



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT – (FIRST SESSION)**

**THE SENATE**

**ORDER PAPER**

**WEDNESDAY, NOVEMBER 16, 2022 AT 2.30 PM**

**PRAYER**

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers (as listed in the Appendix)
6. Notices of Motion (as listed in the Appendix)
7. Statements (as listed in the Appendix)
8. **MOTION - EFFECTS OF UPSTREAM ACTIVITIES ON THE RIVER TANA TO THE RESIDENTS OF TANA DELTA**  
(Sen. Danson Mungatana, MP)

**THAT, AWARE THAT** water is a fundamental resource to life, livelihood, food security and sustainable development and an economic good, which is critical for the sustainable development of the country;

**FURTHER AWARE THAT** the River Tana plays an important role in the lives of the communities living along its banks including Garissa and Tana River Counties whose main economic activities are livestock keeping, farming and fishing;

**RECOGNIZING THAT** Article 43 (1) (d) of the Constitution of Kenya, provides that every Kenyan has the right to clean and safe water in adequate quantities;

**NOTING THAT** the residents of Tana River County have perennially suffered from acute effects of flooding and inadequate supply of water to its residents and their livestock;

...../Motion

**COGNIZANT THAT** the challenge of flooding has predominantly been caused by KenGen’s release of huge amounts of water from the seven forks dams which combine with rain water from the highlands;

**FURTHER COGNIZANT THAT** the hoarding of water at the seven forks dams and other significant upstream activities such as irrigation and small scale dams limits the amount of water that flows downstream through River Tana significantly affecting agricultural activities in irrigation schemes such as Bura, Galole and other small scale irrigation schemes in the Tana Delta as a result of inadequate water supply to the canals that channel the water to the irrigation schemes;

**CONCERNED THAT** limited water supply to the hinterland and irrigation schemes cause severe hunger to the residents of Tana River, death of livestock and conflicts between farmers and herders, and that floods cause deaths, displacements and other challenges like waterborne diseases such as cholera downstream at Tana Delta;

**NOW THEREFORE**, the Senate urges the Ministry of Water, Sanitation and Irrigation in conjunction with the Water Resources Authority (WRA) to;

- i) conduct stakeholder participation before undertaking any major upstream activity including construction of dams, before the release of water during rainy season and limiting flow of water to River Tana during the dry season;
- ii) develop a policy in line with the Nile Treaty of 1959 to guarantee average annual flow of the River Tana; and
- iii) come up with mitigation measures to the perennial floods and water scarcity to the residents of Tana Delta.

***(Resumption of debate interrupted on Tuesday 15.11.2022 – balance of time 2hrs 31mins )***

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**NOTICE**

The Senate resolved on 5<sup>th</sup> October, 2022 as follows:-

**THAT**, pursuant to Standing Order 111 (1), the Senate resolves that debate on a Motion not sponsored by the Majority or Minority Party or a Committee shall be limited in the following manner:-

A maximum of three hours with not more than twenty minutes for the Mover, twenty minutes for the Majority Party Official Responder, twenty minutes for the Minority Party Official Responder and fifteen minutes for each other Senator speaking and that fifteen minutes before the time expires, the Mover shall be called upon to reply.

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**APPENDIX**

**1. PAPERS**

- i.) Report of the Auditor General on the Financial Statement of Busia County (Public Officers) Revolving Fund for the year ended 30<sup>th</sup> June, 2021.
- ii.) Report of the Auditor General on the Financial Statement of Siboi Water and Sanitation Company Ltd for the year ended 30<sup>th</sup> June, 2021.
- iii.) Report of the Auditor General on the Financial Statement of Kakamega County Assembly Loans & Mortgages for the year ended 30<sup>th</sup> June, 2021.

*(The Senate Majority Leader)*

**2. NOTICE OF MOTIONS**

- i.) **STATE OF FOOD SECURITY IN KENYA**  
(Sen. Mwenda Gataya Mo Fire, MP)

**THAT, AWARE THAT** Article 43 of the Constitution of Kenya, 2010, stipulates the rights of every person to be free from hunger, to have adequate food of acceptable quality, and to clean and safe water in adequate quantities;

**FURTHER AWARE THAT** there is a prevailing food shortage in Kenya which is as a result of among other factors, lack of and inadequate rainfall over the last two years, the consistent decline in the number of farmers and lands committed to farming, and the Russia-Ukraine war that has led to an increased cost of fertilizer and fuel products which are critical farm inputs, subjecting 4.1 million Kenyans in the Arid and Semi-Arid Lands (ASALs) to an acute food insecure situation and about 942,500 children under five years and 134,270 pregnant and lactating mothers to acute malnutrition according to the Kenya Food Security Steering Group (KFSSG) report;

**NOTING THAT** about 1.5 million deaths of livestock have so far been reported in the Arid and Semi-Arid Lands (ASALs) and that the situation is expected to be dire in light of expert projections that we may miss the normal cycle of rain expected in October, November, and December, 2022 and that this could be the worst drought we have experienced in 40 years;

**CONCERNED THAT** the country is recording incidences of conflict between crop farmers and pastoralists over the scarce resource of

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water and pasture which results in the destruction of crops and deaths of livestock further exacerbating the food crisis and that the challenge of food shortage is now spreading to areas previously presumed to be rain-rich such as Mt. Kenya whose residents are now relying on government emergency food supplies;

**NOW THEREFORE** the Senate urges the Ministry of Agriculture and Livestock Development to develop targeted policy programs aimed at addressing the food insecurity in the country including the following:-

1. Coordinate with county governments to establish strategic grain reserves across the country, with drought-stricken areas receiving priority;
2. Develop livestock feeding programs in ASAL regions, providing water and feeds to the livestock farmers;
3. Coordinate with the National Drought Management Authority to do quarterly reports to the Senate on the drought situation in the country;
4. Subsidize agricultural production;
5. Establish abattoirs in ASAL Counties; and further recommends that the National Treasury and Economic Planning increases funding to the National drought disaster fund.

ii.) **PLIGHT OF KENYAN DOMESTIC WORKERS IN THE MIDDLE EAST**  
(Sen. Veronica Nduati, MP)

**THAT, AWARE THAT** foreign workers from developing countries make up a large majority of the Gulf's labour, a trend driven in Kenya by the high rate of youth unemployment which stands at 34.21%, forcing young Kenyans to continue to go beyond our borders in pursuit of lucrative employment opportunities;

**FURTHER AWARE THAT** the *Kafala* or sponsorship system found in the Gulf Cooperation Council (GCC) countries such as, Kuwait, Oman, Qatar, Saudi Arabia, the United Arab Emirates, Jordan and Lebanon, defines the relationship between foreign workers and their local sponsor, under which the state gives local individuals or companies, sponsorship permits to employ foreign labourers, and covers travel expenses and provides housing, in the case of domestic workers in the sponsor's home;

**APPRECIATING THAT** the Kenyan recruitment process of domestic workers for Saudi Arabia involves a number of stakeholders including the Saudi employers, the Saudi Arabia Employment Agencies, Ministry of Labour (Labour Department), National Employment Authority (NEA), National Industrial Training Authority (NITA), prospective domestic workers, Kenya Private Employment Agencies (KPEA), Saudi Arabian Embassy and the immigration Department;

**NOTING THAT** numerous Kenyan migrant domestic workers in Saudi Arabia have documented various forms of abuses including passport confiscation, physical abuse, sexual abuse, sleep deprivation, food deprivation, labour exploitation, imprisonment prior to deportation, religious intolerance and psychological abuse leading to some of these workers losing their lives;

**COGNIZANT THAT** Articles 10, 11, & 14 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families adopted on 18 December, 1990 espouses that no migrant worker shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment, shall be held in slavery or servitude, or be subjected to arbitrary or unlawful interference with his or her privacy, family, correspondence or other communications, or to unlawful attacks on his or her honour and reputation, and the right to the protection of the law against such interference or attacks;

**FURTHER APPRECIATING THAT** staffing shortages and inadequate funding faced by the labour attaches in Saudi Arabia hinder the effective supervision of migrant workers in distress, lack of safe houses, lack of a comprehensive mechanism to handle labour disputes, and a lack of a legal framework defining the roles of migrant workers in order to adhere to the terms of their contracts, are some of the challenges that need to be overcome;

**CONCERNED THAT** under the Bilateral Labour Agreement (BLA) between the Government of Kenya (Gok) and the Government of the Kingdom of Saudi Arabia (KSA) on the recruitment of domestic workers that was developed and adopted in January 2016, Kenya was obligated to provide qualified and medically fit workers needed by Saudi Arabia according to the job specifications, and in turn Saudi Arabia was obligated to ensure that the welfare and rights of employers and domestic workers employed in the Kingdom are

promoted and protected in accordance with the applicable rules and regulations which has not been the case, including the enforcement of rest hours and the identity and work permits remaining in the possession of the migrant worker;

**NOW THEREFORE**, the Senate resolves that the Ministries of Interior and National Administration, Labor and Social Protection, Foreign Affairs & Diaspora Affairs, Immigration Department, the National Employment Authority (NEA), the National Industrial Training Authority (NITA) and the Kenya Private Employment Agencies (KPEA) cease all travel by Kenyan migrant workers to the Gulf states with immediate effect until: -

1. the Ministry of Labour and Social Protection amends the national labour migration regulatory framework policy to address labour exportation management;
2. the Ministry of Labour and Social Protection, and the Ministry of Foreign Affairs & Diaspora Affairs adopt/ratify the multilateral declarations relating to the protection of workers such as the International Labour Organisation (ILO) Domestic Workers Convention, 2011 (No. 189) and the Private Employment Agencies Convention, 1997 (No. 181);
3. the establishment of functional overseas labour offices for the administration and enforcement of the Ministry of Labour and Social Protection policies for migrant workers;
4. a review of the Bilateral Agreement between the Government of Kenya, and the Kingdom of Saudi Arabia by the Ministry of Foreign Affairs & Diaspora Affairs to adequately address identified gaps and emerging issues;
5. there are established safe houses to serve as central huts of welfare and assistance to migrant workers and temporary shelters for overseas Kenyans in distress; and,
6. any Kenyan in distress, and in particular, Hellen Kemunto, is rescued and brought back to Kenya from Riyadh, Saudi Arabia.

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**3. STATEMENTS PURSUANT TO STANDING ORDER 53 (1)**

- i.) Nominated Senator (Sen. Mariam Omar, MP) to seek a statement from the Standing Committee on Health regarding enrolment of residents of Mandera County to the National Health Insurance Fund (NHIF) and release of capitation to hospitals in the county.
- ii.) The Senator for Kirinyaga County (Sen. James Kamau Murango, MP) to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations on the distribution of relief food in Kirinyaga County.
- iii.) The Senator for Kirinyaga County (Sen. James Kamau Murango, MP) to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the security situation in Kirinyaga County.
- iv.) The Senator for Kirinyaga County (Sen. James Kamau Murango, MP) to seek a statement from the Standing Committee on Roads, Transportation and Housing concerning reckless driving by motorists transporting khat (*mira*) through Kirinyaga County.
- v.) The Senator for Kirinyaga County (Sen. James Kamau Murango, MP) to seek a statement from the Standing Committee on Labour and Social Welfare regarding the Older Persons Cash Transfers (OPCT) programme.
- vi.) The Senator for Vihiga County (Sen. Godfrey Osotsi, MP) to seek a statement from the Standing Committee on Trade, Industrialization and Tourism regarding the effects of government austerity measures on the hotel industry.
- vii.) The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, SC, MP) to seek a statement from the Standing Committee on Agriculture, Livestock and Fisheries regarding the death of cage fish in Lake Victoria, Kisumu County.
- viii.) The Senator for Kisumu County (Sen. (Prof.) Tom Ojienda, SC, MP) to seek a statement from the Standing Committee on Agriculture, Livestock and Fisheries regarding the challenges faced by sugarcane farmers and the decline of the sugar industry in Kisumu County.

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# **NOTICE PAPER**

## **Tentative Business for**

**Thursday, November 17, 2022**

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*(Published pursuant to Standing Order 43 (1))*

It is notified that the Senate Business Committee has approved the following **tentative** business to appear in the Order Paper for Thursday, November 17, 2022.

- i.) ELECTION OF MEMBERS TO THE EAST AFRICAN LEGISLATIVE ASSEMBLY
- ii.) MOTIONS
  - a) State of Food Security in Kenya  
(Sen. Mwenda Gataya Mo Fire, MP)
  - b) Plight of Kenyan Domestic Workers in the Middle East  
(Sen. Veronica Nduati, MP)

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