

# PARLIAMENT OF KENYA

## THE SENATE

### THE HANSARD

Wednesday, 30<sup>th</sup> November, 2022

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

*[The Deputy Speaker (Sen. Kathuri) in the Chair]*

#### PRAYER

#### QUORUM CALL AT COMMENCEMENT OF SITTING

**The Deputy Speaker** (Sen. Kathuri): Clerk, kindly confirm whether we have a quorum to transact business.

Kindly ring the Quorum Bell for ten minutes.

*(The Quorum Bell was rung)*

**The Deputy Speaker** (Sen. Kathuri): We have ascertained that we now have a quorum. Let us proceed to the next Order.

*(The Clerk-at-the-Table consulted the Deputy Speaker)*

#### COMMUNICATION FROM THE CHAIR

##### INVITATION TO 16 DAYS OF ACTIVISM, 2022 ON 1<sup>ST</sup> DECEMBER, 2022

Hon. Senators, I have a Communication to make on the invitation to the 16 Days of Activism, 2022 on 1<sup>st</sup> December, 2022.

Hon. Senators, my office is in receipt of an invitation to the 16 Days of Activism 2022, on 1<sup>st</sup> December, 2022 from the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women) and the Kenya Women Parliamentary Association (KEWOPA).

This is an annual global campaign that provides a platform to mobilize different actors in prevention and response to Gender-Based Violence (GBV) against women and girls. Every year, the campaign commences on 25<sup>th</sup> November, which is the International

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Day for the Elimination of Violence against Women, and ends on 10<sup>th</sup> December, which is the International Human Rights Day.

Hon. Senators, this year's event will be held on Thursday 1<sup>st</sup> December, 2022 at the Parliament Grounds and will run from 7.00 a.m. to 9.00 a.m.

This is therefore to invite all Senators to attend this important event in the calendar of the Kenya Women Parliamentary Association (KEWOPA), as we collectively take stock of the progress and challenges faced in the elimination of GBV against women and girls.

I thank you.

### POINT OF ORDER

#### CALL FOR AMENDMENT OF SENATE STANDING ORDER ON QUORUM AT COMMENCEMENT OF SITTING

**Sen. (Dr.) Khalwale:** On a point of order, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kathuri): Is the point of order from the communication that I have made or from a different matter?

**Sen. (Dr.) Khalwale:** Mr. Deputy Speaker, Sir, I rise on Standing Order No.1. There is nowhere in our booklet where it is stipulated that a Speaker or a person sitting in the Chair of the Speaker can suspend a Standing Order.

Mr. Deputy Speaker, Sir, I therefore rise on that fact to invite you tomorrow, to suspend this difficult provision that requires we have 15 Members before we commence. You have the power that first, allows you to rise to my invitation and secondly it confirms to you that this was not provided for. You will be doing something that is not provided for.

The trouble that the Minority Whip and I have gone through with my able Deputy in order to get these 15 Senators has been unbelievable. I, therefore, request you to save us from that trouble.

**The Deputy Speaker** (Sen. Kathuri): Yes, proceed, Sen. Cherarkey.

**Sen. Cherarkey:** Mr. Deputy Speaker, Sir, so that you can rule on this matter of quorum once and for all as per Standing Order Nos.39 and 40, we have to appreciate that you are the Senator of Meru County. You sit here as such and you are also the Senate Deputy Speaker.

We need your ruling and guidance that when you are sitting there and we have 14 Senators, should we include you as the 15<sup>th</sup> Senator in order to give quorum?

It is important as you rule tomorrow that you give us a concise, precise and comprehensive ruling. This is because we have a number of Members of the Speaker's Panel such as Sen. Abdul Haji who is in the House and others. If they sit as Temporary Speakers who preside over the Sessions and we have 14 Senators where do we draw the line?

Kindly give us a ruling so that in future when you are sitting there, we count you as the Senator for Meru County. When we are voting, the Chairpersons though presiding in the Committee of the Whole, always participates in the voting despite being the Deputy Speaker, the Chairperson or are in the Speaker's Panel.

I thank you.

*(Sen. Sifuna spoke off record)*

**Sen. Sifuna:** Sen. Cherarkey, that is tough

**The Deputy Speaker** (Sen. Kathuri): Proceed, Sen. Sifuna.

**Sen. Sifuna:** Mr. Deputy Speaker, Sir, I am a bit surprised that very senior Members of this House are making what I consider ludicrous proposals to you. I think what they are inviting you to be is somebody who is breaking the rules of this House, and a power unto yourself. Under Standing Order No.267, there is a procedure for amendment of these Standing Orders.

In fact, we have had this debate including when we had the retreat in Mombasa County when I was talking about the running order of how the Order Paper looks like. It was Sen. (Dr.) Khalwale who was even inviting me to go through this procedure to amend our Standing Orders so that we can have Motions coming before Statements.

Secondly, as I understand the Commonwealth; when you are seated in that chair, you are an *ex-officio* Member of this House. It is not possible for you to participate in debate when you are seated there. These are basic, civic education matters that we should not be discussing here.

I am happy we do not have primary school students in the Gallery because they would be embarrassed that very senior leaders in this country do not understand basic civics.

Mr. Deputy Speaker, Sir, when you are seated there, you are an *ex-officio* Member of the House. That is why if you want to contribute, you must come down to us, “ordinary mortals”, so that you can speak as the Senator of Meru County. I want to caution you. Please do not fall into the trap that Sen. (Dr.) Khalwale is setting for you. You will be the first person---

*(Loud Consultations)*

**Sen. Sifuna:** I am on a point of order.

**The Deputy Speaker** (Sen. Kathuri): Do not mind questioning the Chair because it is a very simple matter. Although I want to give another Senator the Floor now.

**Sen. Sifuna:** I thank you

**The Deputy Speaker** (Sen. Kathuri): Let me hear from the Senate Minority Whip. This issue was initiated by the Senate Majority Whip. Let us now hear---this is also a point of order from the Senate Minority Whip. Proceed, Sen. Dullo

**Sen. Dullo:** Mr. Deputy Speaker, Sir, I am on the Floor. I agree with the Senator of Nairobi City County on certain requests that are made by Sen. Cherarkey and also Sen. (Dr.) Khalwale.

To add on that, Sen. (Dr.) Khalwale was a Member of this House from 2013-2017. We had a similar situation where quorum was a big problem and we agreed that we should remove or amend that particular provision which posed a lot of challenges

then. The best cure for this is for us to agree to remove that provision. There is no shortcut to it.

I thank you.

**Sen. Cheptumo:** On a point of order, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kathuri): Proceed, Sen. Cheptumo, Chairperson Committee on National security, Defense and Foreign Relations.

**Sen. Cheptumo:** Mr. Deputy Speaker, Sir, the Senator for Nairobi City County cannot say that he is cautioning or warning you. From where he sits, he keeps his considered opinion but not to warn you. This is a House of procedure and record - the Fourth Senate.

We have had Speakers and Deputy Speakers sitting where you are. There is a point of order by the ranking Member that you suspend that provision tomorrow. In my considered view, the problem is not you. It is the Standing Orders we have which are very clear and explicit.

The exit in that situation is to amend the Standing Orders. If you suspend that situation tomorrow, what will you do with Standing Order No. 209 where even the Committees of these House will be suspended if the quorum is not achieved?

It is fair that Members of this House unless unable to attend should be available to deal with matters of the House. As you consider that point of order by Sen. (Dr.) Khalwale, it is important for you to consider also our records as a House.

Has this been done before? If it has not, then the wisdom that will prevail would be for you not to be the first to do it. We should be able to amend these Standing Orders. I am happy that Sen. Dullo has told us there was a situation such as this before. The best way would be to amend our Standing Orders.

I know Sen. (Dr.) Khalwale is raising this issue because yesterday, we did not sit because of this situation. He is also the Chief whip. I want you to be guided by what has been done before in this House when this situation arose.

**The Deputy Speaker** (Sen. Kathuri): Proceed, Sen. Orwoba.

**Sen. Orwoba:** I need the microphone. Mr. Deputy Speaker, Sir, one of the things we are suffering from in this House is that while we have Standing Orders that are supposed to guide us, it is the same Senate machinery or procedures that have actually approved the travel of almost 90 percent of the Members.

The same machinery has approved Members to go for games in Juba. I was trying to think of who was in Nairobi City County but is not in the House but I cannot point a finger. Everyone who is not in the House other than Sen. Miraj - who had a delayed flight from Mombasa County - is in Juba.

Even if you were to fault the Whip and say they are not doing their work, they cannot whip any further. This is it. Everyone who is in Nairobi City County is in the House. The same people operating within the Senate - I say this with all due respect - are not considering that we must have a quorum.

In future, while it is important and imperative for everybody to travel and participate in other things, we should understand that House proceedings must go on. Some of us who did not go to Juba yet we are very active and came running. We want to continue. We do not want to be in Nairobi City County and be told that the quorum has

not been met. Yesterday, it was very sad that we came ready to debate and represent our people, push the agenda and table our legislative ideas but then we were told that because of quorum hitch, we could not proceed.

It is very unfair for us who are trying to make quorum. Let us see the balance of that.

I thank you

**The Deputy Speaker** (Sen. Kathuri): Proceed, Senate Deputy Majority Whip, Sen. (Dr.) Lelegwe. This is the last one on this issue.

**Sen. (Dr.) Lelegwe Ltumbesi:** Mr. Deputy Speaker, Sir, there is this order that was raised by Sen. Cherarkey as to whether you will be counted on the quorum issue and voting.

As you are aware, Mr. Deputy Speaker, Sir, when we vote and there is need for us to vote as delegations, it has been always a rule or precedence of this House that the Deputy Speaker votes and adds to the quorum. Why not on the question of quorum on the topic that we are discussing right now?

So, as you make your ruling, kindly tell us why the Deputy Speaker normally votes as a delegation to achieve a quorum and why not on this topic that we are discussing now.

Thank you.

**The Deputy Speaker** (Sen. Kathuri): Now on the list is Sen. Mohamed Abdalla Shakila.

**Sen. Shakila Abdalla:** Thank you, Mr. Deputy Speaker, Sir. I do not have much to say. We have all learned from our mistakes and a lot has been mentioned. I want to urge the Members available here to ensure and commit themselves to be in tomorrow for us to finalize the day and make the quorum.

I thank you, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kathuri): I thought Sen. (Dr.) Lelegwe Ltumbesi is waiting for my ruling because you have raised a matter.

Hon. Senators, this is a straightforward matter. I wish it was moved by a different Member and not the Senate Majority Whip. My question, as the Chair, is; where are your Members because you have a responsibility to give us a quorum?

I do not know whether you are part of the Senate machinery that Sen. Orwoba talked about. Senators, the Standing Orders are not the property of the Speaker or the Chairperson. It is a property of the Senate; this House, where we are Members. You have all the freedom to change it any time. You can change to even have two Members or one Member. You can even remove the membership and the quorum all together. However, from where I sit, I cannot suspend the Standing Order for us to sit tomorrow.

So, Sen. (Dr.) Khalwale, the Senate Majority Whip, we are looking upon you to bring all the thirty Members tomorrow. How many Members of this side? The Senate Minority Whip to also bring to the House the Members on the other side for us to transact business.

On the question as to whether I should be part of the quorum while sitting here as the Chairperson, I think I should not be part of the quorum. I cannot participate in any debate. Sometimes when sitting here, very sweet Motions are canvassed. Sometimes I

even forget that I should represent the people of Meru County. However, I am tied. I cannot debate from where I sit.

So, when I am sitting here, I cannot be part of the quorum. The same applies to all the other Members in the Speaker's Panel when they are chairing. They cannot be part of the quorum when they are here. However, once somebody else comes here, as will be the case as at 4:30 p.m. when Sen. Haji will be here, I can sit in the House, debate, give quorum and participate as a Member of Meru County.

That matter is now ruled.

We go to the next Order. If it is on a different matter, Sen. Cherarkey. Then let us get to that matter as we move on.

Next Order!

### MESSAGE FROM THE NATIONAL ASSEMBLY

#### ESTABLISHMENT OF *AD HOC* COMMITTEE TO AMEND THE CONSTITUTION TO ENTRENCH SPECIALIZED FUNDS

**The Deputy Speaker** (Sen. Kathuri): Hon. Senators, I have a Message from the National Assembly which is the establishment of an *ad hoc* Committee on a legislative proposal to amend the Constitution to entrench certain specialized funds.

Hon. Senators, I wish to report to the Senate that pursuant to Standing Order 46 (3) & (4), I have received a Message from the Speaker of the National Assembly regarding the establishment of an *Ad hoc* Committee on a legislative proposal to amend the Constitution to entrench certain specialized funds.

Pursuant to the said Standing Order, I now report the Message: -

“Pursuant to the provisions of Standing Order No. 41 of the National Assembly Standing Orders, I hereby convey a Message from the National Assembly on its passage of the following resolution during its sitting of Thursday, 24<sup>th</sup> November, 2022;

THAT, acknowledging that Article 256 of the Constitution provides for the process of amending the Constitution by parliamentary initiative;

FURTHER acknowledging that Standing Order No. 114(7)(a) of the National Assembly Standing Orders provides for the process of introducing Legislative Proposals in respect of propositions amending the Constitution;

NOTING, the general debate in the House on the Legislative Proposal to amend the Constitution to entrench the National Government Constituencies Development Fund, the National Government Affirmative Action Fund, the Senate Oversight Fund and the Economic Stimulus and Empowerment Fund in the Constitution;

COGNIZANT of the comments and views of Honorable Members during the general debate on the Legislative Proposal;

RECOGNIZING the need for a bicameral approach to the proposal prior to publication of the relevant Bill;

ACKNOWLEDGING that, the subject matter of the Legislative Proposal cuts across the mandate of more than one Committee of the House;

NOW, THEREFORE, in furtherance to the provisions of Article 256 of the Constitution (Amendment by parliamentary initiative), and recognizing the need for a bicameral approach to the proposal prior to publication of the relevant Bill, the National Assembly on Thursday, 24<sup>th</sup> November, 2022, resolved---

*(Sen. Dullo stood at the entrance)*

I will allow Sen. Dullo to take her seat.

*(Sen. Dullo walked into the Chamber)*

This is a long Message. I will repeat the last paragraph.

NOW, THEREFORE, in furtherance of the provisions of Article 256 of the Constitution amendment by parliamentary initiative and recognizing the need for a bicameral approach on the proposal prior to publication of the relevant Bill, the National Assembly on Thursday, 24<sup>th</sup> November, 2022 resolved as follows: -

(1) To establish a Joint Parliamentary *Ad Hoc* Committee on a Proposal to amend the Constitution to entrench certain specialized funds, comprising eleven Members from each of the Houses of Parliament to-

(a) Facilitate collation of the views from the comments by Members of Parliament during the general debate on the proposal and invite Members with similar or related proposals to make submissions before the Committee;

(b) Invite, engage with and consider submissions from stakeholders and relevant constitutional and statutory bodies with a law reform mandate, including the Attorney General; and the commissions and independent offices established under Chapter Fifteen of the Constitution;

(c) In consultation with the sponsors, attempt to develop and recommend a harmonized version of the proposal arising from the submissions received; and

(d) Report to the Houses of Parliament within 90 days to enable the Speakers to make a decision and give direction on whether or not the legislative proposal is to be published into a Bill or not to be proceeded with.

(2) That, the offices of the Clerks of the Houses of Parliament provide secretarial services to the Joint Parliamentary *Ad Hoc* Committee in accordance with the Standing Orders;

(3) That, the following 11 Members to represent the National Assembly in the Joint Committee –

- (i) The Hon. Samuel Kiprono Chepkonga, MP - Co-Chairperson;
- (ii) The Hon. Rebecca Tonkei, MP.
- (iii) The Hon. Eckomas Mwengi Mutuse, MP.
- (iv) The Hon. Wakili Edward Muriu, MP.
- (v) The Hon. Catherine Nanjala Wambilianga, MP.
- (vi) The Hon. Timothy Kipchumba Toroitich, MP.
- (vii) The Hon. John Mbadi, EGH, MP.
- (viii) The Hon. (Dr.) Otiende Amollo, MP.

- (ix) The Hon. Yusuf Hassan, MP.
- (x) The Hon. Zamzam Mohammed, MP.
- (xi) The Hon. Beatrice Elachi, MP.
- (xii) The Hon. Robert Gichimu Githinji, MP. (Co-opted)
- (xiii) The Hon. Stephen Mule, MP. (Co-opted)

(4) To request the Senate to appoint a similar number of Members to represent the Senate in the *ad hoc* Committee.

NOW THEREFORE, in accordance with the said provisions of the Standing Orders, I hereby convey the aforementioned Resolution of the National Assembly together with the legislative proposal.”

Hon. Senators, I, therefore direct, that the Senate Majority Leader and the Senate Minority Leader nominate Senators to serve in the Ad hoc Committee by close of business today.

I further direct, that once the names of the nominees are received, that the Clerk lists the Motion for approval in the Order Paper before the Senate adjourns for the recess.

I thank you.

Next Order.

### PETITION

#### GRAFT INVESTIGATION OF WEST KANO IRRIGATION SCHEME BY EACC

**The Deputy Speaker** (Sen. Kathuri): Hon. Senators, I have received a Petition to the Senate concerning the Ethics and Anti-Corruption Commission (EACC) graft investigation of West Kano Irrigation Scheme.

Hon. Senators,

(1) I hereby report to the Senate that a petition has been submitted, through the Clerk, by Patrick Ochieng Odindo and two other residents of Kawino North Location in Kisumu County, concerning the Ethics and Anti-Corruption Commission (EACC) graft investigation of West Kano Irrigation Scheme.

(2) As you are aware, under Article 119(1) of the Constitution, and I quote: -

“Every person has a right to petition Parliament to consider any matter within its authority, including enacting, amending or repealing any legislation.”

(3) Hon. Senators, the salient issues raised in the said Petition are as follows-

(i) That the West Kano Irrigation Scheme Revolving Fund dates from 2009 to 2015 and that in August, 2015, a report was made to the EACC on the West Kano Irrigation Scheme Revolving Fund graft involving the government rehabilitation funds, economic stimulus programme funds and the farmers’ own saving funds encompassing irrigation farm machineries/accessories aid and West Kano Irrigation Rice Sales;

(ii) THAT the graft involves misappropriation of 13 tractors and accessories granted by the Government of Kenya in conjunction with the Government of Japan;

(iii) THAT upon receipt of the report, an investigation was launched by the EACC Western Regional Office in Kisumu;



(iv) THAT there is a delay in the investigation of misappropriation of funds by the EACC regional office which resulted in the culprits going scot-free and it remains an injustice to the local residents; and

(v) THAT the petitioners have made all efforts to have this matter investigated and resolved including reporting it to the Commission on Administrative Justice, whose response has not been satisfactory.

(4) The petitioners therefore pray that the Senate investigates these issues among others, instituting a forensic audit of the scheme to ensure that justice is served and culprits are held liable.

(5) Hon. Senators, pursuant to Standing Order 237, I shall now allow comments, observations or clarifications in relation to the petition.

I will not specify the time. I will allow few comments, observations or clarifications.

Sen. Cherarkey, please, proceed.

**Sen. Cherarkey:** Mr. Deputy Speaker, Sir, thank you for this opportunity. I want to congratulate the residents of Kawino North Location in Kisumu County for having faith in the Senate to be able to address this issue of EACC graft investigations.

When you look at the Constitution, the EACC has been given an enormous task, of course, coming out from Chapter Six on Leadership and Integrity and the subsequent Acts that have been passed by Parliament. The sad reality is that nowadays, instead of the EACC investigating corruption and arresting perpetrators, they are accomplices in crime.

We have so many issues on this country including our counties. Our counties are now the bastions of corruption simply because the EACC nowadays does a swoop, then make headlines in the newspapers and media houses. This goes back to 2009. Where is justice in this?

I remember when the EACC appeared before our Committee of Justice and Legal Affairs in the last session. The only conviction they brought to this House was a conviction of Kshs20,000 bribery. The report that they submitted to the Senate is on the HANSARD. Millions of Kenyans money continues to be plundered, laundered and stolen and yet the EACC just sits back doing nothing.

I believe if the allegations that have been raised by these petitioners are anything to go by, then the EACC has turned itself into the perpetrators of corruption in this Republic.

Mr. Deputy Speaker, Sir, finally, justice delayed is justice denied. If these investigations were done in time--- Sometimes, you see a swoop in some of the agencies like county governments. It looks like there are some officers within the EACC who collude with some of these senior county officials, where they do a fake raid, inform the governor and then it just disappears. You never see the matter before a court of law.

The EACC must up its game. They have failed this nation. We have given them enough resources but they cannot even convict a chicken thief in this country because of the obvious reasons. The EACC should stop going to eat with the thieves. That is what is happening in this country.

Therefore, they must be called to order and they must investigate. The other day, the Chief Executive Officer (CEO) called the media and said they are going to arrest five governors who have been accused of corruption but up to now, nothing has been done.

Mr. Deputy Speaker, Sir, I hope the Committee will handle this matter expeditiously. These residents of Kawino North Location in Kisumu County have waited for justice. Of course, we expect the Committee to give the House weighty and proper resolutions.

**The Deputy Speaker** (Sen. Kathuri): Hon. Senators, pursuant to Standing Order No.238(1), the Petition is hereby committed to the Standing Committee on Agriculture, Livestock and Fisheries for its consideration.

In terms of Standing Order No. 238(2), the Committee is required, in not more than 60 calendar days from the time of reading the prayer, to respond to the petitioners by way of a report addressed to the petitioners and laid on the Table of the Senate.

I thank you.

Next Order.

### PAPERS LAID

**The Deputy Speaker** (Sen. Kathuri): Senate Majority Leader, please, proceed.

*(Sen. (Dr.) Lelegwe stood in his place)*

Okay, Deputy Majority Whip, please, proceed.

**Sen. (Dr.) Lelegwe:** Mr. Deputy Speaker, Sir, I beg to lay the following Papers on the Table of the Senate today, Wednesday, 30<sup>th</sup> November, 2022.

#### REPORTS ON THE FINANCIAL STATEMENTS OF VARIOUS COUNTY FUNDS

Report of the Auditor-General on the financial statement of Municipality of Lamu for the year ended 30<sup>th</sup> June, 2019.

Report of the Auditor-General on the financial statement of Municipality of Lamu for the year ended 30<sup>th</sup> June, 2020.

Report of the Auditor-General on the financial statement of Kakamega County Water and Sanitation Company Ltd for the year ended 30<sup>th</sup> June, 2021.

Report of the Auditor-General on the financial statement of Bungoma County Assembly Car Loan & Mortgage Scheme Fund for the year ended 30<sup>th</sup> June, 2021.

Report of the Auditor-General on the financial statement of Bungoma County Persons with Disabilities Empowerment Fund for the year ended 30<sup>th</sup> June, 2021.

*(Sen. (Dr.) Lelegwe laid the documents on the Table)*

**The Deputy Speaker** (Sen. Kathuri): What is your point of order, Sen. Cherarkey?

**Sen. Cherarkey:** Thank you, Mr. Deputy Speaker, Sir. Some of us are struggling to listen to what the Senate Deputy Majority Whip is saying because there is some funny noise that is coming from outside the Chamber.

Can you direct the clerk to ensure that this funny noise penetrating into the Chamber does not affect the studious silence and the keen listening by hon. Members?

**The Deputy Speaker** (Sen. Kathuri): Sen. Cherarkey, you are very audible and everybody is hearing you. Where is the noise from? I cannot hear it.

**Sen. Cherarkey:** Mr. Speaker, Sir, it was audible a few minutes ago. My worry is that it might come back. So, I would like you to direct the Serjeant-at-Arms to check out what is happening.

**The Deputy Speaker** (Sen. Kathuri): Okay.

We have another Paper by the Chairperson Standing Committee on National Security, Defence and Foreign Relations.

#### REPORT ON HEIGHTENED INSECURITY IN MUTHA WARD, KITUI COUNTY

**Sen. Cheptumo:** Thank you Mr. Deputy Speaker, Sir. I beg to lay the following Paper on the Table of the Senate Today, Wednesday, 30<sup>th</sup> November, 2022.

Report of the Standing Committee on National Security, Defence and Foreign Relations on a Statement sought by Sen. Enoch Wambua, MP, on the heightened insecurity in Mutha Ward, Kitui County.

*(Sen. Cheptumo laid the document on the Table)*

#### NOTICES OF MOTIONS

##### INCESSANT HIGH ELECTRICITY COSTS IN KENYA

**Sen. Chute:** Mr. Deputy Speaker, Sir, this is a notice of Motion on incessant high electricity costs in Kenya.

I beg to give a Notice of Motion of the following Motion -

THAT, AWARE THAT energy is an essential factor of production and its total consumption is a major determinant of performance of the economy with its cost and reliability spurring or stifling economic growth;

FURTHER AWARE THAT there has been a significant growth in the demand for electricity in Kenya driven by economic growth, increased efforts towards rural electrification, and reinforcement of the transmission and distribution grids while the supply has been constrained majorly due to the over-reliance on hydro-electric power generating plants that have been negatively impacted by perennial drought experienced in the country;

NOTING THAT imbalance in the demand and supply of power coupled with payments by the Kenya Power and Lighting Company (KPLC) for produced power not consumed power and fluctuation in the foreign exchange rates contribute to the high cost of electricity;

APPRECIATING THAT Kenya has made strides in diversifying its power sources with geothermal plants, offering tremendous potential for zero-carbon source of power, already producing nearly one one Gigawatt (GW) of power;

CONCERNED THAT private power generating companies popularly referred to as Independent Power Producers (IPPs) only supply 28 per cent of power to KPLC but account for 47 per cent of power purchase costs calling for the need to enhance energy management in Kenya;

Mr. Deputy Speaker, Sir, you have seen, 28 per cent of power supply is by IPPs but for their consuming cost-wise---

**The Deputy Speaker** (Sen Kathuri): Sen. Chute, you will have that opportunity to discuss the Motion when you will be moving it. So, just give notice. Read it as it is and then you will have enough time later.

**Sen. Chute:** Okay, Mr. Deputy Speaker, Sir, my apologies.

NOW THEREFORE the Senate resolves that-

(a) The Standing Committee on Energy to undertake an inquiry into-

(i) Contracts signed by IPPs, detailing the cost, capacity and duration of the contractual agreements and their implications on affordability of electricity in the country;

(ii) Discrepancy in the cost of electricity sold to Kenya Power by KenGen, imports from Ethiopia and IPPs; and,

(iii) The diversion of the electricity generated by Lake Turkana Wind Power (LTWP) to the national grid, noting that Marsabit and Samburu counties are inadequately supplied.

(b) The Ministry of Energy to come up with a policy framework aimed at-

(i) Lowering the cost of electricity as a way of addressing the high cost of living; and

(ii) Enhancing clean energy by switching to renewable sources of energy such as geothermal power, wind energy, among others as a way of reducing the carbon foot print.

**The Deputy Speaker** (Sen. Kathuri): Thank you, Sen. Chute. There is another notice of Motion by the Chairperson Standing Committee on National Security.

ADOPTION OF REPORT ON HEIGHTENED INSECURITY  
IN MUTHA WARD KITUI COUNTY

**Sen. Cheptumo:** Thank you, Mr. Deputy Speaker, Sir. I beg to give notice of the following Motion-

THAT, the Senate adopts the report of the Standing Committee on National Security, Defence and Foreign Relations on a Statement sought by Sen. Enoch Wambua, MP, on the heightened insecurity in Mutha

Ward, Kitui County, laid on the Table of the Senate today, Wednesday, 30<sup>th</sup> November, 2022.

**The Deputy Speaker** (Sen. Kathuri): Next Order.

We have several Statements. Let us get the first one from Sen. Murgor. You had a Statement, Sen. Murgor?

**Sen. Murgor:** Mr. Deputy Speaker, Sir, yes, I do.

**The Deputy Speaker** (Sen. Kathuri): Approach the Table for assistance.

*(Sen. Murgor approached the Dispatch Box)*

Let us move to Sen. (Dr.) Lelegwe Ltumbesi's statement in the meantime.

## STATEMENTS

### STATUS OF IMPLEMENTATION OF THE LAPSSSET PROJECT IN SAMBURU COUNTY

**Sen. (Dr.) Lelegwe Ltumbesi:** Thank you Mr. Deputy Speaker, Sir. I rise pursuant to Standing Order 52 (1) to make a Statement on a matter of countywide concern on the status of implementation of the Lamu Port-South Sudan-Ethiopia Transport (LAPSSSET) project in Samburu County.

Mr. Deputy Speaker, the LAPSSSET project was launched in 2012 by former Late President Mwai Kibaki. It is one of the projects under the Presidential Infrastructure Championship Initiatives (PICI) in the African Union. It is also a Programme for Infrastructure Development in Africa (PIDA), a strategic continental initiative which has the support of all African countries for mobilizing resources to transform Africa through modern infrastructure. Consequently, respective African Heads of State and Government where the project traverses through champion it.

Mr. Deputy Speaker, Sir, this mega project consists of seven key infrastructure projects starting with a new 32 Berth port at Lamu (Kenya); Interregional Highways from Lamu to Isiolo, Isiolo to Juba (South Sudan), Isiolo to Addis Ababa (Ethiopia), and Lamu to Garsen (Kenya); Crude Oil Pipeline from Lamu to Isiolo, Isiolo to Juba; Product Oil Pipeline from Lamu to Isiolo, Isiolo to Addis Ababa; Interregional Standard Gauge Railway lines from Lamu to Isiolo, Isiolo to Juba, Isiolo to Addis Ababa, and Nairobi to Isiolo; three international airports; one each at Lamu, Isiolo, and Lake Turkana; three Resort Cities; one each at Lamu, Isiolo and Lake Turkana and the multi-purpose high grand falls dam along the Tana River.

Through the project, Kenya seeks to enhance its position as a gateway and transport hub to the East African Sub-region and the broader Great Lakes Region, reduce over-reliance on the Northern Corridor and to open up Northern Kenya that has been historically marginalized.

Mr. Deputy Speaker, Sir, the project has not been fully operationalized in Samburu County. Ten years later, residents are yet to be fully compensated for ceding

their land for the project. Consequently, an interrogation of the implementation status of this project needs to be done by this House.

Mr. Deputy Speaker, I request that pursuant to Standing Order 52 (3) this matter be referred to the Standing Committee on Roads, Transportation and Housing to -

(1) Establish whether public participation was undertaken in the host counties where the project would traverse, making specific focus on the communities in Samburu County;

(2) Give reasons why the LAPSSET Corridor Development Authority does not have a regional office in Samburu County despite the county being the second longest host of the Corridor project with 208Km;

(3) State the skill set and type of work the current workers are engaged in, outlining skill gaps available at the headquarters and field offices that can be filled by each host county;

(4) Give reasons why host counties, where the project traverses through, are not represented in the Board of the LAPSSET Corridor Development Authority;

(5) State the number and nature of Corporate Social Responsibility (CSR) activities being implemented by the Authority in Samburu County and explain why CSR activities such as the Presidential Scholarship Programme in Lamu County are not being replicated in other corridor counties hosting the project;

(6) State plans, if any, to ensure Samburu County benefits from land leasing arrangements between the LAPSSET Corridor Development Authority and various investors including the Lokichar to Lamu Crude Oil Export Pipeline Project; and

(7) Apprise the Senate on the status of compensation to persons affected by the acquisition of land for the development of the project in the counties that the project traverses, stating measures the Ministry of Roads and Transport has put in place to ensure prompt compensation as per the law governing such acquisitions.

Thank you, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kathuri): Let us go back to Sen. Murgor's statement.

#### IMPORTANCE OF ESTABLISHING WOMEN SELF HELP GROUPS IN CONFLICT PRONE AREAS

**Sen. Murgor:** Thank you, Mr. Deputy Speaker, Sir. I rise, pursuant to Standing Order 52 (1), to make a Statement on an issue of general topical concern and national importance, namely, importance of establishing women self-help groups.

Mr. Deputy Speaker, Sir, throughout history, women have faced intense discrimination. In several societies, women have long been viewed as lesser beings. The adoption of self-help groups as a strategy to empower women originated from India and later extended to almost the whole world.

Women groups are voluntary associations for poor people who join efforts, ideas and resources together for the purposes of addressing issues such as; importance of agriculture and food security, eliminating poverty, enhancing health care facilities and educating women.

In Kenya, the self-help groups have been introduced by organizations like Kitui Development Centre and Self-help Africa among others. Kenya has been at the forefront in advocating for the formation of women groups to foster women empowerment legally, socially and economically. Self-help groups are viewed as ventures for social networking, capacity building, knowledge and skill development as well as economic empowerment. They have led to a new wave of women who have defied all odds, risen and are contributing generally to the society.

Mr. Deputy Speaker, Sir, a women Self-Help Group known as A-NET, was established by the women of West Pokot and Elgeyo Marakwet along the border, with the operations of the group in Chesogon and Liter areas respectively.

Through the self-help group, the women from West Pokot and Elgeyo/Marakwet have changed living standards for themselves, close family members and their communities at large. For instance, they managed to purchase a tractor from funds collected through their savings and contributions from individual members.

The tractor has allowed the group to work and move at high speed while maintaining quality performance, which in turn has boosted their farming activities.

Mr. Deputy Speaker, Sir, the self-help group is for women across the border. This has enabled them to enhance peace between the two communities, encouraged each other to educate their children, help each other financially and engage constructively in the general development of their counties.

I urge other regions with border conflict issues to emulate the initiative of self-help group such as A-NET, in embracing productive activities in order to co-exist with one another and promote peace amongst communities.

I thank you, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kathuri): I will allow a few comments for the two Statements.

Yes, Sen. Dullo.

**Sen. Dullo:** Thank you, Mr. Deputy Speaker. I thank Sen. (Dr.) Lelegwe Ltumbesi. I wish to add on to the Statement on LAPSSSET corridor that he has made.

Mr. Deputy Speaker, Sir, this project should have opened the northern part of this country. A lot of money has gone into it. I believe several promises were made at the beginning of this project, such as scholarships to the communities.

Our land was forcefully acquired by the Government, without compensation. As communities living along those corridors, we have tried to ask the National Land Commission (NLC), to tell us how communities were supposed to be compensated. We have not got any feedback from them.

Mr. Deputy Speaker, Sir, this project is a white elephant if I may say. Something needs to be done. I wish Sen. (Dr.) Lelegwe had come up with a Motion to set up a Special Committee to investigate this matter. It is very serious. A lot of money has gone into it.

If you go to Lamu, there is a port but is it really functioning yet the Government has spent a lot of money? This is a very serious matter. We need to investigate and get to the bottom of it. We want our land back, if there is no development. We do not want false promises, as far as this project is concerned.

Mr. Deputy Speaker, Sir, again, up to now, nothing has been done on compensation, especially to those who are living along that corridor. The land acquired should have even helped the issue of insecurity along those areas.

I believe the Committee on Roads and Transportation, as Sen. (Dr.) Lelegwe had asked, is going to thoroughly investigate this matter and come up with a solution is so far as this project is concerned.

We met the Chief Executive Officer (CEO) yesterday. He said he was unable to proceed because he does not have a budget for it. It is really very sad. This is a project in which billions of Kenya shillings have been invested by this country. A thorough investigation should be carried out in so far as this project is concerned.

I thank you.

**The Deputy Speaker** (Sen. Kathuri): Thank you. Proceed, Sen. Abass.

**Sen. Abass:** Thank you, Mr. Deputy Speaker, Sir. I wish to contribute to the Statement made by Sen. Chute.

*(Sen. Chute spoke off-record)*

**The Deputy Speaker** (Sen. Kathuri): It is okay. You can comment on both Statements. Please proceed.

**Sen. Abass:** Mr. Deputy Speaker, Sir, as Sen. Chute said, the cost of power supply in this country is very high.

**Sen. Chute:** Mine was a Notice of Motion.

**Sen. Abass:** Was yours a Notice of Motion? I am sorry.

**The Deputy Speaker** (Sen. Kathuri): The Statements were from Sen. Murgor and Sen. (Dr.) Lelegwe Ltumbesi.

Proceed, Sen. (Dr.) Khalwale.

**Sen. (Dr.) Khalwale:** Thank you, Mr. Deputy Speaker, Sir, for giving me this chance. This House - the House of equity – must be very loud and active on this economic crime.

The current development that you see, on the artery of transport starting from the port of Mombasa, all the way to Nairobi, eventually to western part of the country and through to Uganda, is as a result of the artery. There is insecurity, high levels of illiteracy and poverty mainly in the counties of Turkana, Garissa, Isiolo, Lamu, Samburu and Marsabit which were going to be unlocked by this artery.

We must make sure that the tomcats and the National Treasury mandarins in Nairobi who have benefited from the billions of Kenya shillings that have gone into this project since its inception by President Mwai Kibaki, are not only brought to book but pursued so that public funds are recovered.

Mr. Deputy Speaker, Sir, the distinguished Senator is speaking to the issue of compensation. I had an opportunity to have a discussion with Sen. Shakila Abdalla. We were discussing about the issue of compensation but what compensation? Sen. Dullo, do we just want to throw tokens at people?

The compensation done, when our land and regions are touched, is pegged on the fact that land adjudication has been done. That way, you can tell *Mzee* Sifuna that the



road has passed and probably taken acres of his land, which you know and then they calculate.

Sen. (Dr.) Lelegwe Ltumbesi, when you are to be compensated and then they start telling you of programmes of educating children; they are playing around with the minds of the poor. We need to be told exactly how the compensation will be established and calculated because in that place, land has never been adjudicated.

When people sitting in Nairobi, including ourselves want to think and articulate issues about it, we are told that the President or somebody else has launched the Lamu Port. Even if all the 32 berths of Lamu Port were functioning, Sen. Shakila Abdalla, that is not the project. It is just a tiny bit of the project.

Imagine the super highways that were going to run all the way and how much they were to turn the economy, solve unemployment, contribute towards fighting poverty and answer the problem of insecurity. This amounts to an economic crime.

If the people from these counties visit Kiambu or Kakamega, they would be lost. They would not believe they are in Kenya. We have to stand out as a House of equity, push this agenda and prosecute this Motion.

If need be, we should create a special *ad hoc* Committee. We can even expand it so as to create a joint committee that attracts membership from the two Houses. We cannot allow our country to go to another 100 years with one part of the country being what we are seeing today.

Mr. Deputy Speaker, Sir, I congratulate the Senate Deputy Majority Whip, the distinguished Senator for Samburu County, for these great thoughts.

**The Deputy Speaker** (Sen. Kathuri): Thank you, the Senate Majority Whip. Let the whole House benefit from your discussion with Sen. Shakila Abdalla.

**Sen. Shakila Abdalla:** Thank you, Mr. Deputy Speaker, Sir. Lamu Port-South Sudan-Ethiopia Transport (LAPSSSET) was in the Vision 2030 programme. LAPSSSET is supposed to be operational by 2030. However, it is only a few years to 2030 and there are only three berths that are operational and, so far, they have spent Kshs56 billion on that project.

Lamu County has the same complaints and cries as those of other counties. This project has not reached any other part of this country. It started in Lamu and we, the people who are on the ground, are suffering. We are not benefiting even an inch from that project.

Mr. Deputy Speaker, Sir, the project is now being managed by Kenya Ports Authority (KPA). They bring in their employees. The other time, they brought about 86 employees from KPA. The only people they are employing from Lamu are the dockers with no one in the management yet there are people who are educated and have experience in Lamu. Those people are never given opportunity in the management position in that LAPSSSET project.

I do not understand why the LAPSSSET headquarters is in Nairobi, yet there is a big building which was put up in Lamu for the LAPSSSET headquarter to be based there. It can even be based in Isiolo. However, they are here, in Nairobi. When you go to the LAPSSSET headquarters, you will realise that there is nobody from Isiolo county. You may get one from Lamu and nobody from the other part of this corridor.

I agree with the Members here that we need to join forces and make sure we all benefit from this project. Our land, about 28,000 hectares, was taken by LAPSSET project. They have subleased that land to Amu Power and none of those people have been compensated. It is only about 300 people who have been compensated. Instead of tackling the land historical injustice in the country, it is unfortunate that the National Land Commission is part of the increasing problems. I agree with the Members that we need to have a caucus that will articulate the issue of LAPSSET to ensure that it benefits everybody.

There is a ship taking animals to other countries like Saudi Arabia and Oman. We have pastoralists who are part of this corridor and the question is; are they benefitting from that particular business? They have no clue that there is such a business going on. We need to include the people who are part of this project, for them to benefit. This is because even the tender of supplying water or cleaning in the LAPSSET comes from KPA.

We know that Lamu is a small port and it has to be assisted but there has to be a timeline. How long will KPA manage LAPSSET and what is the timeframe? LAPSSET can stand on its own but for that to happen they need to ensure that Lamu Port has its own board of directors. We cannot be operating with the KPA board of directors with no representation from a member from the corridor. What is going on is unfair and we need to review the whole thing for everybody to benefit.

I thank you.

**The Deputy Speaker** (Sen. Kathuri): Proceed, Sen. Cheptumo.

**Sen. Cheptumo:** Thank you, Mr. Deputy Speaker, Sir. This is a serious matter. It is sad when one talks of Kshs56 billion having been spent on this project yet none of the counties can testify of meaningful development in their county. This is a project that covers nine counties; Lamu, Samburu, Isiolo, Turkana, Garissa, Laikipia, Baringo, Marsabit and Meru.

I will make a radical proposal. All the nine counties have Senators representing them here. It is important that the nine Senators or the nine counties rise up. There is a tendency in this country where anything affecting the marginalized areas of this country do not receive the attention of the Government. When you talk of the drought that is currently going on in the country, you will find that the same counties are the ones that are affected. All we do is call for donor support from other countries, which is okay, but we do not think of a permanent solution.

The initial philosophy of LAPSSET was to open up these areas for them to be part of Kenya. However, look at what has happened; Kshs56 billion is gone. It has only benefited a few. I want to inform my colleagues, Sen. Shakila Abdalla and Sen. (Dr.) Lelegwe Ltumbesi that their value in this country is zero. That is why the board of directors of KPA continues to manage the same corridor that cuts through nine counties.

The situation is even worse in Baringo. This corridor covers the end of the county. It should have come from Samburu to a place called Loruk then it goes to a town known as Tiaty before it gets to Turkana.

I want to agree with the Members that an *ad hoc* Committee of this House and perhaps one with the National Assembly should be formed. I want to appeal to my

colleague, the Senator for Samburu County, to move a Motion in the House to form an *ad hoc* Committee after the Committee on Roads and Transportation brings the report after 60 days. If he does not, I will move the Motion.

This is what I would call marginalization. When we had the post-election violence in 2007, billions of money was used to resettle people and it was a good idea. However, when there are floods in these areas, no attention is given and no serious projection of Government is taken into account. It is our time, as Members of these counties, to come together.

Mr. Deputy Speaker, Sir, I want to talk about compensation. I am a lawyer by profession and the process of compulsory acquisition of land is clear. One is to identify the land, do the valuation, compulsory acquire and set the funds aside for compensation.

Today, if you go to the Lands Commission, I am very sure there may be no single money set aside for the compensation of these people.

It is the same attitude. They may not do much or go anywhere.

Mr. Speaker, Sir, therefore, I would like to request the Senate Committee on Roads and Transport that as they look into this particular Motion that they need to invite the National Land Commission to appear before them and tell the committee the nature of compensation they have put in place.

Sen. (Dr.) Khalwale said it rightly that there are no title deeds in these areas. It is important for them to tell us how then, were they able to talk of compensation of people whose land has not been adjudicated and given titles.

This House has a duty to represent the counties. I thank my colleague. We are going to stand together. I will appear before this Committee during the hearing so that I also argue a case for my Baringo County. If this corridor is developed, it will go through the appropriate areas which we feel will add value to our counties.

Thank you.

**The Deputy Speaker** (Sen. Kathuri): Sen. J. Lomenen, you may have the Floor.

**Sen. Lomenen:** Thank you, Mr. Deputy Speaker, Sir for giving me this opportunity. The dignified Senator for Samburu County has stated a problem that is faced by the named nine counties.

As I represent Turkana County, I am just hearing of Lamu Port-South Sudan-Ethiopia-Transport (LAPSSET). I have heard that Turkana is among the counties that are supposed to benefit from LAPSSET. As a representative of the people, I do not know the people that manage LAPSSET. I have not seen them and I do not know even one of them. This shows that there was no public participation to involve the community on issues that affect them.

I am sorry that from my perception, this LAPSSET will delay. It will not go anywhere. This is because, you want to have LAPSSET from Turkana or Lokichar to Lamu and these issues have not been handled in Lokichar, then where will you get this product to transport?

For example, we have just been hearing about the issue of compulsory land acquisition. We have been waiting for these people who want to acquire land compulsorily because this is communal land. The Constitution prescribes the procedures on how to acquire land. However, not even one step in the process has been undertaken.

I, therefore, wonder where they will get land before they even get the oil we are talking about? We have never settled the issue of land because it is communally owned.

As Sen. Cheptumo has said, it is true that we do not even have at least two title deeds in Turkana County. So, how do we process the issue of compensation? The land that is there is used for grazing, geothermal and mining of gold and very important minerals. Even before we talk about LAPSSET, we have not handled the issues that are so pertinent. Where do we take the livestock and the people who are living on the land because they have stayed there for centuries?

Mr. Deputy Speaker, Sir, we are still behind. There are people who are taking advantage of marginalised communities. Any time they talk about “marginalised”, there are people who then become marginalised. They say they qualify as “marginalised”.

For example, everybody wants to qualify for the Equalization Fund. If there was money meant for HIV or for people with disability, they also would want to qualify. This is because it is just interest and not being objective about the problems people are facing.

Mr. Deputy Speaker, Sir, finally, I want to tell my brother, the Senator for Samburu that this issue is very serious. Just like Sen. Cheptumo has said, we have to stand firm and make sure that our people benefit. They should receive justice and get what they deserve. If we do not do that, we will be in hell. We will not benefit from this LAPSSET.

I agree with my sister Sen. Dullo. We expected the headquarters to be in Isiolo, Lamu or maybe Turkana where the oil is found, but it is contrary to that. It is a paradox. That means this business is not for these counties. They should go to counties that are benefiting and not the counties that have been mentioned because they do not benefit.

Thank you.

**The Deputy Speaker** (Sen. Kathuri): We have almost exhausted the time for our Statements. I will give one minute each to the following three Senators. Sen. Chute, Sen. Wamatinga and Sen. Murgor.

**Sen. Chute:** Thank you, Mr. Deputy Speaker, Sir. I also thank Sen. (Dr.) Lelegwe Ltumbesi for this Statement. It is a very important Statement. I am in the Senate Standing Committee on Roads and Transport. What I have seen in the Committee is something that I do not even know what to say.

Today, if you invest in any business, you need to complete the business as quickly as possible. This LAPSSET project is supposed to help this country both economically and also manpower. What I do not understand is how a country can invest billions of shillings and the project is not completed.

Mr. Deputy Speaker, Sir, we have a project that is supposed to support a country that has a population of over 100 million people. If this project was complete, we would have had vehicles coming all the way from Ethiopia to Lamu. We are supposed to get export material from Ethiopia passing through Lamu into many other countries. Since this project is not complete, we are losing a lot of money.

I agree with Sen. (Dr.) Khalwale that we should have a joint Committee for both Houses in order to see how far we can go with these things. This is a serious matter that needs to be pursued to the latter.

Mr. Deputy Speaker, Sir, in order to support Sen. Cheptumo, we will need to invite the National Land Commission (NLC) to explain what is going on between Lamu, all the way to Lake Turkana.

**The Deputy Speaker** (Sen. Kathuri): Sen. Wamatinga, you have one minute.

**Sen. Wamatinga:** Thank you, Mr. Deputy Speaker, Sir. I also rise to support the nine counties in the Republic of Kenya because development in any part of the country is development everywhere.

The entry of President Mwai Kibaki came with Vision 2030. The nation envisaged a situation whereby we would not only fulfil all sustainable development goals (SDGs) but also put the country on a roadmap where all counties develop equitably and equally.

The complication of bureaucracies, corruption and mismanagement of natural resources has seen Lamu Port-South Sudan-Ethiopia Transport (LAPPSET) being hijacked.

With the entry of Jubilee Government, we moved from Vision 2030 to the Big Four Agenda. Unfortunately, it is in history that after a short time, we abandoned the Big Four Agenda again for the Building Bridges Initiative (BBI) and 'Reggae'.

Mr. Deputy Speaker, Sir, I join hands with the nine Senators to move the country forward because we have a moral obligation and duty to develop this country for ourselves, our children and great-grand grandchildren. This will never be achieved unless we have a common strategy.

*(Sen. Wamatinga's microphone went off)*

**The Deputy Speaker** (Sen. Kathuri): Give the Senator one more minute. That was an anti-climax.

**Sen. Wamatinga:** Thank you, Mr. Speaker, Sir. That one minute is usually short. I would wish this time can be used to calculate our month day because it is short.

We have an obligation to come together as a nation so that marginalized counties which make the biggest percentage of this country move forward as we seek regional integration of the greater East African region so as to open those regions for the betterment of this country.

**The Deputy Speaker** (Sen. Kathuri): The last one is Sen. Murgor.

**Sen. Murgor:** Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to also add my voice to those of my colleagues. I thank Sen. (Dr.) Lelegwe Ltumbesi for bringing this Motion.

In this country, it is almost a practice to perceive lands in marginalized and pastoralists areas as free for all. In fact, when an idea comes and they know that a project will be in such an area, they allocate themselves those areas so that they have documentation and at the end of the day, they benefit. I am talking about people probably in Ministries.

Mr. Deputy Speaker, Sir, they push away the locals and make themselves locals. I have an experience on Turkwell Dam where the Pokot community was displaced. A dam was built in that area and there was no compensation. The people that run the project

become the beneficiaries because they know where the donor is coming from. It is a bad practice considering it leaves disaster behind.

The Turkwell Dam Project left the Pokot community landless. They have no land to date. It left them poorer than before the project came.

I urge that we desist from this practise and habit. I am glad that there is talk on Senators joining together along the LAPPSET corridor in order to salvage the situation.

*(Interruption of debate on Statements)*

### COMMUNICATION FROM THE CHAIR

#### VISITING STAFF FROM KISUMU AND BOMET COUNTIES

**The Deputy Speaker** (Sen. Kathuri): Hon. Senators, we have a delegation from Kisumu and Bomet counties, seated in the Speaker's Gallery.

I acknowledge the presence in the Speaker's Gallery, this afternoon, of visiting members of staff from the County Assemblies of Kisumu and Bomet who are in the Senate for an attachment programme.

I request them to stand so that they may be acknowledged in the Senate tradition.

They are-

- (1) Ms. Valerie Achieng, Hansard Officer – County Assembly of Kisumu
- (2) Mr. Alman Moses, Clerk Assistant – County Assembly of Kisumu
- (3) Mr. Victor Langat, Assistant Hansard Editor – County Assembly of Bomet.

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

I thank you.

Let us get a Statement from Sen. Dullo. This time, there will be no comments. Three Senators will give their Statements in order to conclude this Order.

*(Resumption of debate on Statements)*

#### CRITERIA USED IN COMPUTING COMPENSATION TO LAND OWNERS ALONG THE HORN OF AFRICA GATEWAY PROJECT IN ISIOLO COUNTY

**Sen. Dullo:** Thank you, Mr. Deputy Speaker, Sir. I rise, pursuant to Standing Order No.53(1), to seek a Statement from the Standing Committee on Land, Environment and Natural Resources, on criteria used by valuers at the National Land Commission (NLC) to compute compensation to land owners in the Horn of Africa Gateway Project along Isiolo-Modogashe Road in Isiolo County.

In the Statement, the Committee should –

- (1) Table a list of all land acquired by the NLC along the Isiolo – Modogashe Road, indicating the amount owed to each land owner and the criteria used in determining the compensation figures.

(2) Explain the valuation criteria used by NLC in determining the figures, giving reasons for the biased discrepancy in compensating several land owners, noting that owners of semi-permanent houses were paid higher than owners of permanent houses.

(3) Give reasons for NLC's decision to compensate structures only excluding land.

(4) Outline measures put in place, if any, to ensure NLC undertakes a standard re-evaluation, taking into account compensation for both land and structures.

**The Deputy Speaker** (Sen. Kathuri): Thank you. Let us now have Sen. Shakila Abdalla.

DELAY IN COMPENSATION TO FISHERMEN IN  
LAMU COUNTY AFFECTED BY THE LAPPSET CORRIDOR PROJECT

**Sen. Shakila Abdalla:** Thank you, Mr. Deputy Speaker, Sir. I request for a Statement on the delay in compensation by the Kenya Ports Authority (KPA) to Fishermen in Lamu County.

I rise pursuant to Standing Order No.53 (1), to seek a Statement from the Standing Committee on Roads, Transportation and Housing concerning delay in compensation by the KPA to fishermen in Lamu County affected by the LAPPSET Corridor Project.

In the Statement, the Committee should -

(1) Give reasons for the inordinate delay by KPA to compensate Lamu fishermen whose livelihoods was adversely affected by the LAPPSET Project; yet they successfully petitioned and were awarded Kshs1,760,424,000 by the High Court, on 30<sup>th</sup> April, 2018.

(2) State when the KPA intends to pay the Lamu fishermen their compensation which was released by the Authority by the National Treasury.

(3) Provide a list of fishermen to be compensated and the amount each will receive.

(4) Outline the recourse available to these fishermen including consideration for payment for damages occasions by the delay in compensation for more than four years after being awarded by the court.

Mr. Deputy Speaker, Sir, I thank you.

**The Deputy Speaker** (Sen. Kathuri): For record purposes, the two statements by Sen. Mwaruma are dropped because he is not around.

The Statement by the Senator for Mombasa County, Sen. Faki, is also dropped.

COUNTY BOUNDARY CUTLINE BETWEEN  
TAITA TAVETA AND NEIGHBORING COUNTIES

*(Statement deferred)*

ACQUISITION OF LAND BELONGING  
TO RESIDENTS OF IKANGA AREA BY THE KAA

*(Statement deferred)*

UJENZI WA BARABARA YA MAKUPA  
ENEOLA KIBARANI, KAUNTI YA MOMBASA

*(Statement deferred)*

**The Deputy Speaker** (Sen. Kathuri): We shall proceed to the last Statement by the Senator for Marsabit County, Sen. Chute.

Kindly proceed.

CESSATION OF BROADCASTING IN RENDILLE,  
BURJI AND BORANA LANGUAGES BY KBC RADIO

**Sen. Chute:** Thank you, Mr. Deputy Speaker, Sir. Request for a Statement from the Kenya Broadcasting Corporation (KBC) for the discrimination towards eastern indigenous languages.

I rise, pursuant to Standing Order No. 53 (1) to seek a Statement from the Standing Committee on Information, Communication and Technology on the cessation of broadcasting of programmes in Rendille, Burji, and Borana languages by the Kenya Broadcasting Corporation (KBC), Eastern Service radio station.

In the Statement, the Committee should -

(1) Outline the number of indigenous languages that have a frequency modulation at the Kenya Broadcasting Corporation specifying the dialects that have either shared or dedicated frequencies.

(2) Explain the reasons for KBC's cessation in 2021 to broadcast in Rendille, Burji, and Borana languages at its Eastern Service Station without notice.

(3) Provide the criteria used to upgrade radio programs of certain native languages to a dedicated frequency, while other dialects have been discriminated against.

(4) Recommend measures, if any, for the inclusivity of all aboriginal dialects to have either a dedicated or shared frequency modulation.

I thank you.

**The Deputy Speaker** (Sen. Kathuri): All the Statements read stand referred to the relevant committees.

The Statements by the Senators for Taita-Taveta and Mombasa counties have been deferred to the next sitting.

Next Order.

## MOTIONS

**The Deputy Speaker** (Sen. Kathuri): The Mover of the Motion, Sen. Kajwang', is not in the House hence the Order is now deferred.

Next Order.



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 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)*

**The Deputy Speaker** (Sen. Kathuri): Next Order.

DROUGHT AND HUNGER  
MITIGATION IN TURKANA COUNTY

**The Deputy Speaker (Sen. Kathuri):** Sen. Lomenen, proceed to move your Motion now.

**Sen. Lomenen:** Thank you, Mr. Deputy Speaker, Sir, for this opportunity. I beg to Move the Motion on drought and hunger mitigation in Turkana county. Turkana county people have been affected by severe drought and hunger that has destructed their livestock, livelihood, economic activities. The state remains deplorable.

Turkana county is one of the most affected areas by drought in Kenya as reported earlier by the National Disaster Management Authority (NDMA). Further aware that drought has wiped out at least a half of Turkanas' nomadic livestock even stating half is understating it. It is more than that, almost 90 per cent of livestock is gone. Livestock are dying at an alarming rate everyday and we are expecting that if the rains fall, more livestock will be---

**The Deputy Speaker (Sen. Kathuri):** Sen. Lomenen, I guide you to read the Motion as it is on the Order Paper then we get a seconder.

**Sen. Lomenen:** Mr. Deputy Speaker, Sir, do I read the Notices of Motion? I think when I am moving it, I am not supposed to read again. I just want to explain the facts in details. I do not know if---. Do I read it the way it is?

**The Deputy Speaker (Sen. Kathuri):** Sen. Lomenen, just beg to move and read it as it is.

**Sen. Lomenen:** Mr. Speaker, Sir,

Noting that Turkana people have been affected by severe drought and hunger that has destroyed their livestock, livelihood and economic activities. The state remains deplorable. Turkana is one of the most affected areas in Kenya as reported earlier by NDMA.

Further aware, that drought has wiped out at least half of Turkanas' nomadic livestock. Drought has struck livestock, arable farming has been altered, water wells have dried up and livestock are dying at an alarming rate every day. People have lost their lives the most affected being the elderly, the sick, lactating and pregnant women.

**The Deputy Speaker (Sen. Kathuri):** Sen. Lomenen, kindly approach the Clerk-at-the-Table for some guidance. You may have a different document.

*(Sen. Lomenen approached the Clerk-at-the-Table)*

What is your point of order Sen. Cherarkey? I hope it is not on the Motion by the Sen. Lomenen kindly, because you never lack something to say. I wanted you to spend this time---

*(Sen. Cherarkey spoke off record)*

**Sen. Cherarkey:** Mr. Deputy Speaker, Sir. My only concern is whether I have the right Order Paper because following what my colleague Sen. Lomenen was reading

and what I have is totally different. I thank you for that guidance because I can see that Sen. Lomenen is properly guided.

We want to give flesh to the Motion since drought has greatly affected farming. We want to support the Motion by Sen. Lomenen. I am not casting aspersions on the hard work and industrious nature of my colleagues. However, it is important for my colleagues to approach the Table Office or the Clerks-at-the-Table for guidance. I also thank the Office of the Clerk of the Senate because whenever we need a document it is always made easily accessible through the guidance of the office of the Speaker or your office.

I also saw another colleague today not having a document that needed to be presented in the House.

I think our table office and the Secretariat are always on hand to help us. Last time he said I always take Turkana athletes and change them to Nandi. I did not know why he was changing the Motion to another one. We can return those athletes to Turkana when they have won gold.

I thank you.

**Sen. Lomenen:** Thank you, Mr. Deputy Speaker---

**The Deputy Speaker** (Sen. Kathuri): Okay, proceed.

*[The Deputy Speaker (Sen. Kathuri) left the Chair]*

*[The Temporary Speaker (Sen. Abdul Haji) in the Chair]*

DROUGHT AND HUNGER  
MITIGATION IN TURKANA COUNTY

**Sen. Lomenen:** Thank you, Mr. Deputy Speaker, Sir. I beg to move the following Motion on Drought and Hunger Mitigation in Turkana County-

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 months ending September 2022 represented only 21 percent 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 this 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 residents to the brink of starvation and resulting in the highest-ever rate of acute malnutrition in the County at 33 percent.

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 resulted 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 have 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 the 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 including –

(1) A rollout of a Rapid Response Initiative (RRI) program of providing foodstuffs to the affected residents of the County to address immediate critical needs;

(2) an introduction of a feeding program in schools across the County;

(3) the drilling of water boreholes; and,

(4) an institution of a livestock off-take program to buy weak livestock.

Mr. Deputy Speaker, Sir, right now as we sit here, the people of Turkana County, especially pastoralists are severely suffering. They have lost their livestock that is the main source of livelihood. Livestock is very important in pastoralist communities. A camel takes care of a family for two years. This is because it is milked four times a day for fourteen months. So, if important animals such as a camels lose their lives, what happens to the dependants?

Animals such as cows or cattle are very important in our culture and our community. Donkeys for us are just like a Probox vehicle. This is because, during migration, they transport children and elderly people from one place to another, who are both very valuable. As Christians, we respect the donkeys because, Biblically, they ferried Jesus.

We always respect donkeys, unlike the people who have been using donkeys without respecting them. I think that is a violation of the rights of donkeys.

People are now waiting for the rain. Up to now, there has not been even one drop of rainfall in Turkana county. This means the people there, especially women are suffering and losing their lives. Women will travel long distances in search of water. When they travel those long distances, they are accompanied by young females who are not married.

Mr. Temporary Speaker, Sir, these ladies also travel long distances in search of water which gives stress to these people. Elderly people do not move from one place to the other because they are old and cannot afford to. They are supposed to be provided with the by-products. Without the by-products like milk, meat and more, they will suffer.

I know that the President, Dr. William Ruto, visited Turkana County, Samburu County and other areas that are experiencing drought. The governor of Turkana county provided some maize though it was just a drop in the ocean. People are still suffering. In fact, the introduction of that maize made it worse. People now expect to receive food on a monthly basis but that is not it. They are still waiting for food up to now.

Furthermore, the livestock herders go out to make sure that their livestock have gotten water. The big boreholes are dried and they suffer from dry pits that are so deep. For one to get water from the deepest borehole, they take 12 people from the dip to the ground. Most people have lost their lives because of rapids caused by loose soil.

Mr. Temporary Speaker, Sir, that problem can only be solved by the Government of Kenya (GoK) and the county government. Establishment of boreholes or water projects will be sustainable because the people and livestock will drink that water. Secondly, the county government in collaboration with the national Government should mobilise donors, well-wishers and humanitarian organisations like the United Nations High Commissioner for Refugees (UNHCR) that takes care of refugees in Kakuma and Dadaab camps.

The international law says that all communities are supposed to be taken care of. We urge the GoK, which I trust, in collaboration with the county Government, to ensure that the refugees in Kakuma enjoy the same privileges with the host community. The host community should enjoy provision of food, health services and the same privileges as the refugees.

We have water sources such as River Kerio, River Turkwel, Lake Turkana and the aquifer, which was discovered in Turkana West. The national Government in collaboration with the county government must ensure that irrigation is done along these rivers. As we speak, water is available in these rivers. River Kerio and River Turkwel flow up to Lake Turkana but only about 10 or 5 per cent is arable.

We urge the Government to have affirmative action to ensure that seeds are provided to farmers who live along River Kerio and River Turkwel so that they do farming. Moreover, there is an opportunity that is already there because refugees have been given the opportunity to farm by the UNHCR. That opportunity should also be given to the host communities that migrated from insecure areas to secure areas like Atilu, Lodwar, Lokichar, Katilo and Lokori. Those people migrated from insecure areas

and are now staying next to rivers. They should be given the opportunity to farm because they are more experienced.

Mr. Temporary Speaker, Sir, in addition, the national Government in collaboration with the county government should harvest rain water. Rain water is important. We experience floods during rainy season. If this water is harvested, it can be used during drought season. That will be important instead of crying about drought every year. We should be aware of the early warning signs of drought every year.

The county government of Turkana should set aside drought funds to take care of emergency situations during drought. We have climate change or global warming which contributes to drought. The government should set aside drought funds that the communities affected can use for planting trees, drilling boreholes and building big dams that cannot dry up. That will mitigate pastoralists from moving from secure to insecure areas in search of water and pasture. Drought funds are very important for drought hit areas.

Last month, the President of this nation, Dr. William Samoei Ruto visited Turkana county. I was pleased with how he went with over 15 ambassadors to see what Turkana county is really experiencing; drought and climate change. They saw it and were convinced that Kenya needs assistance. The Government should mobilise more humanitarian organisations like World Food Organisation, United Nations International Children's Emergency Fund (UNICEF) and World Vision for them to assist in curbing drought and hunger.

Mr. Temporary Speaker, Sir, this scenario is very serious. Before our pupils begun their exam, I went to Kapedo Girls Primary School and I saw them faint while the teacher was teaching. That is a desperate situation that we do not expect. These children, including those in form four, are expected to seat for their exam yet they are suffering from insecurity, drought and hunger.

Mr. Temporary Speaker, Sir, the Government should take special affirmative action in areas such as Kapedo, Lokori and Motilaa. How do you equalize the students from hardship areas with students from Nairobi? It is not possible. Those people should seek their justice.

Mr. Temporary Speaker, Sir, so as to give other Members an opportunity to---

*(Sen. Lomenen's Microphone went off)*

**The Temporary Speaker** (Sen. Abdul Haji): Sen. Lomenen, I will give you one minute to conclude.

**Sen. Lomenen:** Thank you Mr. Temporary Speaker, Sir. I call upon Sen. Cheptumo to second this Motion.

I thank you.

**Sen. Cheptumo:** Thank you Mr. Temporary Speaker, Sir. I rise to second this Motion and I thank Sen. Lomenen, Senator for Turkana County for this very timely Motion.

If you read the content of this Motion and listening to the Member, it presents a very desperate situation prevailing in Turkana. It is desperate because the Motion talks

about deaths of people, livestock and a situation where there is no hope. This situation has definitely denied the great people of Turkana the enjoyment of their social, economic and even political rights as provided for in Article 43 of our Constitution.

The basic livelihood of the people of Turkana and, indeed, the pastoral areas is livestock farming in terms of the food, for clothing, payment of fees for their children and every other livelihood situation, it is the livestock.

When you talk of livestock dying in numbers, in thousands, it tells you that there is no hope in that society. If you see what has been happening of late, when you read newspapers, you watch what is happening on television and other electronic media, it is, indeed, a very desperate situation.

I want to support this Motion and say that it is unfortunate that this is happening 59 years after we attained Independence in this country. By now, it is known that every year drought must occur in areas like Turkana and other parts of our country like Baringo, Samburu, Isiolo and Tana River.

That is why over the years, some regional bodies like the Kerio Valley Development Authority (KVDA), Tana River Development Authority and the Rift Valley Water Services Board have been established to look into these issues but the funding of these institutions---

The philosophy behind these institutions was meant to address these challenges. We have the idea but there is no political will to fund those institutions so that they can address this situation.

What we are doing is to wait for the situation to arise and then we call upon donors to give us resources and when the situation improves, we forget about it until the next it occurs.

I have understood the manifesto of the Kenya Kwanza Government and there is a deliberate action as we move forward that this situation should be addressed in our various counties so that at no time again shall we have the Turkana people dying of hunger.

If you read Article 43(1)(c) economic and social rights, every person has a right to be free from hunger and to have adequate food of acceptable quality. That is a right guaranteed by the Constitution and to be enforced by the government of the day.

What we do today - my colleague has said it very well - is that we call upon donors to come forward, they give us food then we distribute. Let me assure you that that food being distributed is not adequate food of acceptable quality. Let alone the quality, even the quantity is not enough.

This House should ask itself one question; we represent counties. What can we do as a House apart from raising Motions like the one raised by my colleague here? I have done this again in the National Assembly because Baringo County has a similar situation out of the six sub-counties, may be three of four are facing the same situation. Shall we be satisfied with this Motion every other day?

I want to call upon the Kenya Kwanza Government led by His Excellency the President who understands the situation in Turkana in these pastoral areas that, this time round, we need to allocate enough resources to these ASL area through these regional

bodies so that we should be prepared in advance to ensure that there is enough water to irrigate our land. Some of the areas can be irrigated and we have food supplies.

Therefore, it is important that this House rise above the issue of emotions. We have bodies like the National Drought Management Authority. Even the wording of the institution is clear; National Drought Management Authority. That body should be managing drought. How?

Is it just by telling us the likely scenario of drought arising very soon? I think we have the capacity as a House to move the country and ensure that this is done.

The other day, we had 23 counties with the situation like in Turkana prevailing. Today, I am told that they are 29 and moving to 30. Almost more than a half of our country is exposed.

I would like to thank my colleague for this Motion and I would like to say to the country now that a part from Turkana where the situation is so desperate the way we have read, it is happening in other counties including your county of Wajir, Garissa, Mandera, Baringo, Isiolo, Taita Taveta, Lamu and other areas. As a country and as a people, we must go for affirmative action so that we have a permanent solution to this situation.

We have now closed the schools, I do not know what is going to happen in January when our children go back to school in Turkana. I want to call upon the government noting that the old livelihood for these areas is livestock and they are now dead.

It is important to set aside the special fund towards bursary for students in Baringo and other counties where they are unable to pay their fees, now that we do not have the National Government-Constituency Development Fund (NG-CDF) because of the law.

Shockingly, the areas where we have this drought situation manifested, are the same areas with insecurity. They should fight insecurity and the drought. We are 70 per cent of the country. If this situation arose elsewhere, I assure that the entire Government machinery would have been sent to deal with the situation.

It is time, as Members from the pastoralist areas, to call upon Government. I have a lot of faith and confidence that our President will be able to rise to the occasion and this time round look for permanent solutions so that we do not wait for drought to arise but plan before we reach at this situation in terms of providing water, food and irrigation in those areas.

I second and thank my colleague for this Motion.

*(Question Proposed)*

**The Temporary Speaker** (Sen. Abdul Haji): I now call upon Senators to make contributions to this Motion.

Proceed, Sen. Cherarkey.

**Sen. Cherarkey:** Thank you, Mr. Temporary Speaker, Sir, for this opportunity.

I do not know why my lecturer and teacher Sen. (Prof.) Tom Ojienda, SC, is excited today. It could be maybe he is aware that the Hustler Fund has been launched



today and the hustlers of Kisumu County are happy and excited to have it. The Fund will be life-changing to many young people with no opportunity to access start-up capital.

Mr. Temporary Speaker, Sir, I hope Sen. Tom Ojienda can mobilize the hustlers of Kisumu County to seize this Fund which does not belong to either of the coalitions but to all Kenyans from all walks of life. From Garissa to Kisumu, Kakamega, Nandi and many others.

This is a straightforward Motion. It is sad that almost 60 years after Independence, we are discussing about food insecurity, famine and drought.

I congratulate Sen. Lomenen. I know why he is saying that most of the people from Turkana are good athletes. They must be, with all due respect, running around looking for water and taking care of the animals. No wonder he said the reformed warriors should be given an opportunity to be athletes.

He is a ranking Member, having come from the 'Lower House'. I can see he is learning the ropes very fast in this 'Upper House'. I hope the people of Turkana are taking notes. These issues that have been brought by the Sen. Lomenen are critical and important to our people. We do not need to belabour the point. Everybody knows that in Northern Kenya and parts of North Rift, there is always a dry season. It did not happen the other day. This is not an abracadabra moment. We have always known there is drought and famine.

From 2020, some of the regions have received little rainfall. I was having a discussion over lunch with Sen. Abass and he told me that in his county, some parts have experienced little rain. We do not need rocket scientists to tell us what is happening.

The solution to food insecurity is one; take care of the farmer. If the farmer is happy, we subsidize production over consumption, get good yields and seeds, affordable fertilizer, we produce more. When we produce more, Kenyans in Turkana and any part of this country can have food on their table. We are aware that more than four million Kenyans have been facing starvation for some time.

I saw a sad story where a child was cooking a chameleon. It is disappointing and distasteful, to say the least. We must be pragmatic as a country on how we can ensure no Kenyan dies of hunger. We cannot talk about the Millennium Development Goals (MDGs) or the Sustainable Development Goals (SDGs) when we are still talking about hunger.

There is a new phenomenon of hunger and starvation within our cities especially on low-income houses in some of these slums. We are having famine and hunger where food is not accessible. The solution is taking care of the farmer.

Last week, I said before the nation that if we do not prioritize buying of maize and grains from local farmers, we will discourage them.

I am happy the Cabinet Secretary has agreed with us that there is need to give the local maize farmers time to harvest their maize and process it through dryers. Many people do not know about maize.

Mr. Temporary Speaker, Sir, I heard a senior ranking official in this Government alleging that we should store maize within 72 hours. It is very unfortunate. As a professional farmer, the moisture content of harvested maize is normally 23 per cent. Therefore, we need to dry it, until it lowers to 13.5 per cent. After that, it can be

delivered to millers and the National Cereals and Produce Board (NCPB). Why is that? If you deliver when it has a high moisture content, there is a tendency of developing aflatoxins, which are poisonous and cancerous in nature. The Kenya School of Government (KSG) might be useful to such people, so that as leaders and senior government officials, do not make such reckless statements.

We are happy the Government has given us up to February to process our maize. I can assure the country that we are looking at a bumper harvest of more than 42 million bags. The country uses an average of 50 million bags of maize.

According to some research, on average, a person in Kenya consumes 90 kilogrammes of maize. However, here in Nairobi, there is a lot of nutritional advice on not to eat a lot of ugali. Nonetheless, my neighbours, especially from Western Kenya where Sen. (Dr.) Khalwale comes from, consume two bags of maize while an average Kenyan consumes one bag in a year.

*(Laughter)*

*(Sen. (Dr.) Khalwale spoke off-record)*

Mr. Temporary Speaker, Sir, maize is a staple food. It is also grown in Kisumu County. Let us protect the local farmer. The only way to motivate local farmers, whether from Kisumu, Kakamega, Lamu, Turkana, Nyamira, Kisii and many other parts, is to buy their produce at good prices. If you buy a bag of maize at Kshs7,000; the same price we bought fertilizer, it will motivate us to go back to farming.

Mr. Temporary Speaker, Sir, there is no Constituency Development Fund (CDF). We, therefore, depend on maize to pay school fees, our upkeep and farm. I agree with proposals and one of the prayers, that animals in Northern Kenya and drought-stricken areas must be bought. However, I do not want to see a cow being bought at Kshs15,000; the way Kenya Meat Commission (KMC) was doing.

In my opinion, the minimum a cow should be bought is between Kshs50,000 and Kshs100,000 because a farmer has spent a lot in the maintaining and taking care of it. You are killing that farmer in Northern Kenya twice, if he sells the weak animal at Ksh1,500. What is Kshs1,500? What can 15 dollars buy in a country, where the cost of inflation and living is very high? I agree with this issue.

Mr. Temporary Speaker, Sir, the only way to protect farmers is through guaranteed minimum returns. Be it coffee or sugarcane. There is a programme called “A Thousand Ways to Die.” Being a Kenyan farmer can be classified as one of them. Farmers do not have the energy to perform night duties because of what we go through. We are tired, disenfranchised, stressed and many other things that farmers undergo. People here in Nairobi wait for farmers from Nyandarua to deliver foodstuff to them. Can you believe that in Nyandarua, we throw away potatoes and yet somebody is dying of hunger in Turkana? Can you believe in my county, we have milk clot whereas somebody in Garissa is dying because of hunger and yet we are in the same country?

The Mover of the Motion talked about the rapid response unit. In my tenure, as the Chairperson of Committee on Justice, Legal Affairs and Human Rights (JLAHR), we once visited Brazil which has one of the best rapid response units. When Brumadinho

Dam collapsed, the rapid response unit of the State of Minas Gerais was able to mobilize within five minutes, 25 helicopters. They even have a national centre, that can detect within seconds, an emergency or a disaster that is about to strike. We are doing very bad as a country in terms of emergency response.

*(The amber light was switched on)*

Secondly, Turkana County has received Kshs120 billion for the last 10 years. Where is that money? The Senator for Turkana County should tell us where the money is. We should have approximately five irrigation schemes in Turkana to enhance food sustainability. These counties have become the bastions of corruption. We are disbursing a lot of cash to counties. Sen. (Prof.) Tom Ojienda, SC, can you believe it? In ten years, for example, over Kshs120 billion has been disbursed to the County Government of Turkana yet there is no irrigation scheme to assist the people of Turkana to have food on their table. It is the same in many other counties.

What we have done because of endemic corruption in this country is a creation of 47 billionaires. It is as simple as that. In fact, we should just close these counties, give everybody his share and go home. How can you talk of Turkana having received Kshs120 billion in 10 years, yet they do not have a way of sustaining food supply to their people?

I, therefore, appeal to the new Governor and a new Senator, Sen. Lomenen; that some of these emergency responses is the work of the counties. Agriculture is a devolved function. Drilling of water boreholes is done by agencies like Lake Victoria North Water Service Board, National Irrigation Board which are domicile within the Ministry of Water, Sanitation and Irrigation. In Laisamis, the boreholes were drying around the months of June and July. How can people and animals survive?

We should not have Kenyans feeling lesser because they come from dry areas like Northern Kenya or North Rift. They should feel equal to Kenyans coming from Nandi, Kisumu, Kiambu - where our retired President comes from - or anywhere else. Therefore, this Motion is very important.

Mr. Temporary Speaker, Sir, going in to the future, we need to have a conversation about Genetically Modified Organisms (GMOs). How can we work around it to enhance food production, but within a safe environment? We need rules, regulations and laws that allow biodiversity. If you visit abroad, organic foods is expensive whereas GMOs are cheaper. How do we go as a country in ensuring that we are food sustainable? The solution to this menace is to take care of the farmers the same way we do with religion.

Mr. Temporary Speaker, Sir, I speak on behalf of the farmers. My colleagues who come from drought-stricken areas might think I am selfish. I am not. I can guarantee you that if you take care of the farmers, they will produce more and prices will come down. We need to develop a mechanism.

Mr. Temporary Speaker, Sir, transporting maize from Nandi to Turkana is cheaper than importing it from Mozambique. The World Food Programme (WFP) imported maize all the way from Mozambique. It is alleged that by the time the maize landed in Mombasa, it was contaminated. We have a superhighway between Nandi and

Turkana. I can deliver my maize to Turkana County within a day. We do not need to import from Mozambique; the way WFP is doing. In that way, we are giving out our foreign exchange because we are buying using the dollar. Why can we not give that money to the local farmer?

This House should stand with farmers. My brothers and sisters; Sen. Chute, Sen. Abass, Sen. Lomenen and many other colleagues that come from that region, including yourself, let us support local farmers. If we stand with the farmers and subsidize production over consumption, I can assure you that no Kenyan shall again die because of hunger.

Mr. Temporary Speaker, Sir, in conclusion, we have the issue of climate change. The President is pushing for planting of ten billion trees. We also need to appreciate that delay in rains is caused by deforestation. We need to do reforestation.

As a Senate and with the guidance from your office, I look forward to a tree planting session, so that we can lead as Parliament. Sen Lomenen and other Senators who come from dry areas, including yourself, can attest that climate change is real. In my county, it normally does not rain during this time but currently, it is raining.

*(The red light was switched on)*

Mr. Temporary Speaker, Sir, with those many remarks, I will allow my colleagues to contribute. I support this Motion.

**The Temporary Speaker** (Sen. Abdul Haji): Thank you, Sen. Sen. Cherarkey.

Proceed, Sen. (Prof.) Tom Ojienda, SC.

**Sen. (Prof.) Tom Ojienda, SC:** Thank you, Mr. Temporary Speaker, Sir. Since I am the acting Senate Minority Leader, I can speak from here. Everyone has left for Juba to play games and we are in the House.

I rise to support the Motion by Sen. Lomenen of Turkana County. I am aware that Turkana County has voted into office a competent governor in the name of hon. Lomurkai. When Sen. Lomenen brought this Motion, he knew that it is time that we need to get sustainability into governance. We have able governors and, of course, by us supporting them because we will ensure that counties invest in projects that will support food security in the future.

I agree with Sen. Cherarkey's contribution that if we support the farming sectors and the producers, only then can we be assured that in the future we will not have calamities such as famine that we have had over the years. It is sad that in this century we are talking about famine in counties such as North Eastern. You will be surprised that even in producing counties such as Kisumu County, there is famine in certain pockets. I am sure it is same for Kakamega County.

This is because you will find that the climatic conditions that we have favours production, for instance, maize. However, because of the high prices of inputs such as fertilizer and tilling machinery, farmers or small-scale farmers are unable to produce sufficient crop that would last them into the next season.

We need a policy framework that would lead to a rapid response initiative that feeds into the farming sector by first reducing the price of inputs. We also need to ensure that we are able to have enough crop and produce going into the next season and that we

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are able to harness the capacity of the grain producing areas to produce sufficient grain to feed the other none grain producing areas. Above all, we must invest in sustainable irrigation projects.

Mr. Temporary Speaker, Sir, I pray that this Government can revive certain projects. We had dams that were intended to have been constructed, but hit the brick wall. We had the Arror and Kimwarer and the other dams. We have Soin Dam at the boarder of Kisumu and Nandi counties.

It is a sure bet because I know that it will supply water and alleviate poverty to many. It will be a resource that will lead to enhancement of food security in the counties around the lake region.

I further support that this framework should also support other sectors, so that we give capacity to all levels of farmers. This is so that we are able to have a sustainable mode of production and that we put more money as a country into the Ministry of Agriculture and Livestock Development for future purposes.

Lastly, Mr. Temporary Speaker, Sir, let me say something about climate change. My learned Senator has spoken to climate change and it is real. We have parts of this country that have rains when they do not expect to have those rains. We also have parts of this country that are experiencing dry weather even when they should be having rains.

We must mitigate the effects of climate change by planting trees. I agree with the learned Senator that it should be a deliberate policy from Government to ensure that we think about carbon credits. However, we need also encourage our people to plant trees. This is the only way to mitigate bad weather going into the future.

This is because we know that the weather patterns are not only unpredictable, but La Nina is often followed by El Nino. We have rain then drought and that impacts on food security.

I support.

**The Temporary Speaker** (Sen. Abdul Haji): Thank you, Senator. Kindly, proceed Sen. Chute.

**Sen. Chute:** Thank you, Mr. Temporary Speaker, Sir. I support the Member from Turkana Sen. Lomenen.

I come from Marsabit County. I was in Marsabit two weeks ago and also yesterday. I went to Jaldesa, Shura, Kampinye, Segel and Kargi. It was my first time to see donkeys dying *en mass*, leave alone other livestock. I was that in Shura, people were asking us “we normally use donkeys to fetch water, what do we do now?”

We are in a very dire drought condition. This is not only in Turkana County, but it is in over 30 counties. About two to three weeks ago, it was in about 23 counties. Yesterday, I think some two counties from Nyanza region were also included in this category.

People are talking about farming. We also have farmers in Northern Kenya and Turkana. We are livestock farmers. In Marsabit alone, we have lost over 80 per cent of our livestock. The remaining livestock have migrated to Ethiopia.

As I said, yesterday I was in Marsabit County. I went there with a donor from Nairobi. These are the giant group of companies led by Mr. Mkesh and we distributed

food in Merile. He was very shocked and asked me whether we have Government in place when people of Marsabit are suffering to that extent. I told him yes.

The people he interacted with told him that they did not have food and security. There is abuse of drugs and so many other things. We came back last night and many neighbouring towns called and asked me “you did not bring us food. You brought food to people of Merile only.”

gr people are really suffering. We met with the President Hon. (Dr.) William Ruto, maybe two months ago in Naivasha. I told him things were getting worse in my county. I asked him what he was going to do to help us. Are you not going to declare a national disaster?” He said “yes, we are going to do it.” Now two months down the line, but nothing has been done.

When food from the national Government is distributed, I think a household will only get a kilogramme of maize meal. How will it help you? Sen. Cherarkey was saying “we have a bumper harvest.” If he has a bumper harvest in Rift Valley and in Marsabit and Turkana people are starving and dying, are we in the same country. I really doubt?

Lactating mothers are suffering from malnutrition. Children in Early Childhood Education (ECDE) are no longer attending classes. I went to an ECDE class in Argei and realized that the children are not going to school. This is because, the porridge that they were being given is not there. This is not something that can be taken lightly.

Mr. Temporary Speaker, Sir, the water levels have gone down. More than 80 per cent of boreholes, pans and dams in Marsabit and Turkana counties are dry. We have the Kenya Kwanza Government that says “*tunatenda na tunafanya*”, but I am seeing the opposite of what they are talking about.

Marsabit County has four problems. Some are manmade and others are natural. The manmade problems are corruption and drug abuse. If you go to the 47 counties, you will learn that money that is meant for relief supplies is consumed here in Nairobi. The little of relief supplies is sold on the way to Marsabit by the drivers and their turn boys. When it reaches the Government stores like the National Cereals and Produce Board (NCPB), the people there steal some. The same thing happens when it goes to the committee of the chiefs.

Many Non-governmental Organisations (NGOs) in Marsabit, Turkana and other places have decided to stop giving relief food supplies. They have opted for cash transfers. I urge both the national and county governments to go the cash transfer way. That guarantees whatever is supposed to go to the poor is sent to their phones.

The other problem we have is banditry on our highways from Isiolo to Marsabit. Surprisingly, I went to Moyale and came back to Isiolo. I counted 17 police barriers, each manned by not less than 10 police officers. If you do your maths, you will realise that those are 170 police officers yet there are banditry attacks on the road from Archers Post to Merille almost every day. People have lost lives, money and goods.

We have drought, banditry on that road and our animals are being stolen. When I went to Argei, our people lost over 800 head of cows to bandits from Rift Valley. Those people happen to be relatives of my friend, Senator for Turkana County. This happens because the National Police Reserve (NPR) guns were given to people from Rift Valley while the people from Marsabit County do not have them.

We have drought, banditry attacks, corruption and drug abuse. These are the four major problems that we have in Marsabit County. The same thing applies to Turkana County. I am a United Democratic Alliance (UDA) Senator and we cry to our President almost every day. I do not know if he is not listening to us or he is ignoring us. Our people are dying and we are asking him to intervene as soon as possible.

Yesterday, a lady, *Mama Wato*, called me from Moyale and told me; “I had over 100 cows, they are all gone. I now have only 16 left. Please, send me your lorry to ferry these cows from here to Isiolo.” I am now organising a lorry for her. Out of 100 herd of cattle, the lady has only 16 now. She has lost almost everything. She does not have a husband and no children. I really felt sorry for her. This is the situation we are in.

Mr. Temporary Speaker, Sir, two weeks from today, if we do not get enough rains to help our people, it is going to be a disaster. It will be unmanageable. I will be honest with you.

As i speak, our people are in Ethiopia. Yesterday, they called me from a place called Magado in Southern Ethiopia. They told me that animals from Turbi, Bubisa, Dida Galgalu and Adhuhuri are in Ethiopia. They do not have food and security. We had to talk to Ethiopian authorities to help our people stay there for a few weeks until we get rains, hopefully soon.

Mr. Temporary Speaker, Sir, I now have two issues. I am almost finishing. The other problem we have is inbreeding. Our animals are having problems because we have never brought bulls from outside Marsabit County. That is a big problem. We get this kind of drought situations yet the immunity of our cows are very low.

I want to thank a few people and NGOs who are contributing a lot to our people in Marsabit. That is National Drought Management Authority (NDMA), Pastoralist Community Initiative and Development Assistance (PACIDA), Caritas Internationalis, Northern Water Services Board (NWSB), National Water Harvesting, Ewaso Ng’iro North Development Authority (ENNDA), Strategies for Northern Development (SND), the United States Agency for International Development (USAID) and not forgetting the Giant Group of Company.

I would also want to thank Mr. Mukesh who is a donor, Mombasa Cement Chief Executive Officer (CEO) and Blue Nile Wire Products CEO, Mr. Rao.

Finally, I request our dear President to help us by declaring this a national disaster so that the NGOs can divert the funds meant for development to a disaster-managing fund.

Thank you, Mr. Temporary Speaker, Sir.

**The Temporary Speaker** (Sen. Abdul Haji): Sen. Shakila Abdalla, you have the Floor.

**Sen. Shakila Abdalla:** Thank you, Mr. Temporary Speaker, Sir. I rise to support this Motion. A country which is not able to feed its people is a failed country. We must accept that Kenya has failed because we are not able to feed our people 60 years after getting freedom. We have failed.

For eight years, Turkana had an oil rig. This was one thing which should have helped Turkana get out of poverty, but they are currently drowning in poverty.

Mr. Temporary Speaker, Sir, it is sad and unfortunate that marginalized people become more marginalized with their own resources. Today, we should not be talking of Turkana receiving Kshs120 billion for 10 years after giving out petrol for eight years yet they are currently dying of hunger.

We need to ensure that people own their resources. The major and crucial resource that everyone should have is land. The Government should make a point to give people their own land so that when big projects come, they are able to lease their land instead of doing compulsory acquisition; considering they do not have titles nor the entitlement to those central resources. We urge the Government to ensure that they give people their resources so that they own them

Mr. Temporary Speaker, Sir, we need to learn to substitute our food. We should not depend on maize 100 per cent. There are many other crops which can be grown and can feed us. There is cassava, potatoes, sweet potatoes, yams and many other crops. We should look at the areas, their seasons and be able to put crops where they can grow faster and easily in order for the country to feed its people.

It is sad and unfortunate for a country like Kenya, 60 years after Independence that we cannot feed our people. It is shameful.

Thank you, Mr. Temporary Speaker, Sir.

**The Temporary Speaker** (Sen. Abdul Haji): Sen. Orwoba.

**Sen. Orwoba:** Thank you, Mr. Temporary Speaker, Sir, for this time. I feel that I have to contribute to this Motion as I support it because there is an element we are not highlighting with regard to the food security situation in this country. We are talking about water and ways to mitigate the drought, but we are not talking about the agencies and institutions that the Government has put together to ensure they address this kind of situation.

I put the spotlight on the Vision 2030 organization. That institution sat down and came up with proper blue prints on economic, social and political developments. In those blue prints under economic development, they also focussed on food security.

Mr. Temporary Speaker, Sir, in their report which was churned out around 15 years ago, they had advised the Government on what to do in a couple of years. They talked about on how to increase our agricultural productivity. They put out objectives and goals which, included ensuring there were thousands of acres dedicated to large-scale farming.

There was even an advisory to the Government to identify certain regions where land was lying idle and could be put up for agricultural projects. This was to ensure that we do not push the productivity of our small-scale farmers, but to also ensure that we were going towards the direction of large-scale farming. The issue of food security is just about productivity.

As a country we are either going to agree to be producers or importers of agricultural produce.

We need to decide. If we are not interested in large scale farming and intentionally approaching this food security matter in a form of productivity, we might as well focus on oil, ports and other economic activities. When we get that money, we can import food.



I want to shed light on the fact that we are repeatedly talking about solutions that have already been stated, written out and reports put out through various institutions such as Vision 2030, the Ministry of Agriculture, Livestock, Fisheries and Irrigation, consortiums and Public Private Partnerships (PPPs). We know and have the solution to the mitigation of drought and hunger in this country. What we need is the goodwill and an intentional approach.

I specifically want to talk of something that was pushed as the agenda of the Kenya Kwanza Government. While we were out on campaigns, we talked to farmers trying to understand what the challenges are. We understood and saw that farmers had stopped growing cotton because we are not purchasing it. There is no market or real value for it in Kenya.

Farmers have stopped the large-scale production of maize. This is because a farmer will produce, harvest and store their maize and when they take it to the NCPB, it takes five to six months to be paid. So, with time the frustrations of getting a commercial gain as a farmer have been stipulated clearly.

I will speak on one thing today because it under this Motion, but we are not looking at it from an intentional approach. We just launched the Hustlers Fund which is supposed to push economic activities, including agriculture which is an economic activity. It is also supposed to ensure that our farmers are able to scale up their activities and get to a point where they are not small-scale but large-scale farmers.

I take this opportunity to urge those involved in the Hustlers Fund; the technical team and our President that we have youth who are farmers and are engaging in agri-tech businesses. They are using technology to spur and push the future of this country in terms of food security. The activities that these farmers are engaging in cannot be financed, or supported by the Hustlers Fund as it is now with the processes they have put. These kind of start-ups that are actually touching on food security should be given special attention even though we are saying that it is equal to all and the Fund has to be standard for every business.

We are looking at a situation where we are about to address this country and say we are in a state of emergency and drought is killing our people. Therefore, as a Government, if our intention is to ensure that youthful people are focusing their businesses on agriculture, technology in agriculture and specifically for food security, they must be put in some special place where they can be promoted. This is because they are dealing with a direct issue and addressing a serious concern right now. We cannot just assume that everyone gets Kshs500 or Kshs300.

What will Kshs500 do for a youthful person conducting an agritech business? A person trying to ensure that their production of eggs, vegetables and any form of food is scaled up?

We have the potential to increase our food production. We have the human and land resources. We have a lot of idle land. We also have institutions and organizations taking money from the Exchequer, but are not working.

I would like to see what Vision 2030 has done since they put out these objectives of ensuring that we have food security this whole time. I would like to see all that the consortiums and Public-Private Partnerships (PPPs) that have been set up under the

Ministry have done. Can we start coming out with results so that it is clear to the people of Kenya that the Government is doing something about food security?

Mr. Temporary Speaker, Sir, we are in 2022. While we are talking about matters of drought and food security, we must embrace technology. There is a lot of debate and conversation around Genetically Modified Organisms (GMOs) and technology. It is a very simple fact that our population, not only in this country, but in the planet is increasing. Unfortunately, the land is not increasing.

We must embrace technology. When we are talking about technology, it is not just about GMOs. Technology comes in many forms. We have Nanotechnology that is now being infused into agriculture. We have genetic engineering, which everyone is arguing about, we have agricultural technology where we are using machinery in terms use of ensuring that you use minimum inputs so that you can get maximum output of the farming and we have irrigation techniques.

I think about all the water treatment opportunities that we must embrace so that in areas where we do not have the rainfall that is needed, we can practice some of the water treatment technologies like reverse osmosis; that is a form of technology. We can even look at integrated soil fertility management. We need to sensitize Kenyans that we cannot run away from technology; not in agriculture and food security. We must embrace technology.

Mr. Temporary Speaker, Sir, the question should be, is the technology safe? Are we also safeguarding the health of Kenyans? At the end of the day, we cannot be saying that we are rejecting GMOs and that we are not going to take technology. What is the other option? When we tell people that we are rejecting GMOs and that we are not going to import a, b, c, or d, I would like to hear what other options are being thrown at us.

As I said, food security is about two things. We agree and accept that we are going to be intentional in increasing our production of farm produce or we throw our hands up and we say that we are just going to be importers of food. If we are going to be importers of food, we need to know where the money is coming from because we have to purchase and import that food.

Unfortunately, our country does not have the option of relying on food importation. Therefore, we must have very important conversations with institutions that have been put together to push the agenda of food security. They are getting money from the Exchequer yet they are bringing no results. We are tired of theories, papers and research documents.

What we want from the Government of Kenya is an actual plan. We need to see that of all the research documents and all the solutions that are out there, which one are we picking and implementing? On the issue of the Hustler Fund, I am appealing to the President to make special consideration for the youth who engage in agriculture and technology. Something has to be done to encourage and scale up those opportunities.

I thank you, Mr. Temporary Speaker, Sir.

**The Temporary Speaker** (Sen. Abdul Haji): Thank you, Sen. Gloria.

Sen. Abass Sheik Mohammed, kindly proceed.

**Sen. Abass:** Thank you, Mr. Temporary Speaker, Sir. This Motion has come at the right time. It is the third time that this issue of drought and lack of food has been brought before the Senate.

Access to food is a fundamental right for every person. It is fundamental for every Kenyan to access food. Therefore, nobody should be food insecure. As rightly said by my colleague Mhe. Shakila, we cannot claim to be an independent country or a sovereign State when 60 per cent of the people are food insecure. It is a shame.

This is because we have the technology, the scientists - Kenyans are well learned - and the water. You can see rivers flowing 24/7. River Tana is flowing day and night, Lake Victoria is a fresh water lake with that kind of water mass, Lake Turkana where people are dying is also a fresh water lake. Unfortunately, people neighbouring these places are dying.

This is a deliberate omission and commission. Otherwise, we have no excuse. We are bragging that Kenya is a middle level developed country. How can we be developed when 60 per cent of the population is food insecure?

Mr. Temporary Speaker, Sir, the most unfortunate thing is that this country is depending on rain-fed agriculture. Rain-fed agriculture cannot be depended on. These days, due to the climate issues, rains fail, especially in the Arid and Semi-Arid Areas (ASAL). We have no preparedness for food production, on water harvesting or anything with these few and *ad hoc* interventions.

If it was not for the NGOs and non-state players, we would have seen many Kenyans die because of hunger. Those are the people who are saving us today and who come to our aid at the right time.

Mr. Temporary Speaker, Sir, 2.5 million animals died. That is almost Kshs200 billion lost to drought. In other parts of Kenya, when we have grand production of maize, the Government gives a certain price level. They say that nobody can buy less than Kshs2,000 or Kshs3,000. The NCPB is being compelled to buy that maize at a certain price. Equally, if there is any failure of pricing, grand production of coffee or tea, every year, they are given a minimum guarantee.

Mr. Temporary Speaker, Sir, we are losing millions of animals. There is no compensation, guarantee of buying and selling, marketing. So, you ask yourself, to whom do these animals belong? Do they really belong to Kenyans? I am surprised. This is the mainstream for 20 million Kenyans. The livestock sector employs almost 15 million Kenyans. Whose animals are these?

The animals and people are dying because they have no food. It is a deliberate planned way of actually minimising the pastoralists livelihoods. Otherwise, we do not know what is happening.

Mr. Temporary Speaker, Sir, we have no timely interventions. There is no early preparedness. This country is never prepared for any disaster. One day, we can have a lot of water flowing along Embu, Kitui, Tana River, Garissa counties and everywhere else. However, that same area, people and animals are dying because of hunger yet we can harvest that water and divert some of these rivers.

At times when it rains, you see those rivers demolishing houses, destroying farms and killing people and animals. The same animals have no water the next day. After three months, water is scarce.

Countries such as Egypt do not see rain for many years. Egypt that depends on a river that comes from Lake Victoria is a food exporter. We even get our food from there. A country such Somalia is almost a failed state. People have been in war for the last 30 years yet they do not have this kind of problem.

So, you wonder, what are we supposed to do? We cannot always be crying for food. Children cannot go to school because some of them cannot even walk to due to hunger. They have no school fees. It is quite an unfortunate situation. There is no strategic plan.

The only institution that was supposed to assist the NDMA. Every Government that come in transfers NDMA to useless places. There was a time they were taken to the Ministry of Regional Development, another time they are taken to the Ministry of East African Community and they were taken to the Ministry of Devolution at some point. That shows that nobody cares about these things yet that is the only institution that would be very useful to us.

In Uganda, our neighbour, there is a Ministry for Karamojong' Affairs. Do we know that 70 per cent of Kenyan land mass is Arid and Semi-Arid Land (ASAL) and 20 million people depend on these animals? There is no strategic plan or Ministry to take care of the interest of these people. So, what do we say? Can we say that we are only a burden to Kenya and not Kenyans? The way we are treated is a very unfortunate state.

We have been given counties yet most of the money is held by the national Government. The money for livestock, agriculture and water has not been transferred. We have received less than 10 per cent. The rest of the money is just lying in Nairobi. So, how would the people living in those areas be helped? We need a strategic policy framework deliberately earmarked for Northern Kenya and other ASAL areas.

I was shocked. I know the Meru guys may get annoyed with this, but last time when the Somalis failed to buy Miraa, Meru people were given Kshs1 billion to absorb the price lost. They were given Kshs1 billion for Miraa yet when our animals die, there is no compensation. This is double standard and we must know where we belong.

Kenyans are now refugees in Ethiopia, part of Somalia, Sudan and in Uganda. Last time, there were so many Kenyans who registered as refugee. Today, they have gone back to the same place because they can get good as refugees. Their Government is not able to provide them with food.

It is high time that we plan for this country. If 70 per cent of this country's land is not required, then they should be told that they can survive on their own. We cannot be crying for food or drought yet drought is a phenomenon that is all over the world. In Europe and America, the whole land is covered by ice and fog for nine months. They do not produce anything, but they are never food insecure. The entire Middle East is dry like the Sahara Desert yet they do not cry for food. We do not hear about these things in Tanzania and Uganda.

This country is bragging around as the middle developed country yet 60 per cent of its people are hungry and their animals are dying. I do not know what the hell that is.

I support the Motion by my brother from Turkana County, but I think we have a policy failure. Unless it is deliberated, we cannot be talking about drought and hunger 60 years after Independence.

With those remarks, I support.

**The Temporary Speaker** (Sen. Abdul Haji): Thank you, Sen. Abass.

Sen. Wamatinga, you have the Floor.

**Sen. Wamatinga:** Thank you, Mr. Temporary Speaker, Sir. I rise to support. A number of things have been said about the failure of our national Government to manage the food situation in this country.

Yesterday, we did not have a session because we could not get quorum. It will surprise you that the main reason is that majority of the Senators in this House are somewhere in Juba doing some form of sports.

At time, I wonder whether we have the right priorities in this country. At a time when this country is faced with hunger, it beats logic for us to sit here, in the House, and discuss the situation of hunger in most parts of this county. If I had a minute of deciding, I could have diverted the money that we are using in Juba to feed the Kenyans who desperately need that food. This has been replicated over and over again.

The other day, people from Nyandarua County offered to transport their surplus food to other counties faced with hunger. A 110-kilogramme sack of carrot is selling at less than Kshs50 in Nyandarua. What we have is the distribution of the resources that we have.

If we as Senators and the other class of politicians, including the governors, were committed to the course of changing the destiny of this country, we will do it. It needs us to put our heads together. On the other hand, the governors should form economic blocs. This hunger does not come as a surprise. You will find that some people may be experiencing extreme hunger while others from the same economic bloc have surplus harvest.

Post-harvest wastage in some regions goes up to 95 per cent. These are some of the things that we need to look into. For the last 60 years, we have engaged in a lot of irrigation projects. When I was a contractor, I did a project in Lokichogio, Lokbai, Kalemnyang and several irrigation projects in Turkana.

The common denominator with all of them is that they are fed by one river - River Turkwel. When it goes dry, all these projects go dry. What we need to change is the approach to technology. If we do not embrace water harvesting technologies, construction of mega dams that will be feeding the rivers in dry seasons, we will cry for another 60 years.

We have also failed to embrace technology to make sure that we prolong the life expectancy of our harvest. Save for maize, all the other fresh produce goes to waste within a couple of days. We have seen a country like Holland using shock free technology to preserve their foods for several months. We can do the same. Lack of political goodwill has seen us in this situation we are in today.

To change the destiny of this country, we must relook at the way we allocate our resources. We must look at the ways we define the functions of the Government. We

have a National Irrigation Authority mandated to do irrigation and increase production. However, we see the Treasury starves it of money.

Some of the money given to the county governments, if put together in regional blocs, we would be able to come up with viable solutions that can be implemented and can be of long-term solution. I think we have to relook at the devolved functions and the way they can achieve economies of scale. It will not be viable for a county to do a big dam because it is too expensive. Three or four counties putting their resources together can make it achievable.

As I commend the Sen. Lomenen for this wonderful and timely Motion, we must relook at where we stand and stop double standards. Arguing that the country is faced with hunger whereas we are sending all our Senators to Juba to go have a good time without any economic value to this country, begs the question whether we really know the direction that we want to take.

Mr. Speaker, Sir, I support.

**The Temporary Speaker** (Sen. Abdul Haji): Thank you Sen.

Sen. Mariam Omar, the Floor is yours.

**Sen. Mariam Omar:** Thank you, Mr. Temporary Speaker. I thank the Senator for Turkana for bringing this Motion.

I rise to support the Motion. Thank you for allowing me to give my views on the issue of drought. I have a personal experience.

I rise to support the Motion.

Thank you for allowing me to give my views on the issue of drought. I have a personal experience. The story of Turkana has hit too close to my home. An estimated 3.5 million people, which is approximately 20 per cent of the population of ASALs are classified as having acute food insecurity.

The counties that are most affected are Mandera, Turkana, Wajir, Garissa, Samburu and Isiolo. These areas are predominately pastoralists livelihoods.

Mr. Temporary Speaker, Sir, I draw your attention to the current drought situation in Mandera. As I speak, the current report is that Mandera County and other affected counties are struggling to cope with the cumulative consequences of other issues like COVID-19 pandemic and locust invasion. Currently, at least 1.5 livestock which pastoralist rely on have died. The most affected are children, pregnant women and lactating mothers who are suffering from malnutrition.

Mr. Temporary Speaker, Sir, the situation is worsened by the fact that the families are separated. Men from pastoralists communities move to the nearest counties, for example, Kitui and other neighbouring countries like Somalia and Ethiopia to look for pasture and water, leaving their families behind.

As I speak, our candidates must sit for the national examinations despite the situation, where basic needs are unavailable. School going children cannot go to school due to lack of food and water.

I am worried when the country is discussing about the issue of GMOs. The affected people in these counties do not have that luxury of thinking whether it is GMO or organic because they urgently need food.

It is very sad that this is happening to us repeatedly in the 21<sup>st</sup> Century. It is embarrassing that we are discussing about food security yet finding a solution to the situation seems impossible.

Mr. Temporary Speaker, Sir, Kenya is not the only country affected by climate change. I believe that communities in ASALs of Kenya need to build resilience. Emergency response alone will not end the cycle of hunger. We need to address the urgent needs and set sufficient foundation.

Mr. Temporary Speaker, Sir, more effort must be put by the national and county Governments, the private sectors, humanitarian organizations and development partners to support long term food security, livelihood and resilient plants.

Measures must include investment in strategic grassroots food systems and communities to achieve sustainable food economic securities. We also need coordinate support with organisations that are providing emergency, especially in the hard to reach areas.

We need to respond to food security emergency for the most vulnerable people living in the ASAL areas. Clear information sharing and tracking mechanism must be put in place between the county government department and the humanitarian actors.

Some NGO are giving out food, but they are asking for birth certificate and Identification Card (ID) for accountability of their food. We need to ensure that people in need access the necessary documents. Additionally, measures need to be put in place for those who cannot access services due to lack of these civil documents like ID and birth certificate.

Lastly, we should learn from other countries that have mitigated drought. We need the GMOs because our people need food right now. We need food so that our children can go to schools to do their national examination.

Other counties do not have these drought issues. The national Government needs to come in. Our President should declare the drought a national disaster, so that this people can be supported fully.

I thank you.

**The Temporary Speaker** (Sen. Abdul Haji): Thank you, Senator.

Sen. Miraj, kindly proceed.

**Sen. Miraj:** Asante, Bw. Spika wa Muda, kwa kunipa fursa hii niweze kuchangia Hoja hii. Naunga mkono Hoja hii ya Seneta mwenzetu. Ni kinaya kwamba miaka 60 baada ya Kenya kujikwamua kutoka kwenye minyororo ya mabepari, tunazungumza juu ya masuala ya ukame na ukosefu wa lishe ya kutosha katika taifa letu.

Nikikaa hapa nikisikiza wenzangu wakijadili Hoja hii, nimeona kwamba tuna tatizo. Tatizo hili tumekuwa tukilikwepa kwa muda kwa sababu. Ukame haujaanza leo wala hautaisha leo.

Nimekaa hapa nikapitiwa na taswira moja iliyotokea kule jijini London mwaka wa 1952. Wenyewe waliita the Great Smog of London wakati wa Prime Minister Winston Churchill.

Kulikuwa na mabadiliko ya hewa ambayo yalika kwa muda wa siku nne mfululizo na kuwaua watu elfu kumi.

Ilikuwa wazi kwamba Prime Minister Wakati huo aliweza kupata stakabadhi na kupewa maagizo ya kwamba kuna mabadiliko ya tabia ya nchi ambayo yangeleta hayo madhara. Hata hivyo, aliamua kuichukua ile ripoti na kuiweka na hatimaye yale madhara yaliwafikia watu wa Jiji la London.

Tuko katika taswira sawia hapa Kenya na katika ulimwengu mzima. Tumefumbia macho masuala ya mabadiliko ya nchi. Tunaweka lawama na kutaka kutibu dalili za maradhi na kuyakwepa maradhi yenyewe. Maradhi tuliyonayo ulimwenguni mzima ni kwamba, kuna mabadiliko ya hali ya hewa.

Jinsi tunavyo jadili hapa ndani, kuna chembechembe za chuki miongoni mwetu. Kila mtu anavuta upande wake. Tunapovuta sana itakatika katikakati na hakuna faida tutakayopata sisi sote. Wenye kupanda mahindi wanavutia upande wao. Wenye mifugo ambayo inakufa wanavuta upande wao.

Nasimama hapa kama Mkenya na ningependa kulizungumzia Bunge hili kama Wakenya sote. Sio ile billioni moja waliopewa wale Wameru kuweza kuongeza faida ya miraa yao. Wala si kejeli wale ambao wamepoteza familia na hata mifugo yao katika hali kama hii.

Ningependa tuliangalie suala hili kama Wakenya ambao tutaangamia kwa sababu ya kutaka kuonekana kwenye televisheni zetu ya kwamba tunatetea gatuzi ambazo tumetoka. Hili janga ambalo limetukodolea macho ni la kimataifa, Ni sharti tuchukue mwelekeo ambao utaleta suluhu ya kudumu.

Juma lililopita, nilikuwa kule mashinani na nimeanza kampeni yangu ya kupanda miti million moja katika Mkoa wa Pwani. Hii ni kwa sababu nina imani ya kwamba mvua ya kutosha itakaponyesha katika taifa la Kenya, hakutakuwa na haya matatizo ya watu wa *North Eastern* kupigana na wenzao wa Kitui, kwa sababu wanatafuta lishe ya mifugo yao.

Nina imani ya kwamba, wale ambao wamekufa kule Turkana na ile mifugo, wanaweza kupitishwa kwa njia rahisi kwenda kwenye afueni ambapo kuna chakula cha kuweza kulisha mifugo yao. Leo kila mtu analinda gatuzi lake kwa sababu hakuna lishe ya kutosha kwa kila mtu, Kenya, na sio watu wa Turkana pekee.

Tukiangalia hotuba amabayo ilizungumzwa na Rais wetu akifungua hili Bunge la Kumi na Tatu, alizungumzia masuala ya ushirikiano baina ya Serikali yetu na mashirika ambayo sio ya Kiserekali ili kuweza kuleta *irrigation*. Hata alitaja masala ya Kaunti ya Turkana. Ningependa tuiipatie nafasi Serikali iweze kuweka mikakati ya kudumu na sio kupea *directive* ya pesa kadhaa ziende mahali kadhaa na hazitatoa suluhu.

Tumekuwa tukipokea pesa chungu nzima kutoka kwa mashirika yasio ya Kiserikali ili kuweza kusaidia hii hali ya ukame. Tunaona baadhi ya watu wakitajirika kutokana na misaada hii lakini bado tunaendelea kukosa mifugo na wananchi wetu wananendelea kukufa.

Hakuna kiasi cha fidia kinaweza kuregesha roho za ndugu zetu na mifugo ambao tumeipoteza kwa sababu ya ukame. Ipo haja ya sisi kama Wakenya au sisi waheshimiwa Wambunge tulio hapa kuzungumza kwa kauli moja. Tuache kuficha masuala haya nyuma ya ufisadi. Ufisadi ama *cancer* ambayo inatungamiza sisi kama Wakenya, ni ukabila. Tuacheni kuja kwenye hili Bunge kila mtu akivutia upande wa gatuzi lake.



Tumepewa *appointments* za Mawaziri na ningependa Mhe. Rais asisitize yale maneno aliyowaambia kwamba hakuwapa Wizara wasaidie jamii zao ila aliwapa hizi ofisi ili walete marekebisho na suluhu ya kudumu katika taifa letu la Kenya.

Bw. Spika wa Muda, Kenya ina wasomi, maji ya kutosha na nguvukazi ambayo inatosheleza sisi kupata manufaa. Jambo ambalo linatuchenga ni sisi hatutaki kukabiliana na donda sugu la ukabila. Tusimame hapa ndani ya hili Bunge na tuzungumze kama Wakenya ambao wanataka kuleta suluhu katika taifa letu.

Kwa hayo mengi ama machache, ningependa hatua ichukuliwe kwa haraka ndio kila mtu apande miti katika gatuzi yake. Chakula cha kutosha kikipatikana Mombasa na Kwale, hakuna mtu atakufa Samburu kwa sababu ya ukame. Tutaweza kusaidiana na kile chakula kitapatikana.

Nampongeza ndugu yangu lakini naregelea kwamba tusikubali kutibu matokeo ya maradhi. Tuwe wepesi. Afadhali tuchukue muda lakini tutibu maradhi tumalizane nayo kwa ukakimilifu.

Asante, ninaunga mkono.

**The Temporary Speaker** (Sen. Abdul Haji): Asante, Sen. Miraj. Sen. Tobiko.

**Sen. Tobiko:** Thank you, Mr. Temporary Speaker, Sir, for this opportunity. I rise at a time when we are almost concluding the session. I do not know how much I will cover in three minutes.

I congratulate Sen. Lomenen from Turkana County for this timely Motion. We have been in this House for the last two months and we have spoken about drought in all regions that have been affected. The entire Kenya knows the suffering and the consequences of drought in Turkana and other counties.

The situation in Turkana has been highlighted by the mainstream media. We have seen children who cannot walk because of hunger. Livestock has been lost not just in Turkana or Northern Kenya region, but in more than 20 counties, including Kajiado County. We have faced the worst drought in more than 40 years in this country.

Mr. Temporary Speaker, Sir, today, I have listened to various speakers in this House. I felt emotional and felt like I would not contribute to this Motion. I was in my county in the morning hours and was a bit late coming to this House because I was trying to address the drought situation.

Sen. Miraj, from Mombasa County, has spoken in good Swahili like a good Kenyan. It is not the farmers who have food surplus pulling the rope towards them, or those of us from drought-stricken counties pulling the rope towards us, but we all have more questions than answers. What happens to that Kenya that is 70 per cent arid, in the peripheral counties and has livestock?

Mr. Temporary Speaker, Sir, we will continue asking when we see *miraa* farmers being compensated or boosted by the national Government whilst we have lost livestock and our Agricultural Finance Corporation (AFC) loans have not been written off. We have seen coffee farmers being sorted out when the need arises. We will continue asking for our counties because it is the right of our people as Kenyans.

**The Temporary Speaker** (Sen. Abdul Haji): Sen. Tobiko, I will interrupt you.

Hon. Senators, this is a timed Motion. It is meant to last three hours. There is a balance of one more hour on the Motion and it will be again on the Order Paper tomorrow. We shall resume on it.

Sen. Tobiko, tomorrow, you will have 11 minutes to continue with your contribution on the Motion.

### ADJOURNMENT

**The Temporary Speaker** (Sen. Abdul Haji): Hon. Senators, it is now 6.30 p.m., time to adjourn the House. The Senate, therefore, stands adjourned until tomorrow, Thursday, 1<sup>st</sup> December, 2022, at 2.30 p.m.

The Senate rose at 6.30 p.m.