



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT**

**NATIONAL ASSEMBLY**

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The House met at 2.30 p.m.

*[The Speaker (Hon. Moses Wetang'ula) in the Chair]***PRAYERS****PETITIONS**

**Hon. Speaker:** Hon. Members, we have quorum to transact business. We have Petitions. The first Petition is by Hon. Julius K. Rutto from Kesses. Go ahead and present the Petition.

**SAFEGUARDING OF SOCIO-ECONOMIC WELFARE  
OF COMMUNITIES LIVING NEXT TO FORESTS**

**Hon. Julius Rutto** (Kesses, UDA): Thank you so much, Hon. Speaker, for this opportunity to present the Petition on safeguarding the economic and social welfare of communities living next to the forest.

I, the undersigned on behalf of forest communities and forest associations across the country draw the attention of the House to the following:

THAT, Article 60(1)(e) of the Constitution of Kenya provides that land in Kenya shall be held, used and managed in a manner that is equitable, efficient, productive, sustainable and in accordance with the principles of sustainable and productive management of land;

THAT, further, Article 69 obligates the State to ensure sustainable exploitation, utilisation, management and conservation of the environment and the natural resources, ensure equitable sharing of the accruing benefits in the management, protection and conservation of the environment and to utilise the environment and natural resource for the benefit of the people of Kenya;

THAT, on its part, Section 2 of the Forest Conservation and Management Act 2016, recognises a forest community as a group of persons who have traditional association with a forest for the purpose of livelihood, culture or religion;

THAT, further Section 8 of the Act obligates Kenya Forest Service to assist in preparation of management plans for community forest, to establish and implement benefit sharing arrangements to promote forestry, education and training, to manage water catchment areas in collaboration with the relevant stakeholders, to approve provision of credit facilities and technical training for the community-based forest industries and to approve provision of the incentives to persons for the sustainable utilisation of wood and non-wood forest products;

THAT, Section 49 of the said Act calls for the Kenya Forest Service to confer various forest users' rights to forest associations including collection of medical herbs, harvesting of honey, harvesting of timber or fuel wood, grass harvesting, grazing, collection of forest products for community-based industries, plantation establishment through non-resident cultivation and development of community wood and non-wood forest-based industries;

THAT, contrary to these provisions, the Kenya Forest Service has repeatedly ignored the work and welfare of the forest communities and forest associations such as those in Kiptega/Teldet, Kitingia, Muchorwei/ Kamugubi, Kipkorosho/Kaptumo, Ndungulu, Cherus/Kapchorua, Kabilat/Kapsunde, Chirchir/Shamba Mpya, Koriomat and Barakeiwo area

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in Kesses Constituency thereby, leading to impoverishment and harassment of the residents who use their time, effort and resources to look after these forests only for logging firms such as Raiply Company to come and harvest these forest resources;

THAT, repeated attempts by the forest communities and forest associations to consult and engage the Kenya Forest Service have been futile due to the latter's indifference and failure to respond to enquiries; and

THAT, the issues in respect of which this particular Petition is made are not pending before any court of law or any constitutional or legal body.

Now, therefore, your humble petitioners pray that the National Assembly, through the Public Petitions Committee:

1. intervenes to secure the rights and welfare of the forest communities and forest associations across the country;
2. urgently intervenes to ensure that the Kenya Forest Service reviews its policy to ensure that the local communities are given priority to purchase at least 30 per cent of the forest resources harvested and that Access to Government Procurement Opportunities (AGPO) programme founded on the Public Procurement and Asset Disposal Act 2015 is adhered to;
3. intervenes to secure the undertaking of corporate social responsibility by logging firms in areas with the resulting revenue being used to develop local infrastructure such as roads and schools, piping of water in villages and development of water catchment areas;
4. urgently intervenes to bring to an end the regular harassment of the forest communities by Kenya Forest Service; and,
5. makes any other orders in the interest of the forest communities and forest associations.

And your petitioner will ever pray.

Presided over by Hon. Julius Kipleting Rutto, Member of Parliament for Kesses.

Hon. Speaker, we have issues with the Kenya Forest Service officers who are harassing members of the community. The members of the community include Tecla Seroney, Leah Misoi, Mzee Kipkirong and Joel Kibet who is now nursing injuries from being battered and insulted by the Kenya Forest Service rangers, and Dennis Kipkemboi...

**Hon Speaker:** Is that part of the Petition? You do not give a Petition and start debating it.

**Hon. Julius Rutto** (Kesses, UDA): Thank you; I stand guided.

**Hon. Speaker:** Next Petition is by Hon. Vincent Musyoka. Hon. Members there are three Petitions. After all of them are presented, you will have the usual 30 minutes to make comments.

#### MITIGATING POLLUTION OF RIVER ATHI

**Hon. Vincent Musau** (Mwala, UDA): Thank you, Hon. Speaker. I have a Public Petition *No. 011/2022* regarding pollution of River Athi.

I, the undersigned on behalf of the residents of Mwala Constituency and Machakos County, draw the attention of the House to the following:

THAT, Article 42 of the Constitution of Kenya states that every person has the right to a clean and healthy environment;

THAT, Article 62 (1) of the Constitution defines all rivers as public land while Article 69(1) mandates the State to establish systems of environmental impact assessment, environmental audit and monitoring of the environment;

THAT, for several years now River Athi has been blatantly polluted with heavy metals and harmful chemicals;

THAT, the discolouration of the river's water indicates that the pollution source is in Nairobi's downstream section with various companies openly releasing their sewer and chemical wastes into the river;

THAT, the pollution is a serious health hazard that exposes residents of Machakos County to infections such as cholera, skin infections and dysentery, especially in the view of the fact that most people consume the river's water directly;

THAT, a number of residents living along the river have already tested positive for cancer which is directly linked to the presence of chemicals and heavy metals in the river;

THAT, further the pollution is affecting hydroelectric projects initiated by the Member for Mwala Constituency that are meant to pump water for small scale farming since the use of the polluted water for irrigating vegetables and other plants predisposes residents to multiple diseases; and

THAT, efforts to have the matter addressed by various authorities have not borne fruits and that the matter in this Petition is not pending before any court of law or any constitutional body.

Therefore, your humble petitioners pray that the National Assembly, through the Public Petitions Committee:

1. engages the Government Chemist and the National Environment Management Authority (NEMA) to ascertain the specific chemicals and heavy metals that have permeated the waters of Athi River in order to use these chemicals to identify the companies responsible for releasing them into the river;
2. secures due compensation for residents affected by the pollution of Athi River;
3. secures thorough clean-up of River Athi through budgetary and related provisions;
4. intervenes to bring an end to any further pollutions and makes proposals for withdrawal of licences of companies that pollute Athi River and other water bodies in the country;
5. secures demarcation of riparian lands and analyses the feasibility of making them recreational areas; and,
6. makes any other appropriate recommendations it deems fit in addressing the matters raised in this Petition.

And your petitioners will ever pray.

**Hon. Speaker:** Thank you, Hon. Member. Hon. Members, the third Petition regards graft investigations at West Kano Irrigation Scheme.

#### INVESTIGATIONS INTO ALLEGED CORRUPTION AT WEST KANO IRRIGATION SCHEME

**Hon. Speaker:** Hon. Members, Article 119 of the Constitution accords any person the right to petition Parliament to consider any matter within its authority. Further, Standing Order 225(2)(b) requires the Speaker to report to the House any petition other than those presented by a Member.

In this regard, I wish to report to the House that my office has received a Petition from Pastor Ochieng' Odindo of P.O. Box 25 Nyang'ande, Kisumu County, calling for investigations into alleged cases of corruption at West Kano Irrigation Scheme. The petitioner is concerned about the manner in which the Ethics and Anti-Corruption Commission (EACC), Western Region Office in Kisumu mishandled investigations into alleged misuse of Government Rehabilitation Fund, Economic Stimulus Programme Fund and farmers' own savings by the management of West Kano Irrigation Scheme.

He avers that the EACC, Western Region Officers failed to make any conclusion on allegations of corruption filed by him and other residents in August 2015. The petitioner further decries failure by the same officers to investigate misuse of 13 tractors granted through collaboration with the Government of Japan, as well as embezzlement of rice sales funds released by the Government of Kenya. He is thus aggrieved by the EACC, Western Region's failure to conclude any of the investigations and equally failing to update the complainants on any progress made thereof.

The petitioner thus prays that this House uses its authority to intervene on behalf of poor farmers and beneficiaries of West Kano Irrigation Scheme by seeking conclusion of the aforementioned investigations by EACC, Western Region Office in order to recommend appropriate action against culpable officers.

Hon. Members, having established that the matter raised in the Petition is well within the authority of this House, I hereby commit it to the Public Petitions Committee for consideration, pursuant to Standing Order 208A. The Committee is required to consider the Petition and report its findings to the House and the petitioner in accordance with Standing Order 227(2).

I thank you.

We now have 30 minutes for those Members who want to comment on any of the three Petitions that have been presented before you.

Hon. Opiyo Wandayi.

**Hon Opiyo Wandayi** (Ugunja, ODM): Thank you very much, Hon. Speaker. Let me just comment on this last Petition that touches on the West Kano Irrigation Scheme. As you know, that is one of the few irrigation schemes we have in the greater Nyanza Region. Indeed, in the recent past, it has not been doing well as a result of mismanagement. If the Government can focus on this scheme, pump in some money and have proper management, it can revolutionise agriculture generally not only in that part of the country but also in the whole country. The country can be in a position to actually produce enough rice to not only feed its citizens but also have surplus for export to earn the country much needed foreign exchange.

I will now come to the issue that is being raised by the petitioner. It is a matter of concern that some of these investigations take inordinately too long to conclude. I am aware of the investigations in the county governments which have taken years without any conclusion. Even as the relevant committee delves into these matters, let us try to implore upon the relevant agencies. I know they are independent and are not subject to direction from any person or authority. However, let us try to implore upon them to complete these investigations, once they initiate them, for us to get the results. If any criminal culpability is established, the concerned persons should be taken to court, charged accordingly and hopefully secure conviction to serve as a deterrence to those who want to engage in similar acts in future.

Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you, Hon. Wandayi. Hon. Pkosing. I believe Members who are on interventions want to speak to the Petitions.

**Hon. Members:** Yes.

**Hon. Speaker:** Give Hon. Pkosing the microphone. There is a microphone next to you. I will give each Member two minutes to contribute.

**Hon. David Pkosing** (Pokot South, KUP): Thank you, Hon. Speaker, for giving me this opportunity to make some few comments, particularly on the Petition from my colleague from Kesses on the issue of forests. As we advise the Committee, I want to implore upon them to look at the issue critically. These people from Kenya Forest Service criminalise communities which live around forests. They make them look like criminals, citizens who are not law-abiding and animals whom they chase day and night. I do not want the Committee to look at these people as if they are criminals. First of all, it should be known that when KFS was

demarcating the forest, the people were already there. So, we should not be treating people as if they are criminals in their own land. So, the Committee needs to look at that.

Number two, if it is protection of forests that is not only the responsibility of Kenya Forest Service. It is a responsibility of all of us including the people that live around that forest because I come from the neighbouring place. Therefore, my advice to the Committee is that if the KFS find that people go into the forest because of firewood, then they should donate gas cylinders that were introduced by national Government sometime back. They need to revisit that and give them to the people who live around the forest so that they do not destroy forests. Finally, KFS should reward people who live around the forest rather than criminalising them.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Member for Gilgil.

**Hon. Martha Wangari** (Gilgil, UDA): Thank you, Hon. Speaker. I would like to comment on the two Petitions. On the one by Hon. Vincent Kawayu on the issue of pollution, even as industrial developments go on, proper environmental impact assessments must be done. I say that noting some places in mind. For example, there is an area in my constituency called Eburu where Kenya Electricity Generating Company (KenGen) has a geothermal project. There are areas where plants even turn white and locals are rendered beggars. I support that environmental impact assessments be done and be incorporate by the communities.

Two is the issue of corruption and Ethics and Anti-Corruption Commission (EACC). It is time this House brought this to their attention. They should be aware that you do not just make headlines when you make a commotion that you have arrested people without proper investigations. For example, the projects of Kano, Kimira-Oluch and Galana Kulalu have over Ksh7 billion sunk in them yet we do not see the reports about them and no one takes responsibility. I support and hope that the Committee will go down to actually get the reports to this House.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Oundo. Can you give the Member a working microphone next to him? You will be given one next to you. There you are.

**Hon. (Dr.) Ojiambo Oundo** (Funyula, ODM): Thank you, Hon. Speaker. I just want to comment on the Petition concerning pollution and generally the issue of petitions as a whole.

Industrial development, as I have always said, should not bring negative impacts to the communities. They should add positives to the community. It is therefore important that all those who are investing in industrial production of whichever nature must put into place adequate contingent measures to ensure there is no pollution of water sources and the environment generally.

This Petition should also be used as a basis to question the effectiveness, efficiency and ability of the NEMA that is established under the Environmental Management and Coordination Act (EMCA). Pollution ought not to happen because at all given times, NEMA is supposed to license and monitor waste discharge into various places. The most important persons here to be questioned ought to be NEMA and the various organs that manage the environment in both Nairobi and Machakos counties.

As at now, of course, public petitions are coming in droves. They are many indicating that there are so many unfinished businesses in this country. I hope and pray that the Public Petitions Committee will not handle business like the last Parliament. They should be able to discharge and hopefully address the issues and report to the members of the public in due time.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Didmus Barasa.

**Hon. Didmus Barasa** (Kimilili, UDA): Thank you, Hon. Speaker. I want to also comment on this Petition by Hon. Kawayu. I support the Petition. Those who are engaged in industrial development should actually protect the environment. My disappointment goes to

NEMA. They have the responsibility to ensure that if anybody in this country engages in industrial activities, they should have a proper mitigation plan to protect the environment. Things like these ones are the ones that will wipe out our rivers. This country is endowed with very many rivers that provide livelihoods for many farmers and people who live along the rivers. When the Committee will investigate this matter, I ask them to focus on the role of NEMA because their role is not just to sit in their offices and enjoy the breeze along Mombasa Road. They should ensure that every activity in this country must be in compliance with the environmental laws of this country.

I support, Hon. Speaker.

**Hon. Speaker:** Hon. (Dr.) James Nyikal.

**Hon. (Dr.) James Nyikal** (Seme, ODM): Thank you, Hon. Speaker. I rise to support two of the Petitions. One is on the Athi River pollution. I see a broader issue here. All the rivers that pass through urban centres, in cities or towns are actually exposed to the same problem that Athi River is exposed to. Athi River's tributaries are Nairobi, Ngong, Ruiru, Ndarugu and Mbagathi rivers. All of them empty into Athi River. It is not only in Athi River, if you go to towns like Migori, there is Migori River and many other towns with similar problems. This should be looked into in a broader sense so that when rivers pass through towns, pollution is strictly controlled. This will ensure that people downstream do not actually suffer. This is because people only see that rivers are untidy when it passes through the town. Once it goes downstream, it is seen as clean and used by other people. I therefore, support this Petition but it should look at all rivers that pass-through towns and even inland lakes.

Two, is the issue of the West Kano Irrigation Scheme. The irrigation schemes in this country have been a let-down. Therefore, when we look at this, we should look at all of them. This is because we want more irrigation schemes like this one in that particular area. We should look at Soin-Koru Irrigation Scheme as a means to curb the problem. However, if it has a problem, how do we spend more money on others? I also support this but they should look at it in general terms so as to understand what the problem is with irrigation schemes.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Bowen.

**Hon. Kangogo Bowen** (Marakwet East, UDA): Thank you, Hon. Speaker. I want to comment on the Petition by the Member of Parliament for Kesses on the issue of forests.

Some of us come from constituencies which border forests. If you go round those communities, you will find that the communities have been living in those forests for many years. However, since the formation of KFS, the forests have been depleted because the most corrupt KFS officers are the ones who are actually harvesting even the indigenous trees. When the KFS are harvesting these trees, they do not do public participation. Some contractors from Nairobi are awarded contracts to cut down trees. They come to the community destroying rural roads and you will find that they harvest almost everything.

I also want to support the Petition by Hon. Kawayu on the pollution of Athi River. Many industries in industrial area do not have proper waste management. It is upon NEMA and the Committee of this House to look into this issue. This is because we have seen many people downstream who are planting crops and the rivers are never utilised again.

I support the Petition.

**Hon. Speaker:** Let us have Hon. Racheal Nyamai.

**Hon. (Dr.) Racheal Nyamai** (Kitui South, JP): Thank you, Hon. Speaker, for giving me a chance to make a comment on these petitions. I would like to make a comment on the one that has been raised by the Hon. Vincent Musyoka Kawayu concerning pollution of Athi River. When Athi River is polluted, it pollutes the three Ukambani counties in the lower eastern: Kitui, Machakos and Makueni. In my constituency where this river flows, my constituents are using water which is green in colour. When it is not raining or the water levels are not low, the water

becomes cleaner but is not good enough for human consumption. I would like to ask the Committee as they look at it to be bold enough and ask the institutions that test the water to identify which impurities are in that water and call out on those companies so that this matter is brought to rest. It was raised in the 12<sup>th</sup> Parliament but nothing much was done.

Hon. Speaker, it is important that before these companies are given permission to operate upstream, health impact assessments are done first so that they can tell their impacts on people living downstream. I would also like to congratulate the pastor who has raised the matter of corruption in Kano West Irrigation Scheme. I want to say that as they look at this matter, they can go beyond the regional area of Kisumu Anti-Corruption Commission office and move towards the national office so that they do not deal with the people who may be causing the problem.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Deputy Speaker. Give Hon. Boss the microphone.

**Hon. Gladys Boss** (Uasin Gishu County, UDA): Thank you, Hon. Speaker, for giving me this opportunity to comment on the Petition by the Member for Kesses Constituency relating to the interaction between the members of the local community and the forests around them. Even as I support his Petition, I would like to add that it is important to create alternative sources of energy for those communities so that they can have options instead of harvesting trees to use for cooking and other domestic issues. Just yesterday I launched two-burner stoves in Uasin Gishu County that use biofuel. They use bioethanol that is made from sugarcane which is safer than charcoal and protects our forests because people do not have to deforest. So, I move to support but with that rider.

Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you. Let us have Hon. Stephen Mule.

**Hon. Stephen Mule** (Matungulu, WDM): Thank you very much, Hon. Speaker. I thank Hon. Vincent who is my neighbour. I want to draw the attention to this nation to the fact that we served together in 11<sup>th</sup> Parliament whereby we engaged the African Development Bank to do a feasibility study to build a major dam in my constituency to serve the lower part of Mwala and they put in enough money for that dam but because of pollution of this river, quite a lot of things never took place.

Secondly, I personally hosted the Cabinet Secretary for Environment, then Madam Wakhungu at Ndunyu, and they launched a project to clean up Athi River to make sure that the people living downstream get safe water.

Thirdly, the last Parliament appropriated money and it was raised to build the bigger Thwake Dam. I can assure you that if this issue is not handled seriously by the Petition, Thwake Dam will be a white elephant because it will be carrying the entire pollution of Athi River from its environs. We cannot continue to invest in projects which are going to be white elephants because of pollution in this country. I want to support Mhe. Vincent and assure him that we will walk this journey like we have in the past 10 years. In these five years we must get it right and I can assure you that we will be looking forward to favourable determination of the Petition to save Athi River and all other rivers in this country. This will make sure that we safeguard the health and population of Kenya from the menace of pollution from different factories in this country which are managed by people...

**Hon. Speaker:** Let us have Hon. Robert Pukose.

**Hon. (Dr.) Robert Pukose** (Endebess, UDA): Thank you, Hon. Speaker, for allowing me to make my comments on the Petitions, specifically on the one by the Member for Kesses, Hon. Rutto. When the Committee is looking into it, they should know that we have had communities living along the forest. Recently we have had people of Sosio in Saboti being evicted, and their houses and properties being destroyed in a very inhumane way by the Kenya Forest Service. I think it is high time we looked at human rights abuses on communities which



are living along the forest where you are destroying their houses and property leaving them landless and in very bad conditions.

You will also find that some lands which are bordering forests have been gazetted, for example, the farm that is known as Sorenson Farm is being gazetted yet people are living there and there is no compensation for them. I think it is important that when the Committee on Petitions is looking into this Petition, please invite us so that we can also represent the views of our people; not just those of Kesses but those of Endebess and Saboti as well as the entire bit of Mt Elgon and see how we can assist them.

Thank you, Hon. Speaker.

**Hon. Speaker:** Let us have Hon. John Mutunga, Member for Tigania West.

**Hon. (Dr.) John K. Mutunga** (Tigania West, UDA): Thank you, Hon. Speaker, for the opportunity to also add my voice to the Petitions. I will specifically speak on the Petition by Hon. Vincent on pollution of waterways. We have made a lot of efforts in this country and I believe we are making these efforts to harness water for irrigation and for downstream. We cannot harness water if it is highly polluted and allow people downstream to use the water because it will amount to putting people into more danger. What we need to do is to avoid discharge of waste into the waterways. We need to change the environmental impact assessments that have been going on and look for alternative ways of discharging effluent or liquid waste. We do not have sufficient rivers around Nairobi specially to discharge liquid waste. We have to think of either burying it deep down or looking for other incineration methods other than just using the water waste because discharge through the waterways is very dangerous especially when we are planning to use this water for irrigation and for human consumption.

Pollution needs to be considered afresh. The National Environment Management Authority needs to look at this issue and come up with better ways of handling liquid waste so that people can be safer downstream.

Thank you, Hon. Speaker.

**Hon. Speaker:** Let us have Hon. Protus from Loima.

**Hon. Protus Akujah** (Loima, UDA): Thank you, Hon. Speaker. I want to comment on the Petition by Hon. Kawaya. I support it on the grounds that the issue of pollution is the reason why Kenya is having these issues of climate change and global warming at the moment. The organisation that has been mandated to enforce some of these laws that we are making here is unable to do that. The NEMA for sure has not done its work because when polythene papers were banned in the country, they were still able to make their way in through our borders under its watch. The NEMA has to wake up and play its role, otherwise this climate change and global warming will continue and our people will perish.

Thank you. I support.

**Hon. Speaker:** Hon. Makali Mulu.

**Hon. (Dr.) Makali Mulu** (Kitui Central, WDM-K): Thank you, Hon. Speaker. I support all the three Petitions but I want to raise issues of concern on two of them. I will start with the Petition of Hon. Musyoka on pollution of our rivers, more specifically of Athi River. The issue of pollution of Athi River was raised in the 11<sup>th</sup> and 12<sup>th</sup> Parliaments and now it is being raised in the 13<sup>th</sup> Parliament. What I was asking myself as I sat here was: Has this House become a talking show? I am sure the two Parliaments must have resolved that some actions be taken. As we discuss these Petitions, it is important that we agree how we will move forward as a House in situations where decisions have been made by this House and there is no implementation.

On the Petition on corruption by the pastor from Kisumu, there is a perception that even though the EACC is supposed to address issues relating to corruption in this country, it is also having issues. To me, the important question is: Who is supposed to watch this watchdog?

There are issues and as a House we need to discuss – through your leadership – how to handle cases where Kenyans are raising issues about the EACC. When you go to the counties, many of them are complaining. The assemblies are saying they have forwarded issues to the EACC but nothing much, in terms of investigations and conclusion, seems to be done on the issues.

Therefore, as I support these Petitions, those are the fundamental questions we need to ask as a House and agree how to move forward.

Thank you.

**Hon. Speaker:** Hon. Justice Kemei.

**Hon. Justice Kemei** (Sigowet/Soin, UDA): Thank you, Hon. Speaker, for the opportunity that you have given me. I want to comment on the Petition by the Member of Parliament for Kesses. In this country, we have people who have traditionally, from time immemorial, lived along forests, for example, the Ogiek Community who live along forests in the Rift Valley, Western and Central regions. This community needs the protection of this House. When they go to the forests, they are not loggers and thieves; they simply go there for a simple livelihood of collecting firewood once in a while and they mostly harvest honey which they rely on for survival.

I want to encourage the Public Petitions Committee that when they look at this Petition, the rights of the people of the communities that live along forests must be protected. When you look at them, they have no means of livelihood. So, when a chance to log trees is available, these communities need to be considered so that they can have a livelihood.

Thank you. I support.

**Hon. Speaker:** The last one on this is Hon. Beatrice Elachi.

**Hon. Beatrice Elachi** (Dagoretti North, ODM): Thank you, Hon. Speaker. I also rise to support the Petition of Hon. Kawaya. As we speak about pollution, we have just finished the 27<sup>th</sup> Conference of the Parties to the United Nations Framework Convention on Climate Change (COP27) where we talked about climate change. Looking at Athi River at the moment and its ecosystem... Nairobi has a lot of pollution that ends up at Athi River where people practise agriculture. We have ended up having a lot of cancer cases because of polluted water. It is important for this House to relook at the mandate of NEMA. Why are we having all these challenges yet we have an institution that ought to deal with them? When the Committee on Public Petitions will be looking at the Petition, it needs to look at the institutions that are supposed to deal with companies. Have we accepted this? Is it corruption that is choking us to give in and kill our people instead of being firm and ensure that companies that throw waste into rivers are charged and closed? As Kawaya said, their licences must be terminated so that we are serious and sensitize all citizens that these are our rivers. As Nairobians, we must clean Nairobi River for Athi River to be clean.

I support and as Nairobians we will walk the journey with you because pollution starts with us as it pours to Athi River.

Thank you.

**Hon. Speaker:** Thank you, Hon. Elachi. There are two minutes to go on this. I will give Hon. Bisau Kakai one minute and Hon. Melly one minute.

**Hon. Bisau Kakai** (Kiminini, DAP-K): Thank you, Hon. Speaker. I thank Hon. Ruto for bringing the Petition on welfare of the forest communities. In Trans Nzoia, we have got three water towers. However, the Forestry Department has undermined the communities that were originally living around forests. It will be good if within corporate social responsibility, forestry authorities look at these communities as partners in terms of planting more trees and offering employment. Originally, these communities are the ones that understood the advantages of forests. Deforestation or cutting of trees was because of corrupt officials from KFS who kicked out the original communities that resided there and...

**Hon. Speaker:** The last one minute for Hon. Melly.

**Hon. Julius Melly** (Tinderet, UDA): Thank you, Hon. Speaker. I want to thank the petitioners, Hon. Kawaya and Hon. Rutto, for the two Petitions. I want to ask this House to take it seriously that the people who live along forests owe the country a lot because they are the ones who took care of these forests for many years. In my constituency, we have a number of them in Kipkurere. Communities like the Ogiek rely on forests for honey and food. What the Government needs to do is to allow and motivate them to take care of these forests at the same time earning a living out of them.

On the issue of pollution, I remember it was in this House that we discussed the issue of Athi River, passed a resolution and it went to the Committee on Implementation. It is high time we took punitive measures against...

**Hon. Speaker:** Your time is up. Hon. Members, the three Petitions are committed to the Public Petitions Committee to transact and report back to the House in the prescribed time.

Hon. Members, I wish to recognise students and teachers from the following schools seated at the Speaker's Gallery: Nova Pioneer School from Eldoret, and Alliance High School, Kikuyu. On my behalf and that of the House, I wish to welcome them to the National Assembly.

Thank you.

Next Order.

## PAPERS

**Hon. Speaker:** Leader of the Majority Party.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Speaker. You know the Deputy Speaker and the Member for Endebess had a problem with me foot-thumping for the School as you appreciated the schools present. The Member for Endebess knows the school in the Speaker's Gallery. It is of course the Alliance High School. I do not need to say what we all say.

*(Laughter)*

Hon. Speaker, I beg to lay the following Papers on the Table of the House:

Legal Notice No. 194 of 2022 relating to the Capital Markets (Licensing Requirements) (General) (Amendments) (No.2) Regulations, 2022 and the Explanatory Memorandum from the National Treasury.

Draft Public Finance Management (Financial Inclusion Fund) Regulations, 2022 and the Explanatory Memorandum from the National Treasury.

For the Benefit of Members, those are the Regulations on hustlers' fund.

Annual Status Report on Water, Sanitation and Irrigation from the Ministry of Water, Sanitation and Irrigation.

Report on Human-Wildlife Conflict Compensation Claims approved by 25<sup>th</sup> February 2022 and not paid as at 30<sup>th</sup> June 2022 from the Ministry of Tourism and Wildlife.

Fifteenth Edition of Bi-Annual Report on the Status of Alcohol and Drugs Control in Kenya for the period covering 1<sup>st</sup> July to 31<sup>st</sup> December 2021 by NACADA.

The Public Financial Management Reforms Secretariat Communication Strategy for the period 2018 to 2023 from the National Treasury.

Annual Report and Financial Statements of Kirinyaga University for the FY 2020/2021.

Annual Report and Financial Statement of Kenyatta National Hospital for the FY 2018/2019.

Quarterly Economic and Budgetary Review for the First Quarter of the FY 2021/2022 for the period ending 30<sup>th</sup> June 2022 from the National Treasury.

Bi-Annual Report for the period July-December 2021 from the Commission on Administrative Justice.

County Governments Annual Budget Implementation Review Report for the FY 2021/2022 from the Controller of Budget.

Performance Audit Report on Monitoring of Artisanal Mining Operations by the Ministry of Petroleum and Mining.

Annual Public Debt Management Report for the FY 2021/2022 from the National Treasury.

Report on the State of the Judiciary and Administration of Justice for the FY 2021/2022 from the Judiciary.

The Eighth and Ninth Batches of Nominees to 18 National Government Constituencies Development Fund Committees, including a revised list for Wajir West Constituency, from the National Government Constituencies Development Fund Board for the following constituencies:

- (a) Emurua Dikirr;
- (b) Kabondo Kasipul;
- (c) Kanduyi;
- (d) Kiambu Town;
- (e) Kibwezi West;
- (f) Kilifi South;
- (g) Kiminini;
- (h) Kinango;
- (i) Lugari;
- (j) Mukurweini;
- (k) Mwingi North;
- (l) Ndia;
- (m) Sirisia;
- (n) Juja;
- (o) Runyenjes;
- (p) Tigania East;
- (q) Wajir West;
- (r) Turkana North; and
- (s) Turkana West.

A Revised List of Nominees for Kilifi North and Gilgil constituencies from the National Government Development Fund Board;

Reports of the Auditor-General and Financial Statements in respect of the following constituencies for the Financial Year ended 30<sup>th</sup> June 2021 and the certificates therein:

1. Isiolo South;
2. Tiaty;
3. Kacheliba;
4. Turkana East;
5. Saku;
6. Laisamis;
7. Kapseret;
8. Chesumei;
9. Ainabkoi;
10. Manyatta;
11. Mbeere South;
12. Isiolo North;
13. Loima;

14. Pokot South;
15. Kuria East;
16. Mosop;
17. Moyale;
18. Westlands;
19. West Mugirango;
20. Rongai;
21. Nakuru East;
22. Naivasha;
23. Eldama Ravine;
24. Turkana West;
25. Ol Jorok;
26. Marakwet East;
27. Kajiado Central;
28. Kajiado East;
29. Kajiado West;
30. Kajiado North;
31. Kibwezi East;
32. Kinangop;
33. Mandera South;
34. Starehe;
35. Kangundo;
36. Narok West;
37. Gilgil;
38. Njoro;
39. Emurua Dikirr;
40. Narok South;
41. Subukia;
42. Mogotio;
43. Bahati;
44. Embakasi North;
45. Kuresoi North;
46. Aldai;
47. Tigania East;
48. Langata;
49. Embakasi Central;
50. Embakasi South;
51. Githunguri;
52. Nandi Hills;
53. Makadara; and
54. Limuru.

Reports of the Auditor-General and Financial Statements in respect of the following institutions for the Financial Year ended 30<sup>th</sup> June 2022 and the certificates therein:

- (a) Supporting Agricultural Input and Output Marketing Policy and Regulatory Reforms to improve the Enabling Business Environment for Agriculture in Kenya.
- (b) Last Mile Connectivity Project I by the Kenya Power and Lighting Company PLC;
- (c) Last Mile Connectivity Project II by the Kenya Power and Lighting Company PLC;
- (d) Kenya Transport Sector Support Project by the State Department for Infrastructure;

- (e) Water and Sanitation Services Improvement Project by the Lake Victoria North Water Works Development Agency;
- (f) Credit Guarantee Scheme by the National Treasury;
- (g) Kenya Towns Sustainable Water Supply and Sanitation Programme by the Tana Water Works Development Agency;
- (h) Central Bank of Kenya;
- (i) Multinational Lake Victoria Maritime Communications and Transport by the Kenya Maritime Authority; and,
- (j) Kenya Health Sector Programme Support III.

Hon. Speaker, allow me to welcome, like you did, students from Alliance High School, where I schooled way back in 1994 and served as a Smith House Captain. Hon. Clive and Hon. Stanley Manduku also schooled there most recently. The students should feel welcome to the House.

Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you, Hon. Ichung'wah.

Next Order.

### NOTICE OF MOTION FOR ADJOURNMENT ON A MATTER OF URGENT NATIONAL IMPORTANCE

**Hon. Speaker:** Hon. Members, I received two identical Motions of Adjournment from the Member for Mosop, which came earlier, and the Member for Mathare, Hon. Oluoch. I have allowed both Motions to be debated this afternoon, but we will only have a Notice of Motion from the Member for Mosop.

Go ahead.

**Hon. Abraham Kirwa** (Mosop, UDA): Hon. Speaker, Thank you for this opportunity.

**Hon. Speaker:** Order, Hon. Kirwa. There is a point of order from the Member for Emgwen. What is out of order?

**Hon. Josses Lelmengit** (Emgwen, UDA): Hon. Speaker, I rise pursuant to Standing Order 86 on proceedings of Select Committees, which reads:

“No Member shall refer to the substance of the proceedings of a Select Committee before the Committee has made a report to the House.”

In view of these provisions of this Standing Order, as a young parliamentarian, is it in order for Hon. Junet, who is a Member of Departmental Committee on Justice and Legal Affairs...

**Hon. Speaker:** Hon. Lelmengit, you are completely out of order. The matter before the House is a Notice of Motion by the Member for Mosop.

*(Laughter)*

*(Hon. Opiyo Wandayi spoke off the record)*

There is nothing to finish, Hon. Wandayi. The Member for Emgwen, if you have an issue that you want to raise other than a matter being debated on the Floor, you approach the Chair or the Clerks-at-the-Table, then they will guide you on how and when to raise it. For now, what is on the Floor is a Notice of Motion to adjourn the House to debate a matter that the Member for Mosop, your neighbour, is about to raise.

Member for Mosop, your notice will be treated as one also given by the Member for Mathare.

## IMPORTATION OF GMO MAIZE INTO KENYA

**Hon. Abraham Kirwa** (Mosop, UDA): Hon. Speaker, pursuant to Standing Order 33(1), I rise to seek leave for adjournment of the House in order to discuss a definite matter of urgent national importance regarding importation of Genetically Modified Organisms (GMO) maize into the country.

On Thursday, 17<sup>th</sup> November 2022, the Government, through the Cabinet Secretary for Trade, Investment and Industry, announced an intention to allow duty-free importation of 10 million bags of GMO maize over the next six months. This move will disadvantage farmers from maize-growing areas who are currently in the harvesting season. The waiver of the ban comes at a time that the Kenyan bread basket areas of Uasin Gishu, Trans Nzoia, Narok, Laikipia, Nakuru, Elgeyo Marakwet, Kakamega, Kericho and Nandi counties, among other regions of the country, could prompt farmers to release more of their produce to the market before the influx of the cheaper GMO maize imports. This will consequently adversely affect prices due to effects of supply and demand.

In addition, the proposed importation of GMO maize comes at a time when questions abound on whether or not to allow GMO crops and products to be cultivated or imported into the country. This is in relation to alleged risk associated with such products.

Hon. Speaker, it is against this background that I seek your leave for the adjournment of the House to discuss this matter of national concern on importation of GMO maize into the country, and its effects on local farmers.

I have the support of over 30 Members. I ask them to rise.

**Hon. Speaker:** Hon. Members, the Notices of Motion by the Member for Mosop and the Member for Mathare have sufficient support. We will allocate them time, given the tremendous interest I see from Members on the Floor. We will give them time from 4.00 p.m. The Member for Mosop will move the Motion. This is a Motion that requires no seconding. The Member for Mathare will be allocated equal time with the Member for Mosop because they are co-moving the Motion. Then, the rest will be for the House to debate.

Next Order.

## QUESTIONS AND STATEMENTS

## ORDINARY QUESTIONS

**Hon. Speaker:** The Member for Laikipia East, Hon. Kiunjuri, has requested his Question to be deferred. It is deferred to a later date.

*Question No.008/2022*

UPGRADING OF TIMAU-CHUMVI-DOL DOL AND TIMAU-NGARE NDARE-ANADUNGORO ROADS

*(Question deferred)*

Member for Mwingi Central, Gideon Mulyungi.

*Question No.020/2022*

CONSTRUCTION OF DAMS,  
BOREHOLES AND WATER PANS IN MWINGI

**Hon. Gideon Mulyungi** (Mwingi Central, WDM): Hon. Speaker, I rise to ask the Cabinet Secretary for Water, Sanitation and Irrigation the following Question:

- (i) What plans has the Ministry put in place to construct and develop dams, boreholes, and water pans in Mwingi Central Constituency?
- (ii) Could the Cabinet Secretary submit a list of dams, boreholes, water pans, and piped water supply lines constructed or developed by the national Government in Mwingi Central, Mwingi West, and Mwingi North constituencies from the 2017/2018 Financial Year to date?
- (iii) In view of the fact that Mwingi Central Constituency and in particular Mwingi Town lacks adequate and reliable clean water supply that forces residents to use donkeys to fetch water from dry seasonal rivers, when shall the Ministry allocate sufficient resources to improve water supply in this area?
- (iv) What measures has the Ministry taken to ensure the construction and development of dams, boreholes and water pans in Mwingi Central Constituency?

Hon. Speaker, I can see the Ministry assigned to reply to the Question is erroneous.

**Hon. Speaker:** Hon. Member, the Question will be directed to the Departmental Committee on Blue Economy and Irrigation.

**Hon. Gideon Mulyungi** (Mwingi Central, WDM): Thank you, Hon. Speaker.

**Hon. Speaker:** Next is the Member for Kisumu Central, Hon. Oron Odongo.

*Question No.021/2022*

MITIGATING CONTINUED  
POLLUTION OF LAKE VICTORIA

**Hon. Joshua Oron** (Kisumu Central, ODM): Hon. Speaker, I rise to ask the Cabinet Secretary for Environment and Forestry the following Question:

- (i) Could the Cabinet Secretary explain measures the Ministry has in place to mitigate the continued release of effluents and other pollutants into Lake Victoria leading to damage and loss of marine biodiversity?
- (ii) What steps is the Ministry taking to assess the extent of damage that chemicals discharged into the lake from industrialisation and sewerage releases considering the huge losses of fish and negative impact on the fish farming?
- (iii) What steps has the Ministry taken to eradicate or control the causes of rising pollution levels in the lake so as to guarantee the safety of fish consumed by Kenyans?
- (iv) What action is the Ministry taking to ensure the environment is protected from such pollution and more specifically to eradicate the continued stench from the lake?

Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you, Hon. Member. The Question is committed to the Departmental Committee on Environment, Forestry and Mining.

Member for Ndhiwa, Hon. Martin Owino.

*Question No.022/2022*

COMPENSATION FOR OWNERS OF  
LAND DONATED TO ICIPE IN NDHIWA



**Hon. Martin Owino** (Ndhiwa, ODM): Hon. Speaker, the opportunity is appreciated.

I rise to ask the Cabinet Secretary of Lands, Public Works, Housing and Urban Development the following:

- (i) Could the Cabinet Secretary provide the current ownership status of the 116 hectares of land in Kanyadoto Ward in Ndhiwa Constituency which were donated by the community to the Government for development in 1980 and later alleged to have been transferred to the International Centre of Insect Physiology and Ecology (ICIPE)?
- (ii) Could the Cabinet Secretary state the reason no development has been initiated on the said land as agreed between the community which donated the land and the Government as intended?
- (iii) Considering that no Government development has been undertaken on the said land as intended for the last forty (40) years, could the Government undertake to either compensate the families which donated the land or revert it to the rightful owners?

I thank you, Hon. Speaker.

**Hon. Speaker:** On the next, I am advised that Question No. 26 of 2022 by Hon. Oundo was already asked. Now we go to Question No. 27 of 2022 by the Member for Ruiru, Hon. Simon King'ara.

*Question No. 027/2022*

CONSTRUCTION OF FOOTBRIDGES ON THE EASTERN BYPAS IN RUIRU

**Hon. Simon King'ara** (Ruiru, UDA): Thank you, Hon. Speaker, for according me this opportunity to ask the Cabinet Secretary for Roads and Transport the following Question:

- (i) Could the Cabinet Secretary explain what steps have been taken to curb the increasing cases of accidents involving pedestrians crossing the Thika Superhighway, particularly in Ruiru Constituency where numerous lives have been lost, especially in Kihunguro?
- (ii) Could the Cabinet Secretary consider urgently constructing more footbridges and speed bumps, and ensuring adequate road markings, pedestrians' crossings and road signs along the Eastern Bypass from Mwihoko Junction-Kamakisi-Kihunguro to Prison Junction (OJ) to curb the high number of accidents occurring along the said road?
- (iii) Could the Cabinet Secretary also consider urgently constructing a footbridge at the Green Valley Estate and Githunguri Primary and Secondary School along the Eastern Bypass where several residents, including children, have lost their lives while crossing the busy road?

Thank you.

**Hon. Speaker:** Thank you, Hon. Member. Next is a Statement by Hon. Mark Mwenje, Member for Embakasi West. Clerk give him the microphone. You have the microphone, Hon. Mwenje.

**STATEMENTS**

STATUS OF PREPAREDNESS FOR  
NATIONAL EXAMINATIONS

**Hon. Mark Mwenje** (Embakasi West, JP): Thank you, Hon. Speaker.

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Pursuant to the provisions of Standing Order 44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Education regarding the preparedness by the Ministry of Education and the Kenya National Examinations Council (KNEC) regarding simultaneous administration of the upcoming Kenya Certificate of Primary Education (KCPE) and the Kenya Primary School Education Assessment (KPSEA) national examinations.

Education is a powerful driver of development and one of the strongest instruments for reducing poverty, improving health, gender equality, peace and stability. Indeed, Article 43(1) of the Constitution provides for the right to education for every person in the country. Further, Article 53(1)(b) of the Constitution states that every child has a right to free and compulsory basic education.

Hon. Speaker, education and growth for the students are essential for knowledge and capability test. Indeed, most schools have completed the curriculum and are prepared for the upcoming national examinations which are scheduled to run from 28<sup>th</sup> November to 3<sup>rd</sup> December 2022. Regrettably, it has come to my attention that there are schools in many urban centres particularly, Nairobi City County and especially in Embakasi West Constituency that do not have the physical infrastructure to administer KCPE and KPSEA concurrently.

It is against this background that I seek a Statement from the Chairperson of the Departmental Committee on Education. In the Statement the Chairperson should address the following matters:

- (i) Specific steps and arrangements that the Ministry is taking to accommodate schools especially in urban areas with a very high number of candidates sitting for the two examinations?
- (ii) Specific steps that the Ministry is taking to facilitate schools that cannot meet the Kenya National Examinations Council's (KNEC) recommended ratio of 20 to 1 - the ideal standard is 20 students per classroom?
- (iii) The possibility of administering the two examinations in different periods.

Hon. Speaker, if I may get your indulgence because my question is time- barred, in my constituency I have students who might be doing their examinations in tents and it is raining. So, I request to get a response on this matter preferably this week.

Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you, Hon. Mwenje. Hon. Members, we will...

*(Hon. Speaker consulted with the Clerk-at-the-Table)*

The Chairperson to whom the Statement is directed, is he in the House? The Chairperson of the Departmental Committee on Education. Leader of the Majority Party, if you listened to the Statement by Hon. Mwenje, it is very urgent and I do not see the Chairperson of the Departmental Committee on Education. Can you undertake that the response be given on Thursday afternoon?

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Yes, Hon. Speaker. I think I can undertake that. The Chairperson was here but I am told he has gone to my office. I do not know to do what yet I am here.

*(Laughter)*

**Hon. Speaker:** How can he leave you in the Chamber and go to your office?

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): I just heard he has gone to my office, I do not know to do what yet I am here but, I can undertake. I want to indicate to the Member that the Cabinet Secretary for the Ministry of Education paid a courtesy call to my office this

morning. Since I was privy to that Question, he is already apprised of the issue and, therefore, I undertake to have an answer by Thursday.

**Hon. Speaker:** Thursday afternoon. Hon. Mwenje, it is so done. Next Order!

Is Hon. Pkosing here? You are not on the Order Paper but I am told you have a Statement to make. I will allow you.

PLANNED IMPORTATION OF  
MAIZE FOR SIX MONTHS

**Hon. David Pkosing** (Pokot South, KUP): Thank you, Hon. Speaker, for approving the Statement.

Pursuant to Standing Order 44(2)(c), I wish to request a Statement from the Leader of the Majority Party regarding the planned importation of 10 million bags of maize for six months period...

*(Hon. Kimani Ichung'wah consulted other Members)*

**Hon. Speaker:** Hon. Ichung'wah, this Statement is directed to you.

**Hon. David Pkosing** (Pokot South, KUP): Thank you, Hon. Speaker. This is very critical and of national interest.

Hon. Speaker, millions of Kenyans are facing severe hunger due to drought. The move to allow importation of maize into the country for the next six months will jeopardise several farmers who are due to harvest during the months of November and December.

According to the maize production forecast of November 2021 by the Ministry of Agriculture and Livestock Development., the maize farmers in North Rift produced more than 18 million bags of maize. Further, many farmers from the food basket counties of Trans Nzoia, Uasin Gishu, West Pokot, Baringo, Elgeyo Marakwet, Nakuru and Bungoma have invested colossal amounts of money on farm inputs which is estimated at Ksh60,850 per acre and are expecting to harvest about 25 bags per acre in the upcoming harvesting session.

Hon. Speaker, it is against this background that I seek a Statement from the Leader of the Majority Party to inquire into and report on the following:

- (i) Why the Government is determined to import the 10 million bags of maize when farmers are likely to produce even more than that?
- (ii) Could the Government consider halting the planned importation of the 10 million bags of maize to create market for the maize that is likely to be harvested by our local farmers?
- (iii) Could the Government consider opening the National Cereals and Produce Board in this country to buy maize from the farmers at a minimum cost of Ksh3,600 per bag?

Thank you, Hon. Speaker.

**Hon. Speaker:** Leader of the Majority Party when can you respond to that Statement?

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Speaker. I am wondering whether this Statement has not been expended by the Notice of Motion which the Member for Mosop has already given in relation to this discussion because it is very similar to the issues that are about to be debated in the Adjournment Motion.

Hon. Speaker, there is a substantive Chairperson of the Departmental Committee on Agriculture and Livestock and I thought you would have directed this to the relevant Committee. I am also sure he is well aware that the statistics given for 2021 by the Ministry of Agriculture were accurate figures and projections of the expected harvest this year is to be close to 30 million bags.

Hon. Pkosing, coming from the North Rift and being a good partaker of *ugali*, knows our normal average consumption per year of maize is in the region of 40 to 45 million bags and so, there will be a shortage but I will relay this to the Ministry to provide an answer.

Hon. Speaker, more profoundly, I just want to beg again that we hasten the review of our Standing Orders. It is not in order for me to pretend to answer these questions for the chairpersons. I should just relay messages that come from the Executive and allow members of the Executive to come and address those matters before the House.

With those few remarks, those are good issues of concern, but we could have addressed them during the Motion for Adjournment. Hon. Pkosing is smiling mischievously because he knows the answers. He knows that with the shortage of over 10 million bags, unless farmers... Allow me to take this opportunity to speak to our farmers. Our farmers...

**Hon. Speaker:** Hon. Junet, what is out of order?

**Hon. Junet Mohamed** (Suna East, ODM): Thank you, Hon. Speaker, for indulging me. Is it in order for the Leader of the Majority Party to behave as if he is answering the question on behalf of the Executive when he is supposed to go and fetch answers from the Executive? Stick to your role. You refused to be a Cabinet Secretary on your own volition. Stick to your role!

*(Laughter)*

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Speaker, first, I do not know whether Hon. Junet has any powers to appoint anybody as a Cabinet Secretary. I do not know whether he was the one appointing Cabinet Secretaries to purport that I refused to be appointed. I believe that if I desired to be appointed and His Excellency the President found me to be fitting, he would have engaged me. The coalition you belong to, Hon. Junet, had no opportunity to appoint anybody to any position of a Cabinet Secretary.

Hon. Speaker, I was not pretending to answer. I was just speaking facts which are in the public domain that we project to harvest close to 30 million bags this year. Our normal consumption is about 40 million bags. There will definitely be a maize shortage. That is the point at which Hon. Junet interrupted me because he is averse to truth and facts. He thrives on propaganda and innuendos. The fact of the matter is that with the anticipated shortage...

**Hon. Speaker:** Hon. Junet, what is out of order?

**Hon. Junet Mohamed** (Suna East, ODM): Hon. Speaker, this is a House of records. When you say that I thrive on propaganda and innuendos... He used to be a very good man before he became the Leader of the Majority Party. Now power has gone to his head. We need to take him for rehabilitation during this long recess. When I travel with him, I will tell him what to do. You are a good man, *bwana*.

*(Laughter)*

You have been given a small job. We have all gone through this. Please, do not say that I thrive on propaganda. There is no propaganda. I was just telling you to go and get answers from the Cabinet Secretary for Agriculture and Livestock Development, or Trade, Investment and Industry. Why is he importing 10 million bags of GMO? The newspapers reported today that the ship has even docked. We do not know whether it is true or false. Go and fetch answers for us. You are just a messenger. Stick to your job.

**Hon. Speaker:** Finish up, Leader of the Majority Party. Just tell us when you want to bring the answers.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Speaker, I said Hon. Junet thrives on propaganda. He is now quoting newspapers that only he seems to have read. I read his tweet

yesterday speaking to matters that are already before a Committee of the House. That is something that we may also need to address ourselves to. You cannot be tweeting about matters that are before committees of the House contrary to Standing Order 86. He is a Member of that Committee and never attends its sittings.

**Hon. Speaker:** Leader of the Majority Party, there is a point of order from Hon. Ferdinand. Give him the microphone.

**Hon. Ferdinand Wanyonyi** (Kwanza, FORD-K): Hon. Speaker, I just want to correct the figures that the Leader of the Majority Party has come up with. They are false. I come from the North Rift and there are farmers who have refused to sell maize from the previous season. If you add that up, we are talking about 48 million bags. I just wanted, in good faith, to correct the figures that the Leader of the Majority Party has come up with. They are not correct.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Speaker. That is advice that the House can take because Hon. Ferdinand Wanyonyi not only represents farmers, but is also a maize farmer. He is speaking facts. It is only that he probably did not get what I said. I said that the estimated harvest for this year is about 30 million bags. I also said that I would like to take this opportunity to speak to our farmers. That is where I converge with Hon. Wanyonyi. There are farmers who are hoarding maize. That is why I wanted to speak to our farmers to allow the forces of demand and supply to prevail. If farmers continue hoarding maize, they may force importation to check in. The market will become flooded with maize, and prices will come down.

Even as we seek answers from the Ministry, I plead with the farmers not to wait for the Ministry to answer. Hon. Junet, I am a student of economics and I know about the forces of demand and supply. If farmers continue hoarding maize as they wait for prices to go up and the Government decides there is no maize supply and imports more, the prices will come down. It is only fair to advise farmers who are hoarding maize from the last harvest and the current one, to release the maize into the market to help our people consume affordable maize which Hon. Junet can access.

**Hon. Speaker:** Leader of the Majority Party, you will have to end there.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Therefore, I will seek an answer from the Ministry and give it next week.

**Hon. Speaker:** Leader of the Majority Party, when will you, or the Committee Chairperson, bring a response to that Statement? Can we do it on Tuesday afternoon next week?

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Speaker, I had indicated that I will do so in one week which falls on Tuesday next week. I hope Hon. Junet will be in the Chamber.

**Hon. Speaker:** Hon. Pkosing, your response will come on Tuesday afternoon.

**Hon. David Pkosing** (Pokot South, KUP): Thank you, Hon. Speaker, for bringing that matter to the attention of the Leader of the Majority Party. I would like to tell him that we were both elected at the same time. This is our third term. He is insinuating something that he thinks I do not know about. Let me correct him.

Hon. Speaker, you said that we are now veterans. He is also a veteran. This Statement is similar to what Hon. Kirwa is seeking in terms of the Motion for Adjournment that we will have later. A debate like that has no question, obligation, answer or vote. It just ends. So, what next? It is just a collection of opinions. In fact, it is almost a talk show. Its function is to get the opinions of Members. That is why I went forward to table this Statement because it is an obligation. It obligates the Leader of the Majority Party and the Cabinet Secretary to respond to the House. It will be on record. The debate about importing 10 million bags of maize and farmers losing out is likely to continue. That too, will be on record and there will be a follow-up.

**Hon. Speaker:** Hon. Pkosing, you are anticipating an answer. You have made a Statement and you have been told that you will get a response on Tuesday. Hold your horses.

If the response is inadequate, you will be given enough time to say what you were attempting to do.

Hon. Kirwa, I directed that we start your debate at 4.00 p.m. It is now two minutes to 4.00 p.m. Is Hon. Oluoch of Mathare in the House?

**Hon. Members:** Yes.

**Hon. Speaker:** You will be accorded equal time. Hon. Kirwa, you will start, then we will have Hon. Oluoch. We will then open the debate to Members. Each of the two Members will have 10 minutes. Compose your thoughts and focus your ideas and facts, so that you communicate in 10 minutes. Hon. Oluoch, you have 10 minutes. The rest of the Members will have five minutes each. I saw tremendous interest in the matter. If we exhaust this, we will come back to Order No. 8. Proceed, Member for Mosop.

### MOTION OF ADJOURNMENT ON A MATTER OF URGENT NATIONAL IMPORTANCE

#### IMPORTATION OF GMO MAIZE INTO KENYA

**Hon. Abraham Kirwa** (Mosop, UDA): Hon. Speaker, I beg to move a Motion pursuant to Standing Order 33(1). I rise to seek leave to move a Motion for Adjournment of the House for the purpose of discussing a definite matter of urgent national importance regarding importation of Genetically Modified Organisms (GMO) maize into the country.

Hon. Speaker, this is a very urgent issue which needs attention of the nation. It is harvesting time in most areas in the Rift Valley and other areas that produce maize. This year, we are expecting a robust harvest because of the good rains. Unfortunately, the Government or the Cabinet Secretary for Trade, Investment and Industry decided that he is going to import 10 million bags of maize into the country at a time when most farmers are expecting to harvest and sell. This has created a lot of issues from our farmers.

*[The Speaker (Hon. Moses Wetang'ula) left the Chair]*

*[Hon. Deputy Speaker (Hon. Gladys Boss) took the Chair]*

I was at home yesterday and many farmers came to ask me: "Hon. Member, what are we going to do with the maize that we are going to harvest? Where are we going to sell it?" We expect to harvest approximately 30 million to 40 million bags of maize this year. As I speak, the National Cereals and Produce Board (NCPB) has not opened its doors. They have not started to buy. I got a chance to go to the NCPB, met with the management and I asked them when they will start purchasing maize from the farmers. They did not have an idea when that will happen. Farmers are, therefore, left with millions of bags of maize in their homes. They do not know where to sell the maize, yet the Government has already imported 10 million bags of maize which they will start selling to millers at a lower price.

Even before the gazettelement is done, there is already a rumour that a ship has already docked in Mombasa with 200,000 bags of maize, and 37 more vessels are expected in the country. Why is the Ministry importing maize at such a time when farmers have sufficient stock for the country?

The other question that we still ask the Ministry is on the issue of importation of GMO maize. Most of us are still asking about the safety of GMOs. We have our neighbouring countries like Uganda and Tanzania which are still producing organic maize. Why not buy maize from our neighbouring countries if we really have a shortage? In the history of this country, we have never imported maize during harvest time. Farmers usually produce and sell

their maize to the NCPB at a good price. The price at the moment is Ksh5,500 per bag, but with the importation of 10 million bags, the price will automatically drop down to about Ksh2,000 per bag. What are the farmers going to do? The inputs at the beginning of the year were very expensive. Farmers used quite a bit of their resources to plant and grow maize. Now that they have started to harvest, you want to flood the market with cheap maize to make sure that farmers do not recoup their investments.

Hon. Moses Kuria was a Member of this House and he was a champion of the guaranteed minimum returns for the farmer, but now that he is the Cabinet Secretary, he has authorised the importation of 10 million bags of maize. What changed the man who used to champion the cause of farmers? He will be the first person to import maize which we believe is going to be a lot cheaper. We are requesting the Departmental Committee on Agriculture and Livestock to sermon the Minister for Trade, Investment and Industry to come to the House to explain to us the logic behind importation of 10 million bags of maize into the country when we have a robust harvest. Yesterday, when I went around most parts of my constituency, I realised that many farmers have already harvested maize and they are waiting for the NCPB to open their doors. However, before the doors are even opened, we hear that so many bags of maize have already been brought into the country.

This Motion seeks to know what logic was applied to warrant the importation. What have we done about the GMO maize? This issue had been previously discussed in this House, and there were different views. As of today, no conclusion has been reached on whether GMOs are really safe or not. We have already imported 10 million bags of maize whose safety we are not guaranteed of. Soon it will get to the millers who will grind it and package flour and supply to our supermarkets. This means that we will be consuming GMO maize in a few weeks' time!

We are asking that the gazettelement of this importation be put on hold. We request that we discuss and review the safety of GMO maize before we go ahead with the importation. We are yet to confirm if the GMO maize has arrived. If it is true, how did the maize arrive before the gazettelement is done? What have we done about the safety of the GMO maize? Is the House in agreement about such importation? Let us not import maize at a time when most of our farmers have harvested enough. They depend on maize for food, and payment of school fees for their children. It is their livelihood. If the prices go down, farmers will end up not growing maize in the coming season. If the prices are so low, yet they had invested so much during the planting season, it means that they will lose money and maize will be an option. The Rift Valley Region, which is the bread basket of Kenya, will start to explore other crops, and we might end up not having enough maize in the coming years.

Hon. Deputy Speaker, allow me to end here and say that I support this Motion. Let us look into this issue and stop importation for now until this matter is addressed and we have a conclusive way forward.

**Hon. Deputy Speaker:** Hon. Antony Olouch, you have 10 minutes. Thereafter, Members will have five minutes each.

*(Hon. Ndindi Nyoro rose on a point of order)*

**Hon. Anthony Oluoch** (Mathare, ODM): Thank you, Hon. Deputy Speaker for giving me this opportunity.

**Hon. Deputy Speaker:** What is your point order, Hon. Member for Kiharu, Hon. Ndindi Nyoro?

**Hon. Ndindi Nyoro** (Kiharu, UDA): Thank you very much, Hon. Deputy Speaker. Most of the times, this is our sitting area. We prefer it because we are nearer to the Speaker, but over time, this place has been getting colder.

*(Loud consultations)*

When we come here, it feels like winter. I request the people tasked with regulating the temperature in this House to be mindful of the fact that we are human beings. Let them adjust the temperature inside here to a degree that is good for human beings. It is very cold, Hon. Deputy Speaker. I do not know whether it is just here or the entire House.

**Hon. Deputy Speaker:** Serjeant-at-Arms, you should adjust the temperatures to 22 or 23 degrees centigrade and never less than that.

**Hon. Anthony Oluoch** (Mathare, ODM): Thank you, Hon. Deputy Speaker. I thank my colleague with whom we are co-moving this Motion. The Member for Mosop has already set the basis that on Thursday 17<sup>th</sup> November 2022, the Government issued a directive that in effect will allow the importation of 10 million bags of GMO maize. Against this background, there was a Cabinet directive on the lifting of a 10-year ban on the importation of maize. Whereas my colleague has focused largely on the question of its impact or effects on the farmers in the Rift Valley, I would like to cast this debate in a much larger perspective in three ways. First, I want to underpin the authority of this House.

Hon. Deputy Speaker and Members, Article 94(5) is very clear and states that no person has the authority to make any provision that has the force of law other than Parliament. During this debate, we must always remember that we have the Statutory Instruments Act and a committee which we have set in place in the name of the Committee on Delegated Legislation. It is my position that under Article 94(5) and the Statutory Instruments Act, a decision as serious as this one of lifting the ban on GMO ought to have a seal of approval of this House.

The second point that I want to underpin this debate on is Article 118 of the Constitution as read together with Article 1. The power that we exercise in this House is an indirect power donated by the people of Kenya under Article 1. Article 1 states that the sovereign power can be exercised directly or indirectly. When exercised indirectly, it could be by way of a referendum, a vote in an election, or being engaged in public participation. The lifting of this ban has been done against the background of a 10-year ban. In addition, the report of a taskforce that was put in place to inquire into the health, safety and other impacts of GMO introduction into this country has never found its way into this House. That report has never been subjected to the committee that oversee delegated legislation and regulations in this House.

Thirdly, I also wish to underscore a statement that was made by the Cabinet Secretary for Trade, Investment and Industry. He appeared to be suggesting that we could as well import GMOs because there are a thousand ways in which people can die in this country. So, introducing another form of death appears to him to be something that is so casual. When a Cabinet Secretary in charge of trade makes such a statement, could he as well be saying that it is better to engage in sex without a condom because after all, there are a thousand other ways by which a Kenyan citizen can die? I want to suggest that we donate Hon. Moses Kuria to Koinange Street where we can keep him for a year to have sex for free without using condoms because there are a thousand other ways in which you could die. That is the casual manner in which this matter of GMO has been taken.

Now, let me take this House through a little history on GMO and how it evolved. The GMOs began in 1982 when the Food and Drug Administration (FDA) approved the first GMO product that was developed through genetic engineering. This was used as a test to try and develop a DNA bacterium for the treatment of diabetes. In 1986, the FDA again developed a coordinated framework for regulation of biotechnology. This policy described how the United States Federal Food and Drug Administration (USFDA), the United States Environmental Protection Agency (USEPA) and the department of agriculture would regulate GMO. I believe this is a very recent technology even as we look back to where the USA has come with this technology. It started in 1982 when I was in Form One.

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In 1992, the FDA in the USA put in place a policy that food from GMO plants could meet the same standards and requirements as those of indigenous foods. It was a step-by-step thing in the USA which in itself has very strong consumer protection law that separates and delineates the market. This is GMO, not organic. In the same year, 1992, those standards were allowed. The first GMO food product that was allowed to be consumed was the flavr Savr tomato in 1994. This is barely 28 years ago.

So, it is surprising that Bill Gates, the CEO of a multinational company, would come to this country and mislead Kenyans that he has been consuming GMOs for as long as he has been alive. Bill Gates, if I am correct, was born in 1955. The first introduction of GMO tomato was in 1994. Even as we engage Kenyans on the question on whether we can consume GMOs, it is important that the facts are properly put on the table. These are the facts on the risk aspects of GMOs.

From the research that I have done, GMOs pose the potential for increased cases of cancer, and cases of infertility. They endanger the environment, and pose danger to human and animal life in the ecosystem thus can drastically reduce or eliminate plant diversity. Once introduced, it is virtually impossible to stop the spread where natural crops are grown and this is due to wind and insects. There has also been the question of what happens when you have a two-acre firm where you want to plant indigenous seeds or hybrid seeds or crossbreeds and you have a neighbour who wants to do GMOs. There is absolutely no scientific means that can prevent the impact of GMOs on indigenous plants and seeds through pollination, insect transfer, wind and other natural ways.

Hon. Deputy Speaker, even as we adopt or attempt to adopt GMO, it is important that this House knows that there are countries, especially western countries that have run away from GMO. Germany, Austria, France, Greece, Hungary, Netherlands, Lithuania, Luxembourg and many others in Europe have rejected GMOs. Venezuela, Peru and Ecuador in America have all rejected the use of GMOs. In Africa, it is Algeria, Madagascar, and many more that are against the use of GMOs.

As I conclude, I would like to plead with this House that before we allow anybody or any entity to undermine the authority of this House, we must remember that under Article 95, we represent the people and we solve the problems that affect them. This is one such problem that Kenyans are looking up to this House to solve. I want to recommend that a select committee made up of the committee in charge of agriculture and the committee in charge of health be put in place to sit together with their counterparts in the Senate and undertake thorough public participation. The joint committee should ask experts, stakeholders and the people of Kenya, whether, indeed, they want to resort to GMOs.

In the meantime, the lifting of that ban should be ceased and all the instruments, including the report of the taskforce on the 10-year ban should be brought to this House through the Committee on Delegated Legislation.

I thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Leader of the Minority Party.

**Hon. Opiyo Wandayi** (Ugunja, ODM): Hon. Deputy Speaker, I will say just a few things.

First, we all know that this country, through its Cabinet, had placed a ban on the importation and dealing in all GMOs all the way from 2012. It is surprising, indeed, that a purported Cabinet meeting lifted the ban on GMOs and yet we know that it was not a Cabinet meeting. Article 152(1) of the Constitution defines the Cabinet as the President, the Deputy President, the Attorney-General and Cabinet Secretaries. Article 152(2) of the Constitution says that the President is supposed to nominate Cabinet Secretaries and appoint them upon approval by this House. The Constitution does not contemplate the President sitting with some members of an old Cabinet and calling it a Cabinet meeting. It does not envisage a situation

where the President can sit with people whom he has neither nominated nor appointed as Cabinet secretaries. Therefore, if indeed, it is true that that meeting, which I can call a *baraza*, ever lifted the ban on GMO, then it remains illegal.

Two, there are reasons why GMOs were banned by the Cabinet way back in 2012 by President Kibaki's Government. We were not told what changed since then to warrant the unbanning of GMOs in the country. We still expect the President and his Cabinet to come forward and explain to Kenyans what informed this latest decision to allow the importation of GMOs into the country.

Thirdly, it is the matter of the importation of genetically modified maize as pronounced by the Cabinet Secretary for Trade, Investment and Industry. First and foremost, I believe we are creating an artificial shortage of maize. We have enough maize in this country, including maize which is currently being harvested by our farmers in the Rift Valley and other areas in the country. Even if it were true that there were some shortages of maize in the country to warrant importation of maize, why do you import genetically modified maize? Do we have a shortage of conventional maize in the world market to warrant us to import genetically modified maize for the first time in this country?

Secondly, when was this importation of the 10 million bags of maize sanctioned and by who? What is the procurement process within the meaning of the Public Procurement and Asset Disposal Act, 2015? What procedure was followed in the impending importation of the 10 million bags of maize? Are we creating an artificial shortage which creates a crisis to enable racketeers to start benefiting from issues that are of great concern to the country?

As a Member said a while ago, there are reports that maize has already docked in Mombasa. When was it imported? When was the procurement done, from who and at what cost? As I speak, farmers in the Rift Valley face a serious threat of being left with their maize in their homes or farms. Somebody has said that farmers are hoarding maize. They are not mad or crazy to hoard it for nothing. Every farmer wants to sell his produce to get money. Farmers have no school fees. They have problems. No one in his right senses can hoard maize or any other commodity, if he can sell it and get money. Therefore, the argument that farmers are hoarding maize is not true. They have suffered for too long in this country. I thought this Government would come to their aid. How wrong was I?

*[The Deputy Speaker (Hon. Gladys Boss) left the Chair]*

*[The Temporary Speaker (Hon. Martha Wangari) took the Chair]*

*(Hon. Opiyo Wandayi spoke off record)*

**The Temporary Speaker** (Hon. Martha Wangari): Your time is up. Every Member has five minutes. It is only the two co-movers who had 10 minutes. Hon. Opiyo Wandayi, I will add you two minutes.

**Hon. Opiyo Wandayi** (Ugunja, ODM): Thank you very much. Hon. Temporary Speaker, given the rhetoric that brought this Government into office, I hoped they would do the noblest of things and protect our farmers. In the first 60 days in office, the first victims of this Government which came into power on the basis of hustler empowerment are farmers in Western Kenya, Rift Valley and Nyanza. How callous can a Government be to subject hapless farmers to this kind of misery!

Members need to stand firm, defend our farmers and call out the Cabinet Secretary for Trade, Investment and Industry. A Cabinet is such an important institution that we cannot extend jokes and juvenile pranks. Cabinet Secretaries swear to uphold the Constitution and

protect the dignity of the offices they hold. Therefore, I will fully support any effort or initiative to rein in such Cabinet Secretaries that will subject this country to unnecessary ridicule.

**The Temporary Speaker** (Hon. Martha Wangari): This chance will go to the Member for Kangema, Hon. Peter Kihungi.

**Hon. Peter Kihungi** (Kangema, UDA): Thank you, Hon. Temporary Speaker. I oppose the Motion.

The GMOs are used by civil societies and people who oppose their use without facts. We have to stand with our country. When there was drought in the country in 1984, I was a young boy. The country was supplied with yellow maize and everybody opposed it. Why do you allow our people to die just for the fact that you are proud and you do not want to eat yellow maize which is eaten all over the world?

The issue of GMOs has been exaggerated. Nobody has facts. If you look at countries that allow the use of GMOs like South Africa, their life expectancy is higher than in Kenya. Therefore, the life expectancy of people who consume GMO is high. Everybody consumes broilers in KFC and Galito's which are the same as GMOs. However, nobody opposes them. I oppose the Motion. Let the country, the President and the Cabinet Secretary come up with a solution on how we will lower the cost of *unga* and farm inputs for our dairy farmers, so that we can start working on this country.

The GMOs are all over the world. They have not been challenged directly. It is only rhetoric which has no facts. Therefore, I oppose the Motion. I stand with our Cabinet Secretary and the President.

Thank you, Hon. Temporary Speaker.

*(Applause)*

**The Temporary Speaker** (Hon. Martha Wangari): The next chance will go to the Member for Kamukunji, Hon. Yusuf.

**Hon. Yusuf Hassan** (Kamukunji, JP): Thank you, Hon. Temporary Speaker. I support the Motion on two main reasons. One is the fact that the technology used in GMOs is significantly controversial and many countries have banned or restricted the use of GMOs. We have also banned it for over 10 years and there has never been a good reason to explain the rushed decision by the President who has been in office for some few months.

*(Hon. Eve Obara stood in front of Hon. Yusuf Hassan)*

Excuse me, Hon. Temporary Speaker. Can you protect me from...

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Eve Obara, please, do not obstruct the Temporary Speaker and the person who is on the Floor.

**Hon. Yusuf Hassan** (Kamukunji, JP): The President has been hardly in office for six weeks. When he called a Cabinet meeting of the Cabinet Secretaries and unbanned the use of the GMO, there was absolutely no review and no explanation given as to why 10 years ago, it was bad and banned, but that decision has been reversed. There has been no public debate, no discussion, no engagement and, therefore, the use of GMO is something that is so important that it cannot be left to the President, a Cabinet of some few Cabinet Secretaries or to any other person. It is something that concerns all of us and we should engage and debate and also ask the difficult questions. Why do we unban it now? What is the reason for it? It sounds very fishy, smelly and stinking in some ways because it appears as if there is an attempt to use the problem of drought in our country as a pretext to bring these particular crops through the back door.

The second problem related to GMO is the cross-pollination of seeds. The seeds are controlled and produced by big technical transnational companies from abroad. The seeds are going to be very expensive first of all. The growers will have no rights and they are going to devastate the traditional cultural crops that our peasants and farmers have been planting. Therefore, that would be quite a devastating importation.

Finally, is the issue of importation of GMO maize. Even if there is a necessity to import, why can we not import non-GMO maize which is all over the market? We can purchase it and bring it into the country. But even then, it is the timing. Why do we bring in this maize when our farmers are harvesting and there is sufficient maize in the market? Who is benefiting from this? Who is driving this idea? What cartels are likely to cash-in on this one? Why is the Government, that is committed to help to develop our farmers now undermining the very farmers it has been supporting by bringing in cheap GMO maize into the market and destroying their market, and their livelihood? Therefore, I support and reject the importation.

**The Temporary Speaker** (Hon. Martha Wangari): Thank you, Leader of the Majority Party.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Temporary Speaker. Let me just add my voice to this issue. On the question of GMO, it is only fair that we address ourselves to both issues of science and fact. A lot of things are being peddled out there that may not necessarily be factual. Some are based on science or research that was done years ago and has since been reviewed. It is only fair that at an appropriate time, on the matter of the safety of GMOs, we allow ourselves as a House, through the relevant committees, to interrogate the issues at hand. I know this is just a Motion that somebody alluded to. It is just a Motion to talk and not to come up with any particular resolution.

First, we must not be afraid of science. Secondly, we must be very afraid of peddlers of fear. Some of the people peddling fear out there stood where I am standing sometime back during the Grand Coalition Government, and spoke loudly in favour of GMO but today, from outside there, they are speaking from the other end of the mouth. I do not want to mention names because they know themselves. I see Hon. Opiyo Wandayi agreeing with me because he also knows them and they know themselves. When I say that we speak to facts...

**Hon. Opiyo Wandayi** (Ugunja, ODM): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Martha Wangari): What is your point of order, Hon. Opiyo Wandayi?

**Hon. Opiyo Wandayi** (Ugunja, ODM): Hon. Temporary Speaker, this is a House of records. It cannot be let to pass that I agreed with Hon. Ichung'wah on his castigating aspersions on unnamed persons who have since changed their minds on the matter of the GMOs. We all agreed that only fools do not change their minds. New facts that emerge to warrant to...

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Opiyo Wandayi, that is a point of debate and you have already contributed to this Motion. So, the Leader of the Majority Party will proceed.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Temporary Speaker, Hon. Opiyo Wandayi is a very good friend of mine. Of course, he knows why he had to stand. That is a point of debate. He knows what I am talking about and he knows there are peddlers of fear out there. They are peddling fear because they are neither interested in the health of Kenyans nor food security of our country. They are doing politics for the sake of doing politics. I really plead with all of us, even as we contribute to this Motion, to avoid the temptation to play politics with a matter which is so sensitive to the people of Kenya. Our people are hungry.

Hon. Temporary Speaker, science and innovation help us to get solutions to problems. We are a country that year in year out, every so many years, we are faced with drought and famine. If we find that certain innovations and science is a solution to some of these problems, we should be bold enough to adopt these changes and allow our people to enjoy sustainable

food security. When I was responding to a Statement that had been sought by Hon. Pkosing, I alluded to the fact that, indeed, it is true that we are likely to have a better harvest this year from the statistics that we have seen than what we had last year. But that does not mean that there will be no shortage of maize. As I had indicated, the Ministry of Agriculture is projecting a harvest of close to about 30 million bags against a demand of 40 million bags. It is also true that a number of our farmers are hoarding maize expecting that they will fetch a better price. That is why I was requesting our farmers to desist from the temptation of hoarding maize with expectations that the prices will go up. When they hoard maize and there is a shortage, and they allow a window for importation of maize that will flood the market, the prices will come down. Therefore, let me also appeal to all of us leaders, to speak to our farmers especially those in the North Rift, South Rift and other areas where we grow maize, to stop hoarding maize and release it to the market and allow the prices of even *unga* to come down.

**The Temporary Speaker** (Hon. Martha Wangari): I have added you two minutes, Leader of the Majority Party.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): We should appeal to our farmers so that we are able to mitigate the cost of living. Farmers must also be aware that with the release of subsidised fertiliser this year, their cost of production is likely to come down. Rains are with us in many parts of the country. We pray to the Almighty God that the rains will persist and we will have a better harvest next year.

Allow me to also speak to the issue that was raised by the Cabinet Secretary for Trade, Investment and Industry. There are certain sentiments that I would be hesitant to comment on in regard to what the Cabinet Secretary said, but he is a businessman. The Cabinet Secretary is a businessman in charge of a Ministry that deals with trade matters, but there is also a Cabinet Secretary who is in charge of agriculture. I encourage the Committee on Agriculture to engage with the Minister in charge of agriculture on the questions of how much maize is there, the shortage that is likely to be there and whether or not we need to import maize. I think that matter will be better addressed by the Cabinet Secretary in charge of agriculture as much as I am hesitant to comment to the other issues that might have been unfortunate from the Cabinet Secretary. I appreciate the fact that the Cabinet Secretary who was quoted in the media, and that is why I am avoiding to speak to it, apologised on some of the issues he had said.

With those few remarks, I beg our farmers not to hoard any maize. Let them release the maize to the market and enjoy the prevailing prices that are very good. Prices of between Ksh5,300 to Ksh5,500 a bag are very good for farmers. If they continue hoarding maize, they are likely to fetch less than what is in the market today.

**The Temporary Speaker** (Hon. Martha Wangari): We have added the Leader of the Majority Party and the Leader of the Minority Party two minutes each. But going forward, five minutes will be the maximum. Every Member, please, take note. The next chance will go to the Member for Ugenya, Hon. David Ochieng'.

**Hon. David Ochieng'** (Ugenya, MDG): Thank you, Hon. Temporary Speaker. Issues of GMOs are quite emotive. I wish in this debate we could put the matters...

*(Hon. (Dr.) Robert Pukose consulted loudly)*

Hon. Pukose, allow me to... In this debate, we need to put the matters where they lie. The matters of maize and importation of maize lie elsewhere away from the debate on GMOs. The GMOs evoke emotive issues, moral issues, ethical issues, medical issues and scientific issues. These are issues that I do not think we are tooled enough with our bare hands as Members of Parliament to determine. That is why we set up institutions in this country to help us deal with such issues.

We have passed laws here on biosafety. I am certain that institutions that we have set up can advise us based on whether GMO is right or wrong. My region; western Kenya, does very well in cotton. We stopped growing cotton long time ago and indigenous cotton seed is not doing well. I would be persuaded with the right evidence that if we get the GMO cotton, it could do well in western Kenya, and then we would be advised to adopt Bt Cotton. In that case, I would be supporting any GMO product that is non-food. We could use that technology on GMO to produce more on cash crops. The idea that we will dismiss GMO just like that is not right. There are areas like food products where GMO may have problems. We have been told that if GMO maize is planted in western Kenya, it could wipe out our indigenous seed and will make us dependent on it. In that regard, therefore, GMO would be bad. It will depend on where we are speaking from.

I want to persuade the Members here that where science is concerned, let us be guided by it. Let us not be emotional and throw out the baby with the bath water. We know that GMOs have had disadvantages elsewhere. For example, we do not have products that are labelled GMOs. Even today, our supermarkets have GMOs. There are oranges, avocados and fruits in our supermarkets that have no seed at all. Today, we import chicken from South Africa, Europe and who knows whether they are GMO or not. No one is labelling anything. We also have bodies that are failing. The Kenya Plant Health Inspectorate Service (KEPHIS), the Kenya Bureau of Standards (KEBS) and the biosafety organisations need to advise us. We cannot be dealing with very uncertain situations like this such that we do not know what we are feeding on. It is important that we also put the bodies that we have set up by law to task, to advise us on some of these things.

We also know that GMO encourages food intolerance. It may come with allergies and pertinent issues. Today, someone in Ugenya can go to his farm, pick a maize cob, keep it in the roof and plant it next season. With GMO, he will not do that. Our people must know both the advantages and disadvantages before we are asked to embrace them.

As I say that, last week, we were told that now the world has 8 billion people. It raises issues of food security. If we can develop a method where we can make food cheaply, we can produce food in huge numbers, and be in a good state. I want to advise all us that in this debate on GMOs and non-GMOs, let us allow science to guide us. As to whether we should import maize tomorrow, I am against it totally until we finish our stock of maize in the country before we start talking about maize from elsewhere. Otherwise, we are looking at a scandal in the next few months with the Public Accounts Committee asking where money came from and questions have been asked about this. Let there be transparency if we are to import any maize.

**The Temporary Speaker** (Hon. Martha Wangari): Member for Seme.

**Hon. (Dr.) James Nyikal** (Seme, ODM): Thank you, Hon. Temporary Speaker. The debate on GMO has turned political. There are issues of health, environment and agricultural economy, which also includes the fate of our farmers.

First is the issue of health, and I will make it in my mind extremely simple. The data we have on GMO is not conclusive. There is data that indicates that GMO is safe. There is also data that indicates that GMO is not safe. The rule of the thumb in health is that if there is doubt, you avoid it and do not take the risk. As a country, we need to take the rule of the thumb that where there is doubt, we avoid it and do not take risk with the health of our people.

Second, the economic element is even bigger and that is why it is being pushed from outside. That is simple. When you get the seeds here and you plant them, they are going to affect our seeds. As Hon. Ochieng' was saying, once the GMO seeds are planted, their products will not grow, you must buy the seeds. That would be okay if we were ready to buy seeds all the time. The real problem is that once you plant even a few GMO seeds here, through pollination, they will affect the local seeds. That means that even the local seeds which would propagate themselves easily so that farmers would grow and next year take some seeds and

plant, will not do that because the seeds will have acquired the genes of the seeds that do not propagate themselves further. The effect is that we will have to buy seeds all the time and those seeds are patented. What they want to do is to bring a few seeds to contaminate our seeds. Once that is done, we will depend on them. This is something to worry about.

Thirdly, this debate has come because farmers are saying that they have maize which is not being bought and maize is being imported. Do we need to make any further considerations? If people say that they have maize, then the question comes: Why are you importing maize, GMO or not? There must be other motives. To me, it is as simple as that. There are other motives and therefore, I will support the Motion and look at it very simply. All the evidence available says that we do not need them at this time. Let us ask ourselves whether we have shortage of food because we are not using GMO seeds. Our problem with food is to do with our agriculture. Where are our extension workers? How are our irrigation schemes working? We cannot solve this problem of our...

*(Hon. Rozaah Buyu and Hon. Millie Mabona raised their hands.)*

**The Temporary Speaker** (Hon. Martha Wangari): Order, Hon. Members. I do not know why your hands are up. Hon. Millie Odhiambo and Hon. Rozaah Buyu, put your hands down. Insert your cards and if I cannot see you, you know what channels to use, but do not raise your hands. We are not in a classroom, please.

Go on, Hon. Nyikal.

**Hon. (Dr.) James Nyikal** (Seme, ODM): Hon. Temporary Speaker, we are not looking after our agriculture. We do not have extension officers. We do not have seeds for farmers. We do not have fertilisers for farmers. We are not looking at our irrigation schemes. Is the solution GMO maize? We should go back and solve the problem in a safe, scientific way. I support the Motion. It is not time to resort to genetically modified foods.

*(Applause)*

**The Temporary Speaker** (Hon. Martha Wangari): The next chance will go to the Member for Marakwet West, Hon. Timothy Toroitich.

**Hon. Timothy Kipchumba** (Marakwet West, Independent): Thank you, Hon. Temporary Speaker, for giving me an opportunity to speak on this subject matter. I thank my friend, Hon. Kirwa, for moving this Motion in this House. Importation of maize into this country is a tragedy of monumental proportions. We have enough food supply in this country, especially of maize. It has never happened in the history of this country that we import maize at a time when the North Rift and South Rift are harvesting maize. It has never happened and we condemn the same in the strongest terms possible. If you look at the cost of maize production in this country this year, fertiliser was Ksh7,000, diesel price was high and the price of other farm inputs was also high. Where I come from, the cost totals to between Ksh35,000 to Ksh45,000 per acreage. If maize is imported to the country, prices will drop. That is what we stand to condemn in this House.

On the issue of GMO, I have no moral authority to discuss this because I am not a scientist but there is a controversy on whether the same is good or bad for human consumption. If there is a controversy, then this should be discarded because the ban was lifted by the Cabinet or so they say without the consultation of this House. We stand before this House as the true representatives of the people. I am surprised Hon. Speaker that even the Committee on Trade, Industry and Cooperatives, Committee on Agriculture, Livestock and Fisheries, the National Assembly Committees and the Members are not aware of this lift on the ban and on the importation of the genetically modified maize.

Finally, if the importation was necessary, then I believe that there are many other countries that grow maize and they sell it at a cheaper price. The Cabinet Secretary, Hon. Moses Kuria, specifically stated that the importation is in respect to genetically modified maize. Countries like Zambia, Tanzania and Uganda, grow maize that is not GMO, and they sell the same at a cheaper price. We need proper investigation so that we know the intention of the importation that has been executed by the Cabinet Secretary. We are informed, although they are allegations, that as we speak there is a ship that has docked in Mombasa port and it is carrying 10,000 bags of maize. How can this be done without gazette? We need to look into this issue critically so that at the end of it we do not disadvantage the hardworking farmers who have cultivated, planted maize, harvested and they get a disadvantage of the price. In addition, we should not import harmful maize for our people to consume in this country.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Martha Wangari): Thank you, the next chance will go to the Member for Dagoretti North. Hon. Beatrice Elachi.

**Hon. Beatrice Elachi** (Dagoretti North, ODM): Thank you, Hon. Temporary Speaker. I also rise to support this Motion. As we debate this Motion, one of the things we need to ask ourselves as a country is that we have never even sat down to discuss why in our country many of our families are suffering today because of cancer. It is because we decided that food will be imported in this country. We will never be told whether they are GMO or organic. We have very many fruits that we are eating today that are imported. We have very many foods in supermarkets. Our children nowadays eat from KFC. It is important for us now, to start questioning before we even come to the issue of genetically modified maize, we must question the foods that have entered this country. Do we have reports that say they were fit for consumption or we decided to just import because it is business and we want to make money. I think that is what is ailing our country. Today our farmers and fathers in the North Rift, Western and Lugari have maize, and today we are saying that we have 10,000 bags of maize at the port. One of the things that we need to ask ourselves is that; we know the process of buying maize in this country, we know that it is passed in Parliament, Parliament will know and it will be gazetted that indeed there is drought and there is need for food. At the same time, we will be told by the National Cereals and Produce Board (NCPB) of Kenya that we do not have enough maize. As we move on as a country and as we look at the Government now, it is important for this House to stand firm and remember how farmers have been crying about their maize. How farmers were crying in 2017 and 2018. I remember one time when senate went to Eldoret what they went through. That is what we are going to go through if we do not stop the Government and ensure the maize that is with farmers is bought at a good price. When you look at the cost of producing one acre of maize in this country, farmers spend the highest amount of money, yet we are about to bring in cheap maize and have forgotten that farmers have spent money. We have had COVID-19 and farmers have had to go through a lot before arriving where we are. It is unfair for the Government to forget that we have just come from a pandemic and that we need our farmers to also make money. You recently brought in fertiliser. What was the purpose of bringing fertiliser for farmers to use and then bring maize? I honestly think that it is like the Government looks at the farmer in the eye and decides to abuse their goodness, because they can afford to buy organic and let others especially those in Nairobi to start eating GMO food. They are aware that in the informal sectors, people are suffering. In the informal settlements, people do not have food. You cannot bring GMO for them to survive, yet we are here saying that we do not have a solution in terms of medical cover and families are being auctioned by hospitals.

Therefore, as I finalise, it is important for the Government to have that respect of those who have just voted them in and to ensure that they can also trade. More importantly, we as Parliament must question the Cabinet Secretary. He must bring us a report on what research he



did to come out and say that we need to import such huge amounts of maize into this country. Is it that that country is trying to come and offload what they planted during COVID-19 into our country?

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Martha Wangari): Thank you. Hon. Member for Kimilili.

**Hon. Didmus Barasa** (Kimilili, UDA): Thank you, Hon. Temporary Speaker for giving me this opportunity. I will begin by saying that I take instructions from the people of Kimilili Constituency and that I will never use the platform of Parliament to say things that will make them cry. I will use this platform to say things that will breed hope in them. We have heard discussions that we have people in this country who are dying of hunger. This is not because there is no food in this country. They are dying of hunger because they do not have money to buy food to eat.

We campaigned on the platform of guaranteed minimum returns. The issue is to protect our local farmers and industries. We have been saying “Buy Kenya, Build Kenya”. I can testify before any group of people or committee that, indeed, we have enough maize in the North Rift and Bungoma. Personally, I have 2,500 bags of maize in my store. The only available market for this maize is boarding schools and middlemen who come to buy in *gorogoros* in small scale. Traditionally, farmers have sold their maize to the National Cereals and Produce Board. Today, this Government entity is closed. When somebody turns and says that farmers are hoarding maize, I feel like I should cry. I feel like we have people who are completely detached from the reality. When I stand here, there is one thing that I would never do. I appreciate the efforts of the Government of Kenya, led by our President William Ruto, to improve the lives of every single citizen of this country. I will always assist him by not being a Chester in the Royal Kraal. I will always say we are naked as a Government. I will never mislead the Government by saying that we are not naked when we are naked.

Ten years ago, the sugarcane industry was doing very well in this country until the discussion began that we do not have enough sugar in this country and that we had to import some sugar from some countries. That is what made the sugarcane industry begin to limp. At the moment, it is no more. I ask most of our friends who are not coming from a maize growing zone that yesterday it was sugarcane, today it is maize, tomorrow it could be milk, and the other day it could be tea. Even if we reach a time when we have no maize in this country, we do not have to import GMO maize. We can import maize from Uganda, Tanzania or other parts of African countries that grow good maize.

I challenge Hon. Moses Kuria. I felt like I should not respond to him because I was not sure whether he was coming from a bar or a church when he made that statement. That is why I have decided to engage him. That was a very reckless statement. It is a statement that does not inspire hope in our people. I want to tell this country that even during the time of Jesus, the people who spread the gospel were not very many. They were very few. The majority were persecuting those who were found with the Bible. I assure Kenyans that I will continue to advocate for no importation of maize until we have mopped up enough maize in this country. We should revive the National Strategic Reserve and ensure it has enough maize.

I know time is not on my side. I support the Motion by the Member for Mosop, Hon. Kirwa. We need more than 10 Kirwas and this country will change. We do not need to change any law. We need people who think forthrightly like Abraham Kirwa and this country will change.

I support.

**The Temporary Speaker** (Hon. Martha Wangari): Member for Endebess, Dr. Pukose.

**Hon. (Dr.) Robert Pukose** (Endebess, UDA): Thank you, Hon. Temporary Speaker, for allowing me to contribute.

I want to pick from my colleague Hon. Didmus Barasa, that we have enough maize in the North Rift, within Trans Nzoia and Bungoma. It is enough that we should not be importing maize at this moment when our farmers are harvesting. I want to make it clear that I heard the Leader of the Majority Party say that we are harvesting about 30 million bags and so, we will have a deficit of 10 million bags. The right time to import is when we get that deficit of 10 million bags. It is not now. It will be prudent for us to import from Uganda. Endebess borders Uganda. Many of our farmers from Kenya plant maize in Uganda because it is cheaper to hire land in Uganda. You can lease land at about Ksh5,000 per acre yet in Kenya, we lease at between Ksh12,000 to even Ksh15,000. The people who have leased land in Uganda are Kenyans farming there. The productivity is high there. Once they have produced their maize, they bring it to sell to us. Many of them are facing restrictions at the border. When they are coming with their maize to sell it back here at home, they are asked for taxation at the border. The Kenya Revenue Authority (KRA) demands some tax from them. They demand money from the lorries ferrying their maize, which I think is an unnecessary restriction if we need to make our people food sufficient. In previous regimes, we had the *shamba* system within communities neighbouring forests. In this *shamba* system, we planted trees and maize together. Once the trees grew to certain levels, you could no longer plant maize, and this kicks you out of planting maize.

The regime that was there discouraged Community Food Security (CFS) from planting maize, but short-term crops. These short-term crops were tomatoes that could not perform in that area. In a way, we even contributed to food deficit. It would be better if we had allowed these farmers, in addition to taking care of the trees, to plant maize in the Plantation Establishment and Livelihood Improvement Scheme (PELIS). These are areas where timber companies had harvested trees and the land left fallow. The communities surrounding it formed CFSs that plant maize and trees. They took care of those trees. Once the trees reached a certain level, they chased those who were planting maize.

In a way, we have made our farmers poor. We have impoverished them and made them not to have food for themselves and yet we are here complaining. The Government has said that we are subsidising fertiliser which is a good thing, but let us subsidise fertiliser for the next crop. The cost of production of the current crop was just too high. We were buying fertiliser at around Ksh6,000, and a 10-kilogramme packet of maize seeds at around Ksh2,000 or Ksh3,000. Then, add ploughing costs which was high due to the high cost of fuel. At a time when millers are trying to blackmail farmers, we are telling farmers that we are importing GMOs to bring down their prices. It is wrong. Market forces should control prices. Farmers should sell their maize at around Ksh6,000 per 90 kilogramme bag. If that is the price, we will mop up all the maize available there. The Government can do even better. They can open NCPBs, purchase from farmers and feed Kenyans who are not having food in other areas.

With those few remarks, I stand with Hon. Kirwa, the Member for Mosop, on this important Motion for Adjournment.

**The Temporary Speaker** (Hon. Martha Wangari): Let us have the Member for Suba North.

**Hon. Millie Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Temporary Speaker, for indulging me. I want to indicate that the Government needs to listen to the Members of Parliament who deal with communities directly. If you listen to a House where both sides are almost speaking with one voice, you need to know that there is a problem. Why are we importing if people from maize growing areas are telling us that there is enough maize? The people from maize growing areas are telling us that there is enough maize and they are wondering why we are importing, unless our main intention is to kill our farmers. So, I want to urge the Government to listen to us.

I also want to add my voice on the issue of GMOs. A Member who spoke earlier said that most of us are speaking out of conjecture. I am glad this House has people who are very well educated. I have a Master's Degree in Intellectual Property Rights on Plant Genetic Resources. I can tell you that one of the main things I dealt with was GMOs. Also, in the USA where Bill Gates comes from, this is a very contentious issue. If they are so good, then he needs to sell the GMOs in his own country. We cannot be used as guinea pigs for things we do not know their impact. In this country, we are already dealing with a high impact of cases of cancer. We do not know if these GMOs are going to cause cancer or they are the ones contributing to it. Somehow, people still find a way of bringing them.

Hon. Temporary Speaker, let us not use our children and people as guinea pigs. We are not saying that we should completely outlaw GMOs, but let us test, research and get prove. I also want to thank Dr. Nyikal for the health perspective that where you are not sure and research is giving divergent views, avoid. I think Hon. Beatrice has said that we are still dealing with COVID-19. We do not know where it came from. All we know is that it could have been generated from GMOs. We do not have time. I would have read to you how GMOs are generated and I do not understand how we can be seated here thinking about this.

There is one thing which people have talked about here and I want to stress, that we want to kill our farmers. In India, when these issues came up, farmers were lighting themselves up and dying because their livelihoods were being threatened. Why? This is because of intellectual property rights. Once the seeds are produced, you cannot regrow them. You must buy the seeds all the time in order to plant. What does this mean? That all our farmers will be buying seeds from the USA and other countries all the time. Do those poor farmers in Rusinga or Mfangano Island have money to be rebuying seeds? What I know is our grandparents and great grandparents kept indigenous plant seeds on the roofs and every planting season, they would use and reuse them.

Another problem with GMOs is that they are not resilient to diseases and weather in our countries. Sometimes they may yield good produce, but unfortunately, if they get attacked because of their homogeneity, the entire populace of crops is destroyed. This is proven, and we have learnt and looked at these things. It is not conjecture or about politics. When Hon. Sally Kosgei was a Minister and I was here in the 10<sup>th</sup> Parliament, she brought a Bill on this. I dissuaded Members out there and she got very upset with me because we were on the same side. I was not playing politics but I spoke facts about what I had learnt in school.

I want to encourage us to think of our people. Let us not kill them because the allure of money is very attractive for now. I just want to encourage my brother, Moses Kuria, that he has a very good position and should be careful about what he says. Kenyans are poor, hurting and hungry. Careless statements can take us in the wrong direction.

Thank you, Hon. Temporary Speaker. I want to thank Hon. Kirwa for this important Motion.

**The Temporary Speaker** (Hon. Martha Wangari): Thank you. The next chance will go to the Member for Bomet East, Hon. Richard Yegon.

**Hon. Richard Yegon** (Bomet East, UDA): Thank you very much, Hon. Temporary Speaker. I add my voice to this very important issue regarding GMOs. From what I have heard in this august House, it seems this country has enough maize. All we need is to check and ensure that we buy it first before going outside the country to procure more.

Hon. Temporary Speaker, it has come to our knowledge very many times that there are powers that always want to bring things into this country before checking what we have. In fact, where I come from in the South Rift, we used to plant a lot of maize. It used to do very well until it reached a time where I think something was brought that started killing it. If we are not careful, it will go to the North Rift where we get a good harvest. We want to urge the Government to broaden our issues. First, they should check the maize that was harvested in the

North Rift. We understand most farmers are hoarding maize. This is not their wish, but they are having a rough time getting good prices.

We request the Cabinet Secretary for Agriculture and Livestock and the Cabinet Secretary for Trade, Investment and Industry to come to this House, so that we can ask them all our pertinent questions and they can address them. This will ensure that before we go the GMO way, we can exploit all other avenues and first buy from our farmers.

Thank you very much, Hon. Temporary Speaker. I support the Motion.

**The Temporary Speaker** (Hon. Martha Wangari): Thank you. Member for Starehe, Hon. Amos Mwago. He is not in the House? Member for Kitui Central, Dr. Makali Mulu. If not in the House, we will have the Member for Samburu West, Hon. Naisula Lesuuda.

**Hon. Naisula Lesuuda** (Samburu West, KANU): Thank you very much, Hon. Temporary Speaker. I support this very important Motion by Hon. Kirwa. After having listened to my colleagues, it is very clear that as a country we do not have food security issues, but food distribution issues. I have heard my colleagues and I do not think they are talking hot air because they come from the constituencies. They represent farmers and when they say farmers have maize, it is clear they do. For those who come from areas that are hardly hit by drought, it is clear we have a problem of ensuring that food in those parts of the country reach those parts without food. This is not just about maize because I saw farmers in Nyandarua and areas around there saying that they are feeding vegetables, potatoes and tomatoes to their livestock when in other parts of this country people are dying because of drought.

Hon. Temporary Speaker, for whatever reason, if we have to import maize, it should not be GMO. We have maize in our neighbouring countries. We are speaking about regional integration with Uganda and other East African countries that have maize. We can import maize that is not GMO. As representatives of the people who sent us to this Parliament, as we raise issues to do with GMO, it is so sad to see those we vetted and passed in this Parliament making very condescending statements like: “You will die anyway, would you rather die of hunger and there are a thousand ways of dying?” This is very unfortunate. Also, if anyone raises questions to do with safety of GMOs, they are told they are rich. Let us not continue with these class wars about the rich and the poor. All of us are raising these issues on behalf of the people we represent. So, there is no need of calling others filthy rich or poor. In the same way there was a gazette notice asking for the importation of maize. If for sure our farmers are hoarding maize, they should be told to release it. Why have we not seen the Cabinet Secretary for Agriculture and Livestock Development making a statement that we have a maize shortage? They should open the National Cereals and Produce Board so that farmers can sell their maize.

We would also like to know the price at which the maize is being imported because that is where the cartels come in. You will find that maize is being imported at Ksh5,300 or Ksh5,500 for a 90-kilogramme bag of maize, but our farmers are being told to stop hoarding yet, the Government wants to buy their maize at Ksh3,000. We want the Government to be transparent with our farmers and say that it has opened stores and farmers should take their maize for the Government to buy it at a certain price.

I do not want to belabour the whole issue of GMOs and their safety. When we raise these issues, it is important that you give us answers since you are the policymakers. We have research institutions in the country to tell us how safe GMOs are. We will continue asking those questions and do not try to silence us by telling us that they are safe, we are being ignorant and we should argue with facts. When you tell us they are safe, also argue with facts. Tell us when the research was done and by who. Give us the facts. Do not make those who are asking about the safety of GMOs look like they are ignorant and do not know what they are talking about. If you know what you are talking about, please, tell us when and where the research was done.

With those few remarks, I support this very important Motion.

**The Temporary Speaker** (Hon. Martha Wangari): Member for Kwanza, Hon. Ferdinand Wanyonyi.

**Hon Ferdinand Wanyonyi** (Kwanza, FORD-K): Thank you very much, Hon. Temporary Speaker. First and foremost, I do not even know where the GMOs are coming from. They have not told us. I come from Trans Nzoia County and I want to say on record that I have maize from the last harvest amounting to 500 bags in my store waiting for the right prices so that I can sell it. That has not happened. We are currently harvesting enough maize. That is why I rose on a point of order when the Leader of the Majority Party was talking about us only harvesting 30 million bags of maize. We have enough maize in the country. Therefore, we only need to make a few corrections. I have no problem, but we have messed up the whole system. The Strategic Food Reserve was scrapped and the NCPB does not even know where maize is coming from and how it will be stored.

I want to make it very clear that instead of talking about GMOs, let us talk about the future because we have enough food. As somebody mentioned, we can be encouraged to sell. We were expecting the price of maize to be about Ksh6,000. Give us Ksh6,000 and we will release the maize into whichever stores. We have enough empty stores in Trans Nzoia, Uasin Gishu and Western Province. Let us work on introducing crops that mature in less than three or four months. There is a variety of maize that takes a short time to grow.

**Hon. Member:** Katumani.

**Hon Ferdinand Wanyonyi** (Kwanza, FORD-K): I am told it is called Katumani. We should introduce indigenous crops that we can grow ourselves instead of getting crops whose origins we do not know. We are burying people every day because of cancer. We do not know whether it is because of the GMOs that we are talking about, the fruits we eat, or from eating wrong things.

Hon. Temporary Speaker, all in all, we have enough maize. Therefore, I ask farmers in different regions to help the ministries. We can go back to our areas and tell farmers to sell maize to the NCPB. That maize is more than enough for the next six or seven months. After that, we might have another harvest. If they have already imported GMO maize and it is in Mombasa, this House should reject it and return it to where it has come from because we have enough maize.

I also want to talk about irrigation. We should not just have irrigation during the dry spell. We are currently experiencing rains and we can have irrigation in areas like Galana-Kulalu where we have a lot of land. We can also do it in Trans Nzoia where we have the Agricultural Development Corporation (ADC) farms that are lying fallow. I managed to meet the Managing Director of the ADC yesterday and we talked about it. There is no food shortage in the country unless somebody has other interests. We do not want to say what they have, but we know that that can also be a reason why we are being asked to import maize.

I hope that Members will reject that offer and the maize will be returned to where it came from. I do not know where it has come from. They have not told us. Unless there are interests, I have no problem with my friend, the current Cabinet Secretary. He has been in this House. However, that is a wrong move and we totally reject it.

**The Temporary Speaker** (Hon. Martha Wangari): Member for Tigania West, Hon. Mutunga. If he is not in the House, let us have the Member for Kesses, Hon. Julius Rutto. If he is not in the House, let us have the Member for Emgwen, Hon. Josses Lelmengit.

**Hon. Josses Lelmengit** (Emgwen, UDA): Thank you, Hon. Temporary Speaker, for indulging me. I concur with the Member of Parliament for Mosop, Hon. Kirwa. I support the Motion that he has tabled in the House.

Hon. Temporary Speaker, I would like to ask the Government led by the Cabinet Secretary, Hon. Moses Kuria, to cease importation of GMO maize. As the Member of Parliament for Emgwen representing farmers back home who have toiled hard, who have used

costly farm inputs to plant maize and who are harvesting maize, I do not see the reason why the Government should import maize yet farmers have maize in their stores. I do not think it is the right time. The Cabinet Secretary is putting the cart before the horse. He should have waited for maize reserves to be depleted before he imports the deficit, probably in March or April next year when he knows exactly how many bags are needed.

We do not need to rush to import GMOs until we have proper laws, policies, rules and regulations to govern their importation. Is the importation meant to lower the cost of maize or is it meant to curb the maize shortage in the country? I ask the ministries of Agriculture and Livestock Development and Trade, Investment and Industry to explain why they made the decision to import GMO maize into the country yet our farmers were expecting to reap after the difficulties of the COVID-19 pandemic and the high cost of farm inputs. They thought they would make good money to continue with their businesses. I treat farming as a business. This is against the spirit of the bottom-up economic model because no country has ever developed without pursuing agriculture. We have to encourage our farmers to continue farming so that we can have sufficient food in the country. We should not discourage them by importing maize.

**The Temporary Speaker** (Hon. Martha Wangari): Member for Chesumei, Hon. Paul Biego.

**Hon. Paul Biego** (Chesumei, UDA): Thank you, Hon. Temporary Speaker. I also support the Motion by Hon. Abraham Kirwa. I echo the sentiments of other Members.

In line with his Motion, we come from the Rift Valley, which is a maize-growing area. It is now the harvest season, we have a bumper harvest and we do not understand why this had to happen at this particular time. I echo the sentiments of other Members on this Motion.

I come from a maize-growing area of the Rift Valley Region. This is time for harvesting, and we are having a bumper harvest. We do not understand why the importation of maize has to happen at this particular time. As a representative of farmers who grow maize, I find it quite unfortunate that such a decision can be made at this particular time. We are left to wonder why those kinds of decisions and instructions are being given at the harvest time. My colleagues and I would like to tell the Cabinet Secretary that the timing is wrong and that we need to get our numbers right. Let us know if there is any deficit as at now. Farmers have spent a lot of money while producing maize, and they stand to lose. Importing maize at this time will for sure lower the price of the maize that is being harvested. Together with my other colleagues, we support the position that the importation is wrongly timed and, therefore, should not be done at this particular time. We expect our Government to buy maize from farmers. I stand to say that I am not in support of maize importation at this particular point in time.

Thank you.

**The Temporary Speaker** (Hon. Martha Wangari): Thank you. The next chance goes to the Member for Kipkelion East, Hon. Joseph Cherorot. If he is not in the House, this chance will go to the County Member for Kericho, Hon. Beatrice Kemei. If she is also not in, the chance will go to the County Member for Narok, Hon. Rebecca Tonkei.

*(Loud consultations)*

**Hon. Rebecca Tonkei** (Narok, UDA): Thank you, Hon. Temporary Speaker. I do not know why Members are very excited. Nevertheless, I also stand to support the Motion that we should not have maize importation as at now because farmers are really suffering. Farmers have bumper harvests and expect the Government to buy maize from them. Having people importing maize at this point in time is taking our people backwards.

*(Loud consultations)*

Hon. Temporary Speaker, kindly tell Members to keep their voices low.

**The Temporary Speaker** (Hon. Martha Wangari): Member for Narok, please, address the Speaker.

**Hon. Rebecca Tonkei** (Narok, UDA): Hon. Millie Odhiambo-Mabona is talking loudly and I am unable to communicate. The people of Narok are victims of those importations. Our people in Kilgoris plant sugarcane. We plant sugarcane and people go ahead to import sugar. That is why sometimes sugarcane is not harvested for up to 24 months. It is the same thing that the Government is doing by going ahead to import maize at this point in time. Farmers will continue to suffer. We support this Motion so that our people can harvest their produce and get market for it.

I support the Motion.

**The Temporary Speaker** (Hon. Martha Wangari): Thank you. This chance goes to the Member for Funyula, Hon. (Dr.) Ojiambo Oundo.

**Hon. (Dr.) Ojiambo Oundo** (Funyula, ODM): Thank you, Hon. Temporary Speaker for giving me the opportunity to contribute to this emotive debate. I support the Motion and appreciate the Mover for bringing it to the House.

The issue of GMOs has been debated for many years. It has since morphed from one level to another. We have progressively transitioned from traditional seeds to hybrid seeds and we are now talking about GMOs of various scales and types. Probably, this informed the decision by the National Assembly to pass the Biosafety Act No.2 of 2009 that sets out the ground rules, processes and approaches as we embrace bio-technology agriculture to ensure that GMOs are registered in this country. The question of safety of GMOs and other related issues are clearly covered in the Act. There was a ban on GMOs in 2010 that was issued by the then Minister, Hon. Beth Mugo. That ban existed for all those years until 2019, when there was a partial lifting in respect of BT Cotton. It was only when the Kenya Kwanza Government came to power that the ban that was put in place in 2010 was lifted. The question we beg to ask and which needs answers as soon as possible is whether the lifting of the ban complies with the provisions of the Biosafety Act No.2 of 2009. Has there been adequate research? Has there been adequate safeguards to basically solve this problem? In the wider context of this debate, is allowing GMOs of any nature a panacea for the perpetual food security challenge that we experience in this country? Is it a response to climate change? What are the positives and negatives? Are we able to feed this world with traditional ways of food production and agriculture? These are the questions that the scientists should strive to respond to. Are we safe or not? As it stands now, there has been no communication from the authority that established the Biosafety Act in respect of the security and safety of the food that we are talking about here.

I have listened to the debate so far and the issue seems to be getting muddled up between commercial interests of maize farmers and the safety of imported maize. It would, probably, have been right to allow the two Motions to run separately so that we can discuss the issue of safety of GMOs so as to separate it from the issue of commercial interests of maize farmers. It is on record that Kenyans are dying of hunger. It is on record that people in many parts of this country are experiencing severe food deficiency. It is embarrassing that there are places where we have abundant food that is rotting. We have cases where staple food like maize is being hoarded with the hope of getting better prices.

In a liberalised economy, we must be alive to the tenets and theories of supply and demand *vis-a-vis* pricing. Any consumer would prefer more for less. For sure, it is unfair to hoard maize or fail to offer farmers good prices so that they can release the maize to the market in order for us to feed starving Kenyans. I urge farmers wherever they are to go back to the theory of production. Produce what you can and sell in the market based on the market prices. As it stands, even our colleagues here have admitted to have hoarded maize. The days when we could punish such behaviour are long gone but, probably, we need to re-introduce such measures so that we can punish those who hoard maize and cause food crisis. Hoarding of

maize is hurting us – the Luhya people - who eat *ugali*. You seem to have something against us, and we will sort it out in 2027.

Thank you, Hon. Temporary Speaker.

*(Laughter)*

**The Temporary Speaker** (Hon. Martha Wangari): Member for Kabondo Kasipul, Hon. Eve Obara

**Hon. Eve Obara** (Kabondo Kasipul, ODM): Thank you very much, Hon. Temporary Speaker. I, too, stand to support the Motion. I have two issues. The first one is the timing and the lightning speed at which these matters were being progressed. In 2012, GMO was banned through a gazette notice. After barely two months of being in office, the new Government has lifted the ban and before we could even blink, a shipload of maize has docked at our Port. There was no public participation on the lifting of the ban, and we did not see any gazette notice on the same.

Secondly, as we are all aware, maize farmers in the country, and mainly in the Rift Valley Region, have recorded a bumper harvest. Even farmers within my constituency have recorded a bumper harvest. In Kabondo Kasipul, we have harvested a lot of maize. It is being unfair and insensitive to the interests of our farmers to import maize at a time when they have maize in their stores instead of giving them an opportunity to sell their produce at a fair price. Yes, it could be expensive, but why is it so? It is because of the cost of production. We are all aware that fertilisers were going for over Ksh6,000 per a bag of 50 kilogrammes. We are also aware that the cost of fuel had gone up and, therefore, ploughing our fields was expensive. With all these things combined, I would expect the Government to be sensitive and allow farmers to sell their maize before it could even think of importing.

Therefore, I would recommend that the Government returns the imported maize to wherever it came from. Secondly, should the consignment find its way into the Kenyan market, the maize should be clearly labelled “GMO” so that Kenyans can decide whether to buy GMO maize or not. Its products should be segregated on supermarket shelves to enable buyers to know which maize products are GMO and which ones are not so that one can make an informed decision when purchasing maize products.

As a country, we should take care of our people. Kenya can feed its people. We do not have to beg for food and bring food that is not fit for human consumption.

With those remarks, I beg to support.

**The Temporary Speaker** (Hon. Martha Wangari): Well said. The next chance goes to the Member for Tetu, Hon. Geoffrey Mwangi.

**Hon. Geoffrey Mwangi** (Tetu, UDA): Thank you, Hon. Temporary Speaker, for giving me an opportunity to also take part in this debate. However, I feel like we are discussing two things in one. One is the issue of safety of GMOs or lack of it, and the second one is whether we should be importing maize at all, GMO or otherwise.

We are all aware that this country is going through a fairly tough famine period as a result of depressed rainfall. My people in Tetu are going through the fifth season without sufficient rainfall, which has left them food insecure. This phenomenon has been replicated in a number of other places across our beautiful country. Therefore, food security is a very important issue.

Hon. Temporary Speaker, what has come out clearly in this debate is that farmers in certain parts of the country have recorded a good harvest of maize, but they are not selling the produce because they do not believe that the prices that are being offered in the market are sufficient. It is important to say that, unless farming makes economic sense, we are staring at a very bleak future as a country. The average age of farmers is 60 years. The young people who



are energetic and knowledgeable have all abandoned farming. Therefore, the future of food security in this country is bleak. So, we must start addressing this matter. The Government must take farmers seriously when farmers say they cannot sell their maize because they feel the prices are low. We must see what to do to ensure that farmers sell their maize profitably as the only way of incentivising them to continue to produce food for the rest of the country. Therefore, I ask the Government to look at what is going on in the market with a view to increasing the prices, where possible, so that our farmers are not disadvantaged. When the prices are right, they will deliver the maize to the market and there will be food sufficiency in the country.

On the matter of GMOs, depending on who you talk to, so much is said such that today you might be a believer in GMO and tomorrow you are not. We come from different professional backgrounds. We have accountants, marketers and many other professionals and yet, we are all attempting to discuss a subject matter of very deep scientific nature. As a country, we probably need to lock up some scientists in a room so that they can deliberate on the matter amongst themselves until they give us either white or black smoke on the safety of GMO food products. That way, we can have a unified stand that is not politically aligned so that I do not talk about the positives or negatives of GMO food products depending on the side of the political divide I stand. I would want to speak about it based on empirical evidence of whether or not there are any issues to do with the safety of GMO food products. A casual look at the food market, however, reveals that there are things that we are already consuming and there is nothing that has empirically been substantiated against GMO.

Hon. Temporary Speaker it is, therefore, very important for us to be guided by science. I do not know what guidance you could give, Chair. This is something that this House must address not just for the purpose of the Motion before us, but for purposes of subsequently addressing the matter of GMOs once and for all.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Martha Wangari): Thank you, let us hear the Member for Nyando.

**Hon. Jared Okello** (Nyando, ODM): Thank you very much, Hon. Temporary Speaker for giving me this opportunity. We are discussing twin issues here. The first issue relates to the safety of GMO food commodities, which has been a subject of discussion in the last few days in this country. The second one is the opaque importation of a certain maize consignment into the country. I want to distinguish and isolate these twin issues.

First, it is now common knowledge that there is a consignment of 10,000 metric tonnes of maize at the Port of Mombasa. The questions that beg answers are whose consignment it is, when the tender for the importation of the consignment was floated and who won it, and who placed an order for the maize to be brought into the country.

Hon. Temporary Speaker, the consignment comes at a time when maize harvesting is going on in the Rift Valley Region, and in other parts of this country. What will happen to the maize farmers in those regions? Farmers just got heavily subsidised fertilizers from the Government the other day with the intention of cushioning them against skyrocketing prices of farm inputs. As farmers harvest their maize today, the same Government that should be protecting them is importing cheap maize. Whereas we acknowledge that sometimes regimes eat their own children – like we are witnessing in the Rift Valley right now courtesy of this importation of maize – we should also remember that choices have consequences. These are the consequences we just have to live with.

Hon. Temporary Speaker, the issue of GMO has become so discordant on both sides of the political divide...

**Hon. Naomi Waqo** (Marsabit County, UDA): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Martha Wangari): What is out order, Hon. Naomi Waqo?

**Hon. Jared Okello** (Nyando, ODM): I hope I will get back my minutes.

**Hon. Naomi Waqo** (Marsabit County, UDA): Thank you, Hon. Temporary Speaker. Is it in order for the Member who is on the Floor to refer to the current Government as a government that is “eating” its own people? What the Government is doing is caring for its people and we know that many people are already suffering because they have no food at home.

Many people have survived on GMO. I am just asking whether it is in order for him to refer to the Government as eating its own people.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Okello.

**Hon. Jared Okello** (Nyando, ODM): The time keeper, kindly give me those two minutes.

I was taken aback this afternoon after listening to the Members of National Assembly and the Senate from the Rift Valley castigating their own Government for importing a food consignment. So, if people from Rift Valley can make that noise in a Government that they were dancing to just two months ago, what else does it mean if the Government is not eating its own children? Or how do we put it?

The GMO debate, as I said, has become discordant. You hear from scientists who are totally against it. Other scientists are for the GMO, but trivialising the GMO food to buttress the point that instead of people dying hungry, you would rather give them something that will kill them slowly. That does not make sense to me. If our scientists have been part and parcel of a discussion that has passed a poor verdict on GMO, then as a country we have to go slow.

If the intention of the western world is to push it into the African market, and you have 350 million people in the United States of America but you are only coming to target 50 million people in Kenya, that does not make sense to me. You look at the element of transportation alone, all the way from the USA and overseas to Kenya, it does not make sense to me.

Therefore, any discussion around GMO now when our farmers are also subjected to some kind of ill-treatment, should stop. The Departmental Committee on Agriculture and Livestock, which I believe will be receiving this report, will carry out some background checks. The committee needs to move with speed to put this matter to rest.

I listened to *Waziri* – the Cabinet Secretary for Trade, Investment and Industry - and I have heard people castigating him when he said: “In any event, when you live in Kenya, there are many agents of death and, therefore, adding GMO food is not so bad.” In itself, the Government has acknowledged that it is not a bad thing. Why force through our throats something that is already bad and has been declared so by the Government? We need to look at this thing comprehensively.

I was very happy yesterday when I was listening to the former Prime Minister of the Republic of Kenya, Rt. Hon. Raila Amollo Odinga, putting this Government on notice that this is not the right way to go. We have to apply brakes where necessary, avoid GMO as much as we can and let us protect our indigenous seeds and our farmers at the same time.

I thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Martha Wangari): This chance will go to the Chair of the Departmental Committee on Agriculture and Livestock, Hon. Mutunga.

**Hon. (Dr.) John Mutunga** (Tigania West, UDA): Thank you Hon. Temporary Speaker for giving me the opportunity to add my voice to this Motion.

I think we are speaking about many things, but the Motion is about barring the importation of GMOs. The first thing that I will try to clarify is the difference between GMO and BT maize. Genetic engineering is a branch of science and biotechnology. It enlarges the broader sense of that science or the broader spectrum and generic engineering in a sense that has to do with transfer of genes from one organism to another. The type of gene that can move

from one organism to another is normally called a recombinant gene. It has to have that characteristic of being able to combine with the genes of that other organism.

Hon. Temporary Speaker, GMOs are all forms of organisms, be they animals or plants, whose gene composition is changed. There is no evidence in any scientific discourse or otherwise anywhere in the world to show that all GMOs are dangerous to humans or to the environment. In this particular case, we are talking of a GMO called BT Maize, to which I will narrow my discussion. This GMO has been made to protect itself from maize stalk borer through genetic transformation. The protection has been brought about by extracting a gene from a bacterium that is found in the soil. The swelling outside the maize stalk has that bacteria. The bacteria is called *Bacillus Thuringiensis*. This particular bacterium has the characteristic of killing the stalk borer. The stalk borer is the larval form in the stages of development of those insects - there is the larvae or worm stage, the one that bores through stalks of maize. Therefore, it has to be controlled by use of chemicals. What science has done is to identify a bacterium with poison to kill the stalk borer. That is the only transformation that has been done to the normal maize – that is introducing this gene, which makes maize resistant to this worm or larvae stage of the pest.

*[The Temporary Speaker (Hon. Martha Wangari) left the Chair]*

*[The Temporary Speaker (Hon. Peter Kaluma) took the Chair]*

There are several things that come into play when you change the form of an organism – that is, you make it a GMO. Therefore, BT Maize is called BT because it has the gene of a bacterium called *Bacillus (B) Thuringiensis (T)*. That is why it is called BT Maize.

**Hon. Jared Okello** (Nyando, ODM): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Order! Hon. Jared Okello, what is out of order?

**Hon. Jared Okello** (Nyando, ODM): Hon. Temporary Speaker, I do not intend to cut short my very knowledgeable Chairperson. He has been introduced as the Chairman of the Departmental Committee on Agriculture and Livestock. I like his indepth knowledge about this subject matter, but it suffices to say that this matter will actually be committed to his Committee and he will be bringing a comprehensive report to the House for or against. Does his defence of the entire GMO feed into the resultant feature of what we expect from this House? Whereas I am really enjoying the knowledge he is sharing about *Bacillus Thuringiensis* and all other microbes, I think he may reconsider his opinion at this point in time.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Jared Okello, does the fact that he is the Chair of the Departmental Committee on Agriculture and Livestock take away his right as the representative of the people who brought him here?

**Hon. Jared Okello** (Nyando, ODM): Well, it is just like a scenario where a judge sitting before a court of law litigates on a matter and then takes a particular direction, just like we saw during the Supreme Court ruling the other day, when the judges called certain allegations raised in the petition names like ‘hot air’ and ‘wild goose chase’, among other things. I am worried because, as the Chair of the Committee, the Member is expected to preside over this matter, litigate properly on it and prosecute it properly to conclusion. I am not demeaning him. I am really enjoying the scientific terms that he is using to describe it. I am not a scientist, but I am really enjoying. I am, however, also being cautious that he needs not go into that direction. Otherwise, he may spoil the report that this House is waiting for.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Jared Okello, I think you are exaggerating the powers of a chair of a committee. The chair of a committee is like the Temporary Speaker speaking with you now. He does not decide but presides over meetings of

the committee. In such meetings, Members have their decisions to make and the chair does not have a casting vote.

Hon. Mutunga, I will add you a minute because your one minute has been taken away. It is still a very innovative issue, Hon. Jared Okello.

**Hon. (Dr.) John Mutunga** (Tigania West, UDA): Hon. Temporary Speaker, I think the Member is completely out of order. That is because he does not want to take time to understand the difference between GMO and the BT Maize that is being imported. The process of GMO, which everybody is talking about, can lead to a total transformation of an organism. It is the broader sense of transformation of any organism that matters.

**An Hon. Member:** Orgasm?

(Laughter)

**Hon. (Dr.) John Mutunga** (Tigania West, UDA): It is organism. Hon. Temporary Speaker, I do not want to be corrected by anyone. Can you protect me from any kind of disruption, please?

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Mutunga, in law, we have a doctrine called *volenti non fit injuria*. You have invited the problem to yourself and, therefore, you cannot enjoy protection from me. I will add you one minute to continue.

**Hon. (Dr.) John Mutunga** (Tigania West, UDA): No, Hon. Temporary Speaker. I do not think I have spent my time. He spent most of it. I have not said anything. I do not think it is fair for the Member to spend my time.

**The Temporary Speaker** (Hon. Peter Kaluma): I have given you an additional one minute.

**Hon. (Dr.) John Mutunga** (Tigania West, UDA): Hon. Temporary Speaker, I do not think this is fair. I am the Chairperson of the Departmental Committee on Agriculture and Livestock, and this does not mean that the knowledge that I have has disappeared from my head. It does not deny me the opportunity to tell Kenyans the truth. The truth is that BT Maize is a specific type of maize which Americans have eaten for 30 years. Are we trying to say that Kenyans are more special than Americans, Australians or Canadians? These are countries that protect their people...

**Hon. Moses Kirima** (Central Imenti, UDA): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): There is a point of order from Hon. Moses Kirima.

**Hon. Moses Kirima** (Central Imenti, UDA): Hon. Temporary Speaker, we have been told since we came to this Parliament that when one alleges, he or she must prove. Does my colleague have a way of showing proof that Americans have been consuming GMO maize for the last 30 years? He must have documented evidence because whoever alleges must prove.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Mutunga.

**Hon. (Dr.) John Mutunga** (Tigania West, UDA): Hon. Temporary Speaker, I want to tell the Member to go to the internet and search whether *Bacillus Thuringiensis* maize is dangerous. He will see that Americans have eaten it for 30 years. This is already documented. We are not talking about hearsay. Let us not mislead the nation forever. We stopped the importation of this maize 10 years ago and yet, we have been talking about GMOs for 20 years. We always say time is not enough and we do not have the capacity and yet, we have capacity at Kenyatta University (KU), Jomo Kenyatta University of Agriculture and Technology (JKUAT), Kenya Agricultural Research Institute (KARI) and KEPHIS. What is wrong with this country? Do we have to go around sensationalising everything?

We are out of order. This is because we are not using knowledge to inform our decision-making. We are whipping emotions and promoting sensationalism, which is wrong. As a professional in this particular field, I want to say that it is wrong. Let us use science to guide us to move forward. We cannot say we will do science up to a certain level and yet, it is unlimited. Let us look for opportunities to help our people. Nobody has ever died or fallen sick as a result of consuming GMOs. Likewise, GMO plants have never affected the environment. I am an authority in environmental issues. I know that the environment has not been affected by the GMOs. So, why are we saying GMO is dangerous? Where is the danger?

Hon. Temporary Speaker, let me now talk about the importation of maize. It will be wrong to import maize right now...

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Mutunga, can you answer the question that Hon. Kirima has asked, in a minute, so that we can proceed? He has asked whether your duty as a Member of Parliament is to the citizens of Kenya or America? That is what I heard him ask. I think it is a very straightforward question. You can answer it so that we can give time to the next person to speak.

**Hon. (Dr.) John Mutunga** (Tigania West, UDA): Give me time to answer the question.

**The Temporary Speaker** (Hon. Peter Kaluma): I will give you only one minute to answer.

**Hon. (Dr.) John Mutunga** (Tigania West, UDA): Thank you for the one minute you have given me to answer the question. I said there is no proof of any danger. People who have Deoxyribonucleic Acid (DNA) and blood in their system like us have eaten this maize for 30 years. I have given a specific example which is documented. Just search for it and see. So, what other proof does the Member need?

Hon. Temporary Speaker, on importation of maize, it is wrong to import when we have a surplus because it will depress the prices. If we do not have enough, it is in order for the Government to import more. However, let people not sit here and say that we should watch as maize prices skyrocket because we want to protect people in a small section of the country to sell their maize first before we import. We need supplies management. We need to feed our people. We need as many bags of maize as there is the population of Kenya. That is the simple arithmetic in terms of the maize balance sheet.

**The Temporary Speaker** (Hon. Peter Kaluma): You have made your point, Hon. Mutunga, the Chairperson of the Departmental Committee on Agriculture and Livestock. Let us now hear the Member for Kisumu West, Hon. Rozaah Buyu.

**Hon. Rozaah Buyu** (Kisumu West, ODM): Thank you, Hon. Temporary Speaker, for giving me this opportunity.

Kenyans who are watching us on television today are very happy. For the first time in a long time, the two sides of the political divide have come together to protect their lives. The current Constitution that we passed in 2010 by an over 67 per cent majority gives the Government the responsibility of protecting the lives of all Kenyans. In no article whatsoever will you find the Government being mandated to look for new ways by which Kenyans can die. It is unfortunate when a Cabinet Secretary in the Government comes out to applaud GMOs because they are a new way for Kenyans to die. Instead of protecting lives, the Government is spending its time looking for opportunities and different innovative methods through which Kenyans can die. So, depression, hunger, cancer and all the other things that currently kill Kenyans are not enough. The Government must look for yet another cause. That makes me very sad. It makes me wonder what this bottom-up philosophy is all about. During the campaigns, we were told that the bottom-up economic model will uplift the vulnerable members of our society so that they can also feel like they are part of Kenya. With one hand, the Government subsidises fertilisers so that farmers can enjoy better and surplus yields. When

that happens, they then kill you with the other hand by importing GMOs that will obviously suppress the sales of the yields that you have enjoyed.

The Government is spending money that it does not need to spend. Fertiliser subsidies come from money that the Government has collected from its people. On the other hand, after we have used that money well, planted our maize, gotten a surplus, and are just about to enjoy the impact of fertiliser subsidies, the Government brings in GMOs to suppress what we have gained. The Government does not know what it is doing.

We have seen our brothers and sisters crying in many parts of the country where they have enjoyed good yields. They are crying and saying...

**The Temporary Speaker** (Hon. Peter Kaluma): Order, Hon. Rozaah Buyu. Hon. Naomi Waqo, what is out of order?

**Hon. Naomi Waqo** (Marsabit County, UDA): Hon. Temporary Speaker, I respect *Mheshimiwa* Rozaah. She is my good friend. However, is it in order for her to say that the Government does not know what it is doing when it is leading the country and doing its best to serve the people?

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Rozaah Buyu.

**Hon. Rozaah Buyu** (Kisumu West, ODM): Thank you, Hon. Temporary Speaker. We are in this House to give our opinions. That is a matter of opinion. She can defend the Government because she respects it and thinks it is doing a good job. I choose to respect Kenyans who are crying because of the sweat and effort they have put in that is now being trashed because the Government has decided to bring in GMO maize.

Hon. Temporary Speaker, we have watched many Kenyans die slow and painful deaths. If there is an iota of suspicion that GMO maize could lead to slow deaths of Kenyans, why on earth would the Government ignore that suspicion and decide that it is going to go on and import GMO maize? Why can the Government not take its time, if it is responsible? Should the Government not let the debate go on as it makes effort to find out more about the reality of GMO maize before it hurriedly brings in the maize to kill Kenyans?

I come from an area where we do not grow a lot of maize but, I stand here as a Kenyan. What people in the Rift Valley Region suffer from, all Kenyans will also suffer from the same. Do not tell me that I should not speak about maize because I come from a fishing region, and that I should speak about fish because I know nothing about maize. I am speaking as a Kenyan. I am requesting the Government to put Kenyans first. If it does not, it will point to some cartels that are trying to make money by taking advantage of the drought situation and the suffering that Kenyans are currently undergoing to make a kill.

People in many parts of this country have come out to say that they have a lot of maize. All the Government has to do is find ways of buying and moving that maize from where it is in surplus and take it to the parts of the country that are experiencing drought so that no Kenyan can die of hunger. The Government finds it difficult to move the maize within the country, but finds it much easier to import maize from far. If that is not an action of a group of cartels, then I do not know what it is?

I support the Motion by Hon. Kirwa so that under no circumstance should we approve importation of GMO maize into the country.

Thank you, Hon. Deputy Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you, Hon. Rozaah Buyu. Next is Hon. Samuel Moroto, the Member for Kapenguria.

**Hon. Samwel Chumel** (Kapenguria, UDA): Thank you very much, Hon. Temporary Speaker for giving me this opportunity to add my voice to this debate. I stand to support the Motion.

From experience, there are questions I need to ask. What merit was used by the Government the other time to put aside the GMO issue? What new knowledge about GMO has

come up such that we are now lifting the ban without any explanation? That is what Kenyans want to know.

In the mid-1970s, coffee farmers were doing very well until a black market for coffee was started at a place called Chepkube in Uganda – a place which borders Kenya. All the people who were supposed to buy coffee from Kenya went there to buy our produce. That action brought coffee farming down and farmers are still crying. The same case applies here. There were scientists before who advised the Government, which advice led to the ban on supply of GMO products to Kenya. I do not know the kind of scientists who have advised the current Government to lift that ban without alerting its people and giving them reasons as to why they want to bring GMOs into the country.

Some of us come from areas where we depend on relief food, but we cannot accept food that will kill us. We better fight with our hunger than eat poison that will shorten our lifespan. We need to be serious about this matter because we are the representatives of the people of Kenya.

From 1997 to 2002, the price of maize was brought down by the system. I remember that at one time a bag of maize was selling at Ksh300. It is only when the late Hon. Kibaki was in power and, more so, between 2003 and 2007 that price of maize went up to more than Ksh2000 per bag. We need to be reasonable and forget about politics when we are here. Let us care about the lives of the people. If we go back into history, we will find out what made the Government at that time to ban GMO foods. I do not understand why somebody can now sit in a meeting with about 20 to 25 people and decide to lift the ban on GMOs. In fact, we are more in this House than the number of people that were in that Cabinet meeting.

I am a Christian and, therefore, I cannot encourage sins. When things are wrong, we say they are wrong. When things are good, we agree with them. I come from Kapenguria Constituency in West Pokot, which neighbours Trans-Nzoia. I also have a farm in Trans-Nzoia. As my colleague from Kwanza Constituency has said, I also have 1,900 bags of maize in my store because I am afraid of selling it at a throw-away price. I harvested many bags of maize after spending a lot of money to grow the maize.

As I support the Motion, I plead with Members of the Departmental Committee on Agriculture and the rest of us in this House to engage with the Government and the Cabinet Secretary so that they can stop playing with us. This Government has begun playing with us very early. If they mess with us this early, how are they going to ...

**The Temporary Speaker** (Hon. Peter Kaluma): Next is the Member for Kilgoris, Hon. Julius Sunkuli.

**Hon. Julius Sunkuli** (Kilgoris, KANU): Thank you, Hon. Temporary Speaker. I also stand to support the Motion.

There are two problems. One is food sufficiency and the need to import maize, while the other one is the issue of GMO. If I may begin with the GMO issue, it has been said in this House that our decisions should be informed by scientific research findings. That will be very attractive. Quite eminent Members have said here that whenever there is a doubt on scientific findings, it is better to be on the side of safety. It is needless when you are aware of a possibility of a substance being poisonous, but you still take the risk of taking it. I have listened to the Chairperson of the Departmental Committee on Agriculture and Livestock utter very scientific terminologies. Unfortunately, I did not get an opportunity to rise on a point of order. He was absolutely out of order to quote scientific findings without acknowledging the source. Everyone who has talked about scientific findings has not quoted a scientist that I know about. We grow maize in Trans-Mara. We grow a variety called 614 and very many other varieties. Those maize varieties have been developed by Kenyan scientists, who have also developed several other varieties of indigenous crops.

We actually have the Kenya Seed Company that develops seeds carefully or meticulously. We are being told today that there is science that comes from the USA that says GMOs are safe. This raises an issue. First of all, we should not call them GMOs because it does not bring out the matter clearly. We should call them “Genetically Modified Organisms” so that we do not lose track of what we are talking about.

To start with, maize is not a staple food in the USA. In fact, a substantial component of maize is consumed by animals. If the scientists in USA found that GMOs are safe, I do not know to what extent we can rely on that evidence when, indeed, we require maize to make *ugali*, porridge and *githeri*. We need maize for human consumption, and not for our animals. Therefore, I urge that we do not just plead science before we actually know who the scientists are. The European Union (EU) has legislation on GMOs. Its main purpose is to protect humans, animals and the environment. The EU passed a law in 2015 allowing member states to make a choice as to whether they should grow GMOs. Many countries like Germany, Greece, Italy, Poland and Scotland do not grow GMOs. However, EU countries import soya beans which are genetically modified from USA purely for animal consumption. The main developed countries of the West, minus the USA, do not sing the GMOs tune. If we rely on science, we should rely on our scientists. Otherwise, they are sleeping on the job. They ought to come in front of everything else.

Lastly, we should hear from the Ministry of Agriculture and Livestock Development but not the Ministry of Trade, Investment and Industry. That is because this is not really a trade affair but food matter.

I support the Motion.

**The Temporary Speaker** (Hon. Peter Kaluma): Member for Central Imenti, Hon. Moses Kirima.

**Hon. Moses Kirima** (Central Imenti, UDA): Thank you, Hon. Temporary Speaker for giving me an opportunity to contribute to this very important Motion which affects Kenyans. I support it. It was brought by my colleague. It is about this animal called GMOs.

It is true that importation of maize into this country is meant to alleviate hunger and the starvation that is being experienced by many Kenyans in various parts of the country. It is true that the Cabinet Secretary for Trade, Investment and Industry, Hon. Moses Kuria, who is my friend, indicated in black and white that they would import genetically modified maize. We have no reason to doubt him. There are no other things which have been brought into the country which are different, as it has been shown by the Chairman of the Departmental Committee on Agriculture and Livestock. He has come up with different terminologies which relate to this maize. However, he does not convince Kenyans that it is any different from the genetically modified maize which every Kenyan or learned person in Kenya loathes. We were informed that genetically modified food is not suitable for human consumption because it comes with some negative effects to human health.

It is common knowledge that most Kenyans spend their money on health matters these days; mainly on cancer. If one is not affected, one is infected by the cancer problem. We were told that scientific interference of the modern life has really contributed to the changes which take place naturally, and they end up making people victims of cancer. Almost every family in Kenya has people impoverished purely by cancer. If GMO foodstuffs are introduced in Kenya, it means that cancer cases will increase. We have maize in the Rift Valley Region, which has just been harvested. We have heard from colleagues here that people are hoarding maize in their homesteads. What is the Government going to do to assist the farmers who have a bumper harvest in the North Rift in order to have the maize come out to the market? It is good maize that has been grown in Kenya in the natural way. It has not been interfered with genetically,



and it should be taken to the market through the Government system. The Government is supposed to pay for this maize.

We have been hearing through the various members of the Departmental Committee on Agriculture and Livestock that USA has been consuming GMO maize. Those who have travelled to USA before, and those who have read about the USA know that maize is used for feeding animals. It is used to make animal feeds. What is consumed by livestock in the western world, and especially in the USA, is being brought to be consumed by Kenyans. Even though we are desperate, we have our dignity to protect. Even though we have a problem, our Constitution, in Articles 24 up to 26, talks about a dignified life. It is only the Government which can help us achieve this by ensuring that we have maize which is fit for human consumption, especially the varieties that are grown in Kenya. That maize should be bought by the Government for distribution to Kenyans. I support this Motion because if GMO maize is brought to Kenya, it will make Kenyans suffer even more.

It was just two days ago when we were told that GMO maize will be imported. How come it is already at the Port of Mombasa? It means this is a pre-determined issue. What are we going to do with the cartels? We were fighting the cartels that existed then when we said we wanted a change in the Government. Does it mean that we have inherited the same cartels that are going on with state capture?

Hon. Temporary Speaker, let GMO maize not be imported into Kenya.

**The Temporary Speaker** (Hon. Peter Kaluma): Mjumbe wa Likoni, Mhe. Mishi Mboko.

**Hon. Mishi Mboko** (Likoni, ODM): Ahsante sana Mhe. Spika wa Muda. Hata mimi nimesimama kuunga mkono Hoja hii ambayo imetolewa na mwenzangu.

Kwa hakika, sisi kama taifa, tuna jukumu la kulinda afya ya Wakenya. Pia tuna jukumu la kuangalia uchumi wa wakulima wa taifa letu la Kenya. Kwanza, nina masikitiko makubwa sana kutokana na matamshi ya Waziri aliposema kwamba iwapo Wakenya wamekuwa wakipata vifo kwa njia tofauti tofauti, basi kupata vifo kupitia vyakula vya GMO hakuna tashwishi. Hayo ni matamshi ambayo ni aibu sana kuwa yametoka kwa kiongozi ambaye ni Waziri katika taifa la Kenya.

Kenya tuna taasisi zetu za kisayansi. Tasisi yetu ya KEMRI kwa wakati mmoja waliweza kufanya utafiti wakaona kwamba vyakula hivi ambavyo vinatokana na njia ya GMO vina athari katika maisha ya mwanadamu na pia katika maisha ya wanyama. Vile vile, tukiangalia nchi nyingine za Afrika na hata nchi nyingine katika Uropa, wamepiga marufuku vyakula kama hivyo, yakiwemo mahindi ya GMO. Ufaransa, Italia na Croatia ni nchi ambazo zimestawi sana, lakini hazikubali vyakula kama hivyo. Vile vile, hapa Afrika, nchi ya Zimbabwe imekuwa na ukame mkali sana lakini haikubali kuingizwa kwa vyakula kama hivyo kwa sababu waliangalia janga ambalo litaletwa na vyakula hivyo.

Tukiangalia utafiti ya wanasayansi, unasema kwamba vyakula hivyo vinaweza kuleta changamoto za kimazingira na za kiafya kama vile maradhi ya saratani. Vile vile, vinaweza kuleta mambo tunayoyaita “mzio.” Kwa wale ambao hawafahamu, “uzio” kwa kimombo ni *allergies*, ambapo mtu akiweza kutumia chakula chochote cha GMO, yakiwemo hayo mahindi, anaweza kupata madhara kama hayo.

Katika mambo haya ya GMOs, hapo nyuma kuna wanasayansi ambao walibadilisha mchele wa kawaida kwa kuongezea vitamini zaidi ndani yake halafu wakauita “mchele wa dhahabu.” Mchele huo katika utafiti umeonyesha kwamba wale walioutumia walipata upofu na hata wengine wakapoteza maisha. Hayo yote ni mambo ambayo yameangaliwa na wanasayansi. Swali la kujiuliza ni kwamba: Je ni utafiti gani wa kisayansi unaothibitisha kwamba vyakula hivyo, yakiwemo mahindi ya GMO, havina madhara kwa afya ya mwanadamu na mnyama yeyote? Tukiangalia utafiti ambao umetolewa, unasema kwamba vyakula hivi vina madhara na si madhara tu ya sasa, bali ya kuendelea.

Mhe. Naibu Spika wa Muda, tukiangazia uchumi, wakulima kule Kitale na sehemu nyingine katika eneo la Bonde la Ufa, wanapata mvua na wanalima mahindi kwa wingi sana. Leo tukileta mahindi ambayo yametengenezwa kwa njia ya uhandisi jeni wa vyakula – hiyo ndiyo tafsiri kutoka Kiingereza ya GMO – wakulima wetu hawataweza kuangaliwa tena sana na Serikali, na pia kutakuwa na utepetevu ambapo wakulima wataona kwamba kuna mahindi mengine ambayo yanaingia nchini kwa bei rahisi na hivyo basi, hakutakuwa na haja ya kuwaangalia wakulima hao.

Kama Wakenya, ni lazima tuangazie njia za kukuza vyakula kwa kunyunyizia maji mashamba kutumia mbinu za *irrigation*, na kuhifadhi maji ambayo yamekuwa mengi kutokana na mvua na mafuriko ili tuweze kuyatumia wakati wa kiangazi. Pia, tunapaswa kuchimba visima na kuhakikisha kwamba wakulima wamepata mbolea na mikopo ili tuweze kupata vyakula vya kutosha.

Kama vyakula vya GMO vingekuwa vyakula ambavyo havina madhara, basi ulimwengu mzima hivi sasa ungekuwa hauna janga la njaa, na ungekuwa umekubali mambo hayo. Nchi nyingi sana zimekataa jambo kama hili. Taasisi nyingi za utafiti za kisayansi zimekataa vyakula hivi. Kule sehemu za Amerika, ukipata tomato na uangalie...

**The Temporary Speaker** (Hon. Peter Kaluma): Hata ladha ya tomato hiyo si nzuri. Tumepata kusikiliza Kiswahili sanifu kutoka Jimbo la Mombasa. Sasa nampa nafasi Mhe. Mark Mwenje, Mbunge wa Embakasi West.

**Hon. Mark Mwenje** (Embakasi West, JP): Thank you, Hon. Temporary Speaker. This is a bipartisan issue. I thank the House for coming to a consensus for us to debate this matter. My points are few. I do not want to take much time.

The first issue is that GMOs present a threat to local farmers. I find it strange that even some Members from the Rift Valley Region would agree to the importation of GMO maize, knowing very well that they will be the biggest casualties in such a move. I also wonder why we would be availing a lot of fertilisers to farmers if we knew that we would bring in GMO maize. Clearly, there is some confusion being brought forth by the Government.

Secondly, the issue of substandard food has been alive in this country. During the COVID-19 pandemic, we had rice which had to be boiled for about two hours before it could be served. That kind of rice was distributed in my constituency, and I saw it myself. Very many people rejected it. This is a risk that we cannot accept.

Thirdly, on the issue of health, as it has been stated by very many of my colleagues, there is the issue of cancer and other chronic diseases that could come up as a result of consuming GMO foodstuffs. We need to remember the cost of medical care, especially the cost of treating cancer. The Government should be fully aware of this cost as we talk about the importation of GMO food commodities. We have inadequate healthcare facilities, especially in Nairobi. As Members, we always contribute to *harambees* to assist our constituents to foot medical bills. The issue of cancer is alive in this country. We apparently even talk about how unsafe the use of microwave to warm food is. If we have reached that level, then we cannot ignore the science behind GMO and what we have learned from the First World countries.

Hon. Temporary Speaker, finally, if we must import GMO maize to alleviate the prevailing hunger amongst Kenyans, then it should be a temporary solution. I am not saying that it must be done. However, if it must be done, we have to stick to the standards that exist in Europe. If you walk into a shop in UK, USA or France, you will clearly see on the shelves food item marked “GMO” while others are marked “organic.” It is very clear. Are we going to give Kenyans the option of choosing to buy GMOs or organic food items? I highly doubt it. If we must import GMO food items, this must be a condition. In addition to that condition, the science behind each and every GMO product that is imported into this country must be clearly stated. That is something that we cannot take for granted because we have seen the adverse

effects of GMO foodstuffs in other countries. The science behind it is there. So, we cannot ignore this issue.

As I support this Motion, the Government and, more so, the Cabinet Secretary for Trade, Investment and Industry who is a friend and a former Member of this House should know that the statement that everyone dies is so reckless. It even gives us the notion that he himself accepts that GMO foodstuffs are unfit for human consumption.

With those remarks, I beg to support.

**The Temporary Speaker** (Hon. Peter Kaluma): Let us hear Hon. Christine Ombaka, Member for Siaya County.

**Hon. (Dr.) Christine Ombaka** (Siaya County, ODM): Thank you, Hon. Temporary Speaker for giving me this opportunity. I have waited for so long. Finally, I have got the opportunity.

When you mention the term “GMO”, you start feeling scared. You feel worried that something is wrong. It is not a very welcoming term because people associate it with the diseases it brings along with the food that is made out of it. Yesterday, I was watching television and people were asked to give their views about GMO foodstuffs that are being imported into the country. The Kenyans who responded were all crying and wondering: “Are we going to die?” Everybody associates GMOs with death. It has been proved by scientists that GMO is associated with cancer. That is what the people know. So, you may import millions of bags of maize but will it be bought? People are afraid of buying what will kill them. I want to ask the Government to take care of Kenyans. They may be starving and dying but that is not a good reason for importing poisonous food. We cannot continue to kill Kenyans. Let us die naturally. Let us not die because of the hand of man – because somebody has imported maize that is dangerous and unhealthy.

We have a very poor health system in this country. Cancer is a disease that has defeated this country in its management and treatment. It is not easy to treat it. It is a long-term disease that is very expensive to treat. Those who have it travel abroad for treatment, if they can afford it. A majority of Kenyans are so poor that they die in the villages because of that disease. If you are bringing food that is going to spread cancer on top of the cancer that we have, are we not going to create genocide in this country? How many people are going to die in a year or in the next few months? We are going to have massive deaths in this country as a result of GMO. This cannot go on. We cannot allow it. Kenya has imported maize before, but it was never associated with GMO. Kenya imported yellow maize. Do we have an opportunity to do that? If we are dying because of food shortage, at least, let us go for yellow maize. People ate it and we never saw that kind of death. It was safer. If we continue to import GMOs, we will be killing Kenya. Kenyans are going to perish because GMOs are being imported without thinking about the dangers that are associated with it. The English people say: “Hurry, hurry has no blessing!” You lift the ban and you import straightaway. You do not listen to scientists. Let us listen to scientists. They have a story to tell. They have something to tell us about our health and the way to care for it. If they have dismissed GMOs, who are we to challenge them? Many countries have banned GMO foodstuffs. They are afraid of them. It is dangerous to their citizens. Kenya is so brave. Kenya is sticking out its neck to be killed by GMO. Let us be careful and serious. Let us protect Kenya. We cannot afford to import GMO foodstuffs. They are dangerous for us. We cannot allow ourselves to die so early.

With those remarks, I support the Motion.

**The Temporary Speaker** (Hon. Peter Kaluma): Sasa ni zamu ya Mbunge wa Jimbo la Mombasa, Mhe. Zamzam Chimba.

**Hon. Zamzam Mohammed** (Mombasa County, ODM): Ahsante sana, Mhe. Spika wa Muda.

Kwanza, nampongeza Mhe. Kirwa kwa mjadala huu wa leo. Hali ya wakulima kule mashinani inatamausha na inasikitisha sana. Ni mwaka juzi tu wakulima walipokuwa wakilia wakisema kwamba wana vyakula ndani ya maghala yao lakini vyakula hivyo vinaozea kule. Ningependa kumkumbusha Waziri wa Kilimo kwamba huu ni wakati mwafaka wa kufungua macho na kuangalia Kenya na Wakenya. Ni wakati wa kuwa na msimamo thabiti kuona kwamba Wakenya wanapata chakula kinachovunwa katika sehemu nyingi humu nchini.

Nikirudi upande wa vyakula vya uhandisi wa jeni, hivyo vyakula vinatolewa nasaba yake ya asilia – yaani ile DNA yake ya mwanzo ambayo imeumbwa na Mwenyezi Mungu. Inatolewa halafu vinaongezwa bakteria na virusi vingine ili kuviboresha. Tangu wiki jana, nimekuwa nikisikitika nikisema watu wangu wengi wa Kaunti ya Mombasa wameadhirika na magonjwa ya saratani. Inasikitisha kwamba ni juzi juzi tu Serikali imetoa mbolea kutoka Russia na kutuahidi kuwa wataboresha ukulima na kupatia wakulima mbegu. Juzi na jana wameondoa marufuku ya kuleta vyakula vya GMO nchini. Sasa tunaambiwa kwamba bandarini Mombasa tayari kuna mahindi ndani ya maghala yanayosubiri kupakuliwa kwa matumizi ya Wakenya.

Nasikitishwa sana na Serikali hii. Namkumbusha Rais kwamba Wakenya wamemuamini na kumpa mamlaka ya kuliongoza taifa hili. Ninamuomba awafikirie Wakenya kama alivyo Mkenya. Ikiwa vyakula hivyo vitawaua watu waliompigia kura, basi itakuwa uongozi wake umefeli. Nakumbuka kuna wakati Rais aliwahimiza wakulima wapande avocado. Sijui kama ndiyo ilikuwa mbinu ya kupindua ili tuletewe vyakula hivi. Ninawaza tu kwa sauti. Masikitiko yangu ni kwamba Rais anawafelisha Wakenya. Wakenya wakati huu wanahangaika na hakuna kitu katika mifuko yao. Wanahangaika na akili zao kwa maradhi yanayowakumba. Leo tunawaletea vyakula vitakavyowamaliza kabisa – wafe waondoke katika taifa hili.

Mhe. Spika wa Muda, ningependa kuzungumza na Wakenya niwambie kwamba vyakula hivi vitakuja. Mkiona mbiu ya mgambo inalia, jueni kuna jambo. Ningependa kuwashauri kama Mama Zamzam, Mama Kaunti ya Mombasa. Ikiwa kwa njia yoyote ile vyakula hivi vitakuja, basi susieni; msile. Hata enyi wakulima, vile vyenu mlivyopanda, jitoeni kimasomaso msambazie wenzenu. Katika sehemu ya Ganze na Kaunti ya Tana River, watu wanakufa njaa lakini maghala yamejaa mahindi pomoni katika maeneo ya Rift Valley na Trans Nzoia. Kuna Mbunge ambaye amesema hapa kwamba ana takriban kilo 500,000 za mahindi katika ghala lake na hajui atayapeleka wapi wakati watu kule Ganze na maeneo ya Kaskazini Mashariki wanateseka na njaa. Watu nchini Kenya wanakufa kwa njaa. Nataka niulize Serikali na Waziri wa Kilimo ikiwa wamewaelezea Wakenya kuwa kuna chakula tele lakini Wakenya wengine wanakufa njaa? Leo hii mwatuambia tupitisha sera ya kuagiza vyakula vya GMO kutoka mataifa ya nje. Hatuwezi kupitisha sera hiyo katika Bunge hili. Napinga sera hiyo ya Serikali na kumuunga mkono Mhe. Kirwa. Jambo hili haliwezekani katika taifa hili. Tunaweza kuchimba maji katika sehemu ambazo zimekauka na tuwapatie mbolea na mbegu wakulima ili wapande vyakula na Kenya iwe huru. Ikiwa wadudu hawawezi kula chakula cha GMO, juwa kwamba kuna hatari manake kwa kawaida wadudu hutuelekeza sisi binadamu kama kitu ni kizuri ama ni kibaya. Hata wanasayansi leo wamekuwa na hofu ya kusema. Kwa sababu wanajua hawawezi kupata *funds* wakituambia ukweli, wameficha ukweli na wanasikitika kimoyo moyo. Nawaomba wanasayansi katika taifa hili wajitoe kimasomaso waiokoe nchi hii.

Kwa matamshi hayo, naunga mkono.

**The Temporary Speaker** (Hon. Peter Kaluma): Sasa ni zamu ya Mjumbe wa Starehe.

**Hon. Amos Maina** (Starehe, JP): Thank you, Hon. Temporary Speaker for giving me this opportunity to contribute to this Motion. I am the Member for Starehe Constituency, which is in Nairobi County. The GMO matter directly affects us because in Nairobi, we do not farm but we consume the highest amount of foodstuff that comes into this country. We depend on the upcountry food baskets to supply us with foodstuffs.

With the introduction of GMOs, we stand to suffer the most because, currently, we have food shortages in the slum areas of Starehe and in Nairobi generally. People there eat just about anything because some of them cannot afford a meal in a day. So, when they are provided with cheaper foodstuffs, whether it is poisonous or it is of low safety standards, it does not matter to them. They will willingly consume it because they have no other option. As a former Minister said, it is like raping a woman who is already too willing.

Hon. Temporary Speaker, I strongly object to this idea because if we were to be given an option of cheap GMO foodstuffs, we will be forced to consume them because of the food scarcity that we are already experiencing. We will be the most affected. People in Nairobi are currently suffering from lifestyle diseases due to lack of healthy regimes whereas people in the rural areas have an opportunity to exercise as they till the land.

In Nairobi, life is so constricted because we live on a hand-to-mouth economy where you only get time to work for what you need. We always work from 8.00 a.m. to 5.00 p.m. on a daily basis while others work for more hours. So, even our lifestyles are not that good. Now that we are introducing GMO foodstuffs in the country, I can only imagine the devastations that such foodstuffs will have on the people of Nairobi.

Hon. Temporary Speaker, as Members can see, there are already people who are struggling with lifestyle diseases. Cancer has become a very emotive issue in Nairobi. We lose people every day. Even the thought of introducing GMO foodstuffs, which are associated with cancer, is sickening. In the last one week, I have lost two patients to cancer. People lost their lives in a very painful way. Even the mention of introducing foodstuffs associated with the spread of cancer does not sound well in the society.

Importing GMO maize is the most retrogressive idea that we have had as a country. We have enough land which people can irrigate and grow maize to sustain this country. We have had the Galana-Kulalu Irrigation Project, which some Israeli scientists had proposed. If we were to grow maize in that area, we would sustain our country in terms of food production. I do not know where such progressive ideas have gone to. This current Government came into power on the basis of a promise to subsidise food production. If that spirit were to be followed through, we could be having such projects being inaugurated so as address the issue of food shortages once and for all. We are still importing our country's staple foodstuffs when we should be going the manufacturing way, and this shows that we have got our priorities wrong. Before we think about manufacturing, we should be able to sustain ourselves in terms of food production and food security.

With those remarks, I support the Motion by Hon. Kirwa to protect farmers as we reject the introduction of GMO foodstuffs in the country.

**The Temporary Speaker** (Hon. Peter Kaluma): Next is the Member for West Mugirango, Hon. Stephen Mogaka.

**Hon. Stephen Mogaka** (West Mugirango, JP): Hon. Temporary Speaker, thank you very much for giving me a chance to contribute to this Motion. I thank my counterpart from the Rift Valley Region, Hon. Kirwa, for bringing this Motion. I strongly support it.

I was almost sweating while listening to the Chair of the Departmental Committee on Agriculture and Livestock dropping bombastic terminologies in defence of GMOs. *Google*, which never lies, tells me that genetic engineering causes, amongst other things, toxicity, allergic reactions, antibiotic resistance, cancer and loss of nutrition. All these adverse effects are associated with GMO foodstuffs. A Member then comes here and lies to the whole world that science has proven that genetic engineering has value. I support Kenyan farmers. I am proud to be a Member of the 13<sup>th</sup> Parliament which has condemned the unilateral lifting of the ban on GMOs. We insist that a Bill should be brought to the House for enactment so as to reinforce the ban on the importation of GMOs by way of a statute.

Hon. Temporary Speaker, we have public institutions like the Kenya Seed Company Limited, which previously conducted substantive research that gave us, among others, the Katumani Maize Variety which performs very well in Arid and Semi-Arid Lands like the Ukambani Region. Uasin Gishu, Trans Nzoia and Gusiiland are known to be the food baskets of this country. How can a Government that purports to have the best interest of farmers at heart approve importation of GMO maize as farmers in the Rift Valley Region, and in other parts of the country harvest a bumper crop of maize? That is economic sabotage! Even if you want to dump foreign maize into the country so that Kenyan farmers do not fetch good prices, that is not the way to do it.

Only last week, we debated a possible ban on importation of certain pesticides. Genetically Modified Organisms are sprayed with pesticides left, right and centre. That is what interferes with our water sources and cause cancer. Biosafety concerns are key considerations that informed the Government's ban on GMOs importations 10 years ago. I take exception to the fact that the Executive could unilaterally lift the ban on GMOs and expose the entire country to such risks when it was so easy for the Departmental Committee on Agriculture and Livestock, or the Leader of the Majority Party, to bring a Motion to this House so that we debate and agree as a country on whether or not to lift the ban on GMOs.

Hon. Temporary Speaker, we deal with patients daily. We raise funds to pay hospital bills because people have contracted diseases that were previously unknown in Africa. Africa has enough land with fertile soil. We also have competent scientists who can conduct research and give us the best possible varieties of food crops for the continent. In any case, Kenya is a signatory to the African Continental Free Trade Agreement (AfCFTA). Why are we importing maize from far away when we can get it from our neighbours? Are we a serious member of the East African Community (EAC)?

With those remarks, I support the Motion opposing the introduction of GMOs within the borders of the Republic of Kenya.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Joseph Oyula, Member for Butula.

**Hon. Maero Oyula** (Butula, ODM): Thank you, Hon. Temporary Speaker for giving me this opportunity to add my voice to this Motion.

I also thank the *Mheshimiwa* who has brought this Motion because it is timely. The Government of Kenya wants to lie to Kenyans. It knows very well that it is supposed to provide funds to the NCPB to enable them buy maize from farmers. The NCPB is, in turn, supposed to put maize on the market. Farmers are still stocking maize. As we speak, maize stocks of the crop of 2021 are still in the stores. It is only now that some farmers have started to dispose them. If those stocks are still in the stores, why does the Government not use the money it has earmarked for importation of GMO maize to mop up those stocks and supply them to the people who have been hit by drought in this country?

People will look at Kenya as a country which does things that are unexpected. We cannot let our maize rot in stores and buy GMO maize from elsewhere and feed our people. It has been proved that GMO foodstuffs cause a lot of harm to people. As it has already been mentioned, we will have many funerals if we introduce GMOs in the country. We are going to spend a lot of money on healthcare and yet, our health facilities are not good enough. Let the Government look at the most appropriate ways of handling food shortages, if there are any in this country. Let us fund farmers appropriately. Let us ensure that farmers sell their produce at reasonable prices in order to encourage farming for sustainable food production in the country. If we continue to import food commodities that are going to kill our people, we will not be doing the right thing.

Therefore, as I support this Motion, I urge our Government to ensure that GMO maize is not brought into this country because it will cause a lot of problems, especially for us politicians. Let us ensure that we do the right thing.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Lilian Siyoi, you have two minutes.

**Hon. Lilian Siyoi** (Trans Nzoia, UDA): Thank you, Hon. Temporary Speaker for giving me a chance to support this Motion.

I congratulate Hon. Kirwa. I am the County Member for Trans Nzoia, which is the largest maize producer in the country. I do not think we have reached a level of importing maize. Trans Nzoia farmers have plenty of maize which has not been bought. When we import maize, it would only imply that we have already exhausted our locally produced stocks, which is not the case. We are killing farming in the country by importing cheap maize. We cannot import maize and claim to be supportive of farmers. If we do not provide a platform to farmers to sell their produce, we will be killing farming in the country.

I am surprised that the Cabinet Secretary could make such a decision by himself. He made a big decision without consulting the Departmental Committee on Agriculture and Livestock. The Members of the Committee do not understand what is going on. We are putting blame on them for something they are totally innocent on. Importation of maize is illegal. As for the maize that has already been shipped in, we do not want to see it offloaded onto the market because it will lock out our farmers from accessing that market. The maize that has been brought into the country will kill the price of locally produced maize, bearing in mind the fact that the costs of inputs in the season that has just ended were very high. If at all we do not give farmers a platform to sell their maize, we will have another situation of maize shortages in the country next year. People will shy away from farming and we will continue to import maize. We will eventually kill the agriculture sector in our country.

It is for those reasons that I support this Motion. Distribution of the GMO maize that has been imported should be stopped with immediate effect.

With those remarks, I support.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Marwa Kitayama, are you on a point of order?

**Hon. Maisori Kemero** (Kuria East, UDA): Mhe. Spika wa Muda, nakushukuru kwa hii nafasi. Mimi sitasema kwamba nina ufahamu wa GMO. Hiyo sayansi mimi siifahamu. Lakini najua kwamba wakulima wetu wengi sana katika maeneo mengi nchini wako na chakula cha kutosha. Wamelima na wanevuna mahindi mengi na vyakula vingine aina mbali mbali na vimo kwenye maghala yao. Wanatafuta tu sehemu ya kuuza. Katika maeneo ninakotoka, yakiwa Kuria East, Kuria West, Kilgoris, Angata Baragoi, Nyamaiya, na kwingineko; mahindi yamejaa katika mashamba hivi sasa. Tuko karibu kuvuna mahindi. Itakuwa ni jambo la ajabu sana ikiwa tutapata kwamba badala ya Serikali kungoja siku mbili au tatu ili iweze kupata mavuno hayo, wananunua mahindi kutoka nje. Wakulima wanapigwa na mshangao kwamba tayari kuna mahindi yamefika katika Bandari ya Mombasa yakingoja kuingia nchini ilhali sisi sote tunajua kwamba ikiwa hivyo, mahindi ya mkulima hayataweza kununuliwa.

Kwa hivyo, nimesimama kumuunga mkono Mheshimiwa mwenzangu ambaye ameleta Hoja hii. Tatizo hata sio GMO; tatizo ni tabia mbaya. Tabia mbaya haina tiba. Ni tabia mbaya tu. Hii Serikali inahitaji kutoka katika ule mkondo ambao serikali zilizotangulia zilikuwa zikifuata – tabia mbaya ya kumdhulumu mkulima na mwananchi wa kawaida.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Kitayama, it was an Adjournment Motion. I know you have been cut short but the business of Parliament is prescribed in time.

**ADJOURNMENT**

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Members, the time being 7.00 p.m., the House stands adjourned until tomorrow, Wednesday, 23<sup>rd</sup> November 2022 at 9.30 a.m.

The House rose at 7.00 p.m.



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