATION (AMENDMENT) BILL

Hon. (Ms.) Kiptui: Hon. Deputy Speaker, I beg to move that the Basic Education (Amendment) Bill, (National Assembly No. 30 of 2016), be now read a Second Time.

We need to amend the Basic Education Act No.14 of 2013 to provide for the distribution of free sanitary towels to every girl-child registered and enrolled in public basic education institution upon the attainment of puberty.

This amendment is grounded in Articles 43 and 53 of the Constitution of Kenya. Article 43(1) provides for the highest standards attainable of health, including reproductive healthcare. Article 53(1)(b) provides for the rights of every child to free and compulsory education; whereas 53(1) provides for the right of every child to basic nutrition, shelter and health. It is in the furtherance of this constitutional provision that there is need to provide sanitary towels to every girl-child who is enrolled and registered in a public basic institution to enhance their reproductive healthcare.

Clause 2 seeks to amend Section 39 of the Act. It provides that it is the responsibility of Government to provide free sanitary towels to every girl-child upon the attainment of puberty, and who is enrolled in a public institution. That recognizes the right of every girl-child to education and proper healthcare and, in particular, reproductive healthcare. Section 33(1) of the Basic Education Act provides that every parent should ensure that their children are enrolled in school. However, some parents may not have enough money to purchase sanitary towels and that may cause the girls to miss school. The Government, by providing free sanitary towels, fulfils the obligation of ensuring access to education and reproductive healthcare.

Clause 3 seeks to amend Section 88 of the principal Act by providing that the Cabinet Secretary (CS) shall make provision for the acquisition of sanitary towels while preparing the annual estimates of the department. This is to ensure that funds are available for the purchase and distribution of sanitary towels. The Bill does not contain any provision limiting any fundamental rights or freedoms. The Bill does not affect the function of the county governments and, therefore, it is not a Bill concerning counties for purposes of our Standing Orders. The enactment of this Bill shall occasion additional expenditure to the Government.

I beg to move and request my brother to second.

Hon. Deputy Speaker: Who is your brother? There is no brother here. They are all hon. Members.

Hon. (Ms.) Kiptui: Hon. Savula.

Hon. Angatia: Thank you, Hon. Deputy Speaker. I thank the Mover for giving me the opportunity to second. As I second the amendments to the Basic Education Bill, I will state as follows:

Education is a basic right and basic rights need components like comfortability of the girl-child in terms of education. By providing sanitary towels to a girl-child, you give her comfort in that she can settle in a class and concentrate on her studies. Lack of comfort leads to inability to concentrate on classroom work and that leads to poor performance by the girl-child. You cannot compare a girl and a boy in real performance because sanitary towels are a basic need. We must pass a legislation to allocate funds from the National Treasury to schools to ensure that girls are provided with sanitary towels so that they can concentrate on their studies.

We should also amend the National Government Constituencies Development Fund (NG-CDF) Act to allow Members of Parliament to provide sanitary towels to those institutions. The NG-CDF Act is confined to particular public projects such that there is no room for allocation of money to boost girl-child education by providing them with sanitary towels. We need to look into means and ways of supporting the general sanitation of the girl-child, right from provision of sanitary towels to shoes and water while in school. If you educate a girl-child, you educate the entire society. We should focus on that philosophy. I want to request hon. Members to endorse these amendments to ensure that we have a comfortable girl-child in school come the next financial year, by fully providing her with sanitary pads, shoes and water.

With those remarks, I beg to second.

(Question proposed)

Hon. Deputy Speaker: We have two minutes to the rise of the House. I will allow Hon. Kimani Njuguna to contribute.

Hon. (Dr.) H.K. Njuguna: Thank you, Hon. Deputy Speaker. I wanted to contribute to the National Authority for the Campaign Against Alcohol and Drug Abuse (Amendment) Bill, but I still have something to say in support of the Basic Education (Amendment) Bill by Hon. (Ms.) Kiptui. When we talk about the issues of education concerning the girl and the boy-child, we must look at education holistically. We must look at the anatomy of the girl-child. The issue of sanitation is so basic that sanitary towels are necessary if we must promote the education of the girl-child. It is important to note that the girl-child faces a lot of challenges in terms of advancement in education. They are disadvantaged because there are days when they do not attend classes due to lack of sanitary towels. We must provide an enabling environment to the girl-child. Sanitary towels are basic necessities if we are to address issues and challenges facing the girl-child, and take into account the fact that some regions of this country are disadvantaged due to poverty. If we are to confront poverty through education in some regions, it is necessary for us to look into ways of providing sanitary towels to the girl-child as a basic right, under Kenyans' right of access to health services, which is a category of the human rights espoused by our Constitution.

ADJOURNMENT

Hon. Deputy Speaker: Hon. (Dr.) H.K. Njuguna, you will have your balance of eight minutes when this business comes up again on the Order Paper.

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

The House rose at 1.00 p.m.