

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 27th April, 2016

The House met at 9.30 a.m.

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

PRAYERS

QUORUM

Hon. Deputy Speaker: Can the Quorum Bell be rung?

(The Quorum Bell was rung)

Hon. Members, let us settle down so that we can begin business.

POINT TO ORDER

ALLEGED INTIMIDATION AND COERCION OF MPS BY FIDA-KENYA

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

Hon. Deputy Speaker: What is it, Hon. Nicolas Gumbo?

Hon. (Eng.) Gumbo: Hon. Deputy Speaker, I rise on a matter that touches on the Constitution. It is about the role of Parliament and the National Assembly. If you allow me, I would refer to a few sections of the Constitution. Article 94 is clear that:-

“(1) The legislative authority of the Republic is derived from the people and, at the national level, is vested in and exercised by Parliament.

(2) Parliament manifests the diversity of the nation, represents the will of the people, and exercises their sovereignty.

(3) Parliament may consider and pass amendments to this Constitution, and alter county boundaries as provided for in this Constitution.

(4) Parliament shall protect this Constitution and promote the democratic governance of the Republic.

(5) No person or body, other than Parliament, has the power to make provision having the force of law in Kenya except under authority conferred by this Constitution or by legislation.

Hon. Deputy Speaker, on the role of the National Assembly, Article 95(2) is clear that the National Assembly deliberates on and resolves issues of concern to the people. I raise these

issues because we came here yesterday, as a House, to discuss a matter that is of national importance which is the matter to do with the two-thirds gender rule.

The roles of Parliament are as I have mentioned. The unwritten law is that we exercise those roles without threats, coercion, undue intimidation or any form of undue pressure. Yesterday, we sat here and agreed to pass the two-thirds gender related Bill. I said that my conscience convinces me that enacting the two-thirds gender rule law is important for this country. I said I would do it. I want to do it because I believe it is the right thing to do. I do not want to do it because somebody from outside feels that I risk my political position if I do not do it. It is on that basis that I am very concerned about a message which was sent to Members of Parliament by the Federation of Women Lawyers in Kenya (FIDA-Kenya), which reads:-

“Dear Hon. Member of Parliament, The Constitution of Kenya (Amendment) (No. 4) Bill is coming up for voting on Wednesday, 27th April 2016. Please, note that voting for constitutional Bills is public. We will be watching and counting on you to vote the Bill”.

The wording of this message is not lobbying in as much as I know people are supposed to lobby for Bills. This is coercion and trying to threaten Members of Parliament to vote in a particular way. This is intimidation and is not acceptable.

I have said before that some of us want to vote for this Bill. We are prepared to vote for it because we believe it is the right thing for our country. That resolve notwithstanding, nobody in this country has the right to intimidate, coerce or arm-twist Members of Parliament to vote in a particular way. This is wrong. It makes those of us who believe in it find ourselves in a dilemma. When we finally vote for it, will we have voted because our conscience says so or because we are feeling that people like FIDA-Kenya are wielding a big stick over our heads? Where will we find ourselves? This is important because there are people out there who feel we are not concerned about the affairs of our female colleagues. This is wrong.

Recently, I saw an advert in *WhatsApp* of a man called Joseph Githinji. He wants to take the seat of my friend, Hon. Rachel Shebesh, which is the Women Representative for Nairobi County. Perhaps, what he is trying to express is that he may represent women more than a woman can. It is these issues that FIDA-Kenya is dealing with.

I want this House to really express itself on this matter. Are we going to sit here to be coerced and arm-twisted to vote on a matter which ought to be of conscience? Is this not a matter we ought to deliberate on because we believe it is the right thing to do?

Hon. Deputy Speaker, I ask for your guidance. I request you to give a chance to a few Members to express their position on it.

Hon. Deputy Speaker: Yes. Hon. Gumbo, you have brought in a very important issue. I believe Members may want to ventilate. I shall give a chance to Members to confirm the fact that this House is the legislative arm of the Government and that no one from outside should have the feeling that they can threaten or coerce you into doing what you need to.

Let us hear a few Members on the same. I can see Hon. Clement Wambugu.

Hon. Wambugu: Thank you for giving me an opportunity, Hon. Deputy Speaker. It is very sad. Like the former speaker has said, in this House, we vote based on our individual consciences after we analyse Bills and look at the way forward. It is not FIDA-Kenya only that has been threatening Members. This morning, I also received other messages from the Kenya National Commission on Human Rights (KNCHR). Any decision that a Member makes in this House should be after analysing whether the matter in question is for the benefit of this country.

Some of us have publicly said that we want the female gender to be on board for the sake of the development of this country. When individuals out there feel that we are not concerned and they go out circulating messages to Members of Parliament, it is not right. A ruling or a decision must be taken against some of these bodies. We are independent minded people. We are people of integrity. We know the right things and we have good intentions for this country. Nobody from out there should threaten Members that this is a public Bill or voting will be done in public and that anybody who will not vote for it will be penalised. A strong message should go out there.

People can discuss the merits and demerits of a Bill or an Act of Parliament for purposes of amendment, but they should not do so by threatening Members of Parliament to act according to their thinking.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Ababu Namwamba.

Hon. Ababu: Hon. Deputy Speaker, the very first Article in our Constitution reads that all sovereign power belongs to the people of Kenya and shall be exercised only in accordance with the Constitution. All sovereign power belongs to the people of this country.

(Applause)

Article 95(1) and (2) of the Constitution says that the National Assembly represents the people of the constituencies and special interests. It adds that the National Assembly deliberates on and resolves issues of concern to the people, respectively.

Hon. Deputy Speaker, when those two Articles are read together, Article 1 talks about the residual sovereignty of this nation as being the people of this country. That is an Article that is express and without equivocation. When read together with Article 95, it clearly says that we sit here to represent others and not ourselves. I do not sit here to represent Ababu Namwamba, but the people of the commonwealth of the constituency of Budalangi. In the capacity to represent the people, I can be lobbied, pushed or intimidated by those people. Lobbying of any nature or complexion is an established tradition in all democracies. People lobby. They use all means to influence the course of legislation.

In the USA, a country that is often used as a citadel of democracy, there are some very powerful lobbies like the gun lobby, the lobby that believes it is the inherent constitutional right of the American people to bear guns. It is a very powerful lobby. It uses all sorts of mechanisms and means to lobby the Senate and Congress not to interfere with the right to bear arms in the USA.

The message my honourable colleague from Rarieda has just read to us from FIDA-Kenya is, by any stretch of imagination, pure lobbying. Listen to that message and there is absolutely nothing unless you want to stretch the limits of the definition of “intimidation” or “harassment” beyond the known and defined meaning as we understand in the ordinary English language. Let us not make attempts to poison the atmosphere in this House in a bid to encumber a process that is at the very heart of the full implementation of our new constitutional order. The Bill that we are preparing to vote on is a long delayed responsibility of this House.

I want to tell my male colleagues in this House that higher representation of women in this House takes away absolutely nothing from them. In fact, it enhances the quality of representation in this House. When President Barack Obama visited this country last year, he

challenged this nation, and I believe it is a challenge to the whole world. There is no nation or society that makes any marked progress if it continues to block and prevent a critical mass of its population from contributing to the leadership of their country.

I am shocked, petrified and disappointed. I want to urge my honourable colleagues that we have debated this Bill and expressed support for it. Let us demonstrate that we not only talk the talk, but also walk the talk by voting for this Bill today. Let us end this drama and any attempt to poison this House.

I support this Bill and I want to urge this House to support it.

Hon. Deputy Speaker: Please, let us try to stick to the point of order that was brought by Hon. Gumbo. Hon. Sakaja.

Hon. Sakaja: My friend, the Secretary General of ODM, got carried away in supporting the Bill. There is no Bill before the House at this juncture. The Bill is likely to come for debate. I want to agree with him that the women of this country have for many years struggled to get this Bill to where it is. Therefore, I want to tell Hon. Gumbo that when he receives a text message like the one he received yesterday, it is lobbying. Yesterday, somebody was tweeting that if this Bill fails, they will make sure I do not become Governor of Nairobi, as if I am the one who will determine whether it passes or not. It is all understandable. When you have tried to get something for so long, you will go to all lengths to ensure that it passes.

I want to remind Hon. Gumbo that even as we sit in this House, we are not special beings that we can curtail the expression of those whose sovereignty we are exercising on their behalf in this House. They can tell us anything and they can lobby us. Article 10 of our Constitution enshrines the principles and values of public participation and inclusivity. What is happening is public participation.

However, I must recognise that the women movement in this country, for the past one week, has been more organised than before. All of them from the KNCHR, FIDA-Kenya, to the Forum for African Women Educationalists (FAWE), have gone to all lengths. We just hope at the end of the day, they will make the decision based on conscience. I would like to ask you to shorten this debate.

The tone being set by Hon. Gumbo is likely to jeopardise an objective look at this Bill by making Members agitated at those SMSs. Let us not go that direction. Let us close this discussion. Let Members be lobbied the way they can be lobbied and we vote on the Bill in the afternoon.

My Members from Jubilee are coming to support it. We stand for the two-thirds gender rule Bill as Jubilee. We are supporting it.

Hon. Ng'ongo: Hon. Deputy Speaker, I want to thank you for allowing me to contribute to this point of order by my friend, who is also my in-law, the Member for Rarieda, Hon. Nicolas Gumbo.

I want to start by saying that lobbying is accepted in any democracy. I also received this message from FIDA. Besides that, I also received a message from the KNCHR. I read the two messages. I want, again, to read Article 95(2) which Hon. Gumbo has read. It states:-

“(2) The National Assembly deliberates on and resolves issues of concern to the people.”

First, you need to ask yourself who those people are. The people include FIDA, KNCHR and the people they represent. If an issue is of concern to those groups or any other person in the

country, this National Assembly has a responsibility to resolve it. You can only know that an issue is of concern to a certain section of the society if they express that concern.

I read the text from FIDA and I understood it to mean that it is concerned with the passage of the two-thirds gender principle rule. It was, therefore, informing the National Assembly, as their representatives, that they will be watching. This thing is covered public and they will be seeing us. We must know that they have an interest and it concerns them. The decision we are going to take is of concern to FIDA, the KNCHR and many Kenyans, including the people of Suba and Rarieda. I have difficulty because Hon. Gumbo, who is my friend, has a lot of experience in Parliament. I am sure he has shared how the lobbying happens elsewhere in the world. It is not true that we cannot be intimidated. We can be intimidated because we are people's representatives.

When you represent someone, that person has a right to intimidate you, if he feels you may not do what he wants you to do. In fact, I expect the people of Suba and Rarieda to be sending me texts and telling me they will be watching me voting this afternoon. I want to speak as the National Chairman of ODM. As a party, we have taken a stand. The National Executive Committee of ODM has taken a stand. We have issued instructions to our Members that they stand whipped to support this Bill this afternoon.

Therefore, any Member of ODM must know that the position of the party is to support this Bill. There is no intimidation. It is about party whipping. We have whipped our Members accordingly. Therefore, I ask my brother, Hon. Gumbo, who is a very loyal Member of the party, that the position of ODM is that he is whipped to support the Bill this afternoon. Disregard the discomfort caused by any message coming from any quarter. He should take it from me, as the Chair of his party, that we must support this Bill this afternoon. I am talking about this without any ambiguity.

I expect The National Alliance Party (TNA) and the United Republican Party (URP) to support the Bill as well. The Wiper Democratic Movement, Kenya, (WDM (K)) and the Forum for Restoration of Democracy– Kenya (FORD (K)), as Coalition partners, support this Bill fully. Even the leader of the WDM (K) took his time last evening to be together with the Kenyans who are preparing to positively vote for this Bill this afternoon. That is the position of ODM.

Hon. Deputy Speaker: Thank you, Chairman of ODM. If Members are in agreement, I will take the advice of Hon. Sakaja. We do not want to cause more damage than good. The intention of the message was good even if it was not framed in the way you would have wished. I am sure FIDA and the KNCHR had good intentions even though the framing of the message may have rubbed you the wrong way. Let us conclude this debate. Let us have Hon. Njuki.

Hon. Njuki: Thank you, Hon. Deputy Speaker for giving me an opportunity to air my sentiments on this issue. I am perturbed to learn that ODM has a position on this. I belong to the Jubilee Coalition. I have not received any information on the same. I will vote with my heart and conscience.

Hon. Members: On a point of order!

Hon. Njuki: I will vote with my heart and conscience having in mind my people of Chuka/Igambang'ombe Constituency. No intimidation or lobbying can make me take a different stand. We have turned this issue into a debate on whether we will vote or not. I would rather focus on what Hon. Gumbo talked about because it is an issue about FIDA and what they did. Personally, FIDA has a very poor public relations (PR) team. If you are lobbying people, you do not tell them that you are watching them. You request them. You take them out for a dance by

requesting via SMS like the Members of this House did. You do not tell people that you are watching them.

We have no reason to worry. Members of Parliament have already made up their minds on exactly what they want to do with regard to the Bill this afternoon. I join my colleague, Hon. Gumbo, to say that what FIDA did is not right. The SMS from the KNCHR is better because they were lobbying. They urge Members to vote for the Bill because of the obvious reason that this is a constitutional right. We have to make sure that it is done because the Constitution requires so.

With those few remarks, I support the sentiments of Hon. Gumbo.

Hon. Deputy Speaker: Members, I urge that we put this to a stop. We are all speaking to ourselves. Some people are talking about conscience, others are talking about being lobbied while others about being coerced and intimidated. In totality, I believe the intentions of those two organisations were good. We want you to make the right decision. We are looking for the right decision.

Members, do you still want us to continue on this? Hon. Shebesh, do you want to contribute on this? She wants to say one word. Remember, the ladies have not spoken. Let us have one lady contributing.

Hon. (Ms.) Shebesh: Hon. Deputy Speaker, I apologise to Hon. Gumbo. Yesterday, when we were shown this message by our male colleagues, we were very disappointed with FIDA. We apologise to those whom we spoke to. On behalf of the women in this House, I apologise. That is not the language that should have been used. I want our male colleagues to know the kind of pressure we are under, as female Members of Parliament, especially from the civil society, who feel we are not doing enough.

We normally work together harmoniously in this House on different issues. Today, as we vote, we will depend on the rapport and consultations that we have had while debating this Bill. At no time did we want our male colleagues to feel intimidated. We want them to make a decision according to their conscience, party positions or whichever method we normally use on the Floor of this House.

On behalf of the Kenya Women Parliamentary Association (KEWOPA), I apologise. We made it clear to the Executive Director that we were not pleased. The Chairlady of FIDA also apologised to us. She said that the message came from the secretariat, which had not consulted properly. We apologise as KEWOPA.

Hon. Deputy Speaker: Let us have Hon. Naomi, the Deputy Leader of the Majority Party.

Hon. (Ms.) (Dr.) Shaban: Asante sana, Mhe. Naibu Spika. Langu lilikuwa tu kufuatiliza vile dada yangu, Mhe. Shebesh amesema. Ningeomba ndugu zangu watu wote radhi. Ningeomba msamaha kwa sababu katika hali ya watu kushindana, huwa mara nyingi watu wengine hukanyangana na kuumizana. Mimi naomba msamaha kwa niaba ya kina mama wote Kenya nzima. Nyinyi ndugu zangu naomba tusimame pamoja ili tutekeleze lile lililoko katika Katiba. Tafadhilini mutu wote radhi.

Hon. (Eng.) Gumbo: Nimekubali!

Hon. Deputy Speaker: Let us have the last word from the Leader of the Majority Party then we can conclude this.

Hon. A. B. Duale: Hon. Deputy Speaker, the Bill belongs to me. The person who should be offended by FIDA is Hon. Duale. I have never asked FIDA to intimidate or blackmail

Members of this House without consulting me. I apologise on behalf of FIDA. I have a very good family. FIDA deals with those who have problems in their families. I have been married to my wife for the last 20 years and she has no intention of going to FIDA. FIDA and the civil society groups have one role to play. In all democracies, they can lobby within the framework provided, but they should not resort to blackmail.

We all come from different communities. There are men from certain communities who can be blackmailed and intimidated. I am sure in the community that Hon. Gumbo comes from, men cannot be blackmailed. Hon. Pukose is also having issues. This is part of public participation.

I confirm that last night, I attended the dinner dance. I gave the position of the Jubilee Coalition. I want to go on record in the HANSARD. Hon. Muthomi Njuki is a Member of Parliament from the Jubilee Coalition, but he does not speak for the Jubilee Coalition. For now, I am the Leader of the Majority Party and the Jubilee Coalition. I am not coercing or intimidating anyone. I have been lobbying Members with regard to other Bills. This Bill is critical to our country. This is the position of the President, the Deputy President and our coalition. It is part of implementing the new Constitution.

This House has passed more than 40 other Bills to implement the new Constitution. Why should this Bill be unique? I humbly ask all of us from both sides, including Hon. Gumbo and Hon. Jakoyo, not to look at the sideshows by FIDA. They want to impress their donors. We have legitimacy and have been elected by the people of Kenya. We always make decisions. FIDA is not elected, they are selected in a boardroom. We were elected by the people of Kenya in broad daylight.

Hon. Deputy Speaker, protect me from Hon. Fatuma. She has worked at the KNCHR and is still carrying a hangover.

(Laughter)

She is still an ex-officio member of KNCHR. If you log onto social media, there were two groups of the civil society, namely, those for and those against the Bill. This is what we should encourage. When we vote today, let us rise to the occasion and do what the 9th and 10th Parliaments could not do. As the National Assembly, let us have the required numbers to pass the Bill.

Last night, I had a discussion with Hon. Jakoyo. He has shifted ground. He told me he has changed his position on the Bill. He told me that he had left where he was. Hon. Gumbo, my good neighbour and friend, who took his children to my constituency to see Kenya, is a great man. He does not deal with SMSs and sideshows because they do not matter. That is why he is a leader. People will scratch your coat even in our constituencies.

Therefore, we must have a high level of tolerance. Let us make sure we achieve what we intend this afternoon. I am sure Hon. Kaluma will also agree with me that this afternoon is a special day. The people of Kenya will be watching and we will be counted. I am sure all of us will rise to the occasion and will do what brought us here under Article 95.

Hon. Deputy Speaker: I believe Hon. Gumbo's point of order has been sufficiently ventilated. From the apologies that have been given, you can see that everybody may not have been happy with the wording, but as I said, the intentions were good. Maybe it was the way it was framed.

Let us leave that and move on to our next Order. We have a lot of business.

PROCEDURAL MOTION

EXEMPTION OF BUSINESS FROM THE PROVISIONS OF STANDING ORDER 40(3)

Hon. A.B. Duale: Hon. Deputy Speaker, I beg to move the following Motion:-

THAT, this House orders that the business appearing in today's Order Paper and that of Wednesday, 4th May, 2016 (Morning) be exempted from the provisions of Standing Order 40(3) being Wednesday Mornings, days allocated for Business not sponsored by the Majority or Minority Party or a Member belonging to the Majority or Minority Party or Business sponsored by a Committee.

The House Business Committee, and I am sure its Members who are here will agree with me, yesterday resolved to give priority to Bills with constitutional timelines that require Senate consideration.

When we look at the time remaining before we go for the long recess in May, which will be next week on Thursday, we realise that we might go before we hand over these constitutional Bills to the Senate. It will be in June and July and in the scenario where there will be need for mediation, we might not beat the August 27th deadline which is the last chance given to us.

Therefore, this being the case, this morning, we will consider the Second Reading of the Seeds and Plant Varieties (Amendment) Bill, National Assembly Bill No.43 of 2015. This is a constitutional Bill and concerns counties. This will also give way for the Committee of the whole House, in the afternoon, to deal with the Constitution of Kenya (Amendment) Bill No.2 of 2015, the Constitution of Kenya (Amendment) Bill, No.4 of 2015 and subsequently, other Bills as they appear in the Order Paper.

This being a Procedural Motion, I will ask Hon. Jakoyo Midiwo to second.

Hon. Midiwo: I second, Hon. Deputy Speaker.

(Hon. Mohamed Diriye and Hon. (Ms.) F. I. Ali stood on the aisle)

Hon. Deputy Speaker: Order, Hon. Diriye and Hon. Fatuma.

(Question proposed)

(Hon. Mohamed Diriye withdrew from the Chamber)

Members, do you want to speak on this or should I put the Question? Let me allow Hon. Diriye to exit. Exit, I have given you the time.

(Question put and agreed to)

BILLS

First Readings

THE PUBLIC BENEFITS ORGANISATIONS (AMENDMENT) BILL

THE KENYATTA MAUSOLEUM BILL

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

THE SEEDS AND PLANT VARIETIES (AMENDMENT) BILL

Hon. Deputy Speaker: The Leader of the Majority Party.**Hon. A.B. Duale:** Hon. Deputy Speaker, I beg to move that the Seeds and Plant Varieties (Amendment) Bill of 2015 be now read a Second Time.

As you are aware, the Seeds and Plant Varieties (Amendment) Bill is one of the legislation to be enacted by Parliament as required under Article 261(1) of the Constitution. It is part of the constitutional Bills that we must deal with before we go on recess.

As you will recall, this Bill was supposed to have been passed by 27th August 2015. It went through the First Reading in the National Assembly on 19th August 2015, but the National Assembly, in its wisdom, extended the time for its enactment.

This Bill is critical for the recognition and protection of ownership of indigenous seeds and plant varieties, both in their genetic and diverse characteristics and their use by Kenyan communities. There are specific seeds and plants that have special attachment, both in their genetic and diverse nature, to specific communities in our country. Their biodiversity and equitable sharing of the benefits accruing from these genetic resources and biodiversity require us to legislate for future generations.

This Bill, as presented before this House, seeks to facilitate the implementation of Article 11 of the Constitution, particularly sub-section (3)(b) and also the implementation of Article 69(1) of the Constitution, by amending Section 27(a) of the Seeds and Plants Varieties Act which is the principal Act, in order to provide for the establishment of a Plant Genetic Resource Centre. This is as a key institution responsible for conservation and for the regulation of access and benefit sharing of these genetic resources for food and agriculture.

Therefore, when we implement these Articles, we are also amending Section 27(a) of the Seeds and Plants Varieties Act. That gives us the opportunity to establish a body to be known as Plant Genetic Resource Centre to deal with the conservation and regulation in terms of how one can access and benefit from genetic resources.

Hon. Deputy Speaker, let me look at the salient features of this proposed legislation. It is a small Bill, but very important. That is why the framers of the Constitution felt that Parliament must do a legislation based on Article 261(1) of the Constitution.

Clause 2 of the Bill provides for the amendment of the Long Title of the Act in order to harmonise it with the amendment we are proposing to Section 27(a). Clause 3 proposes to amend Section 2 of the principal Act, so that we include the new definitions. Clause 4 proposes to amend Section 27(a) in order to provide for the establishment of the plant, Genetic Resource

Research Centre (GRRC). The centre will be established under Section 31 of the Kenya Agriculture and Livestock Research Act of 2013 read together with paragraph (i) of the Second Schedule to that Act.

This GRRC will perform additional functions in terms of the creation of advisory committees to provide guidance and advice in matters relating to plant genetic resources. It is a small Bill and I wish to request Hon. Members to support it, so that we can have a legislative framework for the recognition and protection of the ownership of indigenous seeds and plant varieties.

Some of these seed and plant varieties have communal, historical, cultural and medicinal values on a diverse communal interest across our country. If I speak for myself, despite coming from a semi-arid area, there are particular plants and seeds whose values are historically and culturally associated with the community. I am sure when you go to the mountainous areas, lake regions, the Rift Valley, coastal regions and the savannah areas, you will find various seeds and plants that are of cultural value. That is why this legislation is very important. They are used by the Kenyan communities and we must protect their biodiversity.

Finally, these communities must gain in terms of equitable sharing of any benefits accruing from the genetic resources.

I beg to move and ask Hon. Naomi Shaban, my deputy, to second. I hope we will conclude this Bill this morning, so that we slate it for the Committee of the whole House next week.

I beg to move.

Hon. Deputy Speaker: Let us have Hon. Naomi Shaban.

Hon. (Dr.) Shaban: Thank you, Hon. Deputy Speaker. I stand to second the Seeds and Plant Varieties (Amendment) Bill, 2015. It is clear that we need to align all the statutes in this country to the Constitution. Article 11(3)(b) states that:-

“(3) Parliament shall enact legislation to—

(b) recognise and protect the ownership of indigenous seeds and plant varieties, their genetic and diverse characteristics and their use by the communities of Kenya.”

To support that and to give more emphasis on the obligation in respect of the environment, Article 69 (1)(a) states:

“(1) The State shall—

(a) ensure sustainable exploitation, utilisation, management and conservation of the environment and natural resources, and ensure the equitable sharing of the accruing benefits”.

Hon. Deputy Speaker, the same Article 69(1)(b), (e) and (h) state:-

“(1) The State shall—

(b) work to achieve and maintain a tree cover of at least ten percent of the land area of Kenya;

(e) protect genetic resources and biological diversity;

(h) utilise the environment and natural resources for the benefit of the people of Kenya.”

This being a small amendment, it seeks to change the name of the resource centre, so that it can conform to what is in the Constitution. As we look at this, we know that agriculture has

been devolved. Most of the issues dealing with agriculture are at the county level. This Bill will also affect what happens at the county level.

As we go on to debate and enact this, issues which have been raised in this amendment are straightforward and do not require a lot of debate because we need to put it in conformity with our Constitution. I ask my colleagues to quickly go through this and pass it on to the Senate, so that it can meet the timelines and it is assented to, to become the amended law.

I beg to second.

(Question proposed)

Hon. Deputy Speaker: Let us have Hon. (Dr.) Robert Pukose.

Hon. (Dr.) Pukose: Thank you, Hon. Deputy Speaker for allowing me to contribute to this important Bill, namely, the Seeds and Plant Varieties (Amendment) Bill, 2015. The former Government banned the use of Genetically Modified Organisms (GMO) foods within this country despite the fact that we did not have any scientific evidence to prove that GMOs cause cancer. This was after somebody made a careless statement that led to the Cabinet making a hasty decision and banning GMOs. Up to today, that ban is still in place and has not been lifted despite evidence by our scientists.

The International Livestock Research Institute (ILRI) does a lot of research on genetics on both plants and animals. We also have Kenyatta University (KU) doing the same. The Kenya Agricultural and Livestock Research Organisation (KALRO) is doing the same. Despite the presence of all these scientists that we are training all over the country, the ban is still in place and we are not able to give them an opportunity to explore what they know and improve on the various issues that face this country. Some plants take a short time and give high yields with very little water in the drought-prone areas.

I am talking of areas that cannot produce food, but with little rain, they can. Genetic engineering has undergone a lot of modification. More often, when we talk about GMO foods or plants, there is a lot of scientific evidence. This shows they understand better what they produce, whether plants or animals. This may be through gene deletion, modification, substitution or other methods which scientists carry out.

Looking at many areas where plant varieties have undergone plant genetics, genetic components of plants are much more understood compared to a wild plant that nobody has taken time to understand. The genetic modifications they have done could either be resistant to certain infections, diseases and pests or withstand difficult weather conditions such as drought.

It is important that we pass this Bill and provide a framework in which people can engage deliberately. As we go into this, the Ministry of Education, Science and Technology, the Ministry of Health and the Ministry of Agriculture, Livestock and Fisheries need to sit down and discuss openly with Kenyans. This way, every citizen can access knowledge about genetic foods and animals and understand them better. That way, the people will not be carried away by a lot of disinformation.

With those few remarks, I support the Seeds and Plant Varieties (Amendment) Bill, 2015.

Hon. Deputy Speaker: Hon. Njogu Barua

Hon. Barua: Thank you, Hon. Deputy Speaker for the opportunity to contribute to the Seeds and Plant Varieties (Amendment) Bill, 2015.

From the outset, I fully support the Bill. It has come at the right time. The Bill is aimed at protecting genetic resources of our nation and by extension our nation's wealth. To start with, Africa is the most bio-diverse continent in the World.

For generations, Western countries have used Africa as a laboratory for plant genetic resources. In so doing, in some cases, we have ended up losing our genetic resources which have been patented elsewhere for purposes like medicine. The other issue of concern is modernisation of genetic engineering over time as we have been losing some of our indigenous varieties. These are food crops and other vegetation. The varieties that we have been losing are suitable for Africa Continent only. It is important for us, as a nation and as a continent, to ensure that we protect these resources, so that they do not disappear in future. The initiative to have this protection is a process that has been going on for many years by governments and civil society organizations, especially from the Third World countries.

The other reason why I support this Bill is because indigenous Kenyans have not been benefiting in anyway from the exportation of the genetic resources. We have resources like the *Neem* Tree which has medicinal value. The genetics of that tree has been stolen from us and patented elsewhere. These are genetic resources of high medicinal values.

I support this Bill. We should ensure that indigenous people and communities of Kenya benefit from these resources. When the resources are patented elsewhere in Europe, America and other Western nations, they are later on shipped back to us as refined products, expensive medicines and other products that we cannot afford. In essence, Africans end up buying these products at very exorbitant prices yet these are originally our resources. The Bill, once enacted into law, will ensure that this does not happen again. The Bill also proposes to establish a Genetics Research Resource Centre. The centre is going to be important because among other things, we expect it to coordinate research activities, regulate how far a foreign researcher can go in our environment and what to exploit and export.

Over time, people have been doing research in Kenya and Africa, but in disguise they do other things. They come to our national parks and forests as researchers and map out where these resources are and exploit them or use them for other commercial purposes. Time has come for us to take charge of our resources. We need to ensure that if genetic resources are shipped out of the country, then Kenyans should benefit from that commercialisation. This is big business for this country. We research in genetic resources, generate a lot of money and by extension increase the wealth of this nation.

As I wind up, I would like to call upon Kenyans to be cautious in protecting their resources. Africa is the richest continent in the world, but not the most prosperous. Other continents are prospering by exploiting Africa. It is high time we protected these resources for our own benefit.

With those few remarks, I support.

Hon. Deputy Speaker: Hon. Nicholas Gumbo.

Hon. (Eng.) Gumbo: Thank you, Hon. Deputy Speaker for the opportunity to contribute to the Seeds and Plant Varieties (Amendment) Bill, 2015. This Bill as has been explained in the Memorandum of Objects and Reasons, is aimed at implementing Articles 11(3)(b) and 69(1) of our Constitution. The aim of the two Articles is for Parliament to enact legislation to recognise and protect the ownership of indigenous seeds and plant varieties.

As we debate this Bill, it is still a major concern that food insecurity is very pervasive in our country. In communities such as where I come from, the issue of food insecurity is a

relatively new phenomenon. A lot of people now argue that part of the reason why we are having this pervasiveness of food insecurity in our nation is our obsession with exotic food stuffs and particularly exotic seed varieties.

As I was growing up in the rural Rarieda Constituency, the real foodstuffs that we used to take came from indigenous seeds such as sorghum, millet, cassava and others of that sort. There were several advantages with these foodstuffs. Most of these foodstuffs are not only hardy, very resistant and easy to grow, but they are also easy to store. In fact preservation of indigenous millet and sorghum is very easy because where I come from people simply use ash from cooking herbs to do so. This is something we need to do. It is not secret anymore that the moment we decided to migrate from focusing on indigenous seeds and indigenous food crops, food insecurity in our country became biting. That is why we are now having proliferation of lifestyle diseases.

As we debate this Bill, let us also debate it with a larger focus on food security in our country and look at what is ailing our country. Recently, I read a report that a lot of the food that we produce in this country is wasted. About Kshs50 billion worth of food that is produced in this country is wasted. As much as we talk about this, this debate will not realise much if at the end of the day it does not focus on how we can make our country food secure. I have argued here before that it is not possible to be a middle income economy, as we aim to build through Vision 2030, when every year we have to hold begging bowls in order to feed our people. Food is not just a basic human right; if you do not eat you will die.

The quest for us, as a nation should be, since we are just about 40 million Kenyans, with proper planning and putting systems in place, embracing indigenous seeds and encouraging our people to be more and more focused on indigenous seeds, it is possible, doable and noble to make our country completely food secure.

Hon. Deputy Speaker, as I said, storage still remains a major problem. We waste a lot of what we produce and the little that we produce is not enough to feed our people. There was a time in 2011 when there was real contradiction in our country. When maize was going to waste in Trans-Nzoia County, which is the bread basket of our country, people were dying in some parts of the country, particularly in Turkana County, which is not even far from Trans-Nzoia. If we can improve on storage and distribution networks, this obsession, like being told that we have to go the GMO way, would not be necessary. This will ensure that if one county has a bumper harvest, it can be easily transported to another part of the country. That is why you have seen even the opponents of the Galana-Kulalu Irrigation Scheme have been talking about irrigating a million acres of land. If we are to get the expected output from it, we should be able to, at least, produce 14 million bags of maize per season. Having two seasons with irrigation, we are looking at 28 million bags of maize. To a large extent, that will go towards addressing the food situation in the country. We will produce it, but look at that part of the country where maize is being produced, how do we evacuate what has been produced and get it to those Kenyans who need it more?

So, as we look at this Bill, let us look at the larger problem because ultimately, whether we want to go the indigenous seeds way or exotic way, the concern has to be that before we become a middle income country and a developed country, we must become food secure. The aim of any government must be to ensure that no Kenyan, wherever they are, goes to bed on an empty belly. If we cannot guarantee food for our people, all our development aspirations are in vain. Let us look at the larger problem, which is food insecurity in our country. Let us look at how we can come together as a nation to ensure that as we pursue our development blue prints,

with the hope of becoming one of the developed nations of the world, first and foremost we must guarantee our people that no single Kenyan, young or old, irrespective of where they come from, goes to bed on an empty belly.

I support.

Hon. Deputy Speaker: Hon. Kubai Iringo, you have the Floor.

Hon. Kubai Iringo: Thank you, Hon. Deputy Speaker for giving me this opportunity to contribute to this important Bill. I support the amendment, which will give more teeth to this Bill. Once we amend Clauses 11(3) and 69, we will achieve two main goals in ensuring that this Bill is in conformity with the Constitution. This is especially in the devolved part and to strengthen the planned genetic resource center. This Committee will play a vital role in trying to see how we can explore more on indigenous plants and seeds, which have been overridden by exotic plants and seeds that have been brought to us by foreigners and people who colonized us. In the process, we put aside particular seeds and plants that sustained Africans.

When we embraced exotic plants and seeds, which sometimes become very expensive to maintain because they require fertilizers and other husbandry to be compatible with our soils and climate, we forgot that we used to have seeds like sorghum, which were drought resistant. We have also forgotten about millet that is slowly becoming extinct in our farms. It was also a good drought resistant plant. We had plants like cassava, yams and other foods which Africans fed their families on. With or without rains, those crops could survive. We have not done any research or anything to keep them on our farms or *shambas*. We have been uprooting and neglecting them and going for the exotic ones, which could blossom very fast so that we can get value for them, forgetting that the ones we are ignoring are more nutritious, healthy and kept our people alive for many years.

There are many other plants which had medicinal value that Africans used to treat themselves with. When somebody got sick, medicine men would go to the forest, pick the bark, roots or leaves of certain trees, which they used as medicine for humans and even animals. In my community, we used to treat goats, cows and human beings. If we take time to look into the medicinal value in these crops, plants and seeds, we might find some that can treat diseases that we are still looking for their treatment or drugs from the outside world.

You remember the medicine from Loliondo in Tanzania where people flocked. If that tree that the old man is using to treat people is further exploited and researched on, we can come up with a potent medicine for ailments affecting us.

We have neglected our indigenous trees simply because some take too many years to grow and thus people rush to plant eucalyptus, grevillea, cedar and pine. Once these trees are planted, they sprout very fast. However, it has been proved that these exotic trees absorb all the water in the soil thus drying up our rivers. Our riverbeds are drying up very fast because of planting trees like eucalyptus forgetting that there were similar trees which were growing in swampy and riparian areas and riverbeds yet they consumed little water and kept rivers or streams running. During the dry seasons, rivers and streams could not dry up.

We should plant drought resistant plants in our forests, farms and homes. Not only will they attract rainfall but they will also resist drought because they absorb very little water.

As I conclude, this Bill is timely. The other day, His Excellency the President signed the Statute Law (Miscellaneous Amendments) Bill, which included *miraa*, a source of income in Meru County, into the Crops Act. *Miraa* which is an indigenous tree has found its place in the Crops Act, and at the same time, it will be one of the plants that will find a good space in this

Bill once it is passed. It is believed that *miraa* has medicinal value and no research has proved that it is a drug. I want to thank the President for finding it necessary to assent to that Bill so that more can be done to protect *miraa* which is the source of livelihoods of the people of Nyambene especially in Igembe.

This Bill is timely. I support.

Hon. Deputy Speaker: Hon. Ababu Namwamba.

Hon. Ababu: Thank you, Hon. Deputy Speaker. The Seeds and Plant Varieties (Amendment) Bill is an important piece of legislation. As it has already been noted, it seeks to bring to life the letter and spirit of Articles 11 and 49 of our Constitution. Article 11 of the Constitution, among other things makes it very clear that our new constitutional order recognises the role of science and indigenous technologies in the development of our nation and promotes the intellectual property rights of the people of this country.

In addition to that, Article 69 of the Constitution obligates the State to among other things, protect and enhance intellectual property in, and indigenous knowledge of, biodiversity and the genetic resources of the communities and to protect genetic resources and biological diversity. It is not by accident that our Constitution clearly places an obligation on the State and the legislators to provide legislative framework to ensure that we recognise seeds and plant varieties that are indigenous to our land and use the same for the promotion of the well-being of our people.

Food security is among the greatest challenges facing this land today. It is important that we utilise this avenue to promote food sufficiency by relying on indigenous seeds and plant varieties that served our forefathers well. We have seeds and plant varieties that effectively ensured food security, medicinal value that enabled our people to combat many diseases and ailments that have become a major challenge to the human race today.

I am particularly happy that among the innovations in this new Bill is the establishment of a Plant Genetic Resources Research Centre for learning, conducting genetic research and analysis and even training to achieve the objective of this law.

There is an abundance of value all over this country. During the long vacation in December, I had an opportunity to visit a number of cultural festivals in various communities across the country. One of the most impressive one was the Isukha Cultural Festival of the Isukha people in Shinyalu Constituency of Kakamega County, ably represented in this House by my big brother, Hon. Anami. It was amazing to see a variety of seeds, plants and resources abundantly available in Kakamega Forest and its environs. It was inspiring to see the efforts of the local people in Shinyalu Constituency transform these resources into medicines, foodstuffs, local brews and a whole host of very healthy and clean foods, drinks and medicinal resources. When we establish a Plant Genetic Resources Research Centre, the Isukha people, who have made such tremendous effort to preserve their indigenous seeds and plant varieties will have a platform where what they offer to this country can be tested, improved, enhanced and developed for the benefit of our people. I believe what I witnessed in Shinyalu Constituency is just a microcosm of what is available to other communities from Loitokitok, Todonyang, to the south and north of our country, Budalangi all the way to Shimoni.

Hon. Temporary Deputy Speaker, these resources are available to our people and they are waiting to be tapped. Our researchers have also made effort to exploit these resources for years but they have been encumbered by lack of support and institutional capacity to support their resourcefulness.

Many years ago, when I was still a student, I followed with fascination the discoveries by Dr. Arthur Obel, who at that time was engaged in landmark ground breaking research in pursuit of a cure for HIV/AIDS. He came up with an interesting concoction that was styled and baptised *Pearl Omega*. The discovery by this eminent scientist of our land, Dr. Obel, raised a lot of brouhaha all over the country and even became a global matter of debate and discussion. Dr. Obel struggled through his whole effort virtually as a one-man effort. One is left to wonder if at that time this country had institutional framework and legislative capacity in the form we legislate right now, how far this country would have gone in providing support to the likes of Dr. Obel in the search for a cure or a vaccine for HIV/AIDS.

You can mention countless other examples of our researchers and academicians who have made effort to engage in research activities intended to exploit our rich endowments in this respect. Therefore, in the absence of a framework, our people remain exposed to all sorts of exploitation and quacks. A colleague mentioned the example of Loliondo. A few years ago, we watched an incredible procession of people headed to a little village in Tanzania in pursuit of some magic cure.

Let me conclude because the red light on my request gadget is on. This is a good law. It is a law which will provide a very important framework for us to institutionalise the dealing, the handling, research, training, investment---

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Ababu, your time is up. How many seconds do you want?

Hon. Ababu: I was concluding.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Conclude.

Hon. Ababu: Hon. Temporary Deputy Speaker, I was saying that this is a ground-breaking law. All the quacks who sell all sorts of fake stuff and grass out there should now stand warned that we will have a framework within which to protect these varieties, both for food security and in order to secure the resources available for medical value for the country.

I support the Bill.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): I give the Floor to Hon. Zainab Chidzuga.

Hon. (Ms.) Chidzuga: Shukrani, Mhe. Naibu Spika wa Muda, kwa kunipa nafasi hii ya kuchangia Mswada huu. Mswada huu utaokoa nchi yetu kutokana na walaguzi ambao wametuharibia mimea yetu ama mbegu ambazo zilikuwa tegemeo la mwananchi tangu abu na abu. Maradhi ambayo yanakumba nchi hii hivi sasa ni maradhi ambayo wakati wa wazee wetu hayakuwa. Kwa mfano, kuna saratani. Saratani na ugonjwa wa Kifua Kikuu ni maradhi ambayo yalikuwa yakishika milango fulani lakini sasa yamekuwa maradhi ambayo yanashika watu ovyo ovyo. Hii inatokana na yale madawa yanayotumika katika kuchanganya mbegu ambazo zinaletwa na wenzetu ambao wanasema kwamba wameelimika zaidi kushida Waafrika.

Mswada huu utalinda mbegu na mimea yetu, na kulinda tamaduni na desturi zetu kama Waafrika wa Kenya. Miti na mimea ilikuwa ni ya dawa, chakula na kivuli. Hivi sasa, ile mimea tunayoletewa kwa kisingizio kwamba ndiyo mimea bora, imeharibu mazingira. Kwa mfano, huko Kwale, katika sehemu ya Marere, wakati sisi tulipokuwa wachanga, Mto Marere ulikuwa haukauki maji. Lakini, wakati ulipopandwa miti iliyoko sasa hivi, ilikuwa chanzo cha ule mto kukauka mpaka leo. Kuna shida kubwa ya maji katika maeneo yetu.

Mswada huu utatusaidia kuikuza mimea yetu na kuipatia mapato kwa kuwa tutakuwa tunaielewa mmea huu ni wa aina gani na unaweza kutibu nini ama unaweza kuleta lishe ya aina

gani. Katika miaka ya sabini, kule kwetu Shimba Hills, kulikuwa na mzee ambaye alizindua mti ambao ulikuwa ukitibu saratani. Hatukujua ni vipi ilitokea kwa sababu wananchi walishtukia watu wamewasili kwa magari makubwa na kuikata ile miti yote, wakaibeba na kuenda nayo. Wakazi wa sehemu hiyo hawajui ilikopelekwa miti ile. Hakuna faida ambayo huyo mzee na Serikali ilipata. Si ajabu kuwa mti huo unatengeneza madawa ambayo tunauziwa kwa bei ghali na ilhali huo mti ulitoka nchini kwetu.

Kuna masuala ya vyakula. Ni kweli, Serikali yetu, kupitia Bunge, iliweza kuzuia vile vyakula ambavyo vinatokana na mchanganyiko wa madawa. Ni haki vile vyakula vizuiliwe kwa sababu vimeua hadhi ya vyakula vyetu vya kitamaduni. Ninakumbuka nyanya yangu alifariki akiwa na umri wa miaka 126. Alikuwa anaona na kula nyama na mahindi kwa sababu alikuwa na meno yote. Mtoto wa miaka 35 leo, hata meno yameisha mdomoni kwa sababu ya vyakula ambavyo tunakula. Vyakula vyote viko ndani ya mkebe na vina madawa ambayo hatuyaelewi yametokana na nini. Hii ni hatari kubwa kwa afya zetu.

Ninaunga mkono Mswada huu kwa maana utalinda hali ya mazingira, utamaduni na mimea yetu. Mswada huu utatusaidia kufanya utafiti kwa maana vyuo vyetu vinatumia rasilimali iliyo katika nchi yetu kukuza taaluma katika kitengo cha kilimo na kulinda mazingira. Ninafurahi na kushukuru kwa sababu tumepata Mswada huu ambao utaweza kuokoa nchi yetu.

Shukrani, Mhe. Naibu Spika wa Muda, kwa kunipa nafasi hii ya kuchangia Mswada huu.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): I give the Floor to the Member for Butula. Is he in the House?

An hon. Member: No!

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Therefore, I give the Floor to Hon. Wilber Ottichilo.

Hon. (Dr.) Ottichilo: Hon. Temporary Deputy Speaker, I rise to support this very important Bill. I thank the Leader of the Majority Party and, particularly, the framers of our Constitution for realising the importance of our indigenous seeds and plant varieties. For centuries, our local people survived very well using local seeds, foods and plant varieties. However, with the advent of the so-called development, most of our seed varieties were abandoned or neglected and we adopted new exotic plant seeds, which have many advantages and disadvantages. Therefore, over years, we have lost most of our plant species. Most of them are lost or are found in very restricted areas – what we call endemic areas.

This Bill is very important in the sense that we shall collect all these indigenous seeds and plant varieties and store them. We shall also carry out research to find out how we can re-domesticate them so that we can use them. Because most of these plant seeds and varieties are indigenous in this continent or in our country, they are very resistant to many diseases, unlike the exotic seeds and plant varieties. Therefore, by getting back our indigenous seeds, we will enhance our food security and ensure that our people and the country is food secure.

This Bill is going to create a lot of opportunities for our young people in the universities. Many of our universities are currently teaching various disciplines. Among them is the biotechnology discipline, which deals with genetic engineering. Because we have not had an institute or a centre that deals with genetic research and engineering, most of these very brilliant youngsters have graduated from the university with degrees in molecular genetics and biotechnology but have not been able to get a job. It is sad to find some of them in the streets selling merchandise from China and all over the place when we could use them to do very important research for this country. So, once this Bill is assented to and the Plant Genetics

Resources Research Centre is established, I am very sure that most of our young researchers will find opportunities to enhance their education by carrying out a lot of research on plant varieties and seeds. This will create jobs for our youngsters and also create knowledge. I believe this country has very brilliant young people who can create a lot of knowledge and patent new discoveries. Most of the discoveries are in plant and animal resources.

In Africa, very little has been done. Therefore, we are going the right direction by establishing the Plant Genetics Resources Research Centre. We will enhance this discipline, particularly on plant genetic resources.

I commend those who drafted this Bill. They have done it in a very professional manner such that even the definition they have given for “plant genetic resources” is very wide and encompassing. It allows modern technologies and indigenous technologies. It is a very good definition which gives latitude to our people to do research across the board without any restriction.

With the destruction of our environment, our genetic plant resources are at risk. At this juncture, we have already lost many plant species which were used by our ancestors for food and medicine. We have lost them because we have cleared most of our forests and wet lands. We have cleared all our indigenous forests. So, establishment of the Plant Genetics Resources Research Centre will give our researchers a chance to go back and carry out research and find some of these very important seeds and plant varieties that have been ignored, and which have not been used for many years. They will carry out research to re-domesticate them and introduce them in our food chain.

We are at the advent of climate change. Climate change is the biggest threat to our plant varieties and animal species. Therefore, it is important that as climate change continues to have adverse effects on our environment, we must ensure that our plant and animal species that provide us with food are collected and more research is done on them so that they can adapt to the changing environment. This is extremely important. If this Bill is passed, it will ensure that we save some of our plant species that are already threatened by climate change. Climate change has completely changed our climate in terms of temperatures, humidity and everything. Some of the plants cannot sustain those changes and, as a result, they are getting extinct. We need to preserve these plants in natural and manmade environments. We have to keep them in green houses. Some have to be exported or kept in certain laboratories outside the country. The best place to conserve any plant species or seed is in the Antarctic and Arctic. Those are the areas which are very cold that if you keep your seeds there, they can remain viable for over a million years. We may need to work with many other research institutions in Iceland, Norway and Sweden so that we can keep some of these seed varieties to ensure that they are not lost or they become extinct.

The Centre is also going to be extremely important in networking with many other institutions. The developed world has already done what we are trying to do now. The United States of America (USA) has already taken an inventory of all their seeds and plant varieties and stored them. So, the establishment of this Centre is also going to allow our researchers to work with other researchers out there to ensure that we conserve these plant varieties for future research.

Once this Bill becomes law, it is going to ensure that our research institutions, particularly our universities, become more vibrant. One of the world renowned plant genetics expert and policy maker is Prof. Calestous Juma, who is at the University of Harvard. He is one

of the few Kenyans who have written a lot on genetic policies and resources. He comes from my brother's place, Budalangi. He is a world renowned expert on genetic resources. We need these Kenyans to come back.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Thank you, Hon. Ottichilo. I now give the Floor to Hon. Sunjeev Birdi.

Hon. (Ms.) Sunjeev: Thank you, Hon. Temporary Deputy Speaker, for giving me this chance to contribute to this Bill on the biodiversity of our country. I commend the comments by my colleagues. It is not only eye-opening, but it is also very encouraging to know that our Parliament is making such great leaps in very sensitive areas such as biodiversity that affects such an important part of our environment.

This is a very important Bill. I would like to add a few comments on the Bill. This Bill protects Kenyans against misuse of resources. Any unauthorised exploitation is a criminal act. These criminal acts are not performed by local citizens, but by multinationals who come into our country and exploit these resources and patent them. At the end of the day, the common *wananchi* do not get their dues. This biodiversity has got very huge commercial attraction from industry and investors, as I have mentioned.

I would like to give the example of a local indigenous tree called *mweri* in Kikuyu. The bark of this tree is known to treat various diseases. This is a very old tree whose bark has been medicinal for centuries. Unfortunately, a French company has patented it and is using it to their advantage. I will give you another example from South Africa. There is a very interesting cactus whose characteristics are known to treat obesity. There is a multinational company that has patented the attributes of that plant. In simple words, it is like somebody coming to my place, using my things and just walking out without even a simple thank you, which is simply preposterous. It is not right. I would not allow that anyway.

As has been said before, this Bill mainly seeks to establish Plant Genetic Resources Research Centre, which shall be responsible for providing guidelines on matters relating to plant genetic resources for food and agriculture. This is in line with Vision 2030 and the Jubilee Manifesto. I am also very happy that this Bill is coming at an opportune time. It will help to stop people from taking away the rights of the common *mwananchi*. In enforcing this Bill we are going to do something very akin to what we did with the Wildlife Bill. This is because we are conserving biodiversity. It is equally important as conserving our wildlife.

Having said that, there are a few parts of this Bill that I think need some amendments which I will try and propose to the Committee later on. Overall, there is a very huge battle between the private seeds companies which bring sub-standard seeds and flood the market with them and the public seeds company. It does not go very well with the performance of the economy and the growing of healthy seeds and plants.

With that, Hon. Temporary Deputy Speaker, I would like to thank you once again for this opportunity. I would like to urge this House to support this Bill.

Thank you, Hon. Temporary Deputy Speaker. I support.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): I now give the Floor to Hon. Ferdinand Wanyonyi.

Hon. F.K. Wanyonyi: Thank you, Hon. Temporary Deputy Speaker, for this opportunity. I am over 50 years old. When I was young I used to see some natural plants in my community. Some of them were very old indeed. Today, when I go to the same site, I do not see them. They have been removed. My children do not even understand when I say that place used

to have those kinds of trees. This Bill has come at the right time. I want to take this opportunity to thank those who came up with the idea of this Bill so that we can have the Plant Genetic Resources Research Centre. My children and grandchildren will not know what happened 80 or 90 years ago. The trees that I saw those days were able to form a forest cover. In fact, we had a large forest cover and every rainy season we had enough rains. Today, we do not even know when it is going to rain because we do not have forest cover.

Secondly, those days there were few hospitals. I remember when we had a bout of malaria or pneumonia, my grandfather - let his soul rest in peace - would not ask me to go to the hospital because there were no hospitals. All there was was medicine extracted from trees. We would be given a mixture of varieties of trees to drink. In the afternoon, we would be alright, able to go back to school or to look after cattle. Today, we have to go to hospital, but we do not even know where the medicine in the hospital comes from.

By having these plant varieties protected under this Bill, I am very sure that we will have documentary evidence. If somebody extracts leaves, barks or roots of a tree, it will be documented and we will be able to know. By the same token, we will be able to get money from their activities. When you took cattle to graze in some far distance, you did not have to go back home to eat lunch. You would just eat fruits from some trees and go home. As somebody from Mombasa has mentioned, my grandfather died at the age of 131 years. None of us in this House will go that far; nobody. Even if you are a doctor or whoever, you cannot go up to 100 years. That includes me. These are people who ate natural food and they were very healthy and strong.

As I was walking in, my manager called to tell me about 10 people who have died in my constituency. They have died at an early age and it is because of the types of food we eat, which is not natural. I am saying this because I would eat millet food mixed with cassava when I visited my grandmother and it was very delicious. It did not need chicken to eat with. It was cassava mixed with millet or *wimbi*. It made very nice flour. When one ate it, he or she became very strong. If you had porridge made from that flour in the morning, you would go until evening.

This Bill must be passed as fast as possible so that those indigenous products are re-established and we have a centre to protect their ownership. In America, there is a centre that is trying to get some of these plants from Africa. They go with them and come up with results of whatever research. They come up with medicine or food that they sell to Africa.

The centre will create value for the communities that own those products. There are trees that could be growing very well in Nyanza and not in Eastern Province and so the people in Eastern Province will get benefits from the plants and seeds that they do not have.

We do not have seeds for some plants like the cassava you see. This is because you plant cassava using cuttings. I am told and also saw it at my grandmother's place that they did not have seeds. You just made a cutting and planted. I asked my daughter's child whether she can plant a potato and she told me to give her the seed. We have such kind of things. We have to go back to our old days. This is a Bill that will help us in that.

Lastly, I want to agree that we have very many exotic plants. I do not know where they were discovered. It may be Europe, America or wherever else. Although we have these plants in the country, we are not sure of their food content. We should go back to our original state. I want some of us to take *uji* made from cassava, *wimbi* and millet in the morning. If you come here after taking that porridge, you will not take lunch. You will stay satisfied the whole day because that is the original food. But again, if we do not do it now, we will have to eat the junk foods that we see. I am sorry to say that there are people out there whose children who are 13 years old

look like adults. They are very bulky due to what they eat. I never saw that kind of fatness despite the fact that I have declared my age as more than 50 years.

I support the Bill. I want us to pass it so that we have a director of that institution. That way, anybody getting any plant or seed from an area will pay. That is so, so that our country can get money from whatever we export.

As *Mheshimiwa* Ottichilo has said, this centre will also provide research facilities and opportunities for our youth so that they compete with others in the rest of the world.

I support.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Thank you, Hon. Member.

I now give the Floor to Hon. John Nakara.

Hon. Nakara: Hon. Temporary Deputy Speaker, thank you for giving me this opportunity to contribute to this Bill.

My fellow Hon. Members have already spoken on the importance of this Bill. I want to identify with one important function this Bill will bring; that of protecting ownership of indigenous seeds and plant varieties.

God has blessed this nation with indigenous seeds and a variety of plants all over. One of the things I have learnt from Asian countries is that they love and are proud of their original products wherever they are. If this Bill is going to protect ownership of our indigenous seeds and plants, we must have copyright on every product we get from our indigenous seeds or plants. That helps one to identify with those products wherever they are. It may be because they come from our country or county of origin.

Countries like India, China and Korea are proud of their products, especially indigenous seeds. They use them wherever they are. Even Nigerians import their original foods from their country to wherever they may be living, whether it is in the United Kingdom or America. We encourage this country to identify and document all the seeds and plants we have. We need to go to every county in this country to see their unique seeds and try to sell those seeds to the outside world. That way, we will sell those counties to international bodies. The benefits we will get from indigenous seeds and plants are many.

Many speakers have talked about the issue of food. Foods that come from indigenous seeds, be they vegetables or plants are medicinal. When you eat these foods, they help you have good digestion because they check constipation. They also help one to protect their teeth. Most of the food our younger generation eat are very sugary. Because of that, we lose our teeth at an early age. The foods that we get from indigenous seeds, trees and plants act like catalysts when you have problems with an organ like stomach. Those trees and plants treat that non-uniformity.

On medicines, I do not need to emphasise much. Globally, people are going for indigenous trees and plants to make medicines of all kinds. Nowadays, you can get food compliments being sold over the counter. They come from indigenous trees and plants. We encourage our country to protect these seeds so that we get medicine that does not harm our bodies. Modern drugs have side effects on our body.

Hon. Temporary Deputy Speaker, if you take medicine from indigenous seeds or plants, they will purify your body by working on the digestive system and blood. As result, you will find that your body is a bit lighter.

On the issue of preserving the environment, there are some indigenous seeds and plants that prevent soil erosion in particular places because they grow big and hold the soil. They also

protect our seedlings from being moved by wind. This Bill is going to help us protect this copyright and benefit from our indigenous seeds and trees.

On the issue of Plant Genetic Resources Research Centre, this is one of the issues that this Bill has clearly stated. This centre is going to encourage research. One of the things that we are lacking in this country is research.

No institution of higher learning can bring benefits to the country unless we have researched. Research can make us discover many things that can make our country grow. As a result, we can even export our knowledge outside our country and gain the benefit of research and also discover the curative drugs for the diseases we are getting.

This Centre will have advisory Committee to advise farmers on how to protect indigenous seeds and trees. This is one of the advantages of having this centre. It is my prayer that we devolve this centre so that each county can have its own centre to develop these indigenous seeds and plants.

We have global warming effects all over the world because of the pollution from industries and market places. The only way we can solve this problem of global warming is by having these indigenous seeds and plants all over so that we get fresh air coming to our homes and environment. We need to encourage these indigenous trees and plants in our country.

Desertification is all over because of cutting down trees because of logging and timber business which affects the environment. We need to discourage deforestation. We need to have these indigenous seeds and plants in all areas because they are not easily removed. By doing so, we shall protect our forests. I do not want to emphasise on that. This Bill will help us be proud of our indigenous seeds. It will bring benefit to our counties and our country at large.

With those few remarks, I support.

Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Thank you, Hon. Member. I now give the Floor to Hon. Esther Gathogo.

Hon. (Ms.) Gathogo: Asante sana, Mhe. Naibu Spika wa Muda kwa kunipatia nafasi hii. Kabla niongee kuhusu Mswada ulio mbele yetu, ninataka kusalimia Waheshimiwa wenzangu. Nimeambiwa niwasalimie na watu wa eneo la Uwakilishi Bunge la Ruiru. Yafaa tuungane na akina mama katika mambo yaliyo mbele yetu.

Ninaunga mkono nikisema kwamba mara nyingi tunafanya mambo na kukosea kwa kukosa kuelewa. Kama vile wenzangu wamechangia mbeleni, ni vizuri tuangalie mimea na hata mbegu ambazo ziko katika nchi yetu ya Kenya. Kile kitu tulicho nacho na labda tunadharau ni kwamba tunaona vifaa vya ugenini vikiwa muhimu kuliko vile tunavyo hapa.

Ninatazama runinga sana. Nilikuwa ninaona mzee mmoja upande wa Maasai. Wakati pombe iliisha, alianza kupika supu na kuweka mizizi ya miti ambayo alisema ilikuwa na dawa ndani yake. Kusema kweli, niliona laini kubwa sana. Kila mtu alikuwa anataka kuonja hiyo supu. Wale walikuwa wanakunywa walikuwa wanasema miili yao imekuwa sawa. Wanaume walikuwa wanasema hata “transformer” ziko sawa. Habari hizo zilikuwa kwa runinga. Inamaanisha kwamba kuna mambo mengine tunadharau na kuchukulia tu kama mambo ya kijiji.

Jambo lingine ambayo niliona kwa runinga ni kwamba kuna mzee---

Hon. J.K. Bett: On a point of order, Hon. Temporary Deputy Speaker

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): The Member for Kesses, what is your point of order?

Hon. J.K. Bett: I was following up on the conversation. At some point, I missed on the audit trail when a “transformer” was introduced. I thought that could only be in Kenya Power. I need to get more information on that.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Member, you need to listen keenly. It is not the business of a Member on the Floor to repeat what she said for your sake. Go ahead Hon. Gathogo.

Hon. (Ms.) Gathogo: Mhe. Naibu Spika wa Muda, ninamwomba kwa heshima kuwa nikitoka nje aniulize yale maneno. Wakati mwingi---

(Loud consultations)

Nilinde Mhe. Naibu Spika wa Muda. Ninafikiri hilo jambo limewafurahisha sana. Wengi wamesoma na wanajua kuhusu mimea ambayo tuko nayo. Kile kitu tunakosa ni watu wa kueleza wananchi wa kawaida kuhusu yale maoni ama masomo ambayo wamesoma.

Saa zingine tunaidharau hiyo mimea kwa sababu tunaona kama mimea ya kiasili imeisha. Ningeomba kila mtu atilie maanani hiyo mimea na tuilinde ndiposa tuweze kuendelea. Wakati mwingi hata ukiwa na ugonjwa unaambiwa ukichemsha majani haya na unywe maji yake labda utakuwa sawa.

Wengine, hasa mimi, saa zingine tunaambiwa kwamba tumbo zetu ni kubwa na kwa hivyo tunywe maji ya majani fulani, na hayo majani yametoka ugenini. Labda yalitoka kwetu, yakapelekwa ugenini na kurudi.

Kwa hivyo, ni vizuri hata sisi tuheshimu mimea ambayo iko hapa nchini ndiposa tukifanya kitu, hata sisi tunajivunia kuwa na mimea ambayo inatusaidia. Tunaweza kuhifadhi hata wakati kuna njaa na hatutakimbia hapa na pale tukiomba mbegu za kupanda na chakula cha kula. Ni vyema tuwe nazo ili tuweze kuzilinda na kuzihifadhi.

Mheshimiwa, ninaomba unione nikitoka nje.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Thank you, Hon. Member. I now give the Floor to Hon. Geoffrey Odanga.

Hon. Odanga: Thank you, Hon. Temporary Deputy Speaker. I also rise to support the Seeds and Plant Varieties (Amendment) Bill, 2015.

From the outset, I want to state that at the advent of colonialism, Africans, not only in Kenya, but in the whole continent, were colonised and made to believe that everything Africa was very bad; in fact evil. The white men made us believe that whatever we were getting---

Our economies were based on hunting, gathering and collections from the forests. They came and made us believe that whatever we were doing as Africans was devilish, bad and was not meant to help our society when, in fact, our traditional knowledge, seeds, plants and environment was very natural and provided for our wellbeing in our society. So, what we need to do is to fight hard to decolonise our minds. Decolonisation of the mind can take a really long time unless we take drastic measures to intervene on the same.

The Bill at hand seeks to legislate so as to protect, appreciate and recognise our seed varieties, plants and genetic resources for the betterment of our community. As has been noted by several Members, most of our ailments were treated using medicinal plants. Snake bites, for instance, were a very simple issue with Africans. Some herbs would be obtained from the environment and then concocted into a mixture. Whoever was bitten by a snake would take the mixture and then continue with their business. It was that simple.

There is a plant which I see all over the country. I see it in Busia, Rift Valley, Mount Kenya and all the way to the Coast. I can defend it because I have seen it. That tree produces some sap which, when applied, cures various ailments. There is a disease that normally attacks the finger and damages the nail. It is, sometimes, very difficult to treat it using common medicine. When you apply that sap, it does not even take one night before the finger is healed. Those are the kinds of trees that we need to protect. We need to patent them so that whoever wants them from outside the country will have to purchase them. That will bring money our way. We need to preserve our seeds and plants and propagate them so that we do not lose them.

This is a very good Bill. Just recently, we had a Bill on the protection of traditional knowledge and traditional cultural expression and another Bill on climate change. The rate at which the National Assembly is enacting legislation in relation to our environment and conservation is very impressive.

I support the Bill.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): I now give the Floor to Hon. James Kimaru.

Hon. J.K. Bett: Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to give my input on the Seeds and Plant Varieties (Amendment) Bill, 2015.

At the outset, I support this Bill. I thank the National Assembly for coming up with such a progressive Bill that will assist to maintain the eco-system of this country. The object of this Bill is to recognise and protect indigenous seeds and plants. Africa has one of the most bio-diversified climates. It is a continent where you will see a wide range of environmental climatic conditions, ranging from the savannah grasslands to the equatorial regions, desert climates and semi-arid areas. That is replicated in Kenya. Over time, climatic conditions, which have direct implication on plant and seed varieties, have faced serious challenges ranging from human activities like deforestation and the spraying of pesticides and climatic change. That explains why some medicinal trees that we knew in the past are on the verge of being depleted. When we were growing up and you had a cold, you could easily boil leaves of some plants, take the mixture and get better. We could boil the roots and get treated faster than today.

The introduction of this Bill and, in particular, the envisaged establishment of the National Plant Genetic Resources Research Centre will be, in itself, a game changer with regard to conserving plants and seeds that will be used by the present and the future generations. Once that resource centre is introduced, we want it to cooperate with other institutions of higher learning so that they can give policy guidelines regarding seeds and plants that are not only medicinal, but can also provide foodstuffs to this country.

The effect on the environment has a direct correlation to other animals. Because of deforestation and destruction of many plants, many animals have also been affected. There is a relationship between vegetation, animals and the entire eco-system. Because of deforestation and the destruction of many plants, our lakes and rivers get silt. Lake Victoria has experienced a lot of siltation. This has a direct effect on the aquatic life and many fish either die or do not find a natural environment or a natural habitat where they can grow in their own natural way.

I support this Bill. I will support it when it comes to the Committee of the whole House stage.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): I now give the Floor to Hon. David Ochieng.

Hon. Ochieng: Thank you so much, Hon. Temporary Deputy Speaker. The Bill before us today deals with expanding the mandate of the National Plant Genetic Resources Research Centre that deals with plant genetic research. The idea is to ensure that going forward, we are able to give the institution a wider mandate in terms of management, preservation and development of genetic resources in the country.

The reason we normally set up those kinds of institutions is to help continually, through research and development, the development of seeds and plant varieties. This is quite important because in the last two or three years alone, we have gone through two distinct activities that were really messed up. In Embu County, the reason Governor Wambora was forced out was because he bought the wrong seeds. That was the major reason. When the seeds were given to the people and they planted, they did not grow. In the last few months, I have seen the Departmental Committee on Agriculture, Livestock and Co-operatives saying that we are trying to plant a couple of varieties of seeds in Galana. You can imagine investing money in Galana and saying that we should try seven or eight varieties of seeds. Why would you want to do that before you test the seeds? Why do you want to throw money into a place and say that we will see which seed will give us five, 10, 11 or 15 sacks? That kind of institution will help us beforehand, so that we can know in a certain area, the kind of seed that grows there.

In Ugenya, I have been giving seeds to my constituents for the last three years. We know that if we give seed variety 513 and it is planted early enough, it will do well. If the rains come late and you give seed variety DHO4, it will do well. That is done through research. The major challenge that we have in this country is the ability of the policy makers to inculcate and use the results of the research from those institutions. Those institutions will not be as good as all of us think they will be unless the policy makers are willing to use the results of those researches. We have the Kenya Agricultural Research Institute (KARI) in this country. We have so many research centres in this country. They will tell you, if you talk to them. They do their research and come up with some very plausible recommendations that are hardly used. That is because there is a big disconnect between our policy makers, the way we make decisions and research findings.

Hon. Temporary Deputy Speaker, developed countries like those in Europe, and the new and emerging economies like the Asian Tigers, have developed because they use research. That is what makes the difference. If they pick a phone like what I have right now, they will develop it further and make it a better gadget or product and then sell it back to us.

The reason I am happy with this Bill is that it expands the mandate of that research centre. But, above all, it establishes an advisory committee that will help us as a country know how to use---

Hon. Temporary Deputy Speaker, you may be privy to the debate on Genetically Modified Organisms (GMOs). I have never considered GMOs to be something bad. It is because we do not use research in our country and, therefore, we think that anybody who does research and produces GMOs products is doing something bad.

The institution that we want to set up will help us. I have heard Members like Hon. Wanyonyi talk about herbs. The reason why America or India has some of the best clinics in the world is because they preserve and commercialise herbs which become good medicines. They move from being herbs, become commercialised and are made tablets and syrups that we take.

The result of the institution we are setting up will go a long way in not just preserving the old plants and seeds, but will ensure that, that body has resources from this Parliament to help it

to develop the traditional seeds and crops so that they can be used commercially and for a long time. The reason why a potato seed would do well today and not do well in the next season is because we have not done continual and gradual research on a product. You would know, for example, that if this product is planted here today, there will be a pest that comes with it. To handle that pest, we need to develop this or the other in the coming season to ensure that the pest can be dealt with. If a plant grows well here today and tomorrow it does not, it is a disease probably that is associated with it. The only way you can sort out that disease is by having continual, gradual and purposeful research. That institution has been set up for that reason.

I have heard Members talking nostalgically about how they used to go to the fields to herd animals and use herbs. That is good but that old economy is gone and it is not coming back. The primordial economy is not coming back. We are dealing with a new commercial economy and we need to know how to commercialise our plants and make them industrially usable. That is why that institution is being set up.

As we go ahead, it is important that, that institution helps us create the partnerships that are required between the public and the private. In the production and development of seed, the major players are private companies. We must create a link between research and the investments that are done by private companies to industrially use the results of the research that we carry out.

It is important that the institution sets up those partnerships that would encourage public and private investments in those areas. It all goes down to what you see happening now. That is the cause of war that we have been having at the World Intellectual Property Organisation (WIPO) and even at World Trade Organisation (WTO) in regard to access to HIV/AIDS drugs that are produced mostly in India. It is how we protect our traditional knowledge and how we protect the result of our researches.

I always talk about *chang'aa* because Ugenya is known to be the producer of the best *chang'aa* in the country. Hon. Ababu knows that nobody in Budalangi knows how to produce any *chang'aa* there. Even Hon. Onyura from Butula knows that if they want to produce *chang'aa*, they have to cross the border and come to Ugenya. The reason we do it well is because it has been done so since time immemorial. But, the major point I want to make is this: Whereas you see police officers harassing the *chang'aa* makers, most Members here take the Glenfiddich and Captain Morgan, which are produced behind people's gardens and backyards. But here in Kenya, we want to criminalise them.

That kind of institution should help us to harness traditional knowledge and apply it industrially so that we develop. We cannot develop by importing everything. If our *busaa* is the best thing we have in the country to help the lowest earners, let us see how we can produce it industrially. If our millet and sorghum are the best and do well in our gardens, let us get a way of producing them industrially, so that they can be used.

Nowadays, if you go to restaurants, you will be shocked at how many Kenyans are looking for *kienyeji* vegetables. People are becoming aware that those are healthier vegetables than the exotic ones. The centre is supposed to help us to continue to develop and move on with it.

As I end, I request that when this Bill goes through, Parliament is able to give that institution money. For that body to work, it must have the capacity to do breeding, screening and testing. It must have the capacity to help and work with licencing authorities and bodies to

license any new things that they come up with. They must also work with the Kenya Industrial Property Institute (KIPI) to help protect what they produce.

Therefore, these laws are not being made in vain. They are being made to ensure that this country moves forward and whatever we produce that is new can be applied in that style.

Thank you and I support this Bill.

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

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

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Thank you. Well spoken. Hon. Member for Elgeyo Marakwet, the Floor is yours.

Hon. (Ms.) Chebet: Thank you, Hon. Temporary Deputy Speaker. I take this opportunity to support the Seeds and Plant Varieties (Amendment) Bill, 2015. I also support the centre that will be mandated to deal with all types of seeds and indigenous plants.

At the beginning of this Century before the colonialists came to Kenya, Kenyans knew how to live in their environment. They had seeds which dispersed themselves and grew wildly and some were planted around homes. We also had roots for food, especially during famine in arid and semi-arid lands.

We also had types of indigenous vegetables and fruits; like the gooseberries which supplemented our foods. Indigenous grains like millet and finger millet were used as body building foods. Therefore, we need a centre that can take care of that. We are losing a lot of our bio-diversity and we need to reclaim it. The centre will do that very well. It will test the seeds and conduct research. Our institutions of higher learning will use the centre to generate information through research and disseminate the same in their institutions. The centre will give us a very good opportunity of taking care of what is good for our environment.

Every community in Kenya, Africa and the world has an environment that people can adapt to if it is protected. Our indigenous knowledge is very rich and we need to protect it. We need to have foods that can build our bodies.

We are now experiencing obesity in children, women and men. It causes a lot of health problems. We now have cancer and we are yet to know whether it is caused by the types of food that we eat now. We have diabetes which is a lifestyle disease. We need to know how to counter it using indigenous knowledge, food and medicines. We have seen herbal food supplements and medicines from China. They are processed and packaged very well and we are using them in Kenya. So, we need to have that centre so that we can do the same. We can use our foods that can build our bodies and use medicines originating from our plants. As it is now, we have destroyed our environment. Our indigenous trees and plants are gone. So, we have to salvage the few seeds that are still available so that we can grow them in that center and use them to regenerate our environment.

When you look at the case of Galana where we are experimenting growing various foods, we did not even test whether the crops that we are growing there are adaptable to that environment. I think we should have done a pilot study first before going there in full swing to

spend a lot of money on fertiliser and seeds. The harvest is about nine bags per acre of maize compared to other maize growing areas where they produce up to 40 bags per acre.

So, we need to look at some of those conditions. We are using Genetically Modified Organisms (GMO) foods and that will come with some of problems that will give Kenyans unhealthy lifestyles. If we have indigenous fruits and foods, they will take the place of GMOs. We need to protect the intellectual property rights at the center. We have to registrar and protect the seeds, knowledge and products that are generated through the center so that our future generations can use the same information and also benefit from products that are generated through the center.

With those few remarks, I support the Bill. Thank you

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): There is this Hon. Member on intervention. Is Hon. Waititu in the House?

Hon. Francis Waititu: Thank you, Hon. Temporary Deputy Speaker. My intervention was when---

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Just a confirmation, Hon. Member. This was going to Hon. Waititu. Are you Hon. Waititu, the Member for Juja?

Hon. Francis Waititu: Yes. Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Before you speak, I had not even given you the opportunity.

Hon. Francis Waititu: Reading the mood of the House, we all want to contribute to this Bill. Could we reduce the time to allow Members to contribute? That is because most of it is repetition?

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Thank you Hon. Member, for your observation. However, as a procedure of this House, and not compromising our own Standing Orders, you are aware and know that we move such a Motion at the start of a Bill or a Motion. So, your observation is very good but the timing is wrong. We cannot disregard the procedure of the House. Otherwise, Members, you may not even want to use your 10 minutes. You can use your conscience and reduce the 10 minutes.

However, from where I sit, we cannot reduce from 10 minutes. You know issues of repetition from your Standing Orders. If you think you are repeating, you may as well make your points in three or five minutes. So, I will give the Floor to the Hon. Member for Bomet Central. Hon. Members, we cannot keep on leaving our gadgets here and then we are out of the House.

Hon. Millie Odhiambo, I can see you have caught my eye. Today you are looking very beautiful.

Hon. (Ms.) Odhiambo-Mabona: Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. I can only support this Bill with amendments. As it is, I will not support it. That is because if you look at the Statement of Objects and Reasons that are indicated in the Bill, it says that the principal object of the Bill is to amend the Seed and Plant Varieties Act (Cap.326) to facilitate the implementation of Articles 11(3)(b) and 69(1) of the Constitution. Both Articles require Parliament to enact legislation to recognize and protect the ownership of indigenous seeds and plant varieties, their genetic and diverse characteristics and their use by Kenyan communities, and the protection of genetic resources and biodiversity for equitable sharing of the accruing benefits.

What this Bill does is to set up a research center that does not do what the object of the Bill says it does. I know that we are in a hurry, as a House, to meet the constitutional deadlines,

but we are doing a lot of disservice and I am hoping that once we beat the deadline, we can bring back some of the Bills to this House and relook at them and amend them further. One of the Bills that I hope we can look at in tandem with this one is the one that we passed on traditional rights on plants, which is related to this one. If we are serious, we should consolidate them and do exactly what this memorandum says this Bill seeks to do. Otherwise, the intention is good.

We will be proposing to the Departmental Committee on Agriculture, Livestock and Cooperatives some of the amendments if it is possible, but they will be fairly cosmetic amendments. I remember a case that we did in the first year in the School of Law. It was *Carlille vs Carbolic Smoke Ball and Company* where a company purported to cure the common flu and told everybody in the world that had not been cured by their medicine that they would be given a reward. Somebody who did not get the cure went to the company and sued it. It is a case on contract law. The reason I am saying this is that my mother who was a trained nurse knew when she could use the conventional medicine and where it did not work like in the case of the common flu. As I grew up as a little child, my mother used traditional medicine which, unfortunately, I do not know how it cured the common flu. She did not get it from Tanzania; she got it from Kenya.

Hon. Temporary Deputy Speaker, we need a law which is serious because, as a country, we have very many plants of medicinal value that are very good for food. They are good for enhancing food security in a country where we have majority that are extremely poor and yet, we are not doing a lot to protect our own plants. I have said before on the Floor of this House about the case of the Rosy Periwinkle which is a plant in Madagascar that has enhanced the chances of children being cured from leukemia. I have also given, in the past, an example of our own *Mwarubaini* that is said to cure virtually everything. I have not been a beneficiary of *Mwarubaini* but, if we were to be serious as a country and look at the properties of such a plant, I am sure Kenya would not just be a healthier nation, but that is one of the resources that could even make Kenya a rich country.

Another example that I have given on this Floor is the case of Endod, which is a plant of Ethiopian origin that some of the American researchers together with an Ethiopian who was doing research in the United States of America (USA), noticed at some point that it was killing snails at a point of a river. They noticed that it has some values that were harmful to the snail but not to humans. They took that plant to the USA and patented it. If the Ethiopian people want to use it, they have to pay royalties for their plant. That is happening even here in Kenya to many of our plants. I am not happy because of what this Bill and the other one is supposed to do. This Bill should provide a legal framework to tell us under what conditions one can access plants in Kenya and manipulate properties. What conditions can we set because we may not have the technology? Sometimes, we may require the exchange of technology for our own plant genetic resources.

I also come from a very rich background, but not in terms of material wealth. My father came from a fairly poor background. When I was a little kid, I visited my grandfather at home. He was not rich in terms of what a Member has just said here. I come from a very dry area and there are many snakes. When somebody was bitten by a snake, I saw my grandfather use a plant and they would be cured. But if one went to the hospital, one could get amputated or fall sick. I wish I studied medicine, unfortunately, I went to study law. That is knowledge lost. I have asked by cousins and other relatives, but nobody seems to know what he used to cure snake bites.

What we want as a country is not just research. Already, there are people who use traditional plants that are of medicinal value. Sometimes, people confuse them with the people

who extort Kenyans with witchcraft. There is a difference between witchcraft and using plants of medicinal value. That is what companies that make millions of dollars use; they use plants that they get from Africa. I was surprised that, for the first time in Kenya, we were very proud when we hosted the World Trade Organisation (WTO) meeting which took place in Africa for the very first time. If it was held in India, farmers would have burned themselves because of poor conditions that are set by WTO, in relation to plants and other conditions placed by international communities, in relation to access, especially to our plants.

I know other Members want to speak and so, I will not go on. I have the advantage of sitting in the Committee on Agriculture, Livestock and Co-operatives. Therefore, I will be pushing certain amendments which I think are fairly cosmetic. We need to do a much broader and comprehensive amendment of the legislative framework in relation to indigenous plants and knowledge of the beneficial properties of those plants that have been passed from generations to generations by our grandfathers.

Hon. Temporary Deputy Speaker, I support only with amendments.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Your amendments are welcome, Hon. Millie Odhiambo. Thank you for using your time well. Hon. Justice Kemei, you have the Floor.

Hon. Kemei: Thank you, Hon. Temporary Deputy Speaker. I share the same school of thought with Hon. Millie Odhiambo. I did not know that her mother trained as a nurse. My mother also trained as a nurse and a teacher. She heavily supported the use of traditional medicine. I remember when we were young, she would administer the skin of a squirrel or a big rat and that was treatment for whooping cough. It could cure. She is still alive and I hope some scientist in this country could meet her to understand that treatment.

I agree that this Bill makes our Constitution more progressive. It advances the need to protect and utilize properly the various seeds and plant varieties that we have in this country. The fundamental question is: Should we place that institution under the Kenya Agricultural and Livestock Research Organisation (KALRO) because it does its own research?

That is an institution that will be overseeing research that is done by both public and private entities. I would favour myself if such an institution was placed under Kenya Plant Health Inspectorate Service (KEPHIS) which does not research, so that it is independent of the research work that will be done by KALRO. As well spoken by Hon. Millie Odhiambo, I am also a Member of the Committee of Agriculture, Livestock and Co-operatives and some of the amendments that I would wish to bring is to have that institution elsewhere, but not under KALRO.

Thank you, Hon. Temporary Deputy Speaker. I support with amendments.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): You support with amendments. Hon. Reginah Nyeris, Member for West Pokot, next on my request list.

Hon. (Ms.) Changorok: Ahsante sana, Mhe. Naibu Spika wa Muda. Naungana pamoja na wenzangu ambao wamenitangulia. Nchi ya Kenya iko na sehemu nyingi tofauti. Kuna sehemu ambazo in kavu and zingine hupata mvua nyingi. Kwa hivyo, sehemu hizo hazifanani.

Tukiongea kuhusu chakula na mimea, sehemu hizo zote zinahitaji wanasayansi waangalie kwa makini ili kujua ni sehemu gani zitapandwa mbegu ambazo zitafanya vizuri. Mbegu zetu za kiasili zina manufaa kwa sababu zinatupatia nguvu na zilitumiwa na wazazi wetu.

Tukiangalia mbegu kama wimbi na mtama zinaweza kumea kwenye sehemu kame. wanasayansi wetu nchini wamechukulia mambo hayo kiholela na wanataka kuleta mbegu

zingine ambazo zinamea kwa haraka. Lakini, hata hivyo, zinaweza kuharibu na kuadhiri afya ya wananchi. Kuna mimea ambayo ni chakula and kuna mimea ambayo ni dawa.

Hapo zamani, ugonjwa wa homa ya matumbo ulikuwa ukitibiwa na pombe aina ya busaa. Watu walitumia busaa hata kwa mtoto akiwa na ugonjwa huo. Walikuwa wanampatia huo mvinyo na anapona. Pia, wakifinya machicha ya pombe hiyo, walipaka kwenye sehemu yoyote ya mwili ambayo iko na shida na watu walipona. Ni kitu rahisi ambacho kinachukua muda mfupi na hakidhuru mwili.

Kuhusu sayansi, kuna ulegevu na kutojali ama kutofikiria vizuri. Wanasayansi wetu wangechukua muda kufikiria na kuchukua mbegu hizo ili kuchanganya na zingine. Labda tungepata mbegu nzuri zaidi ambazo zingemea kwenye sehemu mbali mbali za nchi. Kuna mambo fulani ya Mswada huu ambayo siungi mkono. Nitaungana na Mhe. Odhiambo-Mabona kuleta mabadiliko mazuri.

Kwa hivyo, mbegu zetu za kiasili ni lazima tuziangazie zaidi. Lazima tuangalie na kuona ni mimea gani inaweza kumea kwa haraka kwa sababu ya hali mbaya ya hewa na mvua dogo.

Ahsante sana, Mhe. Naibu Spika wa Muda, naunga mkono Mswada huu.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Unaunga mkono. Karibu sana. Hon. Peter Mwangi, Maragwa Constitutency.

Hon. Mwangi: Thank you, Hon. Temporary Deputy Speaker, for giving me a chance to contribute to this amendment Bill. It is very serious that we have forgotten our plants and yet, some of them have high medicinal value and have been patented by other countries. Those countries are now selling those medicinal plants to us. Therefore, there is need for protecting and having a very good research station where our researchers will know the exact medicinal value of any plant.

Hon. Temporary Deputy Speaker, as we go round in towns, we see some of our *wazees* coming with some plants and claiming they can heal a painful tooth. Others claim that they can treat smelling feet, but none of our researchers have been given a leeway to see how they can benefit this country economically by creating employment through undertaking research. Having a research station will be of much help to us as a country. Even as we speak, we are not economically equal.

In Kikuyu areas, we had a plant by the name *muratina*. During the era of Moi's presidency, we uprooted *muratina* to fight local brewers. We, in central Kenya, are now crying because illicit brew has taken its place. If we did research, we could have given our people time to come up with a better traditional brew, which would be of help to our people and save the *muratina* tree. I appreciate the establishment of such a station.

Hon. Temporary Deputy Speaker, there are other cases that have happened. Some plants have natural value. Some plants were able to conserve the environment but lately, we have been removing them and planting exotic plants that do not help us. Let us go back to our roots. Such a research station will help us to create employment and come up with better drugs for treatment of cancer and diabetes, which is killing us.

With those few remarks, I support.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Member for Siaya County, Hon. Christine Ombaka.

Hon. (Ms.) Ombaka: Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity.

The establishment of a research center in relation to indigenous seeds and plants is a welcome idea. I am still very concerned about the many research centres that we have in this country. We have so many of them, including those that exist in the universities. I happen to have been a university lecturer. There are several departments and research centres in the universities that conduct research in the area of indigenous plants and medicines. Maseno University has an excellent research center. What that university suffers from is lack of funds. They do not have enough funds to extend the research in the areas of seeds and plants. I am not so sure that if we start the research centre that is proposed in this Bill, it will receive funds to enable it conduct more research given that the research centres that we already have are not being funded properly. That is the challenge we need to address. Are we ready to establish a research center that will be well funded to enhance research in the area of seeds and plants? We may be starting another research centre only for it to fail, when we already have research centres at the various public universities. We need to exhaust what we already have as we find out where the weaknesses are so that, even if we start another center, it can enhance the work for the existing ones or work together with the centres that already exist.

I am a supporter of indigenous plants and seeds. Last night, I was so ill. I did not believe that I would be ready to come to work today. I took some *mwarubaini*, which was given to me by my house help. When I woke up this morning, I was whole again. I am so fine now. Traditional medicines and plants are very important and yet, we do not value them so much. We need to put more effort in their establishment. In the rural areas, there are so many people who do not go to hospitals because they have indigenous plants that they use all the time to treat malaria, diarrhoea and many other diseases. Many people believe in indigenous plants. This is a rich area that needs protection, funding and more research. We need to put more effort in their establishment.

If we do not do this, our country will be flooded by indigenous plants from other countries. When you go to any supermarket now, you will be met by a whole world of traditional medicine from other countries. We have traditional Chinese and Indian medicines all over. Those countries are promoting their traditional medicines. We are not promoting ours and yet, we also have very powerful indigenous plants. We need to start with what we already have before we establish another research center.

The Bill is good and I support it.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Thank you. In Ukambani, we call it *mwarubaini* because it treats 40 diseases.

Next is the Member for Kibra.

Hon. Okoth: Thank you, Hon. Temporary Deputy Speaker. I rise to support this Bill with amendment because as Hon. Millie has said, the objective of the Constitution is to protect the ownership of genetic varieties of plant materials in Kenya, and make sure that they belong to Kenyans of the current and future generations. What is happening in the global economy now is that big multinationals and investors are buying out rare plant varieties and local indigenous knowledge, patenting it and commercializing it for the private benefit of their shareholders, and not for the benefit of the individuals who have a right of ownership over them.

The expropriation of cultural materials of the wealth of communities, especially indigenous communities in Africa, is for the interest of profit holders and shareholders, rather than for the interest and benefit of humanity. I will give you an example. Companies like Monsanto have taken ownership of many maize and tomato seed varieties despite the fact that,

maize is a staple food amongst many communities in Kenya. If you now want to be a proper farmer and producer of maize, you have no choice but to buy seed varieties from them. Those are seed varieties that you cannot replicate yourself for the next planting season. You have to keep on buying from them for every season throughout the year. This is dangerous for our security. We must amend this Bill to ensure that the body we are creating protects not only our food security in terms of seeds, but also in terms of securing plant materials like cassava and potatoes, which are high potential food crops for Kenya.

On plants with medicinal value, people have talked of *mwarubaini*. In the USA, they have de-criminalized the use of marijuana for medical purposes. They have legalized and regulated the use of that plant. They are now taxing medical marijuana.

A total of 20 out of the 50 States in the United States of America (USA) have already legalised that. A lot of research and taxation is coming out of medical marijuana. I am not advocating leisure use of marijuana by people smoking it but medical marijuana that can be used for cancer treatment. Kenya is blessed with good climate, soil types and several months of access to sunshine. This is an industry, but we lack boldness as legislators. We should show that boldness to overcome the stigma about plants like this. A plant is just a plant and 100 years ago, our people used them as medicines. A Member has just shared what *muratina* was used for and yet, we have demonised it. We have even uprooted the plants and we are in a situation where second generation alcohol is devastating communities. In Ethiopia, they still serve *muratina* in bottles. It is bottled, regulated and sold and yet in Kenya, it is stigmatised, banned and out of production. We should be careful. As Parliament, we should put together a Motion that can go along with the plant and seed issues we are debating. We should have a discussion on legal medical marijuana that farmers can produce. Our researchers should be funded at the universities to patent the varieties of seeds that are available, so that we are not left behind 10 or 15 years from now, when it becomes so obvious that this is the global market for the next generation of medication and yet we do not have access to it except by importing and paying very high prices. If we got onto those things, we can catch up with countries like Israel that are doing research in that area, Portugal and Netherlands that have a principle of harm reduction. People who use drugs are not treated as criminals, but as patients who need addiction treatment and prevention. It is important to take care of that rather than send them to jail where they do not get the care and treatment they need.

This Bill is timely but it does not do what it is supposed to do as per its objects. A serious research budget and an institution need to be set up to patent and find out the medications, seeds and plant varieties that belong to Kenyans. The organisation set up should have the competence, task and the resources to challenge any indigenous knowledge that has been stolen and patented through unscrupulous means in foreign lands. Kenya should fight for that knowledge to own the rights for people to produce those medications. We pay a lot of money for medication for some of the lifestyle diseases that have been mentioned. For instance, we really need to negotiate to get the generics for Human Immunodeficiency Virus and Acquired Immuno Deficiency Syndrome (HIV/AIDS). It was not until Bill Clinton retired that he negotiated that we could access cheap generics. The plant basis and knowledge is here. On issues such as fertility, sexual and reproductive health rights and concerns, the lead research for viagra was done at the University of Nairobi under Prof. Magoha. We should open up our minds. As legislators, we should make laws, fund them and be very jealous and guard the resources that God gave us. We are like the proverbial Land of Eden and human life began in Eastern Africa and I suspect in Kenya - our

bright country. We should make good laws that serve our people, open up our economy and protect our interests.

When it comes to international intellectual property, seeds, plant and animal varieties, we have the best. We should guard it very jealously for the interest of this generation. We do not own this world because we borrowed it from the next generation and we must hand it to them as best as we possibly can.

On wildlife, we should protect our rhinos and elephants. This weekend, we are burning the stockpile of ivory. We should take those things seriously. When we engage with countries like China, we must tell them that it is fine for them to invest, but they are killing our heritage by allowing the trade and the demand of ivory in their country to decimate the elephants of Kenya and Africa. That must stop.

With those few remarks, I beg to support. I look forward to supporting amendments that will be pushed to this Bill to make sure that it protects the rights as promised in the Constitution. It is not just an administrative Bill that will not complete the right it is supposed to do.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Member for Turbo, Hon. Elisha Busienei.

Hon. Busienei: Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. I rise to support the Bill. The institution is very important because with the growth of the population, need for food and climatic changes in the world, it will provide the right seeds for the right areas depending with the environment. Most of our plant seeds have been stolen by other countries because of the absence of the institution. Three years ago, there was an outbreak of a disease that wiped out all the maize in South Rift. The institution will not only help when it comes to seeds, but also with animals. We can know the suitability of some animals in certain areas of this country.

I support the Bill.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Member for Kinango, Hon. Gonzi Rai.

Hon. Rai: Mhe. Naibu Spika wa Muda, naomba kuunga mkono Mswada huu na kuiombea kuwa sheria. Sisi ambao tumetoka eneo kame na mahali ambapo maji ni shida, hatukuwahi kuiona kiliniki. Tuliishi kutumia madawa ya kienyeji. Hivi sasa, wanateknolojia wanaona kwamba ni vyema kuwa na kituo kama hicho ambacho kinaweza kuleta utafiti na kuboresha mambo kama haya ili yaweze kunawiri. Ningependa kulipongeza suala hilo kwa sababu enzi zile za nyuma, tulikuwa tukitegemea mavi ya ndovu kutibu homa. Yalikuwa yakiwekwa kwenye makaa na tungewekwa karibu na ule moshi. Tulinawiri na tumefika pahali ambapo tumefika.

Tumeharibiwa masuala mengi na mzungu aliyetutawala pia kiakili. Imefika mahali ambapo tunaona kuwa kila kitu kitokacho ardhi ya Mwafrika hakiwezi kuwa cha msaada. Kituo kama hicho kitakapoanzishwa na kutambua mbegu na mimea inayoweza kuwa ya faida katika nchi hii, kitasaidia Wakenya au Waafrika kuliko sisi kutegemea kwamba mpaka twende Uchina tupewe nyasi na tukubali kuwa ni dawa na labda nyasi zile zinapatikana nchini. Ukweli ni kwamba tunavidharau vitu vyetu lakini tukipata mwelekeo wa kuviboresha, ni suala ambalo tunaweza kujivunia ili tukatambue tunakotoka na tunakokwenda.

Nina imani kuwa jinsi Mswada huu unavyoingwa mkono, hata ijapo mapendekezo madogo madogo yatakatanywa ukarabati kwenye Kamati, huenda ukawa nguzo ya kutegemea na kuhakikisha kwamba nchi hii inarudi katika barabara ya kujitambua. Ni rahisi kwa

binadamu kusema kwamba amejitoa katika minyororo ya wakoloni, lakini ukoloni unaendelea kumsumbua akilini. Katika Vitabu vya Mwenyezi Mungu, Biblia na Quran, tuliwahi kuambiwa kuwa miti mingi ni dawa. Zama zile, tulipokumbana na nyoka, hatukupelekwa hospitalini kwa sababu nyoka angesemewa na kusikia na sumu ingesimama mahali ilipokuwa. Uwezo huo ulikuweco na labda utafiti wa kuboresha hali hiyo unakosekana.

Naunga mkono kwamba kituo hicho kitakapoanzishwa, kipewe pesa kwa sababu kuna vitu viwili. Tupitishie na kiwe kituo cha kufanya utafiti lakini tukikosa kukipa pesa, itakuwa tumejenga nyumba ambayo haina wanadamu ndani.

Naunga mkono na kutia sauti kwa wale wengi ambao walikuwa tayari wameunga mkono Mswada huu.

Tunaweza kufanya utafiti wa miti, mbegu na miche yetu, na kujua ni ipi yenye faida na yenye haina faida. Tunaweza kutilia maanani yaliyo na nguvu. Hapo awali, hatukuwa tunaenda hospitali tukipata maradhi kama msukumo wa damu. Tulikuwa tunatumia mbegu na madawa ya kienyeji, na tulikuwa tukipona. Lakini, kutokana na haya makubwa tuliyoletewa na mkoloni, hata mtoto mchanga anaugua saratani kwa sababu ya mafuta tunayotumia. Tunaambiwa kwamba kuna madawa ambayo yanaweza kuregesha saratani chini. Lakini kinachohitajika ni kuboresha mimea ama dawa ili kuhakikisha kwamba tunapata lishe bora.

Mswada huu unahitaji kuboreshwa katika Kamati ya Bunge nzima ili kuhakikisha kwamba umeweza kuyalenga yale yote ambayo yanaweza kumnufaisha mwanadamu.

Mhe. Naibu Spika wa Muda, naomba kuunga mkono.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Member for Busia.

Hon. (Ms.) F.M. Mutua: Thank you, Hon. Temporary Deputy Speaker. I stand to support this Bill as a Member of the Departmental Committee on Agriculture, Livestock and Co-operatives. There were amendments that Hon. Millie and Hon. Kimei talked about, on where the Plant Genetic Resources Research Centre should be placed. We will look at those amendments. I hope the Members will support us. It is very clear that when farmers plant the right seeds, they get a bumper harvest. So, it is very critical to have the right seeds for all farmers.

In normal circumstances, people in the villages do not know how important the right seeds are. That is why they always recycle the crop that they have harvested from the farms. People in the villages plant the same seeds and they end up not having bumper harvests. It is very important to ensure that our farmers become aware of the seeds that they need to plant. The proposed Plant Genetic Resources Research Centre will ensure that the seeds that we will produce will be friendly to the various soils that are in every area of the country. We need to encourage our people to embrace the organic indigenous foods that have been there during the time of our fore-fathers. We need those types of seeds to be protected so that we can have them for our future generations.

We can see the trend that is in the country on cancer and obesity, which are causing so many deaths. It is because of the unhealthy food which people eat nowadays. It is important that we embrace our organic indigenous seeds so that we can continue to have healthy livelihoods. We need to move on with research and ensure that we have the right seeds all the time. I believe that the Plant Genetic Resources Research Centre is one of the institutions that will be doing continuous research. This is important so that we have the right seeds all the time.

When we go back in time, we never used to be sick the way we are seeing so many diseases nowadays. When you became sick, your grandmother or whoever you were staying with would make a concoction of herbal medicine and give it to you to drink, and you would be well

and go to school immediately. However, nowadays, a small disease will take you to hospital, where you get hospitalised for a very long time. We need the wild plants that were used in those days to give us medicine to be very well protected by the proposed institutions. We need them to be tested and tried so that we can have the right seeds. Nowadays, people die of snake bites every other day. We used to have snakes and they used to bite us all the time, but we never died. There were plants that were used to ensure that snake poison did not kill you. Nowadays, people die of snake bites. Some counties do not have the medicine to treat snake bites. So, people end up dying.

It is important for the proposed institution to ensure that the seeds that they produce are disease free. For example, in Busia County, we need cotton seeds that are disease free. It is not any seed that can be planted there and do well. We need to have the ginneries in Busia County working again. Cotton was one of our cash crops that were giving our people some money. As I sit, I want to say that I have distributed 3,500 bags of certified maize seeds to my people in Busia County. I am sure this is going to improve the food security in the county. Those seeds will do well because they are certified.

So, I support this Bill. We are going to propose amendments on where the institution will be housed because it is critical. As one Member of Parliament said, it is also important to ensure that it is given the funding it needs to do its work properly. I support.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Let us have the member for Gatanga Constituency, Hon. Kimani Njuguna.

Hon. H.K. Njuguna: Thank you, Hon. Temporary Deputy Speaker. I rise in support of this Bill. I also take cognisance of the proposed amendments, particularly from Hon. Millie Odhiambo and the other Hon. Members, who have talked about the need to have a legal framework because, constitutionally, the focus was on the benefit to the indigenous community. As I support this Bill, I recognise the fact that we need to come up with amendments to develop a legal framework so that the local community can benefit.

This Bill is about indigenous seeds and plant varieties. It is recognition of the fact that we need to protect what is indigenous and what is ours. We are recognising the fact that indigenous plants and seeds have a value in our society traditionally even at this time. I can compare this with the efforts we are making to conserve our wildlife. We have realised that we cannot have elephants or lions in Europe. God has given the gift of our wildlife. If we do not take care of the wildlife, we might lose the gift that God has given us for free. Some of those seeds and plant varieties cannot be found in Europe and elsewhere. They are here because of our ecosystems. We need to protect them because of the value they give our society. In early 2000, I had a patient suffering from HIV/AIDS. Those days, there was a lot of stigma. I remember a conventional doctor, a professor, telling me that the patient could not live for more than 30 years. In other words, the doctor had given up. When the conventional doctor gives up, what other recourse do you have? You have to turn to herbal medicine. I could not believe the benefits. When we went back three months later, the doctor said he thought the patient was dead. To date, the patient is still there. So, there is value in those indigenous plants and varieties. I also had a cancer patient. The doctor said that the patient could not go even for surgical operation because of where the cancer had reached. The patient was told that he could not live for 30 days.

Again, we turned to herbal medicine and the patient lived for another four years. So, there is value in indigenous seeds and plant varieties. There is value in some of this indigenous knowledge. The question is: How do we protect it and make sure that the community benefits? I

support the idea of the proposed resource centre. The function of the resource centre will be to develop this knowledge and the policy and to collaborate with institutions so that we can have a data bank for that knowledge and enhance it even by collaborating with institutions. If we do so, we will get profound benefits from indigenous knowledge.

With those few remarks, I support this Bill with the intended amendments, particularly on the legal framework to make sure that the community benefits.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Order, Hon. Members. Hon. Members, it is exactly 1.00 p.m. The House stands adjourned until 2.30 p.m. in the afternoon. I thank you all.

The House rose at 1.00 p.m.