

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Tuesday, 22nd November, 2022

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

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

PRAYER

QUORUM CALL AT COMMENCEMENT OF SITTING

The Speaker (Hon. Kingi): Serjeant-at-arms, kindly, ring the bell. We seem not to have quorum.

(The Quorum Bell was rung)

The quorum has been established. Please, let us have the first Order.

*(Sen. Joe Nyutu walked into the Chamber
when the Speaker was upstanding)*

Sen. Joe Nyutu, kindly acquaint yourself with the Standing Orders. When the Chair is upstanding, you are supposed to be seated.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM NYAMIRA COUNTY ASSEMBLY

The Speaker (Hon. Kingi): Hon. Senators, I would like to acknowledge the presence in the Speaker's gallery this afternoon, Members of the Committee on Public Accounts and Investments from Nyamira County Assembly. The delegation is at the Senate for a five days' benchmarking visit with its counterpart Committee at the Senate; the County Public Accounts Committee (CPAC) and the County Public Investment and Special Funds Committee (CPISFC).

I request each member of the Delegation to stand when called out so that they maybe acknowledged in the Senate tradition.

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Hon. Thaddeus Nyabaro	-	Deputy Speaker
Hon. Duke Oyagi	-	Deputy Majority Leader
Hon. Kenneth Nyameino	-	Chairperson
Hon. Dickson Machungo	-	Vice-Chairperson
Hon. Charles Keganda	-	Member
Hon. Priscilla Nyatichi	-	Member

They are accompanied by the following officers:

Ms. Gladys Sorobi	-	Committee Clerk
Ms. Peninah Kerama	-	Committee Clerk
Mr. Kevin Riro	-	Committee Clerk
CPA, Joash Mwamba	-	Auditor
CPA, Erick Koroba	-	Auditor

Hon. Senators, in our usual tradition of receiving and welcoming visitors to Parliament I extend warm welcome to them. On behalf of the Senate and on my own behalf, wish them a fruitful visit.

Thank you.

If we have the Senator for Nyamira County present, maybe you will have a word of welcoming them. In the absence, Sen. Okenyuri, proceed.

Sen. Okenyuri: Thank you, Mr. Speaker, Sir. On behalf of the Nyamira Senator, Sen. Omogeni who is not here, I would love to welcome the Nyamira County Assembly Members to this House. I am from Kisii, so as our neighbours, we are grateful to host you here.

We look forward to having more engagements as we push for legislation that is favoring our County and as we work towards giving service to Kenya at large.

The Speaker (Hon.) Kingi: Next Order.

PAPER LAID

REPORT ON THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS (NO.2) BILL (SENATE BILLS NO.4 OF 2022)

Proceed, Chairperson, Standing Committee on Finance and Budget.

Sen. Ali Roba: Thank you, Mr. Speaker, Sir, I beg to lay the following Paper on the Table – The Report on the Standing Committee of Finance and Budget which is on County Additional Allocation Bill No.2 Senate Bill No.4 of 2022.

I beg to lay.

(Sen. Ali Roba laid the documents on the Table)

The Speaker (Hon.) Kingi: Next Order.

NOTICE OF MOTION**DROUGHT AND HUNGER
MITIGATION IN TURKANA COUNTY**

Sen. Lomenen, proceed.

Sen. Lomenen: Mr. Speaker, Sir, I beg to give notice of the following Motion -

THAT, AWARE THAT Turkana County continues to experience extremely dry weather conditions with the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) reporting that the aggregate rainfall for the six-month period ending September 2022 represented only 21 per cent of the normal rainfall;

FURTHER AWARE THAT the prevailing weather conditions have resulted in the drying up of wells, boreholes, loss of pasture, and crops, therefore rendering any form of farming impracticable;

ACKNOWLEDGING THAT the residents of the County are predominantly pastoralists who keep cattle, donkeys, camels, and goats for food and income, and that the loss of these livestock is a loss of livelihood for them;

NOTING THAT the prevailing drought has resulted in the death of more than half of the livestock in the County thereby pushing eight hundred thousand---

The Speaker (Hon.) Kingi: Hon. Senator, kindly approach the microphone so that we can hear your voice.

Sen. Lomenen: Thank you, Mr. Speaker, Sir.

NOTING THAT the prevailing drought has resulted in the death of more than half of the livestock in the County thereby pushing eight hundred thousand residents to the brink of starvation and resulting in the highest ever rate of acute malnutrition in the County at 33 per cent;

FURTHER NOTING THAT residents have been forced into migration with their livestock in search of pasture and water which has exposed them to raids by bandits and resulting in children dropping out of school;

CONCERNED THAT droughts have been recorded in the County since the 1960s and that the frequency of their occurrences has progressively increased with drought in the County becoming a yearly phenomenon;

COGNIZANT 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, and obliges the State to provide social security to persons unable to support themselves and their dependants;

FURTHER COGNIZANT THAT Article 11 of the United Nation's International Covenant on Economic, Social and Cultural Rights (ICESCR) places further emphasis on the fundamental right to food and obliges the State to take progressive steps towards achieving full realization of the right to adequate food;

NOW THEREFORE the Senate urges the Ministries of Agriculture and Livestock Development; Water, Sanitation, and Irrigation; Education, and the Ministry of East African Community (EAC), the ASALs and Regional Development through the National Drought Management Authority, to come up with a policy framework to address the perennial drought in the County and to come up with policy programs addressing the current needs of the County to include: -

(i) a roll out of a Rapid Response Initiative (RRI) programme of providing foodstuffs to the affected residents of the County to address immediate critical needs;

(ii) an introduction of feeding programme in schools across the County;

(iii) the drilling of water boreholes; and

(iv) an institution of a livestock off-take programme to buy weak livestock.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon.) Kingi: Next Order.

STATEMENTS

The Speaker (Hon. Kingi): Proceed, Sen. Tabitha Mutinda.

RISE IN THE NUMBER OF ROAD-SIDE HARDWARE SUPPLIERS IN RESIDENTIAL AREAS IN NAIROBI CITY COUNTY

Sen. Tabitha Mutinda: Thank you, Mr. Speaker, Sir. I rise, pursuant to Standing Order No. 53(1) to seek a Statement from the Standing Committee on Trade, Industrialization and Tourism on the rise in the number of road-side hardware supplies in the residential areas in Nairobi City County particularly in South B and South C estates.

In the Statement, the Committee should –

(1) Explain the reasons for the rapid increase of road-side selling of sand, ballast and other hardware supplies along streets of residential areas in Nairobi particularly in South B and South C estates.

(2) Elucidate on the measures Nairobi City Council has taken, if any, to address this matter following numerous complaints by residents of affected the areas.

(3) Apprise the Senate on the identities of the owners of the road-side hardware businesses and the legal processes followed in issuing of licenses for the operation of such businesses.

(4) Undertake a visit to South B and South C and other affected areas with a view of gaining a deeper understanding of the matter and recommending measures to curb the proliferations of these businesses.

RISE IN NUMBER OF PRIVATE SCHOOLS OPERATING
IN RESIDENTIAL AREAS IN NAIROBI CITY COUNTY

Mr. Speaker, Sir, I rise, pursuant to Standing Order No. 53(1) to seek a Statement from the Standing Committee on Education regarding the rise in number of private schools operating in residential areas in Nairobi City County particularly in South B and South C estates.

In the Statement, the Committee should –

(1) Find out the reason of the increase in the number of private schools in residential areas in Nairobi City County, particularly South B and South C, where over 200 schools have been established as of October, 2022.

(2) Examine the existence of legal provisions that allow residential buildings to be transformed into schools noting that the establishment of most of these schools does not adhere to the laid down education regulations and policies.

(3) Apprise the Senate on the identities of the owners of the said learning institutions detailing the qualification of the teaching staff, mode of teaching, training offered and the operating conditions.

(4) Justify the increase of adult learning centres that offer Kiswahili and English programs detailing who the enrolled students are noting that these are subjects regularly taught in all public schools' country wide.

(5) Undertake a visit to these residential areas with a view of gaining a deeper understanding of the issues raised.

I thank you.

The Speaker (Hon. Kingi): Proceed, Sen. Cherarkey.

STATE OF DISREPAIR OF SECTIONS OF MOMBASA ROAD
FOLLOWING THE CONSTRUCTION OF THE NAIROBI EXPRESSWAY

Sen. Cherarkey: Thank you, Mr. Speaker, Sir. This is a Senate request for Statement on rehabilitation and upgrading of Mombasa Road sections left in a state of disrepair following the construction of the Nairobi Express Way.

Mr. Speaker, Sir, I rise, pursuant to Standing Order No. 53(1) to seek a Statement from the Standing Committee on Roads Transportation and Housing on the Kshs9 billion set aside for rehabilitation of sections of Mombasa Road left in a state disrepair following the construction of the Nairobi Express Way.

In the Statement the Committee should -

(1) State why the cost of construction of the Nairobi Express Way that was initially projected to be Kshs65.2 billion but later increased to Kshs72.8 billion as stated by Kenyan National Highways Authority (KeNHA) did not factor the cost for

rehabilitation and improvement of sections of Mombasa Road left in a state disrepair following the construction of the Nairobi Express Way.

(2) Explain why the Government has set aside Kshs9 billion for repair and upgrading of Mombasa Road yet the contractor for the of Nairobi Express Way, China Road and Bridge Cooperation, is responsible for the damages of the said road and ought to take full responsibility for repairs.

(3) State the contract cost variation for the construction of the Express Way as well as the impending renovation of the section of Mombasa Road destroyed during the construction of the Express Way as captured in the contracts stating how they conform to the law and attendant regulations.

(4) Provide a comprehensive report on variations on class A and B road construction in the country and the total amounts involved in variation for the last financial years to the date of completion or per project in the Republic.

(5) Provide a clear timeline on commencement and completion of the intended renovation and rehabilitation of the damaged sections of Mombasa Road or Old Mombasa Road.

(6) State the guidelines on the usage of the Nairobi Express Way especially on emergency services in order to prevent abuse of the emergency service privilege.

I thank you.

The Speaker (Hon. Kingi): Proceed, Sen. Sifuna.

Sen. Sifuna: Thank you, Mr. Speaker, Sir. I rise to add a bit of emphasis on the request for Statement by my brother, Sen. Cherarkey, Senator for Nandi County.

I am a Member of the Committee on Roads Transportation and Housing. This is a matter of urgency. I am aware that the resources, the Kshs9 billion, that he is talking about was set aside and actually provided for in the last financial year.

Mombasa Road has now become an eye sore. When this matter comes to the Committee, we will call the responsible people starting with KeNHA to give us answers on what the plan is with Mombasa Road. It is not fair for the residents of Nairobi and all who use that road that there is an Express Way that they have to pay for yet it was built on top of a road that was okay. Mombasa Road was okay back then. We did not have the blockages in drainage that we see on the stretch of Uhuru Highway. Right now, there is a lot of chaos at the Westland's roundabout. There is actually no highway starting from Mlolongo unless one is on the Express Way.

We would like this matter to be given the seriousness that it deserves. The contractor should explain to us why it has taken so long to restore Mombasa Road to where it was before. The people of Nairobi and other road users lost a number of lanes on that road. Our understanding was that the Express Way would not affect the number of lanes on the road when being built.

If you look at the section at Next Gen Mall for instance, the intake for Express Way is on Mombasa Road. You cannot tell me that Mombasa Road used to look like that because we barely have two lanes remaining. This is a fallen highway.

We would want the contractor to be brought before our Committee on Roads Transportation and Housing. KeNHA should also answer the questions that have been very well put by Sen. Cherarkey.

We need to know the plan of restoration of Mombasa Road, how long it is going to take, how the resources that were allocated prior to this matter coming to us have been utilized so far and when can Nairobians and Kenyans in general expect have the old Mombasa Road back. This extends all the way to Waiyaki Way.

I thank you.

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. I would like to compliment Sen. Cherarkey. This is a pertinent issue. In fact, it is a matter of great national importance given that Nairobi accounts for over 57 per cent of the Gross Domestic Product (GDP) of this country.

The contractor should actually not appear before the Committee. He should appear before the Committee of the Whole because all the Senators have pertinent issues that they would like to raise.

I would want the contractor to explain how they developed such an expensive project without giving motorists, who are paying an extra fee to use it from Mlolongo, an exit to enter the Upper Hill Business District and the Central Business District (CBD).

Mr. Speaker, Sir, I know you have used it. If you intend to do any business in Upper Hill and you are on the Express Way, you have to go to Museum Hill and you will do the same if you want to come into the CBD.

He should tell us if there is a scientific reason otherwise our expectation is that he should create an entry into the Central Business District and an entry into the Upper Hill District.

I thank you.

The Speaker (Hon. Kingi): Sen. Crystal Asige, you may have the Floor.

OBSERVATION OF ROAD SAFETY DURING THE FESTIVE SEASON

Sen. Crystal Asige: Thank you, Mr. Speaker, Sir. I rise to make a Statement under Standing Order 52(1), regarding road safety during the festive season.

With several fatalities during the Christmas break as people travel to be with their loved ones, road safety across the country should be a key priority for our Government. The death toll in Kenya due to motor vehicle crashes up to 26th September, 2022 was 3,540 - an increase of about 250 crashes from a similar period in last year.

Mr. Speaker, Sir, you will hear me intentionally refer to these as “road crashes” and not accidents because language is very important. We call it an “accident” though construction workers are injured in unsafe conditions. We call it an “accident” though drivers crash their cars due to negligent driving and we refer to them as “accidents” even though traffic crashes are fixable problems caused by dangerous streets and unsafe drivers. These are not accidents at all. I use the term “crashes” to emphasize that our fatalities are caused by failures in design, construction and training.

Mr. Speaker, Sir, it is time that we did something to address road crashes and road Safety policies in Kenya shall assist with this. Vulnerable groups, especially persons with disabilities, senior citizens and children, are in dire need of safer roads in Kenya.

Our poorly designed roads, no legal provisions for universal design, lack of proper training and education on road safety, poor regulation and enforcement and the poor public transport systems only exacerbate the situation.

The World Health Rankings put Kenya at 48 deaths out of every 100,000 people on the roads. Western countries report death rates much lower than Kenya due to their road safety policies, safe street designs and safe road awareness in place.

Kenya's policies on road design and safety must be completely overhauled in order to protect vulnerable road users. Kenyan road designs need to start following a safe systems approach, which puts the greatest responsibility on the road users who can do the greatest harm as they have the highest responsibility to reduce road crashes.

We need to make streets safe by design, with traffic-calmed pedestrian crossings and compact intersections. This will minimize dangers for pedestrians and cyclists. Such policies anchored in legislation would lead to safer roads, as majority of us walk and use public transport daily in all our counties.

As we approach the festive season, I would like to bring attention to all Kenyans to road safety and remind us about how devastating road deaths and injuries that lead to disability can be.

Mr. Speaker, as I conclude, I wish to reiterate and call on us all to become deliberate champions of universal design and road safety in Kenya. This may be done by a few ideas -

- 1) Enacting legislation that ensures new roads incorporate walkways, crossings, cycle tracks, functioning street lights, bus shelters, trees, greenery and street furniture, with all of these elements built following universal design standards;
- 2) Introduction of mandatory units in accessibility and universal design across all professional educational curricular relevant to infrastructural design, development and delivery;
- 3) Introduction of a curriculum on road safety courses to be taught in all schools from a young age. Early education and training on road safety will lead to these eager young minds becoming better road users and motor vehicle drivers in future;
- 4) A complete overhaul of courses in our driving schools;
- 5) Introducing legislation that mandates all motor vehicles to have regular evaluation to guarantee their roadworthiness and regular refresher courses for these drivers;
- 6) At a personal level, ensuring that Kenyans pay attention to, and follow all traffic rules while driving; and
- 7) Encouraging all Kenyans to not call traffic crashes "accidents" and, instead, educate society about why "road crashes" is often the more accurate term.

I thank you.

Mr. Speaker, Sir, do I go to my next Statement?

The Speaker (Hon. Kingi): Absolutely, just move to the second Statement.

ROAD SAFETY AND UNIVERSAL DESIGN

Sen. Crystal Asige: Mr. Speaker, Sir, my next Statement is pursuant to Standing Order 53(1), to seek a statement from the Standing Committee on Roads, Transportation and Housing regarding road safety and universal design.

In the Statement, the Committee should -

(1) State the measure being taken to incorporate safe systems approach in the design of all new roads constructions and any plans to improve on existing roads;

(2) State how the Ministry is collecting and disseminating data on road crashes that have been reported and using this data to inform areas for improvement in the design and construction of our roads;

(3) State what steps have been taken by various road and transport agencies to recruit specialised expertise in the planning and designing on non-motorized transport and public transport facilities;

(4) State the budget allocations state aside for urban roads improvement projects that is dedicated to facilities for walking, cycling and public transport;

(5) State the timelines for the adoption and provide a detailed plan for the implementation of the street design manual for urban areas in Kenya, 2022;

This is a guideline that was developed by the Ministry of Roads, in partnership with the multi-disciplinary agencies for the implementation of safe and universally accessible road designs.

I thank you.

The Speaker (Hon. Kingi): I call upon the chairperson of the Select Committee on County Public Investment and Special Funds (CPISF) to issue a Statement pursuant to Standing Order no, 56(1).

THE ACTIVITIES OF THE CPISFC

Sen. Osotsi: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order 56(1)(a) to make a Statement on the activities of the County Public Investment and Special Funds Committee (CPISFC) for the period commencing 4th October, 2022 to date.

The CPISFC is established under Standing Order 194 of the Senate Standing Order and it is mandated to -

(1) Examine the reports and the accounts of the county Public Investments and;

(2) Examine the reports, if any, of the Auditor-General on the county public investment.

The Committee is expected to interrogate the public investments and special funds that exist both in the county executive and county assemblies. The county

investment largely comprises water companies while county funds include car loans, mortgage funds, emergency funds, education funds, enterprise funds among others.

The office of the Auditor-General has been tabling audit reports of more than 80 water companies and 200 funds in the Senate from 2014 to 2015; that is when devolution started.

Mr. Speaker, Sir, this is a new Committee that was mandated in the 13th Parliament following a resolution made by the Senate in the 12th Parliament to split the then County Public Accounts and Investment Committee (CPAIC) into two Committees. That is, the County Public Accounts (CPAC) and County Public Investment Committee (CPIC).

Mr. Speaker, Sir, I wish to give a brief synopsis of how the split came into being. In the fulfilment of its mandate, the CPAIC invited governors to appear before it to respond to audit queries raised by the Office of the Auditor General. However, at the start of the second Senate, the county governors were hesitant in appearing before CPAIC, asserting that the oversight role with respect to expenditure by the county governments is vested upon the county assemblies in accordance with the provisions of Article 185(3) of the Constitution and further arguing that the governor of a county was not an accounting officer.

This matter ended up in court where a ruling was given in favour of the Senate. Following non-appearance by governors before CPAIC at the initial stages of the Senate of the 11th Parliament, there were serious backlogs in the consideration of audit reports. Upon commencement of examination of the reports, the Committee prioritized audit reports of the county executive and county assemblies that had higher fiduciary risk.

This meant that there were audit reports of various county investments and funds which were not scrutinized by the Committee yet they had been tabled in the Senate. This is what necessitated the split of the Committee so as to ensure the efficient consideration of audit reports that were tabled in the Senate.

Mr. Speaker, Sir, since its inception, the Committee has held of six sittings within the precincts of Parliament to consider matters within its mandate. At its first sitting, the Committee conducted the election of the Chairperson and the Vice-Chairperson where Sen. (Prof.) Tom Ojienda, SC was elected the Vice-Chairperson and I was elected the Chair.

The Committee proceeded to consider its mandate and legislative business before it and it noted that the Office of the Auditor-General had been tabling reports of county investments and funds in the Senate since the financial year 2014/2015 to date, and they had not been considered.

The Committee has resolved to expedite the consideration of the audited reports and is in the process of inviting governors to respond to the numerous audit queries raised by the Auditor-General on the following statements: -

- (1) The Othaya/Mukurweini Water Services Company whom we met today.
- (2) The Nairobi City Water and Sewerage Company who are scheduled to appear before us tomorrow.

(3) The Narok Water and Sewerage Services Company which is supposed to appear before us on 6th December, 2022.

(4) Kisumu County Car and Mortgage Scheme.

(5) Kisumu Water and Sanitation Company who are scheduled to appear before us on 7th December.

Mr. Speaker, Sir, however, the County Government of Nyeri has since sought a clarification from the Committee on the concept of the two-tier oversight system where the county assembly has the first-tier oversight role whereas the Senate has the final tier oversight role in line with the Supreme Court ruling. The Committee is presently considering the matter. We have just met the team from Nyeri County.

The Committee has also considered the matter of the regional economic blocs and established that they form a significant part of county investments and thus falls within their oversight role. I wish Hon. Members would pay keen interest to this.

The Committee observed that county governments in geographical proximity to each other have pooled together to establish county regional blocs.

The Committee further observed that some counties belonged to more than one bloc whereas others belonged to none. The Committee resolved to consider the matter of blocs and wrote to the Council of Governors (CoGs) on the following -

(1) The number of established economic blocs, their membership, legal status and the policy framework behind the establishment.

(2) The functions of the regional blocs, their sources of funding and projects undertaken by each bloc.

(3) The list of projects initiated by the regional economic blocs, their status and the amount of funds allocated to each project.

The CoG responded and submitted that -

(1) There are seven established regional blocs with fully fledged secretariat.

(2) There are insufficient legal and policy frameworks to promote regional economic integration between county governments.

(3) A draft national policy on the establishment of the regional economic blocs by county governments was awaiting Cabinet approval.

(4) Some counties such as Tana River, Lamu, Trans Nzoia and Turkana were members of more than one bloc while Nairobi County was not a member of any bloc.

Mr. Speaker, Sir, further, the Committee observed that the regional blocs were receiving funds from member counties and donor partners but were not being audited by the Office of the Auditor-General, yet there existed no other available alternative for their oversight.

This has resulted in the regional economic blocs operating without checks and balances. The Committee resolved to write to the respective chief executive officers of the regional economic blocs seeking clarification on the following-

(1) When each bloc was formed.

(2) The status of approval of the county assembly of the respective counties forming and joining the regional economic blocs.

(3) Information on their purchase, activities they have undertaken, finances they have received so far from member counties and from donors, a list of development partners engaged by each bloc and the amount received from donors since establishment.

(4) Information on how the blocs have accounted for the funds received.

Mr. Speaker, Sir, this is a serious matter because these blocs continue to operate without any legal mechanism in place and they continue to receive money which is not audited by the Auditor-General. The Committee is also scheduled to have a meeting with those regional economic blocs and conduct familiarization visits to some of them.

The Committee is slated to conduct its work planning induction retreat in February, 2023, and aims at engaging the stakeholders. The Committee also plans to conduct fact-finding missions to various counties and prioritize given investments that are facing huge fiduciary risks.

Mr. Speaker, Sir, with those few remarks, I submit.

I thank you.

The Speaker (Hon. Kingi): Yes, Senate Majority Leader.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, that is a good report that has been presented by the Chair. I appreciate the work his Committee has done. However, I have one comment.

At the beginning of a term of Parliament when we are doing such reports, I encourage Committee Chairpersons to not only lay the problem statements but also, go further and propose legislative solutions to the problems they have raised.

This is a legislative body. There is no other institution that we are looking up to, to solve many of the challenges, such as enacting the Council of Governors (CoG), County Assemblies Forum (CAF) and other various regional bodies, into Acts of Parliament.

As part of your report, and this goes out to the other Chairpersons as well; let us begin the process of having it as a legislative proposal. It can then go through the bureaucracy of Parliament and have it tabled here to conclude on this process.

Mr. Speaker, Sir, it is otherwise a very good report.

Thank you.

The Speaker (Hon. Kingi): Proceed, Sen. (Dr.) Khalwale.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, the report by the Senator for Vihiga, who is also the Chairman of the County Public Investment Committee (CPIC), should be supported.

Mr. Speaker, Sir, by way of encouragement for the Committee to get rid of that backlog, they can do bi-annual accounts. Meaning, for each respective entity that they look into, they should consider the accounts for two consecutive years. We did it many years ago, with the Public Accounts Committee of the National Assembly. That is how we got rid of the backlogs which we found there.

Mr. Speaker, Sir, secondly, with all due respect, you have been a governor. You know where I am coming from. This Senate should help this Committee in stopping any investment on economic blocks or governor's offices in Nairobi. From which budget

line, do governors get money to invest in offices in Nairobi? They create jobs for their friends and relatives, with no clear way of accountability.

Mr. Speaker, Sir, I do not have in mind any governor sitting in office today. However, some governors will not stop at anything, to create an opportunity, to improve the welfare around themselves. You may have heard governors talking about some funny caucus unknown to us, called the governors' first lady "something". They have been calling for funds, to help them preside over projects and programmes.

This Senate should be strong and loud. It should tell governors that the issue of first ladies caucus is unknown to the Constitution of Kenya and its statutes. If we do not stop them, next time, we will hear a caucus of governors' favourite son or daughters and so on.

My last comment on this very important issue, is that the Committee should not wait for the reports from the Auditor-General. We have obvious things that take place, for example, investments that are done outside the required legal framework. For instance, I am looking forward to this Committee pursuing the County Government of Kakamega, in the Kshs200 million, that the former governor invested in Mumias Sugar Company, by way of payment to farmers. No single farmer was paid. The Kshs200 million vanished in thin air. These are things that we want you to look into, so that governors can have the fear of the Lord in their hearts and minds to respect public funds.

I thank you.

The Speaker (Hon. Kingi): Next order.

(The Clerk-at-the-Table consulted with the Speaker)

BILL

Second Reading

THE COUNTY GOVERNMENT ADDITIONAL ALLOCATIONS
(NO. 2) BILL (SENATE BILL NO. 4 OF 2022)

(Sen. Ali Roba on 17.11.2022)

*(Resumption of debate interrupted
on 17.11.2022 – Afternoon Sitting)*

The Speaker (Hon. Kingi): Let us proceed to division.

(Sen. Madzayo consulted with the Speaker)

Sen. Madzayo, what is your point of order?

(Interruption of Division on Bill)

**NOTICE OF MOTION FOR ADJOURNMENT
UNDER STANDING ORDER NO.37**

THE DECISION BY THE GOVERNMENT TO AUTHORIZE THE CULTIVATION
AND IMPORTATION OF BANNED GMO FOODS

The Senate Minority Leader (Sen. Madzayo): Mr. Speaker, Sir, I rise on a point of order. I have a Notice of Motion on Adjournment, to discuss a definite matter of urgent national importance.

Mr. Speaker, Sir, I have an urgent matter, that I would like to place before the House and therefore, I would request for adjournment to discuss this definite matter of urgent national importance.

The Speaker (Hon. Kingi): Hon. Senator, could you tell this House, what the exact matter is and its urgency?

The Senate Minority Leader (Sen. Madzayo): Thank you, Mr. Speaker, Sir. I would like us to discuss the Genetically Modified Organisms (GMOs), such---

The Speaker (Hon. Kingi): Senator, just read exactly what you submitted for approval, so that we can deal with it.

The Senate Minority Leader (Sen. Madzayo): Mr. Speaker, Sir, I beg to move-- That pursuant to Standing Order No.57, the Senate do adjourn to discuss a definite matter of urgent importance namely; the Executive Order to authorize the cultivation and importation of banned Genetically Modified Crops and Animal Feeds.

(Loud consultations)

The Speaker (Hon. Kingi): The Senator is on a point of order. We are dealing with a point of order. Sen. Madzayo, what you have read is different from what you submitted.

The Senate Minority Leader (Sen. Madzayo): There is some mix up. Please let me correct.

(Sen. Olekina spoke off-record)

(Laughter)

The Speaker (Hon. Kingi): Sen. Olekina, the House is very active.

The Senate Minority Leader (Sen. Madzayo): Mr. Speaker, Sir, I rise on a point of order, pursuant to Standing Order No. 37, to seek leave of the House to adjourn to discuss a definite matter of national importance, namely the decision of the Government to authorize the cultivation and importation of banned Genetical Modified Organisms (GMOs) foods, at an appropriate time this afternoon.

Thank you, Mr. Speaker, Sir.

(Several Senators stood up in their places)

The Speaker (Hon. Kingi): Hon. Senators, pursuant to Standing Order No. 37(5), I do confirm that we have met the requisite threshold. I therefore direct that the Senate will stand adjourned at 5.30 p.m. today to discuss the said Motion.

(Resumption of Division on Bill)

(Loud Consultations)

The Speaker (Hon. Kingi): Hon. Senators, we shall now proceed to vote. The Order has already been called out. I direct that the Division Bell be rung for five minutes.

(The Division Bell was rung)

The Speaker (Hon. Kingi): Hon. Senators, I direct that the Division Bell be rung for another five minutes.

(The Division Bell was rung)

The Speaker (Hon. Kingi): Serjeant-at-Arms, ring the bell once again.

(The Division Bell was rung)

Hon. Senators, I now direct that the doors be locked and the bar be drawn.

(The doors were closed and the bar drawn)

Hon. Senators, immediately we are done with this Order, we shall move to the Committee of the Whole. So, you are required to maintain a quorum. Therefore, do not move out when we are done with this Order. We still need the same number going forward.

(Question put)

Hon. Senators, please confirm that you are all logged in. We are going to vote electronically.

Hon. Senators, we are now ready for voting. Information Communication and Technology (ICT) team, make sure that all Senators are logged in then we can proceed from there. Confirm that the Senators are logged in.

This side, are you logged in?

(Several Senators spoke off record)

Then the problem is on the other side.

Hon. Senators, the system is down on the Government side. We shall vote manually. I will, therefore, need to get a teller for the AYES and NOES respectively. Sen. Lemaltian will be the teller for NOES and Sen. Chimera will be the teller for AYES.

The Clerk will now call out the names of Senators. When you are called out each Senator shall rise in his or her place and declare assent or dissent to the Bill in the following manner: either “I vote yes” or “I vote no” or abstain altogether.

Clerk, please, proceed.

(Voting in progress)

The microphone is not on. Maybe they should vote from the Dispatch Box.

(Voting in progress)

Sen.(Dr.) Khalwale: On a point of order.

The Speaker (Hon. Kingi): What is your point of order, Sen. (Dr.) Khalwale?

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, the delegation of Nyamira County is represented. Sen. Okenyuri is here.

The Speaker (Hon. Kingi): Sen. (Dr.) Khalwale, you ought to know better. Clerk, kindly, proceed.

(Voting in progress)

DIVISION

ROLL CALL VOTING

THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATION (NO.2) BILL (SENATE BILLS NO.4 OF 2022)

*(Question, that the County Governments Additional Allocation
(No.2) Bill (Senate Bills No.4 of 2022) be now read a
Second Time, put and the Senate proceeded to
vote by County Delegation)*

AYES: Sen Abass, Wajir County; Sen. Ali Roba, Mandera County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chesang, Trans Nzoia County; Sen. Cheptumo, Baringo County; Sen. Chute, Marsabit County; Sen, Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Gataya Mo Fire, Tharaka Nithi County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang’a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. M. Kajwang’, Homa Bay County; Sen. Madzayo, Kilifi County; Sen. Mandago, Uasin Gishu County; Sen. Methu, Nyandarua County; Sen. Murgor, West Pokot County; Sen. Oketch Gicheru, Migori County; Sen. Olekina, Narok County; Sen. Osotsi, Vihiga County; Sen. Seki,

Kajiado County; Sen. Sifuna, Nairobi City County; Sen. Tabitha Keroche, Nakuru County; Sen. Thangw'a, Kiambu County; Sen. Wakili Sigei, Bomet County.

Teller of the Ayes: Sen. Chimera.

NOES: Nil

Teller of the Noes: Sen. Lemaltian.

The Speaker (Hon. Kingi): Hon. Senators, the results of the Division are as follows;

AYES: 27

NOES: Nil

ABSTENTIONS: Nil

The 'Ayes' have it.

(Question carried by 27 votes to Nil)

(The Bill was read a Second Time and committed to a Committee of the Whole today by leave of the House)

The Speaker (Hon. Kingi): Hon. Senators, I now direct that the doors be unlocked and the bars undrawn.

(The doors were opened and the bars undrawn)

Next Order.

COMMITTEE OF THE WHOLE

(Order for the Committee read)

[The Speaker (Hon. Kingi) left the Chair]

IN THE COMMITTEE

[The Temporary Chairperson (Sen. Veronica Maina) in the Chair]

THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS (NO. 2) BILL (SENATE BILLS NO. 4 OF 2022)

The Temporary Chairperson (Sen. Veronica Maina): Hon. Senators, we are in the Committee of the Whole to consider the County Governments Additional Allocations (No. 2) Bill (Senate Bills No. 4 of 2022)

Clause 3 and 4

(Question that Clause 3 and 4 be part of the Bill, proposed)

Division will be at the end.

Senators, we request that you access the Bill from your iPads.

An Hon. Senator: It is not opening.

The Temporary Chairperson (Sen. Veronica Maina): The secretariat will sort it out in a minute but in the meantime, I request the Chairperson of the Committee on Finance and Budget to proceed.

Clause 5

Sen. Ali Roba: Madam Temporary Chairperson, I beg to move:

THAT, clause 5 of the Bill be amended in subsection (2) by-

(a) deleting paragraph (b) and substituting therefor the following new paragraph (b)-

(b) conditional allocation financed by a World Bank credit to finance the National Agricultural Value Chain Development Project (NAVCDP) as set out in Column C of the Second Schedule;

(b) deleting paragraph (c) and substituting therefor the following new paragraph-

(c) conditional allocation financed by a World Bank credit to finance the Kenya Climate Smart Agriculture Project (KCSAP) as set out in Column D of the Second Schedule;

(c) deleting paragraph (k) and substituting therefor the following new paragraph-

(k) conditional allocation financed by a credit from IDA (World Bank) to finance the Kenyan Urban Support Programme (KUSP) as set out in Column L of the Second Schedule.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Veronica Maina): Division will be at the end.

Clause 6

Sen. Ali Roba: Madam Temporary Chairperson, I beg to move-

THAT that the Bill be amended by deleting Clause 6.

This is after consultations with stakeholders. As a Committee, it was unanimous that the allocation from the Equalization Fund requires to be actualized through the Equalization Fund Appropriation Act. Thus, the provision should be deleted.

(Sen. Ali Roba consulted the Clerk-at-the-Table)

I repeat. Madam Temporary Chairperson, I beg to move that Clause 6 be deleted. This is following consultations with stakeholders. It was unanimous that the allocation from the Equalization Fund requires to be actualized through the Equalization Fund Appropriation Act. Thus, the provision should be deleted.

I request Sen. Faki to second.

Sen. Faki: Madam Temporary Chairperson, I second.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Veronica Maina): Division will be at the end.

Clauses 7-9

(Question that Clauses 7-9 be part of the Bill, proposed)

The Temporary Chairperson (Sen. Veronica Maina): Division will be at the end

First Schedule

The Temporary Chairperson (Sen. Veronica Maina): I request the Chairperson of the Standing Committee on Finance and Budget to move to the dispatch box.

Sen. Ali Roba: Madam Temporary Chairperson, I beg to move -

THAT the Bill be amended by deleting the First Schedule and substituting therefor the following new Schedule-

FIRST SCHEDULE					
Conditional allocation to County Governments from National Government Revenue in Financial Year 2022/23 (Kenya Shillings)					
S/NO.	County	FY 2021/22	FY 2022/23		
		Total Conditional Grants from the National Government Revenue	Supplement for Construction of County Headquarters	Conditional Grant-Leasing of Medical Equipment	Total Conditional Grants from the National Government Revenue
		Column A	Column B	Column C	Column D
1	Baringo	153,297,872	-	110,638,298	110,638,298
2	Bomet	153,297,872	-	110,638,298	110,638,298
3	Bungoma	153,297,872	-	110,638,298	110,638,298
4	Busia	153,297,872	-	110,638,298	110,638,298
5	Elgeyo/Marakwet	153,297,872	-	110,638,298	110,638,298
6	Embu	153,297,872	-	110,638,298	110,638,298

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FIRST SCHEDULE					
Conditional allocation to County Governments from National Government Revenue in Financial Year 2022/23 (Kenya Shillings)					
S/NO.	County	FY 2021/22	FY 2022/23		
		Total Conditional Grants from the National Government Revenue	Supplement for Construction of County Headquarters	Conditional Grant-Leasing of Medical Equipment	Total Conditional Grants from the National Government Revenue
		Column A	Column B	Column C	Column D
7	Garissa	153,297,872	-	110,638,298	110,638,298
8	Homa Bay	153,297,872	-	110,638,298	110,638,298
9	Isiolo	221,297,872	40,000,000	110,638,298	150,638,298
10	Kajiado	153,297,872	-	110,638,298	110,638,298
11	Kakamega	153,297,872	-	110,638,298	110,638,298
12	Kericho	153,297,872	-	110,638,298	110,638,298
13	Kiambu	153,297,872	-	110,638,298	110,638,298
14	Kilifi	153,297,872	-	110,638,298	110,638,298
15	Kirinyaga	153,297,872	-	110,638,298	110,638,298
16	Kisii	153,297,872	-	110,638,298	110,638,298
17	Kisumu	153,297,872	-	110,638,298	110,638,298
18	Kitui	153,297,872	-	110,638,298	110,638,298
19	Kwale	153,297,872	-	110,638,298	110,638,298
20	Laikipia	153,297,872	-	110,638,298	110,638,298
21	Lamu	191,297,872	22,000,000	110,638,298	132,638,298
22	Machakos	153,297,872	-	110,638,298	110,638,298
23	Makueni	153,297,872	-	110,638,298	110,638,298
24	Mandera	153,297,872	-	110,638,298	110,638,298
25	Marsabit	153,297,872	-	110,638,298	110,638,298
26	Meru	153,297,872	-	110,638,298	110,638,298
27	Migori	153,297,872	-	110,638,298	110,638,298
28	Mombasa	153,297,872	-	110,638,298	110,638,298
29	Murang'a	153,297,872	-	110,638,298	110,638,298
30	Nairobi	153,297,872	-	110,638,298	110,638,298
31	Nakuru	153,297,872	-	110,638,298	110,638,298
32	Nandi	153,297,872	-	110,638,298	110,638,298
33	Narok	153,297,872	-	110,638,298	110,638,298

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FIRST SCHEDULE					
Conditional allocation to County Governments from National Government Revenue in Financial Year 2022/23 (Kenya Shillings)					
S/NO.	County	FY 2021/22	FY 2022/23		
		Total Conditional Grants from the National Government Revenue	Supplement for Construction of County Headquarters	Conditional Grant-Leasing of Medical Equipment	Total Conditional Grants from the National Government Revenue
		Column A	Column B	Column C	Column D
34	Nyamira	153,297,872	-	110,638,298	110,638,298
35	Nyandarua	228,297,872	59,000,000	110,638,298	169,638,298
36	Nyeri	153,297,872	-	110,638,298	110,638,298
37	Samburu	153,297,872	-	110,638,298	110,638,298
38	Siaya	153,297,872	-	110,638,298	110,638,298
39	Taita Taveta	153,297,872	-	110,638,298	110,638,298
40	Tana River	228,297,872	42,000,000	110,638,298	152,638,298
41	Tharaka Nithi	229,297,872	-	110,638,298	110,638,298
42	Trans Nzoia	153,297,872	-	110,638,298	110,638,298
43	Turkana	153,297,872	-	110,638,298	110,638,298
44	Uasin Gishu	153,297,872	-	110,638,298	110,638,298
45	Vihiga	153,297,872	-	110,638,298	110,638,298
46	Wajir	153,297,872	-	110,638,298	110,638,298
47	West Pokot	153,297,872	-	110,638,298	110,638,298
	Grand Total	7,536,999,984	163,000,000	5,200,000,006	5,363,000,006

This is to amend the conditional allocation on the supplement for construction of county headquarters. The allocation is as advised by the National Treasury.

I request Sen. Faki to second

Sen. Faki: Madam Temporary Chairperson, I second.

(Question of the amended proposed)

The Temporary Chairperson (Sen. Veronica Maina): Division will be at the end.

Sen. (Dr.) Khalwale: On a point of order.

The Temporary Chairperson (Sen. Veronica Maina): What is your Point of Order, Sen. (Dr.) Khalwale?

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Sen. (Dr.) Khalwale: Madam Temporary Chairperson, we are making the law. These iPads are not working yet Members do not have the hard copies. Please, direct that the Clerk delivers hard copies.

The Temporary Chairperson (Sen. Veronica Maina): Clerk-at-the-Table, give Members hard copies of this Bill. If we have a few copies, give one to Sen. (Dr.) Khalwale.

Second Schedule

Sen. Ali Roba: Madam Temporary Chairperson, I beg to move-

THAT the Bill be amended by deleting the Second Schedule and substituting therefor the following new Schedule-

SECOND SCHEDULE														
Additional Allocation from proceeds of loans or grants from Development Partners in Financial Year 2022/23 (Figures in Kenya Shillings)														
S/NO.	COUNTY	Total Loans and Grants for FY 2021/22	IDA (World Bank) credit (National Agricultural and Rural Inclusive)	IDA (World Bank) credit (National Agricultural Value Chain)	IDA (World Bank) - Kenya Climate Smart Agriculture Project	IDA (World Bank) credit: Water & Sanitation Development Project	DANIDA Grant - Primary Health Care in Devolved Context (Financing Locally-Led Climate Action (FLLoCA) Program, Sweden- Agricultural Sector Development Support Programme German Development bank (KfW)- Drought Resilience Programme in	World Bank - Emergency Locust Response Project (ELRP)	World bank - Kenya Informal Settlement Improvement Project	IDA (World Bank) Kenya Urban Support Programme (KUSP)	Total Loans and Grants			
		Column A	Column B	Column C	Column D	Column E	Column F	Column G	Column H	Column I	Column J	Column K	Column L	Column M
1	Baringo	528,317,166			95,457,110		16,391,813	22,000,000	15,602,822		69,207,700		2,339,914,88	220,999,360
2	Bomet	653,181,658		70,000,000	83,323,430		17,715,375	22,000,000	15,449,895				2,339,914,88	210,828,615
3	Bun	542	167	-	-	-	28,	22,	5,3	-	-	30,	3,5	

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SECOND SCHEDULE														
Additional Allocation from proceeds of loans or grants from Development Partners in Financial Year 2022/23 (Figures in Kenya Shillings)														
S/N	County	Urban and Rural	Grants	Loans	Value	Sanitation	Health	Education	Other	Residential	Local	Settlement	Urban	Loans
	Wajir		77,27				609,313	000,000	44,642			000,000	34,474.20	256,762,319
4	Busia		447,133,12		70,000,000	125,328,154		19,344,375	22,000,8,10	22,000,8,143			2,339,914.88	261,070,587
5	Elgeyo Marakwet		702,054,383			85,593,752		12,421,125	22,000,000	9,380,361		75,879,000	8,024,004	215,638,157
6	Embu		453,821,524	176,406,85	70,000,000			13,846,500	22,000,000	8,651,752		67,688,700		360,933,552
7	Garissa		1,087,727,785			75,269,050	400,000	22,602,375	22,000,000	27,426,035		80,912,850		630,550,225
8	Homa Bay		454,463,421	161,590,307	70,000,000			21,686,063	22,000,000	23,936,219			30,000,000	331,552,504
9	Isiolo		592,196,554			259,805,34		13,642,875	22,000,7,70	19,697,7,97		84,469,550		401,955,171
10	Kajiado		576,204,540			75,231,220		20,667,938	22,000,000	9,772,303				131,205,935
11	Kakamega		691,090,920		70,000,000	99,110,439		33,496,313	22,000,000	11,287,905			50,000,000	289,429,131
11	Kericho		569		70,72,			17,	22,	9,2,				

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SECOND SCHEDULE														
Additional Allocation from proceeds of loans or grants from Development Partners in Financial Year 2022/23 (Figures in Kenya Shillings)														
S/N	County	Urban and Rural	Grants	Loans	Value	Sanitation	Health	Education	Other	Residential	Local	Settlement	Urban	Loans
2	cho		05 4,3 23		000 ,00 0	680 ,57 9		308 ,12 5	000 ,00 0	50, 01 3			39, 914 .88	193, 578, 632
13	Kia mbu		589 ,23 9,2 54	222 ,77 5,9 69	70, 000 ,00 0	- -	30, 340 ,12 5	22, 000 ,00 0	23, 25 5,5 65	- -	- -	40, 456 ,90 8	8,3 12, 711 .48	417, 141, 278
14	Kilif i		2,1 54, 008 ,61 7	192 ,53 9,1 52	70, 000 ,00 0	- -	900 ,00 0,0 00	33, 598 ,12 0	22, 000 ,00 0	11, 23 5,0 89	- -	200 ,00 0,0 00	3,5 34, 474 .20	1,43 2,90 6,84 0
15	Kiri nya ga		573 ,63 8,6 00	178 ,74 4,3 04	70, 000 ,00 0	- -	13, 642 ,87 5	22, 000 ,00 0	8,1 08, 73 3	- -	- -	2,3 39, 914 .88	294, 835, 827	
16	Kisii		575 ,64 3,5 77	171 ,89 0,0 10	70, 000 ,00 0	- -	25, 045 ,87 5	22, 000 ,00 0	10, 51 7,4 07	- -	- -	2,3 39, 914 .88	301, 793, 207	
17	Kisu mu		769 ,63 2,7 33	- -	70, 007 ,43 2	- -	21, 991 ,50 0	22, 000 ,00 0	4,8 30, 93 6	- -	- -	200 ,00 0,0 00	2,3 39, 914 .88	321, 169, 783
18	Kitu i		505 ,22 5,1 11	169 ,47 5,2 23	70, 000 ,00 0	- -	28, 405 ,68 8	22, 000 ,00 0	11, 63 6,6 83	- -	70, 223 ,00 0	2,3 39, 914 .88	374, 080, 509	
19	Kwa le		1,0 84, 696 ,42 7	151 ,30 5,6 71	70, 000 ,00 0	- -	550 ,00 0,0 00	25, 045 ,87 0	22, 000 ,00 0	5,5 05, 01 7	- -	- -	2,3 39, 914 .88	826, 196, 478
20	Laik ipia		594 ,80 8,5 04	- -	66, 193 ,25 0	- -	13, 439 ,25 0	22, 000 ,00 0	17, 39 9,5 39	- -	- -	2,3 39, 914 .88	121, 371, 954	
2	Lam		387	- -	5,2	- -	8,3	22, 14,	- -	- -	50,	2,3		

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SECOND SCHEDULE																			
Additional Allocation from proceeds of loans or grants from Development Partners in Financial Year 2022/23 (Figures in Kenya Shillings)																			
S/N	CO	UN	ty	and	Grants	Urban	Urban	Value	Sum	Sanitation	Health	Other	(FL)	Development	Residential	Local	Settlement	Urban	Loans
1	u				82,181,12			36,636			48,625		000,000	604,297			000,000	39,914,88	102,529,473
2	Mac				563,831,924		70,000	68,040			24,944		22,000	15,857,697		67,674,400		4,729,033,52	273,245,808
2	Mak				600,213,719	190,427,548	70,000				23,824		22,000	5,415,761				2,339,914,88	314,007,349
2	Man				607,418,422			81,191,951			32,885		22,000	20,314,865		91,274,250		2,339,914,88	250,006,419
2	Mar				753,314,489			55,194,559			21,787		22,000	12,880,713	19,000,000	93,873,850		2,339,914,88	398,076,912
2	Mer				778,344,871	195,158,825	70,000				25,860		22,000	9,945,897		75,983,000	20,000	2,339,914,88	421,288,012
2	Mig				391,091,244	187,184,982	70,000				21,787		22,000	10,084,066				4,729,033,52	315,785,957
2	Mo				1,313,902,680					575,000	22,704		22,000	4,612,847			100,000,000		724,317,035
2	Mur				454,929,372	197,147,434	70,000				20,260		22,000	17,092,147				2,339,914,88	328,840,184
3	Nair				866						51,		22,	31,			100		

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SECOND SCHEDULE															
Additional Allocation from proceeds of loans or grants from Development Partners in Financial Year 2022/23 (Figures in Kenya Shillings)															
S/N	County	Urban and Rural	Grants	Loans	Value	Interest	Sanitation	Health	Education	Other	Residential	Local	Settlement	Urban	Loans
0	Obi City		1,349					211,688	000	56,932			000		204,781,620
31	Nakuru		819,285,259	187,911,173	70,000	-	-	33,699,938	22,000	5,252,658	-	-	200,000	3,534,474.20	522,398,243
32	Nandi		524,798,208	248,247,739	70,000	-	-	17,206,313	22,000	4,652,516	-	-	16,519,088	2,339,914.88	380,965,571
33	Narok		645,965,988	243,107,598	70,000	-	-	25,860,375	22,000	10,076,723	-	-	-	2,339,914.88	373,384,611
34	Nyamira		563,367,518	181,161,414	-	-	-	15,475,500	22,000	4,781,637	-	-	-	2,339,914.88	225,758,466
35	Nyandarua		683,889,689	-	70,000	75,718	-	15,679,125	22,000	4,496,557	-	-	25,000	2,339,914.88	215,234,247
36	Nyeri		680,265,672	-	70,000	124,713,230	-	17,409,938	22,000	15,674,700	-	-	30,000	2,339,914.88	282,137,853
37	Samuru		470,939,351	174,103,490	-	-	-	14,864,625	22,000	25,141,706	-	91,588,750	-	2,339,914.88	330,038,486
38	Siaya		540,152,675	-	-	75,368	-	18,631,688	22,000	9,337,829	-	-	-	2,339,914.88	127,677,482
39	Taita Tav		1,379,682	-	70,000	124,522,000	575,000	13,642,870	22,000	17,921,700	-	-	30,000	2,339,914	855,426,000

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SECOND SCHEDULE														
Additional Allocation from proceeds of loans or grants from Development Partners in Financial Year 2022/23 (Figures in Kenya Shillings)														
S/N	County and Constituency	Grants	Loans	Value	Sum	Sanitation	Health	Education	Other	Residential	Local	Settlement	Urban	Loans
	eta	,318		0	05	00	5	0	15			0	.88	510
40	Tana River	468,563,507		70,000	82,386,194		18,835,313	22,000	11,668,855				2,339,914	207,230,277
41	Tharaka Nithi	600,288,742			122,240,640		12,624,750	22,000	16,071,032		68,827,500	20,000	2,339,914	264,103,837
42	Trans Nzoia	571,686,484	192,666,099	70,000			18,529,875	22,000	9,462,022			50,000	2,339,914	364,997,911
43	Turkana	786,247,615	155,480,180				33,903,563	22,000	34,606,056	22,000	102,108,500		2,339,914	570,438,214
44	Uasin Gishu	608,853,967		70,000	84,379,280		20,362,500	22,000	9,199,487			50,000	2,339,914	258,281,182
45	Vihi ga	417,314,928	155,402,308				14,966,438	22,000	4,417,622				2,339,914	199,126,283
46	Wajir	1,160,065,181			78,101,121	500,000	27,489,375	22,000	35,110,369		89,529,250	50,000	2,339,914	804,570,030
47	West Pokot	559,953,126			114,909,620		16,086,375	22,000	24,578,642		70,759,700		2,339,914	250,674,252
	Total	32,343	3,900,	1,820,	2,200,	3,500,	1,018,	1,034,	65,51	41,00	1,200,	1,300,	122,02	17,159,3

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SECOND SCHEDULE																														
Additional Allocation from proceeds of loans or grants from Development Partners in Financial Year 2022/23 (Figures in Kenya Shillings)																														
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					15	1	0	0	0	0	0	4	0	0	0	0	0	0	0	08										8

Having amended Clause 5(2) to include the conditional allocation which had been omitted before during publication, consequently, the Second Schedule must be amended to reflect the new allocation. Further, the National Treasury has advised on some conditional allocation which need to be adjusted to fall within the rationalized budget for Financial Year 2022/2023.

I request Sen. Faki to second.

Sen. Faki: Madam Temporary Chairperson, I second.

(Question of the amended proposed)

The Temporary Chairperson (Sen. Veronica Maina): Division will be at the end.

Third Schedule

The Temporary Chairperson (Sen. Veronica Maina): I invite the Chairperson to the Standing Committee on Finance and Budget to take the dispatch box.

Sen. Ali Roba: Madam Temporary Chairperson, I beg to move-

THAT the Bill be amended by deleting the Third Schedule.

Having deleted Clause 6 which provided for allocation from the Equalization Fund. It, therefore, follows that the Third Schedule must be deleted to reflect the change.

I request Sen. Faki to second.

Sen. Faki: Madam Temporary Chairperson, I second.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Veronica Maina): Division will be at the end.

Sen. Chute: On a point of order.

The Temporary Chairperson (Sen. Veronica Maina): What is your point of order, Sen. Chute?

Sen. Chute: Madam Temporary Chairperson, the documents we have here do not correspond with what Sen. Ali Roba is saying. Are we having a different document with what he is telling us?

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The Temporary Chairperson (Sen. Veronica Maina): What document do you have?

Sen. Chute: The documents I have are completely different from the ones he is reading.

The Temporary Chairperson (Sen. Veronica Maina): Kindly, approach the Clerk-at-the-Table?

Sen. Chute: Yes, please.

(Sen. Chute moved to the dispatch box)

The Temporary Chairperson (Sen. Veronica Maina): Sen. Chute, do you have the correct one?

*(The Clerk-at-the-Table consulted the
Temporary Chairperson)*

Hon. Senators, the amendments are in the Supplementary Order Paper. Do not look for them in the Bill. Get a copy of the Supplementary Order Paper.

(Several Senators spoke off record)

I believe Sen. Chute is now comfortable. We can proceed.

Clause 2 and the Title

*(Question, that Clause Two and the Title
be part of the Bill, proposed)*

The Temporary Chairperson (Sen. Veronica Maina): Division will be at the end.

Clause 1

Sen. Ali Roba: Madam Temporary Chairperson, I beg to move-

THAT the Bill be amended by deleting Clause 1 and substituting therefor the following new clause-

Short title and commencement. **1.** This Act may be cited as the County Governments Additional Allocations (No.2) Act and shall be deemed to have come into force on 1st July, 2022.

This is a short title and commencement, having removed the equalization fund. This Act may be cited as the County Government Additional Allocation (2) Act and shall be deemed to have come into effect from 1st July in order to facilitate flow of funds to the counties.

I request Sen. Faki to second.

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Sen. Faki: Madam Temporary Chairperson, I second.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Veronica Maina): We are now proceeding to Divisions. Ring the Division bell for two minutes.

(The Division bell was rung)

(Loud consultations)

Senators, we can resume our seats. Hon. Senators, we are now doing the division and there will be one division for the three questions.

Hon. Senators, can you resume your seats, please?

(Question that Clause 6 and the Third Schedule be deleted put, and the Senate proceeded to vote by County Delegations)

(Question that Clause 5, the First Schedule, the Second Schedule and Clause 1 be amended as proposed put, and the Senate proceeded to vote by County Delegations)

(Question that Clause 3,4,5(as amended), Clause 7,8 and 9, the First Schedule (as amended), the Second Schedule as amended, Clause 2, the Title and Clause 1 (as amended be part of the Bill Put and the Senate proceeded to vote by County Delegations)

The Temporary Chairperson (Sen. Veronica Maina): We are now going into divisions.

Senators, are your systems working? Are you logged in? Okay, we can proceed to Division.

Let us wait for two minutes as someone is coming to fix the system. If it fails, we will ring the bell for a further two minutes.

Serjeant-at-arms, please, ring the bell again for two minutes.

(The division bell was rung)

Could we have two tellers; for nays and ayes?

Sen. Lemaltian?

The system is now working. We can try and use technology. It is on, vote now.

Hold on for a second. Just one second. It is being reset. It should take half a minute.

Please, confirm that your system is working. Log in. Is it working?

Hon. Members: No.

The Temporary Speaker (Sen. Veronica Maina): We are not voting yet. Just log in. Confirm whether you are logged in using your pin.

Are you ready?

Hon. Members: Yes.

The Temporary Speaker (Sen. Veronica Maina): Okay. We are doing one division for the three questions. I believe you heard the questions.

You can proceed to vote. You can see the countdown.

(Electronic voting in progress)

The Temporary Speaker (Sen. Veronica Maina): Do not press twice, just once. That is the end of that division and the vote.

We want to recheck if there is anyone who has failed to vote in the House. That will take a few seconds.

DIVISION

ELECTRONIC VOTING

(Question, that Clause 6 and the Third Schedule be deleted put, and the Senate proceeded to vote by County Delegations)

(Question, that Clause 5, the First Schedule, the Second Schedule and Clause 1 be amended as proposed put, and the Senate proceeded to vote by County Delegations)

(Question, that Clauses 3, 4, 5 (as amended), Clauses 7, 8 and 9, the First Schedule (as amended), the Second Schedule (as amended), Clause 2, the Title and Clause 1 (as amended) be part of the Bill Put, and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abass, Wajir County; Sen. Ali Roba, Mandera County; Sen. Cheptumo, Baringo County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Chesang, Trans Nzoia County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Gataya Mo Fire, Tharaka Nithi County; Sen. Githuku, Lamu County; Sen. (Dr.) Khalwale, Kakamega County; Sen. (Dr.) Lelegwe Litumbesi, Samburu County; Sen. M. Kajwang', Homa Bay County; Sen. Mandago, Uasin Gishu County; Sen. Methu, Nyandarua County; Sen. Murgor, West Pokot County; Sen. Oketch Gicheru, Migori County; Sen. Olekina, Narok County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi County; Sen. Thang'wa, Kiambu County and Sen. Wamatinga, Nyeri County.

NOES: Nil

The Temporary Chairperson (Sen. Veronica Maina): Hon. Senators. I wish to give the results of the Division.

AYES: 24

NOES: Nil

ABSENTIONS: Nil

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(Question carried by 24 votes to Nil)

The Temporary Chairperson (Sen. Veronica Maina): I now invite the Mover to come and report progress.

Sen. Ali Roba: Hon. Temporary Chairperson, I beg to move that the Committee do report to the Senate its consideration of the County Governments Additional Allocations (No. 2) Bill (Senate Bills No. 4 of 2022), and its approval thereof, with amendments.

I request Sen. Faki to second.

Sen. Faki: Madam Temporary Chairperson, I second.

(Question proposed)

(Question put and agreed to)

(The House resumed)

(The Temporary Speaker (Sen. Wakili Sigei) in the Chair)

REPORT AND CONSIDERATION OF REPORT

THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS (NO. 2) BILL (SENATE BILLS NO. 4 OF 2022)

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, I now call the Chairperson to report to the House.

Sen. Veronica Maina: Mr. Temporary Speaker, Sir, I beg to report that the Committee of the Whole has considered the County Governments Additional Allocations (No. 2) Bill (Senate Bills No. 4 of 2022), and its approval thereof with amendments.

The Temporary Speaker (Sen. Wakili Sigei): I now call upon the Mover.

Sen. Ali Roba: Mr. Temporary Speaker, Sir, I beg to move that the House do agree with the Committee on the said Report.

I request Sen. Faki to second.

Sen. Faki: Thank you, Mr. Temporary Speaker, Sir. I second.

(Question proposed)

(Question put and agreed to)

The Temporary Speaker (Sen. Wakili Sigei): I call upon the Mover of the Motion.

Sen. Ali Roba: Mr. Temporary Speaker, Sir, I beg to move that the County Governments Additional Allocations (No. 2) Bill (Senate Bills No. 4 of 2022) be now read a Third Time.

I request Sen. Faki to second.

Sen. Faki: Mr. Temporary Speaker, Sir, I second.

(Question proposed)

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, I direct that the Bell be rung for one minute for Division.

(The Division Bell was rung)

Members, you can now prepare to start voting. The system is on and active. You can now vote.

(Voting in progress)

Hon. Senator for Nakuru, Sen. Tabitha Keroche, kindly approach the Clerks-at-the-Table and vote.

(Sen. Tabitha Keroche walked to the Dispatch Box and voted)

Hon. Sen. Madzayo, and Sen. Lomenen, could you also please approach the Clerks-at-the-Table?

(Sen. Madzayo and Sen. Lomenen proceeded to the Table and voted)

THIRD READING

THE COUNTY GOVERNMENT ADDITIONAL ALLOCATIONS (No. 2)
BILL (SENATE BILLS NO. 4 OF 2022)

DIVISION

ELECTRONIC VOTING

(Question, that the County Government Additional Allocations (No. 2) Bill (Senate Bill No. 4 of 2022) be read a Third Time put, and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abass, Wajir County; Sen. Ali Roba, Mandera County; Sen. Cherarkey, Nandi County; Sen. Cheptumo, Baringo County; Sen. Cheruiyot, Kericho

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County; Sen. Chesang, Trans Nzoia County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Gataya Mo Fire, Tharaka Nithi County; Sen. Githuku, Lamu County; Sen. (Dr.) Khalwale, Kakamega County; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. M. Kajwang', Homa Bay County; Sen. Madzayo, Kilifi County; Sen. Mandago, Uasin Gishu County; Sen. Methu, Nyandarua County; Sen. Murgor, West Pokot County; Sen. Oketch Gicheru, Migori County; Sen. Olekina, Narok County; Sen. Osotsi, Vihiga County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi County; Sen. Tabitha Keroche, Nakuru County; Sen. Thang'wa, Kiambu County and, Sen. Wamatinga, Nyeri County.

NOES: Nil.

The Temporary Speaker (Sen. Wakili Sigei): Hon. Members, the results of the votes are as follows:

AYES: 27

NOES: Nil

ABSTENTIONS: Nil

The "Ayes" have it.

(Question carried by 27 votes to Nil)

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

The Temporary Speaker (Sen. Wakili Sigei): Next Order.

MOTION

INTEGRATING CLIMATE EDUCATION INTO NATIONAL EDUCATION CURRICULUM

AWARE THAT climate change is a complex social and scientific issue which is characterized by uncertain and context specific knowledge, demanding that educators engage in inquiry and co-learning with students, while noting the lack of time and curriculum opportunities to address climate change in the classroom;

COGNIZANT OF THE FACT that the Constitution of Kenya in Article 42 provides for the right to a clean and healthy environment for every Kenyan, which includes the right to have the environment protected for the benefit of the present and future generations;

NOTING THAT Climate change is a global nightmare with consequences that are already quite visible and should be a priority for the national education curriculum, in accordance to Article 12 of the Paris Agreement which espouses the enhancement of climate change education, training, public awareness, public participation and public access to information;

FURTHER NOTING THAT climate change education explores mitigation and adaptation at both local and global level, critical and creative thinking and capacity building that will enable youth to engage with the information, inquire, understand, ask critical questions and take what they determine are appropriate actions to respond to climate change;

ACKNOWLEDGING THAT the Climate Change Act 2016 addresses the integration of climate change into various disciplines and subjects of the national education curriculum at all levels, as well as requiring that the National Climate Council advises public agencies responsible for regulating universities and tertiary institutions curricula on integration of climate change into their curricula;

NOW THEREFORE the Senate calls upon the Ministry of Education in liaison with the Kenya Institute for Curriculum Development (KICD) to:

1. Mainstream climate change education throughout formal education systems through integrating climate education in the school curriculum to creatively prepare children and young people for a rapidly changing, uncertain, risky and possibly dangerous future; and
2. Train and equip teachers and school administrators with the necessary information and skills to teach climate education and explore new approaches to learning that can contribute to the transformation of unsustainable climate systems, values and routines.

(Motion deferred)

Sen. Oketch Gicheru proceed to read your Statement as we wait for Sen. Gataya Mo Fire to move his Motion.

STATEMENT

STATE OF SECURITY IN MIGORI COUNTY

Sen. Oketch Gicheru: Thank you, Mr. Temporary Speaker, Sir, for the humble considerations. It has been a very long day with a number of committee meetings. I am glad we achieved passing of the Bill on County Governments Additional Allocation Bill.

I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations on the State of insecurity and wanton killings in Migori County particularly in Awendo Constituency and Migori Town.

In the Statement, the Committee should -

(1) Explain the circumstances surrounding the increase in insecurity and killings of resident in violent attacks in Migori County particularly in Awendo Constituency and Migori Town;

(2) Provide this aggregated data on reported cases of crime in the two areas from 22nd January, 2022 to date detailing the number of people killed and time of the crimes and the status of investigations into the perspective cases.

(3) Explain the inability by the police to contain the menace, considering there are reports that the police are protecting the criminals and state the measures in place to hold to account officers who will be found culpable of providing such protections.

(4) State the steps the Ministry of Interior and National Administration has taken, if any, to stop the killings strengthen security in the areas and bring to book the perpetrators of the heinous acts in order to protect the residents from the senseless killings.

(5) Outline, the measures, if any, that the Ministry has put in place to ensure that families that have lost their kin from the brutal killings including breadwinners are all fully compensated for the loss of loved ones.

(6) Invite the Cabinet Secretary (CS) for Interior and National Administration and the Inspector General (IG) of the National Police Service (NPS) to a meeting with all Senators to respond to these and all other security-related issues in view of the rising insecurity in the country.

I thank you.

The Temporary Speaker (Sen. Wakili Sigei): Next Order!

MOTION

STATE OF FOOD SECURITY IN KENYA

The Temporary Speaker (Sen. Wakili Sigei): Sen. Gataya Mo Fire, kindly move the Motion.

Sen. Gataya Mo Fire: Mr. Temporary Speaker, Sir, I beg to move-

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 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.

Considering that we have gone through a very severe drought for the last few months, it is a tradition in Kenya that when we lack rains for a few months or years, we experience a lot of problems as a country.

It is important for this House to do serious mitigation to ensure we have some permanent solutions to some of these problems we are facing from year to year. The people in the ASALs are facing various kinds of problems. They have lost livestock, died, children are suffering and lactating mothers are dying. It is important for this House to put strong measures on board against these issues in future.

I request Sen. Seki to support the Motion.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Seki, kindly, use the dispatch. It seems technology is failing you from your end.

Sen. Gataya Mo Fire: Mr. Temporary Speaker, Sir, I request Sen. Seki to second the Motion.

Sen. Seki: Mr. Temporary Speaker, Sir, I second the Motion.

(Question Proposed)

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, I now call upon you to make contributions to the Motion.

Sen. Thangw'a, you may proceed.

Sen. Thangw'a: Thank you, Mr. Temporary Speaker Sir. I rise to support this Motion. If you remember very well, in 2020, this country was invaded by locusts. It is argued that those insects consumed food equivalent to what 35,000 people could consume in a day. If we trace back to why our people are hungry, that is one of the factors that contributed to what we are going through today.

I believe that the current Government is putting measures to curb hunger. It has embarked on Zero Hunger Agenda by providing relief food to affected areas. We have seen the Government distributing food. Although not enough, it has distributed food to some areas in this country.

Secondly, immediately after the Cabinet was sworn in, it approved a Cabinet Paper on Genetically Modified Organisms (GMOs). Contrary to what most people think, GMOs have been used in many countries as one way of mitigating hunger. This is because it reduces the cost of production. By doing so, farmers can farm crops such as corn, soya bean, and rice.

So, when the Government approved the use of GMOs in this country, it opened the doors for us to discuss this issue and as a House come up with laws or regulations to control the use of GMOs. So, I believe that the Government is working very hard to make sure that nobody dies of hunger.

I urge this House to support the Government. We cannot say that what is used in a number of other countries is wrong. Other countries are using GMOs to fight hunger. I know that this is the Motion that will be discussed later on, but GMO's reduce the use of pesticides.

Consequently, the cost of production goes down and increases production. This gets something into the farmer's pocket. So, I support the Government and urge that it upscales its measures to save its citizens from succumbing to hunger.

We also understand that agriculture is devolved and the county Governments are mandated to develop, grow, and support sustainable agriculture. I urge the Standing Committee on Agriculture, Livestock, and Fisheries to invite the County Executives to come and explain the measures they have put in place to ensure that our people do not die of hunger.

We understand that for so many county Governments, the only thing they do is give fertilizer. Why do they do that? Some of them have made it a kind of money-making venture. There are no extension officers who go direct to the farmer to see whether they are utilizing the fertilizer well and growing the crops the way, they are supposed to.

Without those extension officers, the county Governments are unable to follow up on what the farmer is doing, to know exactly whether the inputs that they have given to the farmers are used well. Therefore, there is need for a collaboration between the national and county Governments. More so, county Governments are mandated to ensure full devolution of agriculture.

I support.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Wamatinga, you may proceed.

Sen. Wamatinga: Mr. Temporary Speaker Sir, I also rise to support this Motion. We know that every country is supposed to have strategic food reserves. These are supposed to meet the needs of its population whenever unforeseen circumstances such the ones witnessed in the country for a couple of months.

However, we know that there was an oversight on the side of the national Government. As much as agriculture is a devolved function, the responsibility of maintaining strategic grain reserves is vested in the national Government.

This was overlooked. Agriculture is a devolved function. We said, as a Senate, that we should take the responsibility of unbundling the functions that have been devolved and make sure that they go to the county government. We must also ensure that county governments come up with a strategic plan on how they will maintain their strategic reserves.

Mr. Temporary Speaker, Sir, it is an open secret that the problem we face in this country is actually brought by mismanagement of the logistics to preserve the post-harvest food whenever we enjoy a bumper harvest.

If you walk into Nyandarua County and part of Nyeri County today, a 110-kilogram (kg) sack of carrots is being sold at a throw away price. As a Government, we have failed to embrace value addition and to extend the lives of the food stuff that we harvest. If we work on technology that is currently largely available in the world, we will preserve some of the food that go to waste after harvest.

Countries like Holland harvest tomatoes and preserve them. Those tomatoes are used three years later. If we embrace that kind of technology, we will not have some parts of the country going hungry.

The rains have set in and we expect to have a bumper harvest of milk in the next couple of months. We will see a lot of it going to waste because the country has not prepared itself to deal with situations where we have a lot and too little.

Counties like Uasin Gishu are now harvesting maize but we have embarked on importation of the same. We will see a situation where the farmers in Rift Valley are not able to sell their surplus because the Government has already licensed importation of maize and other dried grains.

Therefore, we, as a Senate, have a duty to get back to the county governments, as proposed by Sen. Thang'wa, and ask the County Executive Committee Members (CECMs) of Agriculture, Livestock and Fisheries to explain to us what they are doing. We must also ask ourselves and the national Government of the policy frameworks that

have been put in place to ensure we do not lose a lot after the harvest. If we do that, we will not only start agro processing but we will also ensure that Kenyans do not go hungry.

On the issue of modifying the seeds that are put on the ground, it is in the public domain that the climate has changed a lot. Therefore, we also need to adopt technologies that go with the changing times. The introduction of those seeds will lead to better performance in our climatic conditions and that is what other people are technically calling Genetically Modified Organisms (GMOs). We must not beat around the bush. That is where the country is going. It is all about moving with technology. We have no option but to move along.

Those seeds will withstand the climatic conditions we have around this country. We will, therefore, become not only self-reliant in the production of food but we will also get a way of feeding raw materials into our agro processing industries that has been a commitment of this Government.

I support.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Olekina, please proceed.

Sen. Olekina: Mr. Temporary Speaker, Sir, I rise to support this Motion by the distinguished Sen. Gataya Mo Fire. Food security is very important. My hope was that all the 47 delegations would be here to discuss this Motion in a sober and progressive way.

We know the problem and we know the solutions. However, we do not give a hoot because we are greedy and do not care to think about future generations. It is about time that we start looking at the resolutions which are being sought when a Motion like this comes before this House. When we talk about food security, every county in this country must understand its weather patterns.

Yesterday, I was talking to some of my workers and I suggested to them that we start planting maize. Most of them refused and said that we do not know about the sun when it comes to January. My question is; why is it that these so-called experts do not understand the weather patterns yet my workers, most of whom do not have the education that people in the policy department have can understand the weather patterns?

As a country, we have to think of food security unless we are prepared to starve to death. I wonder at times why we do not care about people in Turkana County and the millions of people in this country who are currently starving. Is it because we can afford to dress nicely, wear expensive suits and drive fancy cars?

What do you think about the future of this country when you read from a Motion like this that over 950,000 pregnant mothers are now facing malnutrition? As a country, it is time for us to start asking questions. Moving forward, we should see solutions and follow the progress of those solutions.

Right now, every county government should be thinking about water reserves. I recently did something that other people would consider crazy. There is a path that goes through the side of the road where I live. I told myself that the rains are coming and my dams are empty. I brought a lot of stones, barricaded the place and when it rained and I diverted the water into three of my dams.

When the rains do not come in January, I will use that water to irrigate my corn. We need to be innovative. I do not subscribe to the school of thought that says we must genetically modify the food for us to survive in this country. My views on GMO are advised by the research which is out there. I believe we will be adjourning the House in the next three minutes to discuss that issue.

I do not want future kids to be born with six fingers. Kenya is the largest economy in Eastern and Central Africa with a Gross domestic product (GDP) of 110 USD Billion but most of us who live in the rural areas still survive with 1 USD a day. That makes us a developing nation. If a normal citizen does not work in a day, they starve.

With the Motion that has been moved by Sen. Gataya Mo Fire, the Committee on Agriculture, Livestock and Fisheries should follow up and ensure that very little money is left in Nairobi, the capital. That is because agriculture is a devolved function. I am not talking about Nairobi City County. I need to clarify that because I do not want to get in trouble with my brother, the Senator for Nairobi City County. I am referring to the national Government.

We should also look at individual counties. In counties such as Kajiado, Narok, Samburu and those in the northern part of Kenya, we need to think about a government off-take program that guarantees that farmers can sell their cow at a minimum of Kshs50,000. Technology is there. I know I have 30 seconds.

My brother, the Senator for Nyeri County can sit down with me we discuss about the use of technology to preserve meat because he is already slaughtering the cow. However, he cannot come to discuss with me a technology where we are going to alter the genetics of human beings because to a greater extent, modifying the genetics of food also modifies the genetics of human beings.

In most cases - and I want to qualify my statement here - a lot of people suffer from secondary smoking. If you sit in a place where people are smoking every day or sleep in a room where everybody is smoking every day - you will experience secondary smoking. You are not the one primarily smoking but if you sleep in a room in which someone smokes on a daily basis, you will end up suffering.

I know that time is up and it is time for us to adjourn but since this is a matter which is continuing, the remaining minutes I can have them later.

The Temporary Speaker (Sen. Wakili Sigei): That is noted Sen. Olekina. I am also equally aware that there are a good number of Senators in the queue; Sen Okenyuri, Sen. Okiya Omtatah, Sen. Nyamu, and Sen. Tobiko are on the queue. We will resume this Motion tomorrow and you will be given priority so that you contribute to it.

Sen. Olekina, I am informed that you will have 14 minutes tomorrow to debate on this particular Motion.

Hon. Members, as you are aware, it is now 5.30 p.m. which is the appointed time by the hon. Speaker to discuss the Motion that had been sought by Sen. Madzayo.

Sen. Madzayo, please proceed and move the Motion

**MOTION OF ADJOURNMENT
UNDER STANDING ORDER NO. 37**

THE DECISION BY THE GOVERNMENT TO AUTHORIZE THE CULTIVATION
AND IMPORTATION OF BANNED GMO FOODS

The Senate Minority Leader (Sen. Madzayo): Mr. Temporary Speaker, Sir, pursuant to Standing Order No.37, I beg to move the Motion that the Senate do now adjourn to discuss a definite matter of national importance namely; the decision by the Government to Authorize the Cultivation and Importation of Banned Genetically Modified Organisms (GMO) Foods.

The Bio-safety Act of 2009 was passed into law by the Kenyan Parliament in December 2008. It received the Presidential Assent on 12th December, 2009. Only Parliament holds the supreme legislative power to amend or alter the Constitution. The decision to lift the ban on the cultivation and importation of GMOs is a total betrayal to our county.

We have reason to believe that the authorization of the 10 million bags of GMO maize is a push from foreign Nations and their multinational companies. We call upon the President to immediately reverse the decision on the GMO foods until Parliament and Kenyans have full knowledge on this.

The churches have spoken, the mosques have spoken, the Members of Parliament have spoken, even the Cabinet Secretaries in our Government have spoken and indeed, it is time now that the President listened.

For the last 10 years there has been no need to import or allow open cultivation of GMO foods as the country has been able to make do without GMOs. Our farmers have continued to produce the bulk of Kenya's base supply and the deficit of an average of 10 billion bags per year has been supplemented through trade with our neighbouring countries; mainly Tanzania and Uganda that are GMO-free.

Mr. Temporary Speaker, Sir, the reason why we say no to GMOs is because of lack of public participation. You will note that the decision was reached without public consultation and the views of the public were not considered in the decision to lift the ban which curtails the freedom of Kenyans to choose what they want to eat or what they do not want to eat.

Kenyans are not aware of the purported research or report of the task force which was used to arrive at this decision. This is a violation of the provisions of rights of access to information. When was this task force formed? When was it gazetted and who chaired it? Who are the members?

There have been researches on GMOs which have shown increased resistance to antibiotics---

The Temporary Speaker (Sen. Wakili Sigei): What is your point of order, Sen. (Dr.) Khalwale?

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, the Senate Leader of Minority knows very well that the Senate Standing Orders are against a Member moving a Motion by reading a document.

Could he choose between reading the document or passing it out as handouts? He is a very experienced Senator, a lawyer of many years standing, a Judge and he is reading to us. Could he share with us that document so that when we are responding, we are also on the same page?

The Temporary Speaker (Sen. Wakili Sigei): Sen. (Dr.) Khalwale, I noticed that Sen. Madzayo had actually finished reading the Motion and was contributing to it. He was not reading; if I could confirm what I saw.

Go ahead Senator so that you conclude commenting on your Motion.

The Senate Minority Leader (Sen. Madzayo): Mr. Temporary Speaker, Sir, I hope my time is also taken care of due to this interruption.

As you are aware, agriculture in this country is the mainstay of more than 60 per cent of the Kenyans. Kenyans right now eat ugali and it is going to be extremely dangerous if ugali will now be mixed with something else because Kenyans will find themselves in such a difficult situation.

Mr. Temporary Speaker, Sir, you will notice that particularly on issues of diseases, there is going to be a lot of resistance on antibiotics. Similarly, there are possible links to cancer and reproductive problems.

Our socio-economic concerns on this are based on the fact that Kenyans rely on one particular foodstuff which is maize. At one time, I went to my brother, Sen. (Dr.) Khalwale's house and we ate a lot of ugali and chicken. Now I am wondering, if this ugali which we were given by Sen. (Dr.) Khalwale had been a GMO product, I do not know whether some of us would have been men. He is a bull-fighter and a man.

Finally, we have to call the National Biosafety Authority, which is there to regulate Genetically Modified Organisms (GMOs).

This Authority, being the body vested with this kind of responsibility, lacks the scientific facilities to tell whether the seeds are safe or not. We need full disclosure on this.

I conclude by saying that the people of Kenya would like to have a discussion on this. We call upon the Government to reinstate that ban which will include public participation.

I emphasize that we have very capable institutions in this country which can be consulted or roped in like Jomo Kenyatta University of Agriculture (JKUAT), Egerton College, University of Nairobi College of Agriculture and Veterinary Science and the Kenya Seed Company.

These are bodies, for a long time, have had the capacity and are well known to us. They can tell Kenyans what the issue with GMOs is.

I emphasize that Kenyans would like to have full disclosures and participation with regards to this discussion. Otherwise, GMOs will render this country infertile and lots of scientific issues that will not be good for the human body.

Thank you, Mr. Temporary Speaker. I would like to call my brother, Sen. Olekina, to second.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Olekina you have five minutes to second and discuss this Motion.

Sen. Olekina: Mr. Temporary Speaker, we need to change this Standing Orders.

I will try to be very brief and to the point. I want Kenyans out there to listen to me and give me an ear. This afternoon, I am here to plead with Kenyans not to allow the importation of GMO into this country. Kenya is the largest economy in East and Central Africa with a Gross Domestic Product (GDP) of Kshs110 billion. Kenya currently relies on neighbouring countries to supply and buy products from them.

We have so many counties which border Uganda. There are many crops that come from Uganda. Subsequently, there are a lot of products that leave Kenya for Uganda. Tanzania is equally the same. If you go to London and open a fridge, you will find all vegetables come from Kenya. Not only horticulture but also asparagus, broccoli coming from Kiambu and Nandi.

You will also find *mishiri* or French beans coming from Narok and Nyandarua Counties. Whenever we think about an action, one of the things I would like even the authorities to think about, are the unintended consequences. By allowing GMO to this country, we are not only exposing our population into the dangers of GMO namely, toxicity, allergic reactions, antibiotic resistance, immune suppression and loss of nutrition.

I am holding a piece of maize or corn here that we all enjoy. We eat it on a daily basis. It is very sweet. All of us went on a short break and enjoyed a piece of corn.

*(Sen. Olekina took a bite of the piece of corn
he was holding in his hand)*

When we are told that the food brought into this country will not be nutritious, how are we going to---

Sen. Thang'wa: On a point of order.

The Temporary Speaker (Sen. Wakili Sigei): What is your point of order Sen. Thang'wa?

Sen. Thang'wa: Mr. Temporary Speaker, is the Senator in order to eat food in the Chamber?

The Temporary Speaker (Sen. Wakili Sigei): Sen. Olekina, you are a senior Member of this House. I am aware that the Speaker has previously ruled that Members are barred from eating food in the Chamber.

Kindly refrain from doing the same as you proceed with your contribution to the Motion.

Sen. Olekina: Mr. Temporary Speaker, the point is already made. I am speaking to Kenyans out there. You need to give me more time because my time was interrupted.

When we are here, the rules are set by this House. The issue of GMOs is emotive. I want people to be able to understand why some of us are completely against modified genetics. I want to demystify for people out there to understand clearly what I mean.

If you take a piece of corn whose genetics has been modified, in the USA where I lived for 20 years, it is my second home, most of the corn there is fed to animals. It is not fed to human beings. The nutritional value is zero. I know we have a very short time to be able to plead with Kenyans. I know I have two minutes left for me to finish---

The Temporary Speaker (Sen. Wakili Sigei): I am giving you one minute to conclude.

Sen. Olekina: Mr. Temporary Speaker, I looked at the light. I want to call upon Kenyans out there. This is the time to start thinking about future generations. We are a country living in a kleptocracy, where those ruling do not care. We have seen sentiments made by former Members of Parliament (MPs).

Hon. Alfred Keter told us that His Excellency President William Ruto has 500,000 acres of land in Congo with GMO corn. We today saw the ship docking. The reality of this thing is going to hit us so hard. Farmers in Kakamega will not be able to enjoy their Ugali.

I wish I had taken Ugali and squeezed it. Ugali made out of GMO corn will be like porridge. They will no longer have bull fighters. The farmers of Rift Valley are going to the streets. They are being coerced and forced to sell their maize before this country is damped with a lot of maize. If you care about future generations and yourselves, say no to GMO.

I beg to second.

(Question proposed)

The Temporary Speaker (Sen. Wakili Sigei): Hon. Members I now open up the Floor for debate. Each Senator is to utilize five minutes to debate on this particular matter.

The Senator for Kakamega County, Sen. (Dr.) Khalwale, you may proceed.

Sen. (Dr.) Khalwale: Thank you, Mr. Temporary Speaker, Sir. The debate on the Floor this afternoon requires that we demonstrate leadership not to cause panic in the countryside amongst the populace.

It is true that the President has expressed himself on the issue of GMO. Therefore, those who want to play politics by making him look bad should keep the populace away from it.

Hon. Members, I speak with maximum authority because I am not only a scientist; I am specifically trained in Medical Science. Scientists are ethical people and the common denominator of science, research and technology in this area is that only desirable strains are expressed agriculturally out of research that are harmless to the people.

The Senate Minority Leader, I beg you, let us not make people panic. The GMO that is in question is based on the following things on research; that when you are growing maize you have a challenge of the pest and you have got to fix them.

Additionally, the weeds that grow along the maize you have to pick them and you also have to use the pesticides and the herbicides.

When scientists are doing this research, they make sure that the product that comes out is resistant to pests and herbicides and that is exactly what the GMO has done. It has brought out a strain that is resistant to pest and herbicides. That is all.

I swear you can do your reading, there is nowhere in the world, not one place where ill effects of GMO had been reported in any population anywhere in the world.

The Temporary Speaker (Sen. Wakili Sigei): What is your point of order, Sen. Olekina.

Sen. Olekina: Mr. Temporary Speaker, Sir, I have tremendous respect for the Senate Majority Whip. However, if history serves me right, the Majority Whip was a Member of Parliament when this Parliament banned the importation of GMO. I am sure my sister the distinguished Senator from Uasin Gishu County will make those submissions.

Mr. Temporary Speaker, Sir, the African Union (AU) banned the importation of GMO in this country. Is the Senate Majority Whip in order to lie to the public that there is nothing that has been found to be wrong? It the AU itself made those findings when he was a Member of this House.

Let us be honest with each other. I am not saying that he cannot debate. However, being a ranking Member of this House, he was a Member of Parliament when they passed a law to ban GMO into this country. Is he in order to deceive this nation?

The Temporary Speaker (Sen. Wakili Sigei): There is a point of order from the Minority Leader.

The Senate Minority Leader (Sen. Madzayo): Is the Senator for Kakamega, whom we have been together for a long time and I respect so much, in order to say that I have caused panic? To whom?

The Temporary Speaker (Sen. Wakili Sigei): I listened to the Sen. (Dr.) Khalwale. For purposes of Sen. Olekina's point of order, he spoke as a trained scientist to the extent that he is making his contribution to what is normally input in what he termed as "straights" in developing of certain products.

Sen. (Dr.) Khalwale, you may proceed noting those orders.

Sen. (Dr.) Khalwale: Thank you, Mr. Temporary Speaker, Sir. Whatever I said is on record of the HANSARD. In the fullness of time, people will refer to what we are saying here. I am not defending anybody but stating a fact of science.

(Sen. Olekina spoke off record)

If you bear with.... You have had your say, let me have my way. If we were to vote, you would still have your way.

Just like in 2008---

The Temporary Speaker (Sen. Wakili Sigei): Sen. (Dr.) Khalwale, could you address Sen. Olekina through the Chair.

Sen. (Dr.) Khalwale: Just like in 2008, when a few number of scientists who were in Parliament had our say and the majority had their way. There is nothing we can do about it.

I assure members of the public that the Government cannot be reckless. There is no Government that would go to the people who voted for it, expect the same people to vote for it five years later and embark on a process of eliminating them. It is not possible.

Mr. Temporary Speaker, Sir, I beg Members of this House - I have nothing against what you believe in, but believe in me---

The Temporary Speaker (Sen. Wakili Sigei): Sen. Madzayo, what is your concern again?

The Senate Minority Leader (Sen. Madzayo): Can I inform Sen. (Dr.) Khalwale?

The Temporary Speaker (Sen. Wakili Sigei): Are you ready for the information Sen. (Dr.) Khalwale?

Sen. (Dr.) Khalwale: Yes, I can be informed.

The Senate Minority Leader (Sen. Madzayo): Mr. Temporary Speaker, Sir, I inform my brother and a very close friend of mine, “the bullfighter”. In one of the Sittings, Sen. James Orengo, who was here in the 3rd Senate, stated very clearly that, the laws we pass or the decisions that we make here, if we do them because we are in power, then the same laws can come back to haunt us.

Therefore, he appealed for people to have sober approach to every decision they make in the Senate. If I can quote him he said, “the very Government you are protecting so much so jealously, comes back to eat its own at one stage.” I believe you were “eaten” at some stage.

As a medical doctor, he should not support a situation which he knows very well will have people become infertile. We will have dis-functioning of some areas. You are aware that this Genetically Modified Organism (GMOs) will cause a lot of harm to particularly men.

Young people such as the Senator for Kiambu will suffer the consequences. He might not even have six children like yourself. He might end up with only the one child he has.

Sen. (Dr.) Khalwale: Thank you, for the information but it looks like you are a poor student.

The Hon. Sen. Orengo was referring to a statement of literature, that is “revolutions eat their own children”. Therefore, when you want to apply facts of science, keep away from the drama of literature.

Mr. Temporary Speaker, Sir, the people who are opposing this Motion have a right to do so.

However, they should not forget that they are being driven by conspiracy theories. A few months ago, this country was abound with conspiracy theories about the Covid-19 vaccine. We were told all manner of things. I have been vaccinated four times. My wives and children have been vaccinated as well as many people in Kakamega. I am yet to meet

a woman who has grown beard for getting the Covid-19 vaccine. I am yet to see my son growing breasts for the same reason or losing his libido.

Mr. Temporary Speaker, Sir, conspiracy cannot advance science. If we were relying on conspiracy, we would not be ruling the skies today. The jet engine is a product of science. The jet light tube is the reason why the Hon. Members in this House will enjoy the World Cup this evening and it was born out of research.

I conclude by confirming that it is agreed universally that food derived from genetic engineering is not in any way more harmful than conventional food. Sen. Olekina is right. He has talked about food toxicity and allergies.

(Red light went off)

Mr. Speaker, Sir, kindly give me one minute.

The Temporary Speaker (Sen. Wakili Sigei): Sen. (Dr.) Khalwale, you have one minute as you close.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I am just concluding. The points of order were many. Thank you.

Sen. Olekina has talked about allergies, toxicity and others. My question is; were the allergic reactions that I saw in my clinic for years that people got after consuming food as a result of the Genetic Modified Organisms (GMO)?

Mr. Speaker, Sir, I first took GMO when I was a little boy. We were given yellow maize because there was shortage of food. The same theories were there but people are still alive.

Sen. Crystal Asige: On a point of information, Mr. Temporary Speaker, Sir.

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, she will inform me later but before she informs me, I want to inform Kenyans that in my culture, we believe there is nothing like bad food. Food is only bad when one is not hungry.

Mr. Temporary Speaker, Sir, if you allow, I would like Sen. Crystal Asige to inform me.

The Temporary Speaker (Sen. Wakili Sigei): Go ahead, Sen. Crystal Asige.

You do not have a microphone? It is being brought to you, you can go ahead.

Sen. Crystal Asige: Thank you, Mr. Temporary Speaker, Sir. This is a point of information to the distinguished Senator for Kakamega County on allergies. He has just spoken about it. He has asked to be told of one incident in history where issues have been caused by GMO foods.

As far back as 1996, there was a company called Pioneer Hi Bred that went on a GMO mission. They decided to splice Brazilian nuts together with soybeans. They did that and put that food in the market. Some consumers suffered anaphylactic shock which is a serious allergy because it can cause death. That was my point of information and this was as far back as 1996

Mr. Speaker, Sir, I felt the need to inform the good Sen. (Dr.) Khalwale that there is evidence out there in history.

The Temporary Speaker (Sen. Wakili Sigei): Senator, kindly accept the information.

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, allow me. I would like to accept her point of information because she is right. However, as we say in science, little knowledge is dangerous. Eggs and fish cause allergy and they are not GMOs.

The Temporary Speaker (Sen. Wakili Sigei): Sen. (Dr.) Khalwale, I gave you the opportunity to accept the information. Your time was up.

Sen. (Dr.) Khalwale: Thank you, Mr. Temporary Speaker.

The Temporary Speaker (Sen. Wakili Sigei): Sen. (Prof.) Kamar.

Sen. (Prof.) Kamar: Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity. I listened very keenly to the previous speaker and never got his conclusion because he mixed science.

I will start from the history of banning of the GMOs in Kenya. I was privileged to serve in the 10th Parliament together with Sen. (Dr.) Khalwale. When the ban took place, I was the one who seconded the Motion tabled by the Minister of Health, Hon. Beth Mugo. At that time, I was the Minister of Science and Technology where the National Biosafety Authority was based.

Mr. Temporary Speaker, Sir, we banned the GMO because of unpreparedness. My contribution will be on how prepared we are to receive GMOs and whether we are ready. Do we just import or not? At that time, we had a meeting with Hon. Beth Mugo and we discussed the issue which was on health.

At that time, we had a meeting with Sen. Beth Mugo and we discussed the issue, which was health issues.

Mr. Temporary Speaker, Sir, we have borrowed this idea of banning Genetically Modified Organisms (GMOs) from the European Union (EU). At that time, the EU had banned GMOs because of the fear that there was potential cause of harm to both human beings and livestock and no researcher, had given any conclusive evidence that there was no harm. Real facts and science were still being undertaken.

We had our own National Biosafety Authority which was under the Ministry which I was heading. I asked them one question: Are we ready? They said, no, for the reason that we had very good scientists but there was no research fund that could enable them test all the things we were talking about.

Mr. Temporary Speaker, Sir, as we are talking, 16 countries in the EU have banned GMOs; these are Germany, France, Latvia, Netherlands and all those foods producing countries, including Belgium. The reason these countries have banned GMOs is that they have not managed to conduct enough research to ascertain the safety of these foods.

The biggest question is; how ready are we as a country? Have we prepared ourselves? At that time, when I seconded, I gave a proposal that came from our research institutions and in particular the National Biosafety Authority that there is need to pump in funds for research so that our scientists can give us conclusive research on whether these products are really harmful or not.

(The amber light was switched on)

What we expect is a report from our scientists. We need the National Biosafety Authority (NBA) to speak and say something. It is really not about causing fear, as Sen. (Dr.) Khalwale has said. What we are saying is that we all fear and therefore, there is need to be safe from what we consume. There is need to increase research fund in this country. It is important that we allow our scientists, to distinguish between myths and facts about GMOs.

Mr. Temporary Speaker, Sir, what is modification? It is all about removing a gene and adding another one. The question that I was waiting for Sen. (Dr.) Khalwale to ask is: Where is the source of this gene that was introduced to the food crops that we have?

I have no problem with Bt cotton. It is very important that we distinguish what we want from that which we can reject. Bt cotton is very important and good. Army worms do not attack that type of cotton and therefore, we can use it. Another reason is that we are already wearing clothes made from Bt cotton.

However, for food consumption, we need to be very sure that we are consuming food that does not have any harmful organism in it.

(Red light was switched on)

Mr. Temporary Speaker, Sir, allow me one minute to wind up. We need to be very clear, that what we consume is really good and we must think about that.

There are two other areas that we must look at and Sen. Olekina mentioned them. Currently, Kenya exports fresh produce to Europe; to the same 16 countries. The minute we allow GMOs, this will be stopped. So, the implication is going to be bigger than we think.

Lastly, is the right to choose what you want to eat. Even in the United States of America (USA) where Genetically Modified Organisms (GMOs) are consumed in the shelves of any supermarket, products are labelled in regards to what is GMOs and what is not. As the Minister that time, I asked our ambassador to get us evidence, and he took photos. They leave it to you to choose what you want to eat.

In fact, he said that when you go the supermarket, the shelf with GMOs food is usually full but the organic shelves are empty. It means that they have a right. Finally, it is important that Kenyans get to choose. The right to choose must be in our National Biosafety Authority (NBA) law so that even when we introduce GMOs, they can be labelled and put in the market for anyone who wants to consume.

Mr. Temporary Speaker, Sir, five minutes is a terribly short time but I thank you.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, for your contribution. I urge the Hon. Members to stick to the time because the interest in this Motion is heavy. I would be happy if everyone who expressed interest got the opportunity to do so.

Kindly, let us keep to the five minutes' time. Thereafter, we shall be very strict.

Proceed, Sen. Okenyuri.

Sen. Okenyuri: Thank you, Mr. Temporary Speaker, Sir. I would like to contribute to this matter firstly by stating that lifting the ban on GMOs does not mean in any way that whoever was using it will stop. Those with the luxury of engaging in GMOs agriculture; planting and harvesting such kind of food will continue to do so.

As a House representative of the people, we should confront the real facts as they are. Currently, Kenya is not food secure. That is the matter we are dealing with now. Sen. Gataya, Mo Fire raised a matter this afternoon on the drought situation. The truth of the matter is that Kenya is not food secure. This GMOs debate we are having is about embracing innovation so that we empower our farmers to also compete with other countries.

Zimbabwe and South Africa have been importing GMOs foods but have they been confronted by the horrors we are talking about in this House? That is something Hon. Members should think about. As an Upper House, we do not have the capacity to interrogate settled scientific issues; not unless we want to invite expert witnesses to this House.

With those few remarks, I also remind members that *Azimio* who are largely complaining that *Kenya Kwanza* is not doing anything to lower the cost of *unga* are the same people who are opposing initiatives being taken by the Government to help ordinary people afford the locally available products.

I thank you.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Faki proceed.

Sen. Faki: Asanti, Bw. Spika wa Muda kwa kunipa fursa hii kuchangia Hoja ya, Sen. Madzayo, kuhusu matumizi ya chakula cha GMOs ama vyakula vya kisiki-kwa Kiswahili sanifu- ama vyakula vya viini tete ambavyo Waziri wa Mambo ya Biashara alitangaza juzi viatakubaliwa nchini Kenya.

Najiunga na wenzangu wanaopinga uamuzi wa waziri wa kuleta vyakula hivi kwa sasa katika nchi yetu ya Kenya. Kwanza kabisa, hatujakuwa na u---

Sen. (Dr.) Khalwale: On a point of order.

The Temporary Speaker (Sen. Wakili Sigei): What is your point of order, Sen. (Dr.) Khalwale?

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, ni sahihi Sen. Faki kusema kwamba hivi vyakula vya *GMOs* viko na viini? Tafadhali kama ana maana ya chembe ambazo zinadhuru atueleze. Na pia atueleze viini vinasababisha magonjwa gani.

Atuambie hivyo viini vinasababisha ugonjwa gani?

Sen. Faki: Sijasema chakula cha Genetically Modified Organisms (GMO) kina viini. Lakini GMO ni Genetically Modified foods ambapo genetics kwa Kiswahili tunaiita vinasaba. Vinasaba ndio genetics. Kwa hivyo hivi ni vinasaba tete kwa sababu ni vinasaba ambavyo havijulikani vimeundwa kwa misingi gani. Ndio vikaitwa vinasaba tete kwa sababu havikubaliki kisayansi.

Bw. Spika wa Muda, kwa lugha nyingine ya Kiswahili ni vyakula vilivyobadilishwa vinasaba. Kwa hivyo, ni kwamba kwa sasa hatuna utaalumu hapa nchini Kenya. Nikimnukuu Sen. (Prof.) Kamar, alisema swala hili lilikuwepo 2012 wakati walipopiga marufuku matumizi ya vyakula hivi. Sababu kuu ikiwa hakukuwa na

utafiti wa Kisayansi wa kutosha kuthibitisha kuwa vyakula hivi vilikuwa salama kwa Wakenya.

Mpaka sasa, hatujapata utafiti kamili wa kuthibitisha vyakula hivi viko salama kwa wakenya. Kule Kitui, kuna wakati ndugu zetu walifariki kwa kula mahindi yaliyokuwa yameharibiwa na sumu ya kuvu.

Bw. Spika wa Muda, naomba unilinde kwa sababu sitaweza kumaliza. Nimekwisha washiwa taa hapa, point of order zinakuja pia. Angeniliwacha nimalize kuchangia halafu yeye atapewa fursa nyingine. Bw. Spika wa Muda tunasema kwamba--

The Temporary Speaker (Sen. Wakili Sigei): I want to intervene so that we do not waste much time again. What is your point of order Sen. (Dr.) Khalwale?

Sen. (Dr.) Khalwale: Bw. Spika wa Muda, rekodi ya Nyumba hii lazima ionyeshe ukweli. Sen. Faki anatuambia maana ya viini ni genetics kwa lugha ya kimombo. Na kulingana na kamusi, na kwa idhini yako, naomba nisomee hii nyumba maana ya viini. Kulingana na kamusi 'viini ama vijidudu kwa lugha ya kimombo ni germs ama chombo chochote kinacholeta magonjwa.

Je, ni haki kwa Seneta anayejigamba kutoka Pwani kupotosha hii nyumba kwamba viini ni genetics na sisi tunajua ni vijidudu?

(Loud Consultations)

The Temporary Speaker (Sen. Wakili Sigei): That is not that--- Order Sen. Faki! Could you just---

The Senate Minority Leader (Sen. Madzayo): On a point of order Mr. Temporary Speaker Sir.

The Temporary Speaker (Sen. Wakili Sigei): What is your point of order Sen. Madzayo?

(Sen. Madzayo spoke off record)

The Temporary Speaker (Sen. Wakili Sigei): You are not on the microphone Sen. Madzayo.

The Senate Minority Leader (Sen. Madzayo): Bw. Spika wa Muda, itakuwa ni tabia mbaya sana kama utaruhusu kitu kama hiki kutendeka. Kama Seneta anaongea, huwa kwa akili yake amejipanga vile ataeleza fikira zake. Ikiwa sasa itakuwa ni werevu au kusimama tu na kusema niko na hoja ya nidhamu, halafu aanze kuongea mambo kiholela, ni lazima ulinde yule anayeongea. Yule anayeongea ana haki ya kuongea bila kutatizwa.

The Temporary Speaker (Sen. Wakili Sigei): That is not---

The Senate Minority Leader (Sen. Madzayo): No! Ni makossa sana---

The Temporary Speaker (Sen. Wakili Sigei): I directed earlier that we are going to stick to the five minutes program because of the limitation of time to debate this Motion. Sen. Faki, proceed to give conclusion.

Sen. Faki: Bw. Spika wa Muda wakati wangu mwingi umetumika kwa hoja za nidhamu ambazo hazina msingi wa nidhamu yoyote. Bw. Spika wa Muda, Sen. (Dr) Khalwle anazungumzia germs ambavyo ni virusi. Lakini genetics ni viini ambavyo vinaunda mwili wa binadamu ama mwili wa mnyama yoyote ambaye anahusika. Hivyo basi tunasema kwa sasa hatujakuwa na utaalamu katika nchi yetu ya Kenya kuthibitisha kwamba vyakula hivi ni salama kwa wananchi wetu. Kwa sababu hiyo, haitakuwa sawa ile marufuku kuondolewa kwa sababu watu wengi watapata shida ya vyakula ambavyo hawajui vinatoka wapi.

Bw. Spika wa Muda, kuna nchi nyingi ambazo zina vyakula hivi na hawana mahali pa kuvipeleka ama kuviuza. Kwa hivyo, hii itaharibia pakubwa wakulima wetu ambao juzi tu walikuwa wanapewa mbolea iliyopunguzwa bei. Ikiwa mazao yao yatakuja kwa wingi, wale watauza mazao yao wapi?

Serikali hii ya Kenya Kwanza au '*Kenya Kwisha*' imetoa fursa ya kutoa mbolea kwa bei nafuu kwa wakulima wa mahindi ili waweze kuzalisha mahindi zaidi ya yale wanayozalisha kwa sasa. Ikiwa tutakubali mazao kama haya ambayo yana utata, wale wakulima wetu watauza mahindi yao wapi?

Bw. Spika wa Muda, ni kweli tuna upungufu wa mahindi lakini, tayari katika *East African Community*, tunaweza kupata mahindi kutoka Tanzania, Malawi, *Common Market for Eastern and Southern Africa (COMESA)* na Uganda. Kwa hivyo, kwa wakati huu, haifai kuleta vyakula kama hivi ambavyo vina utata na hatujui madhara yake.

Kwa kumalizia, wiki tatu zilizopita, nilizungumzia zile dawa za kututumua mwili ambazo dada wengi wanatumia kupanua makalio. Hivi vyakula vya Kisaki ama *Genetically Modified Organism (GMO)* vitakuwa na athari kama hiyo ambayo kwa sasa hatujui.

Tayari, kuna mkurupuko ya magonjwa ya *cancer* nchini mwetu. *Cancer* za koo na za matiti kwa kina dada. Saratani za tumbo kwa watu wengi zimeongezeka haza kwa wanaume ambao zaidi wanapata athari kama hizo. Kwa sasa, tukiruhusu vyakula hivi, itakuwa tunahatarisha maisha ya wananchi wa Kenya.

Bw. Spika wa Muda, mwisho ni kuwa, ilikuwa ni kejeli kwa Waziri Moses Kuria kusema kuwa wananchi wa Kenya tayari wanakufa na wanaendelea kufa kwa hivyo hata wakifa kwa *GMO* itakuwa hakuna hasara yoyote. Hiyo ni kuonyesha kwamba hajali maisha ya Mkenya katika nchi yetu.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Nyamu, please proceed.

Sen. Nyamu: Mr. Temporary Speaker, Sir, the matter before us is of national interest. We are being called upon as leaders to find solutions to the dire hunger facing our country. We are called upon to take care of the people we represent in this House. It is quite unfortunate that this debate is taking a political angle.

(Applause)

The Members on the minority side are determined to oppose the President and the Government position for the sake of opposing. The issues they are raising are concerns that have been raised on the *GMO* foods. However, we are not talking of the pros. Just

like any other thing, GMOs have pros and cons to it. The pros include; drought resistant crops, a shorter growth period, less use of pesticide and tastier food.

I have also read of potatoes that have aspects of reducing cancer and things like that – medicinal food. GMO is a product of science and we know that science is supposed to benefit and it has benefited humanity in a big way.

Therefore, I expect this House to take a position on behalf of the people of Kenya. Let us not be sensational about the food situation that we are currently facing.

Can you imagine people who are eating wild fruits listening to us right now talking about how we will not give them maize just because it is GMO because there are some few concerns that they could die? Let us rise up to the occasion and lift the ban on GMOs even if it is for a period of time before we can become food sufficient.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Nyamu.

Sen. Sifuna, you have the Floor. You can proceed.

Sen. Sifuna: Thank you, Mr. Temporary Speaker, Sir, for giving me an opportunity to contribute to this particular debate.

As you know, I am not a scientist, I am a lawyer. So, I will not stand here to argue the science. In fact, I took great exception to a statement by my brother, Sen. (Dr.) Khalwale that scientist are ethical people. Sen. (Dr.) Khalwale went to the same school that I did; Musingu High School and they taught history in that school. You will recall the phenomenon of Nazi scientists; the people who came up with the gas chambers that were used to perpetuate mass murders. Those people were scientists.

The people who gave us big things like atomic bombs were scientists. Recently, there was a discussion on whether the Corona Virus was manufactured in a lab. What we are saying is that human beings, irrespective of their training and profession, have the capacity for evil especially, when you put commercial interest ahead of the human interest.

I am going to refer this House to the legal arguments and leave the science to Sen. (Dr.) Khalwale though I do not want to call him a scientist. As a lawyer, I understand that under Article 10 of the Constitution of Kenya, whenever any state organ, state officer or public officer makes or implements public policy decision, as grave as this one on the lifting of the ban on the Genetically Modified Organisms (GMOs), they are bound by the values and principles under Article 10 of the Constitution of Kenya.

I will refer you to three of these values. Number one, is participation of the people, what we usually call public participation. We may argue the science and we should be allowed to argue the science but Sen. (Prof.) Kamar has told us that there was a reason why this ban was put in place in 2012.

(The amber light was switched on)

If there is new science to show us that this food is safe, we should be shown the new evidence that has emerged to show that these particular organisms are now safe. We are not damn people. We can be taught. We are teachable people. However, as it is, we

are protesting a unilateral decision by the Government or the Cabinet to lift the ban without having allowed this broad discussion to happen.

Secondly, there is a value called patriotism. Patriotism means you love your own country and you protect your own people. There have been arguments that the introduction of the GMOs is going to disenfranchise many farmers because of the question of the technology that is employed in the field of genetics.

There are arguments that many of the organisms that have been created out of this process are subject to very serious patents that one cannot even reuse the seeds once they have planted one crop. They have to go back to the person who patented the crop to buy that particular crop. That means that the Government, in making this decision, is being unpatriotic by failing to protect our very own farmers. Patriotism also means that you love your people. You cannot love your people and as a Cabinet Secretary (CS) for Trade, Investment and Industry, you stand up and say that there are one thousand ways to die so let us add one more way to die so that Kenyans can have a choice.

Lastly, there is the need to protect the marginalized. You have been told here that in other countries, the food is labelled as GMO and non-GMO then one has a choice.

(Red light was switched on)

For the poor people of this country, that is a false choice, as Sen. (Dr.) Khalwale told you. What happens to a poor person when he is hungry and somebody tells him there is a packet of *unga* but it is GMO yet he has not eaten for three days? It is a false choice. We have a responsibility as this House, as a Government, to protect the vulnerable by making policies that protect everyone irrespective of whether they can exercise a choice such as that because of their pockets or not.

I spoke to this issue last time. I am a catholic and the catholic community receives instructions on everything from the Pope. The Pope issued an encyclical on the 24th May, 2015, on this particular subject; it has not changed.

(The Red light went off)

Mr. Temporary Speaker, Sir, I beg for one minute to finish that point.
The position---

The Temporary Speaker (Sen. Wakili Sigei): Sen. Sifuna, we are running out of time. Please conclude.

Sen. Sifuna: Mr. Temporary Speaker, Sir, just one minute, it is the last point.

The position of the Catholic Church, which Sen. Sifuna is a baptised and confirmed member, is that this food called GMO is a no-go zone for us as Catholics. I thank you.

The Temporary Speaker (Sen. Wakili Sigei): Thank you very much Sen. Sifuna.

Hon. Members, I notice that it is one minute to 6:30 p.m. We are supposed to adjourn at 6:30 p.m. but under Standing Order No.34, I am extending the sitting of the

House for the next 10 minutes in order to accommodate the Hon. Senators who are in the queue.

I want to request those who will get an opportunity to contribute to use two minutes for us to all have an opportunity to contribute to this.

Sen. Thangw'a, you have the Floor.

Sen. Thang'wa: Thank you, Mr. Temporary Speaker, Sir. In 2020, South Africa conducted consumer awareness in matters Genetically Modified Organisms (GMO). Their finding was that illiteracy was an impediment. People did not understand about GMO. I would want this House to be included in that list of people who do not understand what GMO is and are therefore, blocking the idea because they do not understand it. Even the Bible in says Hosea 4:6 that my people will perish due to lack of knowledge and information.

As it has been urged by fellow Senators, let us understand exactly what GMO is. Our forefathers have been practising GMO for a long time; genetically modifying plants by cutting a piece of branch from a different plant and putting it to another. That is grafting and is genetically modifying the genes of that plant.

When you do cross-breeding, you take your heifer to your neighbour's house because they have a better breed, you are genetically modifying that heifer to get proper production. Before we say no to GMO, let us understand that it is coming to solve the issue of hunger.

Twenty eight countries cannot be wrong. Eighty three per cent of soya beans grown in the whole world is GMO. We have been drinking that milk in our supermarkets. After nearly three decades of GMO use - according to my research - the International Service for the Acquisition of Agribiotech Application (ISAA), found no harm in the consumption of GMO. This is a debate that---

(Sen. Thangwa's microphone was switched off)

Sen. Oketch Gicheru: Thank you, Mr. Temporary Speaker, Sir. My heart bleeds very seriously for my country because when matters which pose existential threat to us are brought to this House, I expect us to suspend our bi-partisan nature as a House. When we choose to poison animals and plants, we are poisoning ourselves. We cannot hide the GMO agenda on shortage of food in place of availability of food.

Today's world population is averaged at 7.8 billion. The projection is that by the year 2050, we will have about 9 billion people in the world. The production of food in the world today is enough to feed 14 billion people. The question is not, and has never been the issue of shortage. It is the issue of availability.

In this country we have seen - and Sen. (Dr.) Khalwale is clear on this - that when drought is killing people in the north, we have Kenyans in Kiambu taking their cabbages to give to animals because they lack access to the market. We cannot trivialize the issue of GMO to an extent that we want to kill our people.

You cannot talk about GMO without looking at the USA. The USA is a key partner of Kenya on matters GMO and 50 per cent of GMO food in the USA is given to animals.

Mr. Temporary Speaker, Sir, just a minute. Sen. (Dr.) Khalwale knows that 30 per cent of GMO food in the USA is used for biofuels and 8 per cent is used to make the fructose that makes corn syrup that is basically for processed sweets and then the rest is exported. There is nowhere in the USA where people consume these GMO.

(Sen. Oketch Gicheru's microphone was switched off)

The Temporary Speaker (Sen. Wakili Sigei): Senator, your time is up. Kindly proceed, Sen. Wamatinga.

Sen. Wamatinga: Thank you, very much Mr. Temporary Speaker, Sir. I am also surprised by the little knowledge that is in this House. Being an engineer, I want to say process optimization, modification, reengineering is actually undertaken to achieve more efficiency as has been raised here by Sen. Thang'wa.

When you cross breed animals and graft plants, you actually modify them genetically. When you craft plants, you modify them genetically. What we are saying here is that we want to get a breed of crop called maize that will do better in Turkana, Samburu, Maralal and in the dry regions. We optimize the seeds to have better production. When you talk about the food that is being made for animal feed, we know that the products that are fed to animals we eventually consume them.

Therefore, I find that Senators are misleading the House that GMOs are actually meant to poison humans and that is not true. GMOs have been made to optimize production to achieve better products.

Thank you, Mr. Temporary Speaker, Sir. I do not want to be informed.

The Temporary Speaker (Sen. Wakili Sigei): Thank you Senator. Let us now, listen to Sen. Osotsi.

Sen. Osotsi: Thank you, Mr. Temporary Speaker, Sir. This House is a House of representative of the people. Whatever decision and resolution that we make here, it must resonate with the interest of the people we represent. However, if we come here and pursue interests of our political inclination then, we are driving Kenyans in the wrong direction.

Mr. Temporary Speaker, you are aware that GMOs were banned in Kenya in 2012 and there was a reason. Let us reflect on the reasons that led to the ban of GMOs in Kenya. It was because of a scientific report called Seralini study that associated cancer among the rats to GMOs.

We also have issues to do with antibiotic resistance, allergic reactions and many other effects on people's health. Here we are trying to push Kenyans to eat GMO foods. This is the highest act of irresponsibility on the part of the Government to try and push through GMOs without public participation.

Organizations who are stakeholders in this particular sector have complained that they were not consulted by the Government. The Government has decided to ignore them and move on. Then we are told, the next minute, that maize is being imported into this country. Even before the Gazette notice is published, we are told there are several vessels on the seas ready to deliver maize in Kenya.

Mr. Temporary Speaker, Sir, this is corruption---

(Sen. Osotsi's microphone went off)

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senator, your time is up. Kindly proceed, Sen. Kibwana.

Sen. Kibwana: Thank you, Mr. Temporary Speaker, Sir. Seriously, the use of hunger cries does not justify a decision to allow GMOs in this country. This is actually unsettling and a clear violation of the principles of human rights.

GMOs were banned in 2012. I wonder where they have been resuscitated from. For this reason, we are concerned with our safety when it comes to GMOs. This is especially on our own consumption with this generic modified food, it is unacceptable.

Kenyans deserve whole nutritious foods that are grown organically. Why is Kenya willing to feed its people on GMOs when many other countries fear them?

Mr. Temporary Speaker, Sir, I know I do not have time but then, we are not really happy with our safety concerns. We are not being considerate to the general public regarding the GMOs.

Thank you.

ADJOURNMENT

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, let us rise. It is now 6.41 p.m., time to adjourn the House. The Senate, therefore stands adjourned to tomorrow, Wednesday 23rd November, 2022, at 2.30 p.m.

The Senate rose at 6.41 p.m.