

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 22nd March, 2018

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

[The Deputy Speaker (Sen. (Prof.) Kindiki) in the Chair]

PRAYER

NOTICE OF MOTION

FRAMEWORK TO PERMANENTLY ADDRESS EFFECTS OF FLOODS

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

THAT, aware that several days of heavy rains recently have caused severe flooding in many parts of the country, resulting in multiple deaths and devastating damage to property and infrastructure;

NOTING with concern that, whenever Kenya experiences periods of severe drought, torrential rains usually follow;

CONCERNED that year in year out, the challenge of floods continues to recur, leading to loss of human and animal life, displacement of people and wanton destruction of property;

COGNIZANT that the number of Kenyans needing emergency food aid as a result of displacement caused by the current floods continues to rise by the day, and that the floods have also washed away many bridges and destroyed roads in many parts of Kenya;

ALSO CONCERNED that no effective measures, such as improved storm water harvesting, proper drainage infrastructure and preventing the destruction of riparian reserves and natural water courses, to mitigate and/or provide a lasting solution to the menace of flooding, have been taken;

NOW THEREFORE, the Senate calls upon the National Government to develop a lasting framework to permanently address the challenge of effects of floods by, among other things-

(1) developing and enforcing regulations for preventing the obstruction of riparian reserves and natural water courses; and

(2) preventing and regulating the construction of informal settlements, and ensuring prevention of construction on low lying areas and flood plains.

And further that the relevant government agency to execute this task submits a report to the Senate within three months of the adoption of this motion.

I thank you.

The Deputy Speaker (Sen. (Prof.) Kindiki): Next order.

STATEMENTS

The Deputy Speaker (Sen. (Prof.) Kindiki): Hon. Senators, by now, you know the script. We do not have more than one hour for the Statements. We start with the requests for a Statement. The first Statement request is by Sen. Kasanga.

AWARDING OF CONSTRUCTION CONTRACTS TO FOREIGN COMPANIES

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. Kasanga is not in the House. Is there a Senator who is going to request for the Statement on her behalf?

If there is no one, the Statement is dropped.

(Statement dropped)

MANAGEMENT OF PUBLIC HEALTH SERVICES IN LAMU COUNTY

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. Loiptip is away with permission from the Chair. Therefore, the Statement to be requested by Sen. Loiptip is deferred.

(Statement deferred)

Let us move to the Statements to be issued

DELAYS IN PROCESSING OF BIRTH CERTIFICATES

The Deputy Speaker (Sen. (Prof.) Kindiki): Is the Chairperson or the Vice Chairperson of the Committee on National Security, Defence and Foreign Relations ready to issue a Statement?

Sen. Sakaja: Mr. Deputy Speaker Sir, the Statement is ready.

The Deputy Speaker (Sen. (Prof.) Kindiki): I cannot see Sen. Cherargei in the House.

Sen. Sakaja: Mr. Deputy Speaker Sir, this is the second time he is absent.

The Deputy Speaker (Sen. (Prof.) Kindiki): Today, I direct that you proceed.

Sen. Sakaja: Mr. Deputy Speaker, Sir, I will just give a summary because the Senator has this response. The request for Statement was on the registration of births and deaths in Kenya.

The Member wanted to know the process of acquiring birth certificates in Kenya and why the Nandi Hills and Kapsabet Registries are inefficient and corrupt, what the Government is doing to simplify the process to comply with the timelines especially because of the new policy by the Ministry of Education, Science and Technology to have all children in schools get the unique personal identification or identifier and the reforms that the Government will undertake to make the process faster and simpler.

Mr. Deputy Speaker, Sir, the Nandi Hills and Kapsabet Registries serve the six sub counties of Nandi County. The registries have been coping with customer volumes adequately before the introduction of the National Education Management Information System (NEMIS). The implementation of NEMIS has created an unprecedented high traffic of applicants not only in Nandi County but the whole country.

The Department of Civil Registration Services is addressing the challenge of high number of applicants. There are no reports of corruption noted in the Nandi Hills and Kapsabet Registries. That is to answer the first question.

Mr. Deputy Speaker, Sir, on the second question, the Government is taking the following measures to make the process of acquiring birth certificates simple and efficient to enable parents comply with the new policy by the Ministry:

(1) The Ministry is engaging more staff on a temporary basis. This will be achieved through engaging casuals and secondment of staff from National Registration Bureau and the use of interns.

(2) Increase in the supply of birth certificates booklets and other registration materials to all registries so that there is no supply problem .

(3) Encouraging applications through Huduma Centres so as to decongest registries.

Mr. Deputy Speaker, Sir, the Government is taking the following measures to make the process of acquiring birth certificates faster and simple;

(1) Fully automating the birth registration process.

(2) Storing all registration information in a central data base electronically.

(3) Having staff wear identification badges compulsorily to eradicate corruption because there are people who masquerade as members of staff at the registration bureaus.

(4) Sensitizing the public on the need and importance of registering births immediately they occur.

(5) Increasing human resource capacity of the Civil Registration Services Department and, finally;

(6) Establishing civil registries in all the sub-counties in the country so as to take services closer to the people.

The information sought is signed by the Cabinet Secretary, Dr. Fred Matiang'i and we have given our seal of approval as the committee.

Thank you.

The Deputy Speaker (Sen. (Prof.) Kindiki): Thank you, Sen. Sakaja.

Let us move to the next Statement.

ONGOING RECRUITMENT EXERCISE BY KDF

The Deputy Speaker (Sen. (Prof.) Kindiki): Is the Chairperson or the Vice Chairperson of the Committee on National Security, Defence and Foreign Relations ready to issue a Statement?

Sen. Sakaja: Mr. Deputy Speaker Sir, the Statement is ready.

The Deputy Speaker (Sen. (Prof.) Kindiki): Kindly proceed.

Sen. Sakaja: Mr. Deputy Speaker, Sir, the Statement was on the recruitment of the Kenya Defence Forces (KDF). The question was whether the CS is aware that there is discrimination in the on-going KDF recruitment. The KDF recruitment is open to all eligible candidates interested in joining.

The policy on recruitment indicating the number of recruits targeted per ward is not conducted at the ward level. The requirement under the KDF Act is for the Defence Council to advertise the designated recruitment centres for all counties, at least 30 days before recruitment which was complied with.

Mr. Deputy Speaker Sir, the question whether one is disqualified solely by seeking to be recruited into the KDF from a ward other than the one evidenced by the national identity card; the response is that, the KDF conducts its recruitment in a fair, transparent, equitable and professional manner in compliance with the KDF Act.

By designating various centres in the 47 counties, candidates from the respective sub-counties are afforded an opportunity to be recruited hence attaining regional balance and equal representation in the force.

Finally, is on why the youths from various wards were turned away because their national identity cards indicated that they had hailed from different wards; different from where the recruitment process was happening. The question is answered by the response above.

On whether the KDF is considering reforming the recruitment process, the KDF asserts that the process as presently organised and structured meets the KDF needs. However, the KDF strives to continually improve its operational effectiveness, efficiency and as well as strategic alignments.

Mr. Deputy Speaker Sir, that is the response. Additionally, the Committee on National Security, Defence and Foreign Relations is having a sitting with the military and the Ministry and these are some of the issues that we will raise. This answer suffices for now but we will go deeper into these issues especially on the issue where somebody's identity card indicates another place other than the place they are seeking to be registered.

Thank you.

The Deputy Speaker (Sen. (Prof.) Kindiki): Let us move to Statement no.(e). We will come back to Statement no. (c) later.

COAL EXPLORATION AT MUI BASIN, KITUI COUNTY

The Deputy Speaker (Sen. (Prof.) Kindiki): I do not see the Chairperson of the Committee on Energy in the House.

Please proceed, Sen. Wambua.

Sen. Wambua: Thank you, Mr. Deputy Speaker, Sir. The Chairperson is not in the Chamber. I seek the indulgence of the Chair to defer this statement because I have

just received its response and I can see there is an attempt to deal with some of issues here. I request that it be deferred until a time when the Chairperson will be in the House to address them.

The Deputy Speaker (Sen. (Prof.) Kindiki): The statement is deferred to Thursday, next week.

(Statement deferred)

Let us move to Statement (c). Is the Chairperson of the Standing Committee on National Security, Defence and Foreign Relation here?

HARASSMENT OF OPPOSITION LEADERS

Sen. Sakaja: Mr. Deputy Speaker, Sir, the statement was answered, but there was additional information required which will be available next Thursday.

The Deputy Speaker (Sen. (Prof.) Kindiki): It is so ordered!

(Statement deferred)

We move to Statement (d). Where is the Chairperson of the Standing Committee on Information, Communication and Technology? Where is the Vice-Chairperson, or any Member of the Committee present?

SHUT DOWN OF THREE PRIVATELY OWNED TELEVISION STATIONS

Sen. Boy: Thank you, Mr. Deputy Speaker, Sir. The Statement is not ready.

The Deputy Speaker (Sen. (Prof.) Kindiki): When will it be ready?

Sen. Boy: Mr. Deputy Speaker, Sir, next week on Wednesday.

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. Wetangula is also not here. It is so ordered.

(Statement deferred)

We move to Statement (f). I can see the Chairperson of the Standing Committee on Health.

CANCER SITUATION IN MARSABIT COUNTY

Sen. (Dr.) Ali: Mr. Deputy Speaker, Sir, the Statement is ready, but more information is needed. I have discussed with Sen. (Rev.) Waqo and we will bring it on Wednesday, next week.

Sen. (Rev.) Waqo: Mr. Deputy Speaker, Sir, that is okay. I can wait for another one week.

The Deputy Speaker (Sen. (Prof.) Kindiki): It is so ordered!

(Statement deferred)

We move to Statement (g).

CONTINGENCY PLANS TO MITIGATE ADVERSE EFFECTS OF
HEAVY DOWNPOUR ON INFRASTRUCTURE

Where is the Chairperson of the Standing Committee on Roads and Transport? We can hear from the Vice-Chairperson.

Sen. (Eng.) Hargura: Thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): Is that the Chairperson?

Sen. (Eng.) Hargura: No, Mr. Deputy Speaker, Sir. I am the Vice-Chairperson of the Committee.

The Deputy Speaker (Sen. (Prof.) Kindiki): Please, proceed.

Sen. (Eng.) Hargura: Mr. Deputy Speaker, Sir, we have not received the answer from the Government department.

The Deputy Speaker (Sen. (Prof.) Kindiki): When will we be ready to have it?

Sen. (Eng.) Hargura: Mr. Deputy Speaker, Sir, on Thursday, next week.

The Deputy Speaker (Sen. (Prof.) Kindiki): Yes, Sen. Sakaja.

Sen. Sakaja: Mr. Deputy Speaker, Sir, that will be okay.

The Deputy Speaker (Sen. (Prof.) Kindiki): So ordered!

(Statement deferred)

We move to Statement (h).

DUMPING OF ASBESTOS AT NGULU KIKUMBULYU
WARD IN MAKUENI COUNTY

Where is Chairperson of the Standing Committee on Lands, Environment and Natural Resources? Where is the Chairperson, Vice-Chairperson or a Member of the Committee?

Proceed, Sen. Boy.

Sen. Boy: Thank you, Mr. Deputy Speaker, Sir. The statement is not ready. Give us time until Thursday, next week.

The Deputy Speaker (Sen. (Prof.) Kindiki): It is so ordered!

(Statement deferred)

We move to Statement (i) which is to be issued by the same Committee.
Proceed, Sen. Boy.

DELAYED COMPENSATION FOR PERSONS DISPLACED BY
MANOONI DAM PROJECT IN MAKUENI

Sen. Boy: Thank you, Mr. Deputy Speaker, Sir. The statement will be ready next week on Thursday.

The Deputy Speaker (Sen. (Prof.) Kindiki): It is so ordered!

(Statement deferred)

We move to Statement (j). Yes, Chairperson of the Standing Committee on Lands, Environment and Natural Resources.

Proceed, Sen. Boy.

COMPENSATION FOR PERSONS AFFECTED BY
OIL SPILLAGE AT THANGE RIVER

Sen. Boy: Thank you, Mr. Deputy Speaker, Sir. The statement is not ready. We will try our best to get it ready by next week on Thursday.

The Deputy Speaker (Sen. (Prof.) Kindiki): Hon. Senator, I am afraid those statements are too many to be handled on the same day and date. Let us have that statement on Tuesday.

Sen. Boy: Okay, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): It is so ordered!

(Statement deferred)

The next statement is Statement (k).

STATE OF TOURISM IN MALINDI, KILIFI COUNTY

Proceed, Chairperson of the Standing Committee on Tourism, Trade and Industrialisation. I cannot see Sen. Kibiru. Where is the Vice-Chairperson or any other Member of the Committee present here?

Yes, the Senate Majority Leader.

Sen. Dullo: Thank you, Mr. Deputy Speaker, Sir. I wish to take up this statement and ensure that we have it by next week.

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. Dullo, on which day next week?

Sen. Dullo: Mr. Deputy Speaker, Sir, on Wednesday, next week.

The Deputy Speaker (Sen. (Prof.) Kindiki): Lets us have it on Tuesday. It is so ordered!

Sen. Dullo: Mr. Deputy Speaker, Sir, much obliged.

The Deputy Speaker (Sen. (Prof.) Kindiki): Very well.

(Statement deferred)

We move to Statement (l).

USE OF EXCESSIVE FORCE/POLICE BRUTALITY
DURING RAID AT UON

The Chairperson of the Standing Committee on National Security, Defence and Foreign Relation, is the Statement ready?

Sen. Sakaja: Mr. Deputy Speaker, Sir, the statement is ready. I will just seek indulgence to give it after two minutes. It is somewhere at the table.

The Deputy Speaker (Sen. (Prof.) Kindiki): Is it in the Pipeline?

Sen. Sakaja: Mr. Deputy Speaker, Sir, it is actually in the House.

The Deputy Speaker (Sen. (Prof.) Kindiki): So, in the meantime, let us go to Statement (m).

STATUS OF NHC PROJECT IN WOTE, MAKUENI COUNTY

Proceed, Chairperson of the Standing Committee on Roads and Transport. Sen. (Eng.) Hargura, is the statement ready?

Sen. (Eng.) Hargura: Mr. Deputy Speaker, Sir, this statement was given two weeks ago. So, they have not got any further information and I am not expecting any additional information to be given.

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Senator! What do you mean by saying that you are not expecting any further information?

Sen. (Eng.) Hargura: Mr. Deputy Speaker, Sir, we replied to the statement. The statement was---

The Deputy Speaker (Sen. (Prof.) Kindiki): Were there matters arising from the Statement?

Sen. (Eng.) Hargura: Mr. Deputy Speaker, Sir, I cannot remember because I was here and I do not think---

The Deputy Speaker (Sen. (Prof.) Kindiki): You will have to check the HANSARD. You will be advised accordingly.

Sen. (Eng.) Hargura: Okay, Mr. Deputy Speaker, Sir.

(Statement deferred)

The Deputy Speaker (Sen. (Prof.) Kindiki): The next statement is Statement (n) which is to be issued by the Chairperson of National Cohesion, Equal Opportunity and Regional Integration.

Proceed, the Vice-Chairperson, Sen. (Rev.) Waqo.

IMPLEMENTATION OF THE TWO-THIRDS GENDER RULE IN COUNTIES

Sen. (Rev.) Waqo: Thank you, Mr. Deputy Speaker, Sir. I am in receipt of a letter from the Ministry which I have shared with Sen. (Dr.) Milgo. They are requesting--

(Loud consultations)

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Senators!
Proceed, Sen. (Rev.) Waqo.

Sen. (Rev.) Waqo: Thank you, Mr. Deputy Speaker, Sir. The Committee is in receipt of a letter from the Ministry and they are requesting that we give them up to 5th April, 2018, so that they can give us more information. Right now, they are compiling that information. So, I have already shared with Sen. (Dr.) Milgo and our request is to be given more time.

The Deputy Speaker (Sen. (Prof.) Kindiki): Proceed, Sen. (Dr.) Milgo.

Sen. (Dr.) Milgo: Thank you, Mr. Deputy Speaker, Sir. That is okay. You will realise that this is a statement that was deferred for more information to be availed.

The Deputy Speaker (Sen. (Prof.) Kindiki): It is so ordered!

(Statement deferred)

We move to Statement (o) which is to be issued by the Chairperson of the Standing Committee on Lands, Environment and Natural Resources.
Proceed, Sen. Boy.

COMPENSATION TO PERSONS DISPLACED BY THE SGR PROJECT

Sen. Boy: Thank you, Mr. Deputy Speaker, Sir. The statement is not ready. We kindly request for two more weeks.

The Deputy Speaker (Sen. (Prof.) Kindiki): Why two weeks?

Sen. Boy: Mr. Deputy Speaker, Sir, the Chairperson and the Vice-Chairperson are out of the country.

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Senator! Resume your seat. The business of the Senate cannot run aground because the Chairperson of a Committee has travelled out of the country. So, you are completely out of order. The less I say about that, the better for you. Can we have the Statement on Tuesday?

Sen. Boy: Mr. Deputy Speaker, Sir, I request for another one week.

The Deputy Speaker (Sen. (Prof.) Kindiki): On Thursday, next week?

Sen. Boy: Yes, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): It is so ordered!

(Statement deferred)

The next Statement (p) is also to be issued by the Chairperson of the Standing Committee on Lands, Environment and Natural Resources. These are so many statements. I hope you will not talk about Thursday, next week. I have indulged you more than five times for Thursday.

PROVISION OF WATER SERVICES TO KITENGELA TOWNSHIP AND ITS ENVIRONS

Sen. Boy: Thank you, Mr. Deputy Speaker, Sir. The Statement is not ready. Hopefully, we will provide it by next week.

The Deputy Speaker (Sen. (Prof.) Kindiki): Which Statement is ready, for heaven's sake? These are now almost ten statements attributable to your Committee and all of them are not ready. Coincidentally, according to you, they will all be ready on Thursday, next week.

Sen. Boy: Thank you, Mr. Deputy Speaker, Sir. We will try our best to ensure they are ready by next week. I will ensure they will be ready in the House by next week on Thursday.

The Deputy Speaker (Sen. (Prof.) Kindiki): What is it Sen. (Eng.) Hargura?

Sen. Hargura: Thank you, Mr. Deputy Speaker, Sir. I am also a Member of this Committee. I remember that the answer to this Statement sought by Sen. Mary Yiane was brought to the Committee. It should be with the Committee.

The Deputy Speaker (Sen. (Prof.) Kindiki): It is the business of the Chairperson of the Committee or anybody else delegated by the Chairperson to follow up. So, if that is the case, I then direct that it be issued on Tuesday, next week.

It is so ordered.

(Statement deferred)

Next is Statement (q) to be issued by the Chairperson, Committee on Agriculture, Livestock and Fisheries. I cannot see Sen. Ndwiga. Is the Vice Chairperson or any Member of the Committee present?

Proceed, Sen. (Rev.) Waqo.

CLIMATE CHANGE AND ITS EFFECTS ON
PASTORALISTS AND LIVESTOCK

Sen. (Rev.) Waqo: Mr. Deputy Speaker, Sir, we promise to respond in the next one week.

The Deputy Speaker (Sen. (Prof.) Kindiki): Senator, is the Statement ready?

Sen. (Rev.) Waqo: No, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): Why is it not ready? We have made it a custom for the Chairpersons to say 'the Statement is not ready and decide when they want it to be ready, for example, it will be ready in 2030.

Sen. (Rev.) Waqo: Mr. Deputy Speaker, Sir, as a Committee, we promise to table the Statement by Tuesday, next week. It is in the hands of the Chairperson and he is yet to share it with the Committee.

The Deputy Speaker (Sen. (Prof.) Kindiki): Who had requested for that Statement?

Sen. (Rev.) Waqo: Mr. Deputy Speaker, Sir, it was requested by Sen. Seneta.

Sen. Seneta: Mr. Deputy Speaker, Sir, I can give them up to Tuesday. They can deliver it then.

The Deputy Speaker (Sen. (Prof.) Kindiki): Not they 'can'. They have to, now that it is in the hands of the Chairperson.

It is so ordered.

(Statement deferred)

We proceed to Statement (r) to be issued by the Chairperson Standing Committee on Land, Environment and Natural Resources. Apart from Sen. Hargura and Sen. Boy, is there any other Member?

USE AND MANAGEMENT OF RIPARIAN AREAS IN KENYA

Sen. (Eng.) Hargura: Mr. Deputy Speaker, Sir, we do not have the reply to this Statement and so it is not ready. I will urge that you give us up to Wednesday, next week.

Sen. Seneta: Mr. Deputy Speaker, Sir, I am raising some concern with regards to that Statement.

The Deputy Speaker (Sen. (Prof.) Kindiki): What is the concern?

Sen. Seneta: Mr. Deputy Speaker, Sir, every week, they promise to table the Statement in a week's time and this is almost the fourth week. I request that you make a direction on that Statement.

The Deputy Speaker (Sen. (Prof.) Kindiki): I direct the Chairperson of the Committee to issue the Statement on Tuesday, next week without fail.

(Statement deferred)

Last but not least is Statement (s) on alleged discovery of gas in Kipeto village, Kajiado West Constituency, to be issued by the Chairperson of the Committee on Energy.

ALLEGED DISCOVERY OF GAS IN KIPETO
VILLAGE, KAJIADO COUNTY

Sen. (Eng.) Maina: Mr. Deputy Speaker, Sir, I need your guidance on some of these things. This Statement came and it was answered. I remember that Sen. (Prof.) Ongeru contributed and everybody was satisfied. I am surprised to see it on the Order Paper.

The Deputy Speaker (Sen. (Prof.) Kindiki): Would there have been requests for further information? Most likely, that could be the case.

Sen. (Eng.) Maina: Mr. Deputy Speaker, Sir, I am not aware and anybody in this House can bear me witness; nobody asked any further questions. We were certain---

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Senator! Since the one who had requested the Statement is not here, I direct that it be deferred subject to confirmation of what exactly the Chairperson of the Committee on Energy was supposed to do.

(Statement deferred)

Sen. Sakaja, is Statement (l) in your hands now?

Sen. Sakaja: Mr. Deputy Speaker, Sir, it is en-route. I can issue it after the Senate Majority Leader makes his Statement.

The Deputy Speaker (Sen. (Prof.) Kindiki): The Senate waits for no man.

Sen. Sakaja: Mr. Deputy Speaker, Sir, the Senator who asked for it is also not in the House.

The Deputy Speaker (Sen. (Prof.) Kindiki): That is neither here nor there.

Sen. Sakaja: Mr. Deputy Speaker, Sir, I want to dispense of with it.

The Deputy Speaker (Sen. (Prof.) Kindiki): Very Well. Senator, you have done very well today.

Order Senators!

(Statement deferred)

Sen. (Eng.) Maina: On a point of order, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): What is it, Senator for Nyeri?

Sen. (Eng.) Maina: Mr. Deputy Speaker, Sir, we are trying to be efficient and organized. We have just talked about the Statement on the alleged gas and I have just seen a Statement with regard to coal exploration in Mui Basin yet this matter came up yesterday and you said it be tabled on Tuesday.

The Deputy Speaker (Sen. (Prof.) Kindiki): What is out of order?

Sen. (Eng.) Maina: Mr. Deputy Speaker, Sir, there is a “dislocation” in the secretariat that prints these things.

The Deputy Speaker (Sen. (Prof.) Kindiki): Those sentiments are noted. The secretariat should ensure that items that are not supposed to appear on the Order Paper do not appear.

Very well! Proceed, Senate Majority Leader.

BUSINESS FOR THE WEEK COMMENCING
TUESDAY, 27TH MARCH, 2018

The Senate Majority Leader (Sen. Murkomen): Thank you, Mr. Deputy Speaker, Sir.

Pursuant to Standing Order No. 42(2) (c), I hereby present to the Senate, the business of the Senate for the week commencing Tuesday, 27th March, 2018.

The Senate Business Committee (SBC) will meet on Tuesday, 27th March, 2018 to schedule business of the Senate. Subject to the direction of the Committee, the Senate will continue with the consideration of business that will not be concluded in today's Order Paper.

On Wednesday, 28th March, 2018 and Thursday, 29th March, 2018, the Senate will proceed to consider business that will not be concluded on Tuesday and any other business scheduled by the SBC.

Hon. Senators, as you aware, the Senate concluded the debate on the Second Reading on The Assumption of Office of the County Government Bill (Senate Bills No.1 of 2018), The County Government (Amendment) Bill (Senate Bills No.11 of 2017) and The National Flag, Emblems and Names (Amendment) Bill (Senate Bills. No. 8 of 2017).

The Bills will be scheduled for Division on Wednesday, 28th March, 2018. I request all Senators to take note of this so that we get the requisite numbers to pass these very important Bills so that they do not delay in this House.

As indicated in today's Order Paper, the following Bills are scheduled for Second Reading: The County Boundaries Bill (Senate Bills No. 6 of 2017), The County Governments (Amendment) (No.2) Bill (Senate Bills No.7 of 2017) and The Food Security Bill (Senate Bills No.12 of 2017)

Should the debate be concluded, the Bills should be scheduled for Division at Second Reading on Wednesday.

The Division of Revenue Bill (National Assembly Bills No.7 of 2018), which is scheduled for First Reading today, will also be scheduled for Second Reading this coming week. Several Motions will also be scheduled for consideration during the coming week.

Hon. Senators, in view of the foregoing, I urge all of us to be available for voting and consideration of the Division of Revenue Bill (National Assembly Bills No.7 of 2018) and other pending Business. I also take this opportunity to request standing committees which are yet to table their reports on Bills referred to them, to do so to enable the House proceed to the Committee of the Whole on Bills that are due for the Committee.

Thank you, Mr. Deputy Speaker, Sir.

I, hereby, lay the Statement on the table of the House.

(Sen. Murkomen laid the document on the Table)

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. (Eng.) Maina, the Chairperson of the Committee on Energy, the Statements Tracker of the House indicates that there was a request for further information on the Statement from Sen. Mpaayei. So, you need to liaise with the Clerk's Office to find out what exactly the additional information requested was about.

Sen. (Eng.) Maina: Mr. Deputy Speaker, Sir, I am relying on my memory, which served me well in my school---

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Senator! We are relying on the Senate Statements Tracker and the HANSARD, and you are relying on your memory. You know where your memory fits in this arrangement.

(Laughter)

Order, Senators! Since we have made a lot of progress this afternoon – we have actually taken under 30 minutes on statements – I will allow two Senators to request for Statements, using my discretion under Standing Order No.39. The first one is Sen. Dullo. Did you want to request for a statement or have you abandoned the request?

Sen. Dullo: No, Mr. Deputy Speaker, Sir, I am ready.

CONSTRUCTION OF BRIDGES IN VARIOUS AREAS OF ISIOLO COUNTY

Thank you, Mr. Deputy Speaker, Sir, for this opportunity, although I know that we are past this Business.

I rise pursuant to Standing Order No.45(2)(b), to seek a statement from the Chairperson of the Standing Committee on Roads and Transportation on the status of construction of bridges in the areas of Eremiet-Kiwanja, Esimit-Alamach, Alamach-Lotiki-Shambani, Kambi-Garaba-Shambani, Gama-Lotiki-LMD, Kambi Juu-Akadeli-Kambi Sheikh, Maili Saba-Elsa and Chumvi-Chumvi Yere in Isiolo County.

Sen. Sakaja: On a point of order, Mr. Deputy Speaker, Sir. I would hate to interrupt my leader as she seeks a Statement. However, is she in order to request a Statement pursuant to Standing Order No.45(2)(b)?

(Sen. (Eng.) Maina consulted the Deputy Speaker)

The Deputy Speaker (Sen. (Prof.) Kindiki): Yes, Sen. Sakaja; what is out of order?

Sen. Sakaja: Actually, Mr. Deputy Speaker, Sir, there are two things that are now out of order. The first one is about Senators taking your attention while it is being sought by---

The Deputy Speaker (Sen. (Prof.) Kindiki): It is called 'approaching the Chair.'

Sen. Sakaja: They are approaching at the wrong time.

Secondly, is my leader in order to seek for a Statement pursuant to Standing Order No.45(2)(b), which does not exist in our Standing Orders?

(Laughter)

For the record, she should be seeking the Statement pursuant to Standing Order No.46(2)(b).

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. Dullo, are you in order?

Sen. Dullo: Thank you, Sen. Sakaja, for this correction. I think this is an anomaly and I would request time to check the Standing Orders and then make my request on Tuesday, next week.

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. Sakaja, is it Standing Order No.46?

Sen. Sakaja: Mr. Deputy Speaker, Sir, the appropriate one is Standing Order No.46(2)(b). I think she can go ahead, because that is not an error of fact.

The Deputy Speaker (Sen. (Prof.) Kindiki): Thank you, Sen. Sakaja. I can understand where Sen. Dullo is coming from. It used to be No.45(2)(b) in the last Parliament before we amended the Standing Orders.

So, proceed on 46(2)(b).

Sen. Dullo: Thank you, Mr. Deputy Speaker, Sir. I think I used the old Standing Orders. I am sorry about that.

Mr. Deputy Speaker, Sir, I rise pursuant to Standing Order No.46(2)(b), to seek a statement from the Chairperson of the Standing Committee on Roads and Transportation on the status of construction of bridges in the areas of Eremiet-Kiwanja, Esimit-Alamach, Alamach-Lotiki-Shambani, Kambi-Garaba-Shambani, Gama-Lotiki-LMD, Kambi Juu-Akadeli-Kambi Sheikh, Maili Saba-Elsa and Chumvi-Chumvi Yere in Isiolo County.

In the Statement, the Chairperson should explain:-

- (1) The status of the construction of bridges in Isiolo County in those areas.
- (2) The reason for the lack of construction of bridges in those areas.
- (3) What action the Government has taken to construct bridges in the areas indicated; and, finally,
- (4) When it will be completed.

PROVISION OF ELECTRICITY TO SELECTED
AREAS IN ISIOLO COUNTY

Mr. Deputy Speaker, Sir, I rise pursuant to Standing Order No.46(2)(b), to seek a Statement from the Chairperson Energy on the status of provision of electricity to residents of Chumvi, Chumvi Yere, Ngaremare-Daaba and Daaba in Isiolo County.

In the Statement, he should explain:-

(1) The status on the connectivity of electricity in Isiolo County in those affected areas.

(2) The reason for lack of access to electricity for residents of those areas.

(3) What action the Government has taken to address the lack of connection in those affected areas; and, finally,

(4) What action the Government has taken to upscale the connection of electricity in those areas of Isiolo County.

Mr. Deputy Speaker, Sir, most of the laptop programmes in those areas are affected and have not picked up. So, the Government should tell us what---

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Senator! Order!

PROVISION OF WATER SERVICES TO ISIOLO COUNTY

Sen. Dullo: Finally, Mr. Deputy Speaker, Sir, I rise pursuant to Standing Order No.46(2)(b), to seek a Statement from the Chairperson of the Committee on Land, Environment and Natural Resources on the provision of water services in Isiolo County, namely the areas of Chumvi, Chumvi Yere, Ngaremare-Daaba and Daaba.

In the Statement, the Chairperson should explain:-

(1) The status of the provision of water services in Isiolo County

(2) The reason for the lack of access to water for residents of those affected areas

(3) What action the Government has taken to address this situation and when it will be done.

Thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): Very well. The first Statement is directed to the Chairperson of which Committee?

Sen. Dullo: Mr. Deputy Speaker, Sir, it is to the Chairperson of the Committee on Roads and Transportation.

The Deputy Speaker (Sen. (Prof.) Kindiki): Chairperson of the Committee on Roads and Transportation, when can we have the Statement ready?

Sen. (Eng.) Hargura: Mr. Deputy Speaker, Sir, the Statement is asking for structures, which look mainly to be within the domain of the County Government. That will take time; so, I am asking for two weeks.

The Deputy Speaker (Sen. (Prof.) Kindiki): How much time?

Sen. (Eng.) Hargura: Two weeks.

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. Dullo, what do you say?

Sen. Dullo: Mr. Deputy Speaker, Sir, the current situation is very bad. Can the Senator fast-track the process and give us feedback at least in a week's time?

Sen. (Eng.) Hargura: Mr. Deputy Speaker, Sir, one week will not be possible because we have to get the information from the county government. That week will just

be for processing the information within the Senate here. Practically, it will not be possible.

The Deputy Speaker (Sen. (Prof.) Kindiki): Do one week and report progress on Thursday.

Sen. (Eng.) Hargura: Thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): Proceed, Sen. Dullo.

Sen. Dullo: Mr. Deputy Speaker Sir, I am okay with that.

My second statement was directed to the Committee on Lands, Environment and Natural Resources.

The Deputy Speaker (Sen. (Prof.) Kindiki): Proceed, the Chairperson, Vice Chairperson or a Member of the Committee on Lands, Environment and Natural Resources.

Proceed, Sen. Boy.

Sen. Boy: Mr. Deputy Speaker, Sir, I kindly request that you give us one more week because we have so many statements to be issued by next week.

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. Dullo, is two weeks okay?

Sen. Dullo: It is okay, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): It is so ordered.

Sen. Dullo's last Statement was directed to the Chairperson of the Committee on Energy. Is the Vice Chairperson or any Member of the Committee here?

Sen. Seneta: Mr. Deputy Speaker, Sir, given that Statement requires a lot in terms of connectivity and the programmes undertaken, we request that we be given two weeks.

The Deputy Speaker (Sen. (Prof.) Kindiki): Is that okay, Sen. Dullo?

Sen. Dullo: I am okay with that Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): It is so ordered.

Next is Sen. (Rev.) Waqo with a request for a statement.

STATE OF ETHIOPIAN REFUGEES IN KENYA

Sen. (Rev.) Waqo: Mr. Deputy Speaker, Sir, pursuant to Standing Order No. 46 (2) (b), I rise to seek a Statement from the Chairperson of the Standing Committee on National Security, Defence and Foreign Relations regarding the state of Ethiopian refugees in Kenya.

In the Statement, the Chairperson should:-

(a) state the number of Ethiopian refugees who have recently crossed the border from Ethiopia to Kenya and have settled in Moyale Constituency in Marsabit County;

(b) outline the security measures being undertaken by the national Government to ensure the security and safety of the refugees and the Kenyan citizens in Moyale, especially, those that live along the Kenya-Ethiopia border;

(c) highlight the steps being taken by the national Government to ensure that the refugees have access to basic needs such as food, water, shelter and clothing; and,

(d) explain any other measures that the Government is taking to deal with the situation, which is getting protracted.

The Deputy Speaker (Sen. (Prof.) Kindiki): Proceed, Chairperson of the Committee on National Security, Defence and Foreign Relations.

Sen. Sakaja: Mr. Deputy Speaker, Sir, to avoid a back and forth on this issue, I need Sen. (Rev.) Waqo to confirm what she means by “recently.” There have been Ethiopian refugees in Kenya for decades. “Recently” could be five years, two years or one year ago. She should kindly tell me the period that she wants the answer to be based on.

The Deputy Speaker (Sen. (Prof.) Kindiki): Proceed, Sen. (Rev.) Waqo.

Sen. (Rev.) Waqo: Mr. Deputy Speaker, Sir, the last one month has been bad. Currently, we have over 10,000 Ethiopians in Kenya, which is causing a lot of problems on the ground. Three weeks ago I was there. Two weeks ago some other Members were there and this weekend some of us will be there. The situation is not good at all. Therefore, I am referring to the current situation of the last one month.

Thank you.

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. Sakaja, she means the happenings within the last one month.

Sen. Sakaja: Mr. Deputy Speaker, Sir, we can have a response by Thursday next week.

The Deputy Speaker (Sen. (Prof.) Kindiki): Is that okay, Sen. (Rev.) Waqo?

Sen. Waqo: It is okay, Mr. Deputy Speaker, Sir.

Thank you.

The Deputy Speaker (Sen. (Prof.) Kindiki): It is so ordered.

That is the end of Statements.

Before we go to the next Order, I will indulge Sen. (Dr.) Ali to give a Notice of Motion.

NOTICE OF MOTION

THE STATUS OF EDUCATION IN NORTHERN KENYA

Sen. (Dr.) Ali: Mr. Deputy Speaker, Sir, I am grateful for being given the opportunity.

I wish to give notice of the following Motion:-

THAT, aware that Article 43 (f) of the Constitution of Kenya stipulates that every person has a right to education and Article 53 (1) (b) provides that every child has the right to free and compulsory basic education;

ALSO AWARE that education is a basic need and a tool for intellectual empowerment and sociopolitical development;

FURTHER AWARE that education is a shared function between the national and county levels of government with the national Government being responsible for primary, secondary and higher education while the county governments are responsible for pre-primary education, village polytechnics and home-craft centres;

COGNIZANT that both levels of government complement each other in promoting sustainable education;

CONCERNED that the intake, uptake and quality of education in northern Kenya have adversely been affected owing to discrepancies in

public resources allocation, insecurity, skewed staffing and teacher training in the region;

FURTHER CONCERNED that both the school completion rate and the national examination outcomes in the region are poor and the number of students from northern Kenya who qualify for core courses in universities, colleges, technical schools, and village polytechnics is minimal compared to other parts of the country;

NOTING WITH CONCERN that due to security and other related concerns, the Teachers Service Commission (TSC), which is the body responsible for the employment and deployment of teachers has in the recent past taken steps to transfer non-local teachers from the northern region, especially, North Eastern to other parts of the country;

CONCERNED that the transfers have led to shortage of skilled teachers, which has been a major cause of the dismal performance in examinations by the schools in the region;

NOW THEREFORE, the Senate tasks the Standing Committee on Education to conduct an inquiry into the challenges facing the education sector in northern Kenya, especially, in North Eastern with a view to:-

- (1) Evaluating the effect of the teachers' transfers from the region and recommending to the Ministry of Education, policy measures to address the challenges.
- (2) Evaluating the status of education infrastructure in the region and proposing solutions to mitigate the current and looming challenges.
- (3) Proposing mechanisms for enhanced resource allocation at both levels of government to facilitate and improve education facilities.
- (4) Assessing school intake and completion levels in the region in order to ascertain the impact of the challenges facing the schools and how this disadvantages the region compared to other parts of Kenya and proposing ways of addressing the challenges.

Thank you, Mr. Deputy Speaker, Sir.

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

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Sen. (Dr.) Ali! You have not completed reading out the Motion. You have left out the reporting part.

Sen. (Dr.) Ali: Okay, Mr. Deputy Speaker, Sir.

THAT the Committee submits a report to the Senate within the three months of adoption of this Motion by the Senate.

Thank you, Mr. Deputy Speaker, Sir.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM MIATHENE
BOYS HIGH SCHOOL, MERU COUNTY

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Senators! I have a Communication to make.

Hon. Senators, I would like to acknowledge the presence in the Public Gallery this afternoon of visiting students and teachers from Miathene Boys High School in Meru County.

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

Thank you.

(Applause)

Proceed, Sen. Dullo.

Sen. Dullo: Thank you, Mr. Deputy Speaker, Sir. On behalf of the Senator for Meru County, who is my neighbor, and the kids from Meru County are also my neighbors, I welcome them to the Senate. I hope that most of the counties, especially, those that come from very far will emulate them and come to the Senate and learn, because they are the leaders of tomorrow.

I am sure there is a lot for them to learn from the Senate and Parliament. I hope that the short session they will have with us will assist them, especially in terms of essay writing or general knowledge that they may need in their exams and various other subjects covered.

They are most welcome.

Thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. (Prof.) Kindiki): Thank you, Sen. Dullo.

Proceed, Sen. Olekina.

Sen. Olekina: Thank you, Mr. Deputy Speaker, Sir. I too would like to extend a warm welcome to the teachers and students from Meru County. I have a challenge for them that when I was growing up, I really wanted to be in this House. Back then, it was just the National Assembly. I want you to take cue from that, join the debate club and take us as mentors.

I also urge you to really use us because our role here in the Senate is to oversight. You can also take advantage and write to us in case you come across anything of concern that affects the youth that we may not know because nowadays, things are a little bit different. Use us, enlighten us, share with us whatever is there and look at us as mentors so that tomorrow you might hold this country to account and lead it to greater heights.

Welcome again on behalf of the people of Narok County.

The Deputy Speaker (Sen. (Prof.) Kindiki): Very well. Finally, let us have Sen. Ndwiga.

Sen.Ndwiga: Thank you, Mr. Deputy Speaker, Sir. I wish to join my colleagues in welcoming the teachers and students from Meru County who are my neighbours. I encourage other schools to also send students to this House.

We would like to demystify this Parliament; the National Assembly and Senate so that as our children grow up, they know that it is a place they have been to and witnessed how debates are conducted and aspire to come here.

When we were your age, we were told that we were leaders of tomorrow. I stand here today and tell you that you are leaders of today. Start preparing yourself to walk in here today. That tomorrow does not start tomorrow, but today. From today, you need to get ready to be Members of Parliament in this House. Therefore, start practicing your leadership skills today.

The Deputy Speaker (Sen. (Prof.) Kindiki): Next Order.

BILLS

First Reading

THE DIVISION OF REVENUE BILL
(NATIONAL ASSEMBLY BILLS NO.7 OF 2018)

*(Order for First Reading read- Read the First Time and ordered
to be referred to the Committee on Finance and Budget)*

Second Reading

THE COUNTY BOUNDARIES BILL
(SENATE BILLS NO.6 OF 2017)

*(Sen.Mutula Kilonzo Jnr. on 1.3.2018)
(Resumption of debate interrupted on 8.3.2018)*

The mover is not here to reply, so the order is deferred.

(Bill deferred)

Next Order.

Second Reading

THE FOOD SECURITY BILL
(SENATE BILLS NO. 12 OF 2017)

The Deputy Speaker (Sen. (Prof.) Kindiki): Let us have Sen. Murkomen.

The Senate Majority Leader (Sen. Murkomen): Thank you, Mr. Deputy Speaker, Sir. I beg to move that the Food Security Bill (Senate Bills No. 12 of 2017) be read a second time.

This is a very important Bill. It is part of the residue in terms of Bills that we had in our last Senate. It had been moved by Sen. Elachi and went through very extensive processes as the HANSARD will bear me witness. It is an important Bill and very critical for the well-being of the people of Kenya.

This Bill primarily is operationalizing Article 43 of Constitution which is the right to food. For many of us, and probably those of us in this House, getting food is automatic.

Mr. Deputy Speaker, Sir, you know you taught me human rights. I just want to remind you that the topic was socio-economic rights. The argument was that whether socio-economic rights can be classified with other first class rights such as the freedom of expression, right to fair trial and so forth. Food security was considered a luxury that is not achievable. However, there is a new branch of human rights or a new growth in the field.

I am very nervous to prosecute this issue in the manner I am going because when I see you, I see the professor of human rights. So I have to be very careful, and you will have to bear with me where I will not have---

The Deputy Speaker (Sen. (Prof.) Kindiki): Senate Majority Leader, you are safe so long as you are within the Standing Orders.

The Senate Majority Leader (Sen. Murkomen): Mr. Deputy Speaker, Sir, since the advent of the South Africa constitutional process, I think the branch of human rights referred to as socio-economic has received a lot of support and recognition in constitutions of Africa.

People say that the constitutions of Kenya and South Africa are the most progressive. Part of the reason our Constitution is considered so is because of Article 43. Very few countries, not even the United States of America, Britain, France and all other superpowers such as China have a provision in their constitutions that recognizes socio-economic rights. Such rights include the rights to food and housing. It makes Government to be positively obligated to ensure that the right is achieved.

The Bill gives meaning and breathes life to Article 43. It operationalizes it by giving it direction as to how that can be achieved in a manner that can be audited. Governments can be held accountable through institutions created by this Bill and through provisions that explain the concepts that assist us to achieve what the right to food is all about.

If you read Clause 5 of the Bill, you realize that the right to food includes the right to be free from hunger and to have adequate food of an acceptable quality. It is not just enough to have food. We have had situations in places such Turkana and Tiaty in Baringo County where people are boiling very dangerous herbs. They are boiled for 24 hours trying to make it possible to get something small that people can eat and survive with.

It is very sad because for those of us who are from those places and pastoralist areas, there is a major contradiction in this country. In the pastoralist areas, one will find a large herd of livestock such as cows, goats and sheep. However, it is only for a particular period. When drought comes, all the livestock is wiped out and people suffer in hunger. When rain comes, it floods and the same animals are swept away. The people

are, therefore, perpetually in danger because of the challenges of climate change and environmental degradation.

If you come to urban areas, you will find that many people go without a meal even for two days. Some people who live in slums such as Kibera, Mukuru Kwa Njenga, Mukuru Kayaba, Mathare, Huruma in Eldoret, Kaptembwa in Nakuru, Kondele in Kisumu -I hope there is no slum in Kisii - have challenges accessing food.

Mr. Deputy Speaker, Sir, the challenge of accessing food in urban areas is enormous. People staying in slum areas have no means of earning a living. They are not like farmers in rural areas who can go to a farm, dig up herbs, eat and proceed with life. This challenge contributes to more crimes and unemployment in urban areas. Have you seen how people walk from Kibera to Mombasa Road in search of employment opportunities? They walk day in, day out, looking for jobs. These jobs are not even guaranteed. They go in the morning to a company. For example, they get to a gate of the Mastermind Tobacco Company. Sometimes they are told the company is not operating because machines have broken down and that they are being serviced. Our people in urban areas are suffering.

Mr. Deputy Speaker, Sir, the Constitution states that those people have a right to food. Therefore, the Government must do everything humanly possible to ensure that they get food and are free of hunger. It is not just food, but food of acceptable quality and quantity. I suppose persons in this country, including myself and others who come from rural areas and or very difficult backgrounds understand what it means to go without food. Although I have not read Sen. (Prof.) Ongeru's history when he was a young boy, but I know he understands what I am talking about. I have gone without food so I know it is a challenge.

This Bill is about Government's responsibility to respect, protect and fulfil that right to food. It also ensures availability, accessibility, adaptability and acceptability of food for all Kenyans by making provisions of access to production, resources, income and support. This Bill compels the Government to provide food even during famine as we have seen in some parts of the former Rift Valley and other parts of the country.

Mr. Deputy Speaker, Sir, when the World Trade Organisation (WTO) deals with matters of whether there should be subsidy or not, we know protection of public interest in Europe and USA is excluded in the WTO Act. They take it very seriously that they must do everything humanly possible to protect their farmers who produce food for the sake of the country.

In this country, we take it for granted or as an assumption that farmers in the North Rift will continue working hard to produce maize. I come from the North Rift, sometimes prices of maize can go down and the cost of production can be so high. We ask ourselves: "did we sign a contract with anybody that we must grow maize?" Those farmers do so without a lot of obligation and passion to feed this nation. If you tell them to stop planting maize and do dairy, passion fruits and other crops that can give them a lot of money, they cannot change. You realize the patriotism of the farmers of the North Rift in Trans Nzoia, Uasin Gishu, Kakamega, Bungoma and Nakuru counties. They play a major role in producing food for this country.

That environment is now being threatened although there is some deliberate effort to salvage the situation. We now have subsidized fertiliser. We have a situation where Government guarantee prices for maize being bought. However, that is not enough. We

must address the issue of land. Where will be the land to grow maize? What is the land control system in this country? Are we doing things sufficiently to ensure that farmers or owners of large tracts of land are not selling their land to other people who then subdivide it?

In Uasin Gishu County, for example, places like Moiben and Soi which have large tracts of land for producing maize and wheat are being threatened by land subdivision. The first generation of land holders, the ones before Independence and slightly after independence, some have passed away. Others have left farming because they are old and their children have taken over. However, those children do not have that tradition of land ownership like their fathers had. They are subdividing the land and selling it. In another 10 years to 20 years, those areas will not continue producing food for this country.

The Government must ensure that there is availability, accessibility, adaptability and acceptable food for all Kenyans by making provisions for access to production resources, income and support. It must also provide and maintain an enabling environment. Under the Agriculture Act, the Government has no obligation. When asked why they are not subsidising products, they talk about free market and so forth. However, it is now an obligation of the Government to ensure that they provide an enabling environment, including resources for that protection of food producers as stipulated under Article 43 of the Constitution.

Mr. Deputy Speaker, Sir, this Bill makes even succinct that the Government must put in place mechanisms that ensure there is availability of farm inputs and implements for food production. There must be physical access to food; that means minimum dietary needs of persons or communities suffering or threatened with starvation. There is another programme that the Government runs, which is related to access to food under the National Drought Management Authority (NDMA).

We talk generally about the department related with special programmes. Giving food to people when they have challenges, when there is drought and situations of diseases. It is now not just a favour. It is not one of those things that the Government can say they have gone out of their way to do (1), (2) and (3). The Constitution, at Article 43, states that the right to food is a basic right. This Bill states that it is not just a right.

Under this Bill, the Government is obligated to make sure that we have the minimum dietary needs of the children in areas where people are starving. ASAL areas have challenges. However, there are areas that are not ASAL, but have a lot of challenges. For example, counties like Kilifi and Kwale have challenges because of historical injustices. One of the problems of the former coast province - and people may not understand this unless it is explained to them by sociologists or people who have studied ways of living of people - is that when you oppress people for so long, their self-confidence is affected. When it is affected, we get to a situation where the former coast province is today. Where we have land challenges, the issue of food occurs and so forth.

The issue of food is not only a challenge for the national Government, but also for county governments. Therefore, what governors should have done immediately they took office, especially in the marginalised areas, was to change the mindset of their people. Their first responsibility, for example, the Governor of Kilifi, was not to continue telling them that they had been marginalised for a long time, but to give them hope. Leaders are

dealers in hope. They would have changed their mindset so that they think differently and see how best they could spend their own resources from the national Government.

They would have told them that they had an opportunity to change their county. What happened instead? They stole money and even now they continue to do so. I do not want to mention names here, but some of them, went on a spending spree. It is like they were in a fashion show in London, Milan or Paris.

They talk about the newest T-shirts they are wearing, how their clothes are designed, how much time they will spend in the gym so that they look good but the people they are leading are living in abject poverty. They keep on preaching marginalisation to the people they are leading. That mindset should be changed. The idea that when the Government is in place --- When we say the Government must do this, we are not talking about the national Government only; we are talking about both the national and county governments because agriculture is largely a devolved function. The counties and the national Government must change the mindset of the people to give them hope by, for example, giving them seeds.

Why do counties worry about having a cable car, building the longest bridge and building a luxurious mall? Counties are supposed to focus on small things like giving two kilograms of seeds to farmers to till their land and plant then guarantee them the purchase of their farm products whether it is maize or millet. Guarantee them good prizes and tell them: "If you till one acre of land today, we guarantee you we will buy this much. When there is drought, as a county government, we will get the same maize we bought from you and distribute to the people. Now, move on and till another two acres." That is what needs to change. Therefore, the Government must put in place adequate infrastructure to facilitate the access and circulation of food, particularly in areas that are affected by food insecurity.

Mr. Deputy Speaker, Sir. It is a shame that we know for sure that at some point this year, there will be drought and thereafter floods and we just sit. It is like in this year there will be a miracle that will happen. The meteorological department forecasted that it will rain in Nairobi and there will be flash floods. Everybody behaved like it will not rain.

How possible is it that we were caught unawares? People got stuck in traffic for hours while others were killed by floods that were forecasted ten days before it happened. It has become so normal that three or eleven people die and people say: "Only 11 died. Okay, It is just 11 people who died" as if the life of one person is that cheap when we talk about it. So, now we know for sure that there will be drought; what are we doing about it?

The Bill says we create an institutional infrastructure for an entity that will focus on what you do to ensure that when drought occurs in a particular area, people will not starve and suffer but get food that they produced when it rained. It is now raining; we can do a lot of farming, harvest and store all the water that is flowing causing havoc then do irrigation and in three months harvest the produce.

Mr. Deputy Speaker, Sir, a story must be told of your former Governor. Instead of him focusing on dealing with the challenges that were in Chakarika, Marimanti and Gatangachini just but to mention a few areas I know, he took fishlings and put them in a flowing river and said that he was promoting fish farming in Tharaka Nithi. One of the comical things you told me was that the question that the people of Tharaka Nithi County were asking is ---

The Deputy Speaker (Sen. (Prof.) Kindiki): Order! Senator. Who told you, again?

(Laughter)

The Senate Majority Leader (Sen. Murkomen): It was the Senator of Tharaka Nithi then. He told me that the questions the locals asked were: one, “When you go and pour fishlings into a flowing river that flows to Garissa County, are the fish for Tharaka Nithi County, Garissa County or Tana River County where there is enough fish?” The second question was: “How do you audit such a project?” The things that must be done are those that change lives and must be accounted for.

Clause 5(2)(g)(i) of the Bill says:-

“formulate and implement the family support programme and other appropriate programmes targeting—

(i) food for poor persons, households and communities for the greater enhancement of their ability to produce or purchase essential food items and commodities in adequate quantities and quality; and--”

We already have social programmes that are being implemented by the national Government at the moment, but at the local level, the county governments must identify the families that are threatened and the issues that they are going through; persons who are at risk and persons who suffer from certain kind of diseases, who must be supported to get the necessary food to protect themselves.

Clause 5(2)(h) states:-

“put in place measures to ensure the availability and accessibility of food for individuals, groups and communities caught up in food emergencies and humanitarian disasters;”

Clause 5(2)(j) states:-

“take all reasonable measures to ensure that food resources and sources of food production are protected from destruction and are sustained for future use;”

Clause 5(2)(k) states:-

“monitor and evaluate strategies and programmes for the realization of the right to be free from hunger and the right to adequate food.”

There is a guarantee of transparency and accountability in the design and implementation of the programmes and the interventions. It is sad that we have vultures, “tenderpreneurs” and evil people. As a right thinking Kenyan, when it is raining and there are floods and you are thinking of how you can save people, other people are calculating how much destruction the floods are doing for them to get a tender to intervene. We must get rid of that kind of mentality in the Government circles, both at the county and the national level.

People wait and allow situations of emergencies to occur because they know such situations do not give room for procurement processes. So, to get a shortcut to deal with the procurement process, people will let emergencies to occur so that within a day, they will procure materials for building of a bridge or to rush and give food to people of a particular area.

[The Deputy Speaker (Sen. (Prof.) Kindiki) left the Chair]

[The Temporary Speaker (Sen. Lelelgwe) in the Chair]

Mr. Temporary Speaker, Sir, there must be measures of transparency and accountability. In this Bill, it is proposed that all the Government entities must work together to plan ahead. I should not be told that food insecurity, drought or certain disasters that can be predicted are emergencies to the extent that we cannot plan ahead for them.

Mr. Temporary Speaker, Sir, Clause 6(1) of the Bill states:-

“The national and county governments shall promote the physical and economic access to adequate food of acceptable quality.”

Clause 7 of the Bill is on the Obligation of the Government in relation to freedom from hunger. It is about adopting appropriate policies, enhancing preparedness and adopting culturally-sensitive responses in ensuring that all persons are free from hunger.

There is a special provision in Clause 8 that deals with the role of the national and county governments on matters of Child nutrition. Clause 8(2) states:-

“The National and county governments shall collaborate with stakeholders to establish and implement programmes, including school feeding programmes, that promote child nutrition and food security, taking into consideration the interests of vulnerable and marginalized children.”

Again, the only way you can ensure that the right to education is achieved is to guarantee food in many parts of this country, especially in the Arid and Semi-Arid Land (ASAL) areas. That is the role of the county and national governments. I have seen many governors when asked a question on this; they deflect it to the national Government. This obligation is not just an obligation of the national Government. It is an obligation of both the national and county governments. That is why Article 6(2) of the Constitution says:-

“The governments at the national and county levels are distinct and inter-dependent and shall conduct their mutual relations on the basis of consultation and co-operation.”

The two levels of government must work together because they are serving the same clients who are the people of Kenya.

There is also another special provision and, I dare say, most of these provisions have been borrowed from the United Nations Convention that deals with matters of food security.

Mr. Temporary Speaker, Sir, Clause 9 talks about pregnant and lactating women who must be protected. Expectant mothers are very vulnerable persons if they do not get the right food. I cannot overemphasize that. Sen. (Prof.) Ongeru, who is a medical doctor, is here; he understands this and he can explain further about the need to ensure pregnant and nursing women have enough food.

In most cases, pictures that are paraded in global scenes are of struggling children trying to suckle their poor mothers who cannot even access food and water. There must be programmes of intervention on issues relating to problems of nutrition for children and lactating mothers.

To do all that, the Bill proposes that there should be establishment of a food security authority which will be the implementing agency. The functions of the authority

will be to formulate strategies, plans and programmes to facilitate the realisation of the right to food; appraise and review the levels of access to food by all Kenyans in terms of quantity and quality and liaise with county food security committees and relevant agencies to ensure there is optimum access to food.

The authority will also collaborate with necessary entities and stakeholders in establishment of appropriate mechanisms that ensure access by poor persons to adequate food in both quantity and quality; promote measures to improve security and access to land and water resources and the optimum and sustainable utilisation of these resources, among other functions.

Food security will not be achieved if we still depend on rain for our agriculture. We must move away from rain-based agriculture to irrigation. The type of irrigation we do should not just be depended on rivers. The future is to ensure that we take advantage of water underneath. Boreholes should be dug and good irrigation done.

If you pass Naivasha driving, you will not see what I am saying but if you fly you will see irrigation taking place in Delamere Farms. There is a borehole sunk in the middle of about 100 acres of land and they do overhead irrigation. If we want to have food security, these are the things that we must think about. If we have to solve problems of food security, we must invest in such technology.

Farming should take place throughout the year because water underneath can be pumped. You do not have to use electricity because they use solar energy and you can even use hydropower. Therefore, you can use modern technology using solar energy and farm nonstop. When it rains, you can stop using the borehole and use the rain water.

Mr. Temporary Speaker, Sir, you know the cost of sinking a borehole because you come from a pastoral area. You need about Kshs2 billion to Kshs3 billion. The Government needs to set aside necessary and enough resources to sink at least one borehole in every ward in this republic. We have 1450 wards. Of course not all places will require sinking boreholes because some places like my ward are high areas and there are many rivers. So, you do not need to sink a borehole there. We may need about 1,000 boreholes in this country and that will help to solve food insecurity.

We have been told that the amount of water in Turkana is unbelievable. We need to sink enough boreholes and do irrigation. There should be collaboration between the national and county governments and the problem will be solved. That is one of the things that must be done to ensure that there is water and sustainable utilisation of resources to deal with matters of food. We cannot talk about proper development if we still have people without food in this country.

Other functions of the authority will be to monitor the implementation of the food distribution programme; identify food insecure counties and develop affirmative action measures; monitor and evaluate the implementation of policies, plans and strategies on food security; and in consultation with the Cabinet Secretary responsible for disaster management, carry out emergency response and mitigation programmes including, where appropriate, food distribution and feeding programmes.

Basically, what this Act will do is to institutionalise what is already happening under the Department of Special Programmes and ensure that that can be tracked and implemented and that it is mandatory under Article 43 of the Constitution. In doing so, the authority must collaborate with relevant public entities, Ministries, committees at the county level, the civil society, the private sector and the donor community.

When I talk of donor community, I do not mean international agencies. Individuals in this Republic can donate in support of various needy groups. That is one area I wonder about. Billionaires in this country do not do what the Bill Gates of this world do and I do not know where they take their money. I think they just keep it to their families and children. The culture of giving to the public except during *harambees* needs to be inculcated by those who have been blessed with lots of money. Such people can be part and parcel of those who collaborate with the Government to initiate the programmes.

They also have to liaise with the National Social Assistance Authority established under the Social Assistance Act and create an e-platform to monitor such programmes. They must also collaborate with the county food security committees, promote diversification and the use of alternative methods of agriculture and livestock systems and so on, and so forth.

There is only one question we need to ask ourselves, so that this issue is clarified. I am glad the Chairman who will second this Bill is here and will look at it at the Committee Stage. I am sure they are already looking at it because the report was committed to the Committee. We need to ensure that existing agencies and authorities co-exist with this authority. Is it possible to amend the other Acts using this one to collapse some of the authorities, so that we do not have too many parastatals? That is the only issue that needs to be checked in so far as this Bill is concerned so that we do not create so many parastatals because this one also will have staff, management and a board. That is wasting money that we need to solve the problem of food insecurity.

We should know the place of the National Drought Management Authority and special programmes in the Ministries. I do not have all in my mind now but I will ask the Chairman, because he is the one who will second this Bill, to ensure that their committee expeditiously calls the necessary experts dealing with special programmes under the Ministry of Devolution and Planning and the Ministry of Agriculture and Irrigation to come and inform us how this authority will co-exist with existing programmes and authorities. We need to cut down on overheads and focus on using public resources for the good of this great Republic.

The authority, just like all the other authorities, shall consist of:-

- (a) a chairperson appointed by the President with the approval of Parliament;
- (b) the Principal Secretary responsible for matters relating to agriculture or the designated representative;
- (c) the Principal Secretary responsible for matters relating to livestock or the designated representative;
- (d) the Principal Secretary responsible for matters relating to finance of the designated representative;
- (e) the Principal Secretary responsible for matters relating to the Coordination of national government or the designated representative;
- (f) the Chairperson of the National Social Assistance Authority established under Section 5(1) of the Social Assistance Act or the designated representative;
- (g) one person nominated by National Drought Management Authority established under paragraph 3 of the National Drought Management Authority Order, 2011;

That is already an indication of what I was trying to say about collaborating. Where is the existence of the other authority? Can these functions be married and make one pseudo-authority that will deal with those issues to reduce matters of overload?

- (h) two persons nominated by the Non-governmental Organizations (NGOs) Coordination Board established under Section 3 of the Non-government Organizations Constitution Act;
- (i) two persons nominated by the Council of Governors; and
- (j) the director General who shall be an *ex-officio* member, the secretary to the Board and the chief executive officer of the Authority;

As usual, the staff will follow. The normal provisions relating to State Corporations in terms of management, removal, accountability of the Director General---. I do not want to belabour on this because it is an issue that we deal with day in, day out in various Bills.

Mr. Temporary, Speaker, Sir, Clause 33 talks about the County Food Security Committee. As I said earlier, this is the entity at the county level that mirrors the Food Security Authority at the national level. For that reason, Part VI talks about the County Food Security Committee, which is proposed to be composed of—

- (a) a person with knowledge and experience in matters relating to food security appointed by the county governor and who shall be the chairperson to the committee;
- (b) the county executive committee member responsible for matters relating to agriculture who shall be the secretary to the committee;
- (c) the county executive committee member responsible for matters relating to livestock;

If it is the same person, this means that there will be one person.

- (d) the county executive committee member responsible for matters related to social services;

- (e) the county commissioner or a designated representative of the commissioner;

This means that there will be a national Government officer and also a county government officer. As we said earlier, this is going to be a collaborative effort to ensure that food distribution is not going to be--- We do not want a situation where the Cabinet Secretary or a national Government authority just walks in and says, “we are taking food to people in a certain corner,” and there is no collaboration with the county. The county had probably put all the money in that corner and wanted assistance in another corner. Therefore, that collaboration of the formation of the County Food Security Committee is very important.

- (a) two persons of the opposite gender, with knowledge and experience in matters relating to food security within the county appointed by the county governor; and

- (b) two persons of the opposite gender, appointed by the county governor to represent such special interests within the county as the governor shall determine.

The functions of a county Food Security Committee are in Clause 33, and they are:-

- (a) implement the food security policy and programmes in the county;
- (b) advise the Authority on technical issues related to the implementation of different programmes on food security within the county;
- (c) collaborate with the Authority and agencies in the county in ensuring a coordinated approach in facilitating the access of food in the county;

(d) serve as an early warning mechanism on impending food insecurity situations within the county and advise on mitigation measures to address the situation; This is because counties and the people residing at the local level know and understand what is going on. It has also been necessary that early warning mechanisms and preparedness is achieved from the county level.

(e) ensure that food and nutrition insecurity issues are incorporated in programmes of the county and monitor the performance of the county in the implementation of the policies, programmes and plans on food and nutrition security issues;

(f) determine the essential foodstuffs and commodities within the county for the purpose of implementing food distribution programmes and food subsidy programmes. This is also another issue; instead of importing food to come and distribute, we should buy those that are within the county and the country. As I said earlier, by doing that, you have encouraged farmers in the county to do farming. You have done the boreholes and irrigation and farmers have food which they have stored in the county. Alternatively, the county government, under its special programme initiatives has bought food and stored it in the silos.

When I was the Chair of the Devolution Committee, we allowed counties to have their own silos where they can store food. That should be the priority area where you buy the food so that you distribute it. That will encourage farmers in the farming season or during the farming to continue doing what they are doing. This will mean that they will be consuming what they have produced; only that they will be consuming it later when they have a disaster or problem.

This can only be achieved if there is a committee in the county which would have surveyed and determined that, that initiative is going somewhere. However, this initiative cannot be left to 'tenderpreneurs' or people who are profiteers. It must be a Government run programme. As I said earlier, even the World Trade Organization (WTO) law exempts state parties from the provisions of the General Agreement on Trade and Tariffs (GATT) related to violation of the rules, subsidies and countervailing measures.

The Board will have a subsidies and countervailing measures agreement and the GATT Agreement itself recognizes that food security is an important thing; and the security of a state is dependent on its food. If those subsidy programmes are being done to achieve food security, then it is not punishable under the most favoured nation principle of WTO, which is Article 3 of the GATT Agreement.

Mr. Temporary Speaker, Sir, Part VII is dealing with the Food Insecurity and Information Mapping Systems. Clause 35 (1) states:-

"The Authority shall in collaboration with the Ministries responsible for finance, disaster management, agriculture, livestock, meteorology, planning, national security and gender, establish food insecurity and information mapping system to provide the information needed to develop and strengthen the capacity to respond to food emergencies."

That is exactly what we need. As I said earlier, there must be a place where you go in this country and ask, what is likely to happen in August? Which counties are likely to face starvation? What intervention mechanisms can we use to ensure that we mitigate the risks that are related?" The Meteorological Department and the Planning Department play a key role.

Mr. Temporary Speaker, Sir, in other parts of the world, people take their Meteorological Departments seriously. However, for many years, we never used to take the weather forecasts seriously. In fact, I do not know whether they still present weather forecasts in the news anymore. It used to be mandatory when it was only the Kenya Broadcasting Corporation (KBC). It was obvious that somebody would come there with a stick, pointing at areas on a map and say, 'it is going to rain ,'*et cetera*. However, nowadays, we do not take weather forecasts seriously. I do not think any segment of the news has it anymore.

This is because we think it is unnecessary. Look at the Cable News Network (CNN), the British Broadcasting Corporation (BBC), Al-Jazeera and all the international media houses. They have weather forecast provisions in their news; and somebody is dedicated and paid to do that job. Why? Because weather forecasting is very important for planning; whether you want to travel or find out how to dress. In many countries in the world, before you leave the house, you check whether it is going to rain so that you know whether you will carry a sweater or you will go out with your t-shirt.

Therefore, weather forecasts are part of planning, but here nobody even cares. You will just leave here and be shocked that it rained. However, anybody who cares about the weather and who wants to drive to Machakos will ask himself, "Is it likely to rain and flood?" Here, people would just go and they would meet with flash floods because weather forecasting is not taken seriously in this country. The Meteorological Department must be put where it is in terms of protection of the people. This is because it is very important when it comes to food security issues, starvation, floods and, of course, many other planning issues.

Mr. Temporary Speaker, Sir, I am informed that the Meteorological Department acquired very good equipment in the recent past. That explains why we have been getting correct information from the weathermen and women serving in this department. How that information is processed and consumed in the public is important and it should be given the stature it deserves. This should not only happen when there are disasters, but even at any given time so that people can use it for their day-to-day planning.

Mr. Temporary Speaker, Sir, Clause (2) of Part 7 states that—

“In performing its functions of (1), the Authority shall—

(a) support development of the disaster management plans in relation to food security by implementing organs;

(b) establish a rights based early warning system and emergency preparedness strategies on food security and safety;

Kenyans have a right to be warned and this can be held against the State. It should be possible that should people starve, they are killed by floods or their property destroyed, those people must ask for compensation from the State. This is because as a matter of right, they deserved access to information related to the weather.

In performing their functions, the Authority, therefore, must ensure that they support the development of disaster management plans and establish a rights-based early warning system, because Kenyans have a right to be warned. It is a right and it can be held against the State. Should people starve, die or have their property destroyed because of floods, they should ask for compensation from the State. As a matter of right, they deserved access to information related to the weather.

It also provides that:

“They should establish risk management and vulnerability mapping systems; establish and coordinate sector-specific roles and mandates related to vulnerability and emergency responses; and undertake a food security baseline and impact assessment at all levels of governance to guide vulnerability and emergency response.”

All these provisions are very important, but as a matter of right, Kenyans must have a place where they can go today and ask: ‘What do we need to do in county ‘X’ this year to get it right on matters drought?’ There must be clear information in good time for it to be used for planning.

Part VIII talks about financial provisions. For avoidance of doubt, nothing in this Act may be construed as providing for or dealing with taxes, imposition of charges or appropriation, receipt, custody and so forth. The resources that will be used here shall be from the monies that are appropriated by the State through the National Assembly; gifts, grants and donations and such other money that may accrue lawfully to the Authority. The Authority may also make certain investments as per the existing law.

With so many of those provisions, I think I have made myself clear on why this Bill is very important. It is about Article 43 of the Constitution, internationally acceptable principles on food security and domestication of international principles or the United Nations (UN) principles on matters food security. It is for us, as the Senate, to lead in providing a framework that we can hold the State accountable on matters of food security for the good of this great Republic.

With those many remarks, I beg to move and request the Chairperson of the Committee, Sen. Ndwiga, to second.

Sen. Ndwiga: Thank you Mr. Temporary Speaker, Sir. It is normally very easy to second a Bill moved by the Senate Majority Leader, because he is very thorough. He goes through the entire Bill properly and leaves nothing in doubt. Indeed, he has covered most of the points that the Committee on Agriculture, Livestock and Fisheries has been looking at. Therefore, I am happy to second this Bill.

This Bill establishes the Food Security Authority whose mandate is to monitor trends of food scarcity and abundance in the country. This country has a unique behaviour, where at certain times we have abundance of food in one corner of the country, yet there is starvation in another corner. I visited Western Kenya the other day, at a time when we were talking about starvation in Ukambani and North Eastern, yet there were so many sweet potatoes and other food stuffs in Chwele Market and the surrounding places.

One of the functions of this Authority is to monitor places where food has been produced in abundance and farmers do not have market. It is very sad that in some places farmers have produced and do not know where to take their produce, yet in other parts of the same country there are people dying of hunger. It is an extremely sad state of affairs and that is why it is absolutely necessary to have this Authority. Therefore, monitoring will be a key function of this Authority.

It is also very sad that, at the moment, we have heavy rains pounding the country, but a month later, we will have drought in certain parts of the country. It is time we set aside the spell of this curse for us to learn. I am happy that the Senate Majority Leader has captured that very effectively; that it is not our rivers that will give us water for irrigation. We must learn to harvest water. Indeed, I would be happy to see all our institutions, especially the public education and health institutions, with facilities to

harvest water. I do know of areas where children do not go to school, because they do not have water to drink, yet we have rains at the moment. If we could supply schools with tanks or install underground tanks to harvest the rain water, we would have water supply for the next six months.

This Bill is also meant to satisfy one of the pillars of this Government. The President has said that as part of his legacy, he would want to leave this country food secure. The first of the four objectives is food security. This Bill is actually meant to create a situation where this country is permanently food secure. It is true that we have other existing agencies, and in the Committee, we have met all the agencies that are involved in food distribution and production. We have received inputs from the Council of Governors (CoG).

Agriculture being a devolved function, I would like to challenge our counties and governors that it is not enough to permanently complain about money not reaching the counties, yet when it gets there, it is sometimes put into very useless infrastructure programmes. This happens when there are people who are dying of hunger. There are no agricultural programmes to make sure that the counties are food secure.

I would like to see a situation where our counties are the ones at the forefront to make sure that water harvesting in our public institutions is done. We give them enough money from the national Government, but the tragedy, according to the report that we got last time, is that you cannot account for 60 per cent of the monies going to the counties. We happen to know what happened to them and it is very sad indeed.

The essence of devolution was to get funds or resources closer to the grassroots. It is very sad that most of these things happen yet as they happen, we have the Senate in place which is meant to cross-check what happens on the ground. All of us know why we have that deficiency.

Mr. Temporary Speaker, Sir, in a country that prides itself of being agricultural, it is absolutely sad that a quarter of the population of that country is food deficient. It is extremely not acceptable. Therefore, it means that we are not putting our money where our mouth is. We keep telling the whole world that we are an agricultural country and that this is what we are doing and so on, and yet ten million people in this country are food insecure.

Therefore, I would want to urge even the national Government to also look at the Maputo Declaration so that we put our money and the resources, where our mouth is. Agriculture needs to be properly funded.

Mr. Temporary Speaker, Sir, currently it is raining, but there are many parts of this country where subsidised fertilizer has not reached the people. In the places it has reached, the same subsidised fertilizer is not getting to the common people; it is being hawked by tenderpreneurs all over the country. That is why it is necessary to have a centralised authority to monitor food distribution.

In the past, we had a given Ministry being responsible for food distribution; where the provincial administration and the chiefs were in charge. We had cases where food was taken to a county, let us say today, then tomorrow, you would find the same food in the market in that particular place. The people were food insecure and starving because they had not gotten the food.

Food insecurity is in very many places and not just in Arid and Semi-Arid Lands (ASAL). The Senate Majority Leader thinks that it is the ASAL areas that we need to

look at specifically, whereas, it is virtually the entire country. We need to have school feeding programmes for the entire country because children who are hungry cannot learn. I have observed situations where children leave school to go and look for food. Children will leave the house in the morning knowing that there will be no food when they return home.

We should have a situation where all primary schools have feeding programmes. This is a challenge for the county governments. Although Education is devolved, it is actually under the national Government since the Early Childhood Development (ECD) is the only part which is devolved. So, we need to take some of these things a bit seriously as we discuss the budgets of the counties. If we are serious about food security, it must start with children.

Article 53(1)(c) of the Constitution provides that:

“Every child has the right to basic nutrition, shelter and health care.”

So, if we are not going in that direction of starting with the children, I do not know how we will address the issue of food insecurity. That is where we should start by introducing school feeding programmes which used to be there. At one time we used to laugh at the *Nyayo* milk programme. If we want to encourage production even of our dairy farmers, then we should introduce these things. This is where a country needs to spend its money. We must spend our money on our children. Any farmer knows that if you want to have a good harvest, you must start with the seedlings.

I urge that all of us start with our seedlings which are our children. Let us feed our children from nursery schools to primary schools. Giving them free education is one thing. When you only give them free education, they will not learn because they are hungry. Let us introduce serious school feeding programmes for our children so that we can have a generation that we deserve as a country.

Since the Bill has been ably moved and I know there are a couple of Senators who want to make contributions, I beg to second.

(Question proposed)

The Temporary Speaker (Sen. Lelegwe): Proceed, Sen. Cherargei.

Sen. Cherargei: Thank you, Mr. Temporary Speaker, Sir. From the onset, I support this Bill that has been ably moved.

Most of these issues have been highlighted by Sen. Murkomen who happens to have been my lecturer way back in Moi University School of Law. He taught me some of these issues to do with the basic human rights. Sen. Murkomen, the Senate Majority Leader, has dissected and done a very commendable job by going through the Bill. I am impressed because he was my teacher and he will always remain my teacher. I will always take cue from him.

Mr. Temporary Speaker, Sir, socio-economic rights might be new to many Kenyans because this is the first time we are having a progressive Constitution that gives prominence, under Article 43(c), to the issue of freedom from hunger. As a country, it is very important that we ensure all our citizenry across the nation are food secure.

This Bill is also very important because, apparently, one of the “Big Four” Agenda Programmes of His Excellency, President Uhuru Kenyatta and the Jubilee administration has been food security. Therefore, it is timely and it is very important that,

as we move forward, we ensure all our people are catered for. Even if you look at Article 28 of the Constitution on human dignity, it provides that we should ensure inherent dignity of the citizenry even from poor backgrounds. The vulnerable will always be taken care of and it will redeem their dignity. It will give them a sense of belonging.

The country is not sympathizing with the poor by making this law. It is our responsibility as a nation to ensure every citizen can access food. It is a basic human right enshrined in the progressive Bill of Rights which is celebrated across the continent.

Mr. Temporary Speaker, Sir, this Bill provides for the vulnerable people in our country, for example, pregnant women, lactating mothers and children. As Sen. Ndwiga said, when some of us were in the primary school we were privileged to take *nyayo* milk which was very nutritious. I went to St Francis, Chepterit Primary School, Mosoriot. Every Tuesday we were excited because we knew we would have a packet of *nyayo* milk. Therefore, the feeding programme will ensure that our children access the right to food which is one of the basic rights of any human being entrenched in Article 53 of the Constitution. This will also help the lactating mothers and reduce the high mortality rates across our counties. Going forward, it is important for our mothers to give birth to healthy children. When we have healthy people, we will have a healthy nation.

Mr. Temporary Speaker, Sir, Sen. Murkomen, Sen. Cheruiyot, yourself and I, are agriculturists. We have always engaged in farming activities. Clause 5(d) says:-

“Put in place mechanisms that will ensure the availability of farm inputs and implements and other mechanisms of food production in order to facilitate food production.”

We cannot have food security without food production. We cannot have adequate food production without having the necessary food inputs and implements. For the first time in a period of ten years, I saw some statistics showing Kenya had a bumper harvest of maize. To ensure that we have sustainable and bumper harvest of maize that comes from Uasin Gishu region, the entire North Rift and the rest of the country, we should have consistency of farm inputs and implements.

Mr. Temporary Speaker, Sir, right now, we are in the planting season. I hope that the authorities that have been set, for example, the digitalization and the mapping systems will be able to deliver. As I speak today, most of our farmers in Nandi and Uasin Gishu counties cannot get enough fertilizer. There have been allegations that some of the tenderpreneurs that Sen. Murkomen had referred to, imported the top dressing fertilizer which we do not need during this season instead of importing DAP fertilizer.

Therefore, going forward, I agree with some of the issues that have been raised, including mapping and digitalization. For example, if a person has two acres of land and they want to transport fertilizer from Mosoriot National Cereals and Produce Board (NCPB), they do not need to undergo a vigorous process of getting the chief, the assistant chief or the county commissioner to write a letter for them. There are also allegations of corruption, for example, in Mosop Depot where people are paying Kshs2,000 to Kshs2,500 to be supplied with farm inputs.

Mr. Temporary Speaker, Sir, this Bill is critical to farmers so that in future, we do not have to wait for the rains. The rains that have caused flash floods had been predicted. However, farmers are not ready for the planting season because we have not put in place measures. The Senate Majority Leader has emphasised the need to ensure that we have

mapping systems which are digitalized. After this planting season, next year we will have a planting season. Let us release fertilizer to farmers as early as November or December.

Mr. Temporary Speaker, Sir, I agree with the aspect of diversity of crops production. In this country, for example, if one does not eat ugali, they feel like they have not eaten. Therefore, let us diversify our crops so that we can have diversity.

Mr. Temporary Speaker, Sir, as I finish, relief food has been an issue. Now that I am a very loyal and committed student of the Senate Majority Leader, I want to go straight to the point and emphasis on the part of offence and penalties. I am happy that Sen. Ndwiga also mentioned this issue of alleged corrupt chiefs and food distribution officers in drought affected areas, especially in ASAL. For example, in Samburu County, chiefs sell food that is meant for distribution although it is indicated that “not for sale.” I agree that the penalty must be very harsh. I agree that someone who is found to have diverted food that was meant for distribution should pay a fine of more than Kshs10 million. The penalties from Kshs200,000 to Kshs10 million are important.

There have been allegations of corruption in distribution of fertilizer in NCPB in Mosoriot, Lessos and Eldoret. If someone is found taking a bribe of Kshs2,000 from farmers, he should be punished for threatening food production. We should ensure food security because it is one of the key pillars of the President’s Big Four agenda in this country. Therefore, I totally agree with the penalties prescribed in this Bill. Our people should know about them so that they take this issue of food production seriously.

Finally, because I know my colleagues would want to contribute to this Bill, let me comment on the county food security committees. The people who will serve in the food security committees will mainly be from the grassroots levels in the counties. We expect these food security committees to give the raw data and do proper mapping. By the time the food authority is doing its work, the county food security committees should give them raw data which will help them do mapping.

Mr. Temporary Speaker, Sir, yesterday, when His Excellency the Deputy President, William Ruto, was launching the social protection conference which ends this Friday, he said food is the key component to cushion us against the vulnerable people in the society. I urge the governors in the 47 counties not to be selfish. They should ensure there is enough food across our counties.

Nowadays, Kenya is celebrated for bringing the mobile money revolution across Africa and even in the western world. We should also encourage usage of technology to ensure that there is digital linkage across various areas.

Mr. Temporary Speaker, Sir, I know that the Senate Majority Leader will emphasis more on the need to provide farm inputs and implements to our farmers to ensure that the Big Four Agenda of the President will come to fruition.

I support.

Sen. Cheruiyot: Thank you, Mr. Temporary Speaker, Sir, for giving me this chance to also contribute and share my thoughts on the Food Security Bill (Senate Bills No. 12 of 2017).

I must say from the onset, that this is an extremely important Bill. It puts into great thought things that millions of Kenyans grapple with on a daily basis. However, sometimes we, as legislators, and Kenyans of privilege, tend to forget that there are millions of Kenyans who rise every morning with only a singular duty; to put food on

their table and return to their beds. Yet, because we do not have such struggles, we may easily forget the importance of the matters that this Bill raises.

Mr. Temporary Speaker, Sir, the Constitution of Kenya 2010 is an extremely aspirational document. It speaks of many values and things that we aspire to as a country. We have achieved some eight years since the promulgation of the Constitution, but there are others that we still continue to struggle with, with the hope that one day, we shall give our people that which the drafters of the Constitution of Kenya 2010 dreamt of and make our country great. I am talking about a country that we can all proudly belong to and live in, knowing that we care for each other and we make laws, rules and regulations – as Legislators – that remind even the down trodden that we care about them.

This Bill, upon its enactment, puts very good thoughts. I have had many occasions to listen to my colleagues contribute and you will realise that these are things that we grapple with even as leaders. We continue to question and wonder how we can find solutions to these extremely pressing problems, which we know very well that we have the ability to solve. However, because we have not taken time to put our minds to task, we have not addressed ourselves to them.

The right to food is a basic right as properly enshrined in Article 43 of the Constitution of Kenya 2010. The mere fact that it has been listed and put there among other rights, it means that the drafters of our Constitution felt that every Kenyan should enjoy it without any hindrance. The work is now bestowed upon us, as Legislators, to give and breathe life into this piece of legislation. In that manner, we will help Kenyans from every corner of our nation to enjoy food security. I like the phrase that has been used in this document; it is not just about the quality but even the quantity is something that we need to consider as Legislators because it is a world of a difference.

Mr. Temporary Speaker, Sir, let me go straight into the preliminary part of this document where it speaks about this Act of Parliament giving effect to Article 43 of the Constitution of Kenya 2010. I like the definitions that have been put forth in these preliminary notes in Part 1 of this Bill. It continues to define what I have just spoken about and what they mean by adequate food, that it must be provided and served in good quality and quantity. Perhaps, they forgot to add that it must be in good temperature as well.

Another brilliant definition in this preliminary part of this Bill is “At risk persons”. These are people that many at times we do not spare a thought for. I am sure as you drive out of Parliament on many occasions and get stuck in traffic before Hotel Inter-Continental, you get knocks on the windows of your tinted limousine or the nice car that you drive. These are young mothers and children begging for food.

Many at times, we do not put a thought to it because we imagine that these are just a nuisance of people that do not want to work hard. It is good that we are now putting it in legislation; that there are people in this country who are known as “at risk persons” and who do not have means of putting food on their table – that is if they have a table – or in their mouth, because that is where we want this food to end.

It is great that we have finally put a definition and when we are considering people that need to be given priority in terms of being food secure, we have defined even street families. These people wake up and have nowhere to call home or somewhere to source for food. They are being catered for and it will be the duty of the Authority that

we shall put into place, upon the passage of this Bill, to think of how we can ensure that even street families are catered for.

Back in the day, this issue was confined to cities but like many Senators have noted, of late, we are beginning to grapple with it even in the villages where you have families that have disproportionately sold off their land and you end up with children who have nowhere to go. This definition will ensure that such people, at least, are given good consideration.

Mr. Temporary Speaker, Sir, the Bill also continues to define something that is extremely interesting to me; that is, food of acceptable quality. I know that those of us that are not very young – I say that tongue in cheek because I might be the youngest in this Chamber– remember the saga that was the yellow maize back in the 1990s. The maize was brought to the country to cure drought which had ravaged the country, but it attracted condemnations from our people. Our people felt that yellow maize was not good for human consumption culturally, among other things. When we were growing up, we knew that our staple food was white ugali. When many families turned up and realised that the ugali was yellow, they opted to stay away.

We have put in a good definition of “acceptable quality” because back then, the big debate was: “Is this imported maize meant for human consumption?” There have been instances in other African countries and even in our country, where we heard that imported maize was not planted in the conditions set for maize for human consumption. Some of it was to feed horses but because of poverty and also tenderpreneurs – the common word that is being used this afternoon – we ended up with yellow maize.

If you are a poor Kenyan farmer and that is the only food available and it is what you can afford, what choice do you have between starvation and buying cheap maize? Even if it was planted for horses, Kenyans have no choice but to eat ugali from yellow maize. With the passage of this Bill, the Authority shall ensure that food that is provided for Kenyan consumers is good and of acceptable quality.

There is also something that is defined as “food eligibility card”. In other countries, it is known as Food Stamp, where people show up and say that they are unable to feed themselves. It is the duty of governments, which are governed by a constitution such as ours, to ensure that all its citizens feed themselves. Therefore, we have these cards.

I have just creatively thought about something that the implementers may want to consider. Is it possible to extend this food card to even some of our extremely fashionable and expensive food chains in terms of tax breaks? It will be such that if you offer services to a holder of the food eligibility card, you redeem what you may have lost as an establishment in terms of tax breaks. That way, you have many of these people that sometimes pass through five star and posh dining places and keep wondering when they will ever get to taste and enjoy a meal there. Those are just my thoughts and something that we may want to consider.

Mr. Temporary Speaker, Sir, let me move to Part IV of the Bill that says all persons under this Act, shall in performance of the functions under this Act, be guided by the following principles in addition to the national values set out in Article 10 of the Constitution of Kenya 2010. This is extremely important. I am sure you are not a stranger to this kind of problem because I know you come from a pastoralist county. However,

many at times when we have Government intervention in terms of food provision to deserving Kenyans, it never ends up on the tables of these deserving Kenyans.

I do not know how true it is, but many times, these people look forward to being posted to the far-flung parts of this country that are drought-prone so that they can manage drought mitigation budgets in terms of food that is sent to them. What do they do? They repack the same food, bring it to Nairobi and sell it. It is a shame! But these things have been known to happen.

Mr. Temporary Speaker, Sir, they were not doing that for lack of better laws, because it is illegal and they know that it is wrong. Now that we are setting up an authority that will ensure that such things cease to happen in our country, it is important that these values that have been listed in this Bill guide what will be expected of all persons who are supposed to give life to this Bill. It includes coordination of public participation in Part D of Clause 4 in the formulation, implementation, monitoring and control policies of plans related to food security and nutrition.

Mr. Temporary Speaker, Sir, with the emerging challenges in our diet and nutrition, it is good to have professionals educate Kenyans to realize that there are other foods available beyond what we know as our staple foods. I do not want to go deeper into that line of thinking in terms of alternative foods available for Kenyans. The reason I reserve my further comments on that is because I remember that, at one time, there was a Cabinet Minister who ran into a lot of trouble for suggesting other available foods for Kenyans. I do not want to walk on that path. I still want to be safe on this.

However, while addressing public participation in terms of food availability, one of the things that we need to question ourselves is that, up to date, there are areas and parts of this country that are prone to certain diseases. There are parts of this country – for example the county that I represent and around regions where Sen. (Prof.) Ongeru comes from – where cancer is prevalent.

If you were to map out those areas, you would wish and want to question whether it has anything to do with the foods that we eat, how we preserve or prepare our foods. We should question that over time and have experts address us, with the passage of this Bill. With that kind of public participation we will, at least, answer some of those questions.

Mr. Temporary Speaker, Sir, I am also elated to see that they have put among the provisions of the Bill, that apart from providing relief food and ensuring that Kenyans who are suffering year in, year out from the effects of drought are fed, they shall set up measures to empower them and show them ways in which they can be food secure, either as communities or as counties.

It cannot be that we have elected leaders in this country, yet they are comfortable in their offices and know that in a certain month, residents of their counties will be faced by drought and still not do anything about it. It is important that, with this Bill, we shall be thinking about the measures that we can put in place to ensure that different parts of this country become food secure despite the soil topography and all these other factors that are taken into consideration.

Mr. Temporary Speaker, Sir, in Clause 5 under Part II, I like the use of the word “enjoyment,” because Kenyans paid a dear price for the Constitution. Therefore, if there is a right enshrined in it, Kenyans should actually enjoy it because they deserve it. Clause 5 under Part II provides that:-

“For the enjoyment of the right to adequate food and freedom from hunger, Kenyans shall question the national and county governments.”

Therein is a list of so many other things that Kenyans can ask their leaders. It will be possible to walk to a governor and ask him, “What are the plans that you have put in place in the budget that you have developed as a county government, for the members of your county that live in Arid and Semi-Arid (ASAL) areas?” Or “In the budget that you have developed as a county government, what are the things that you have set forth, for example, in terms of large scale or small scale irrigation for farmers?”

Mr. Temporary Speaker, Sir, since the inception of devolution, we have not had the opportunity to question and find out how long and how sustainable national reliance on, for example, the north rift part of the country, is. What if farmers of that region, for example, in Trans Nzoia, feel that it is no longer economical for them to plant maize and they want to switch to dairy farming; how will other counties in this country survive? Farmers in my county, for example, no longer plant maize.

I need to hurry because I can see I am being warned. I move to the part on the authority that shall be set up. I want to quickly rush through it because it is the part that I have a lot of reservations about. There are certain things which I feel if they are not properly addressed, then I may not vote in support of this Bill, despite all the good benefits that are described therein.

First, Mr. Temporary Speaker, Sir, is something that you have heard me speak about on so many occasions. That in setting up all the authorities and parastatals that we keep on setting in this House, we want to headquarter them in Nairobi. I have continued to question what is so special about Nairobi City County that every authority we are forming is headquartered here. Even the authorities that address issues that Nairobians are so ignorant about; we still want to house them in Nairobi City County. It will make greater sense if counties that continue to be affected by food security challenges like Turkana, Marsabit and parts of Moyale house such authorities. That way, they will enjoy so many benefits because they will be meeting the people they work for on a day to day basis.

However, I do not also think that all the measures being proposed in this Bill cannot be handled by certain departments in the Ministry of Agriculture, Livestock and Fisheries to warrant creation of another parastatal. There is a bad trend that is being set where, for every problem that we feel we need to address as a county, we set up a parastatal. In economics, inflation means too much money chasing too few goods. Similarly in Kenya, we need to find a word that will define too many parastatals chasing too few services. There is no justification for all this because that is a continued burden to the taxpayer.

I, therefore, request the Committee when they look at this Bill to find out whether it is possible to think through it and say that we can still achieve this by setting up a department in the Ministry of Agriculture, Livestock and Fisheries. We will then see to it that the people who are in that office ensure that we achieve what this Bill is targeting without setting up a separate authority.

Mr. Temporary Speaker, Sir, another thing that I have taken great issue with, is that in constituting the members that shall serve in this board--- I cannot seem to get it in my notes; but here it is, in Part IV of Clause 13. It says that amongst the people listed to feature in this board, there shall be two persons nominated by the Council of Governors

(CoG). To the best of my knowledge and reading of this Bill, this appears to me to be an oversight body. Why are we delegating our duties as the Senate? Why do we want the CoG to nominate people who will oversight their work?

It says in this Bill that we shall be questioning governors on the measures and plans they are putting in place to make their counties food secure. Do you now want the same governors to be audited by their nominees? These two nominees should come from the Senate. I dare say that if the Committee returns this Bill in this format, where we want the CoG to nominate, then I will have great reservations and I may not support it.

Mr. Temporary Speaker, Sir, there are so many things that I wished to raise, but because I am out of time, let me leave it at that and hope that maybe other thoughts will be shared with the Committee that will look into this Bill.

With those very many remarks, Mr. Temporary Speaker, Sir, I beg to support, but with extreme reservations, subject to certain amendments.

Thank you, Mr. Temporary, Speaker, Sir.

The Temporary Speaker (Sen. Lelegwe): Thank you, Sen. Cheruiyot.

Proceed, Sen. (Dr.) Ali.

Sen. (Dr.) Ali: Thank you Mr. Temporary Speaker, Sir. From the outset, I support some of the issues raised by Sen. Cheruiyot, especially, on the nominees from the county governors and he has explained very well. I wish that provision could be changed. However, I do not see the Mover and the Chairperson of the Committee. That should be put into consideration.

Food is defined as everything that originates from biological sources and water, whether processed or not, which is designed as an eatable or beverages for human consumption, including food additive materials, food raw material and other materials used in preparation, processing and or the making of an eatable beverage. That would be very nice, but when you look at the objectives and purposes of these, there are also issues.

Clause 3(c) states:-

“To provide a framework that promotes food production, self-sustenance and food security in relation to all persons in Kenya.”

However, when I look at this Bill, I feel that it just takes care of farming communities. When you talk of food security, you do not deal only with farming communities. The pastoralist communities in this country also have food. Their livestock is food. It is not shown here how we will use those foods to help other Kenyans.

Mr. Temporary Speaker, Sir, Clause 3(h) says:

“To guarantee the integration of the needs of vulnerable persons in food and nutrition strategies.”

Clause 3(j) says:-

“To ensure that emergency situations that threaten mass access to food are anticipated, mitigated and addressed with equality and speed.”

The unfortunate thing with most of our Bills is that we write a lot of good things, but nobody implements them. Why do we want to create an Authority? We have the National Cereals and Produce Board (NCPB) and the Kenya Meat Commission (KMC), which is dying. There are a lot of organisations and authorities which are supposed to be dealing with food security that are not functional. Why do we want to create another one?

It is better we delegate these issues to the Ministry of Agriculture, Livestock and Fisheries and get some department as he said it earlier.

When we talk of emergencies, especially in Northern Kenya and the arid areas, there is the so called relief food that is being provided. This food is stored in Europe and America for over 30 years. When they are tired of storing it, they give it to the World Food Program (WFP), which then brings it to Kenya and supplies it to the so called poor people. It is killing us.

They use a lot of preservatives to preserve this food and this causes aflatoxins. I am sure Sen. (Prof.) Ongeru here will bear me witness. These aflatoxins cause liver diseases and cancers of the oesophagus. If you go to Wajir and any sub-county hospital, you will see tens of people with cancers. They do not know where they got them from. These things were not there in the earlier years. However, for the last 30 years, these cancers are increasing especially that of the oesophagus and liver. You will see people with big tummies and some tell you that it is *uchawi* and other things. However, when they go to hospital, most of them realise that they have cancers, as a result of these foods which have been stored in unfavourable conditions for very many years.

Mr. Temporary Speaker, Sir, Clause 4(c) has the explanation of duty bearers and transparency in the food sector, particularly emergency food aid. These foods are taken there through the County Commissioners, the Assistant County Commissioners and the chiefs. We are told that these foods are distributed to locations, but it never reaches anywhere. The food items are sold and when people complain about it, especially politicians, we are told that we are fighting what nobody else has fought before. It is unfortunate that these things are there and they have to be acted on. The county administration has to find other ways of handling those issues.

When I went through the Bill for the first time, the impression I got is that it is biased towards farming communities. It does not say anything about the pastoralist communities. I, therefore, urge those concerned and the Committee to harmonise the Bill so that it also includes cases of food security for pastoralists. For example, the pastoralist communities usually experience severe droughts year in, year out. As a result of lack of pasture and water, they lose their animals. The loss impacts on their lives since they depend on livestock.

Therefore, considering the issues I have mentioned, including the unreliable rainfall and global warming, the pastoralists' way of life is being threatened. We, therefore, need interventions, just as farming communities have subsidies on fertilisers and farm inputs. We should not just talk of the livestock off-take programme. We should also buy these animals at better prices when they are still strong, so that these people can have money to buy food as well.

We also want the Government to assist in ensuring that there are enough boreholes and dams. This will ensure the growth of pasture in certain areas and mitigate the effects of drought. There should also be vaccination of the livestock, so that they are healthy and helpful to the people who look after them.

Mr. Temporary Speaker, Sir, I heard the Senate Majority Leader saying that we can have one borehole in every ward. Some wards are 30, 40, 50 or 100 square kilometres. How will one borehole help an area that is 30 square kilometres? We need more boreholes and dams and extension officers to help these pastoralists get involved in subsistence farming. This will ensure that they grow some food in these areas where they

have boreholes and dams. This will ensure that livestock and people who look after them have access to food and water.

Mr. Temporary Speaker, Sir, with those few remarks, I beg to support.

Sen. Malalah: Thank you, Mr. Temporary Speaker, Sir. I stand in support of this Bill and wish to commend the novelty behind its drafting. I congratulate the Senate Majority Leader, first, for tabling the Bill that will help in a big way in ensuring that we satisfy the needs of our citizens.

Mr. Temporary Speaker Sir, this idea has taken too long before coming up. It should have come up long time ago. I appreciate that this Bill will provide a framework to ensure the citizens of this country access quality food as a fundamental right envisaged in the Constitution of Kenya under Article 43 (1)(C).

The biggest beneficiaries of this Bill are going to be two groups. One, the pregnant and lactating women. Clause 9 (2) (b) of this Bill has elaborately defined how this Bill is going to assist the pregnant and lactating mothers. It is very important to note that. This group called pregnant and lactating mothers interact more with the county government and county hospitals down there. Therefore, it is important to ensure the policies we make here and even this Bill are going to pass in this House. We should ensure we pass it down to the County Assemblies. Let the County Assemblies come with individual or separate legislation which is going to be unique in their counties. Counties have unique ways of dealing with their unique problems.

Mr. Temporary Speaker, Sir, in my county, when I was a Member of the County Assembly in Kakamega the governor introduced a programme called *Linda Afya ya mama na watoto*. Initially I was on the forefront to oppose that programme. I opposed it because the governor then had flouted Section 116 of the Public Finance Management (PFM) Act which he did not follow when establishing the fund. I did not oppose because I did not want our mothers to benefit from the scheme, but because the governor had flouted the law.

Eventually, a Bill was drafted and brought to the Kakamega County Assembly and we passed it establishing the *Linda Afya Mama na Mtoto*. This programme provides that after pregnancy, women in Kakamega for sixth months are given a stipend of Ksh2,000 per month. This programme has been very fruitful since we started implementing it.

I encourage counties which have not started such programmes to come to Kakamega and benchmark in Kakamega County. We do not give out money as handouts but to ensure that the lactating mothers feed their babies and they also go for clinics. This money is given during the time when mothers come for clinic, hence not a handout programme. This ensures that the babies receive the relevant and essential vaccines that are required.

Mr. Temporary Speaker, Sir, that satisfies Clause 9 (2)(a) that states that the Cabinet Secretary responsible for health shall in consultation with the authority put in place measures to ensure that the special nutrition needs of pregnant and nursing women who are not food sufficient are met and that assists mothers to provide adequate care for their infants.

This is already happening in Kakamega and I would urge Hon. Senators to kindly visit Kakamega and see how this programme is being implemented. This in itself provides for counties to come up with legislation to ensure that this is entrenched.

Initially this programme was called 'Oparanya care programme' but I said this programme must be there whether Oparanya is the governor, Malalah or Simiyu in future.

We, therefore, changed the name for posterity to ensure that there is consistency and the implementation of that programme is not politicized. It is, therefore going to assist even our coming generation.

Mr. Temporary Speaker, Sir, the second group of people who must benefit from this Bill are the Early Childhood Development (ECD) pupils. I am alive to the fact that ECD education is a devolved function and it is the mandate of the county governments to ensure that they adequately fund the ECD. It is the mandate of the county governments to ensure that they provide money for the feeding programmes in the ECD. A hungry child is an angry child. We cannot develop this country with empty stomachs. I want to request that we ensure the feeding programmes in our country are monitored down to the county levels.

I am very delighted with the establishment of the Food Security Authority. This must also expand its mandate to ensure that they regulate the importation of maize, sugar and other food substances. This country has suffered because of lack of a proper policy to guide the importation of food substances. The problem is how we implement or sort out our problems. For example, last year, this country suffered shortage of maize and, therefore, the Government imported a lot of maize. But by the time farmers were harvesting, the imported maize had flooded the market and, therefore, the prices offered to the farmers were very low. This discouraged them.

Mr. Temporary Speaker, Sir, the only way farmers would dispose their goods was to sell maize to the neighboring countries like South Sudan and Uganda. This in itself provided that the country would experience another shortage. This is just a cycle. We over import, flood the markets, affect the prices of the harvest and then the farmers decide to sell out their produce to other countries and as a result, causing another shortage. This body should look into the issue of regulating the importation of food substance.

For this to happen, we need to motivate the small-scale farmers who are suffering. They are not motivated in the sense that they are competing with big established business entities. It is very sad to note that in Kakamega Town, a *mama mboga* who sells her *mboga* in plastic bags, is competing with Tuskys Supermarket. Nowadays supermarkets sell *Sukuma wiki*. Tuskys supermarket sells *omena*, onions and tomatoes. We need to regulate these big supermarkets, from selling products that are meant to be sold by small scale farmers. We need to caution them against unfair competition.

Mr. Temporary Speaker, Sir, today I speak for that poor *mama* in Amalemba Estate who sells tomatoes in Musanda Market in Kakamega County. I represent the poor *mama* who sells onions in Maiyakalo Market in Kakamega County. Those *mamas* receive unfair competition from the chain stores, big supermarkets and shops in Kakamega. We need to come up with a policy to cushion the small-scale farmers that are trying to come up in the field of agriculture.

Even if we pass this Bill, all this will never be achieved if we do not go back to the root of the problem that faces this country. We have a problem in the distribution of resources in this country. The Government needs to come to its senses and ensure that there is equal distribution of resources in this country. We have industries collapsing in

this country. When you go to Mumias Sugar Company, it is ailing and on its knees. Farmers are suffering.

However, we see the Government pumping a lot of money in the tea industry and ignoring farmers of Mumias, Bungoma and Busia. The issue of equal distribution of resources is a thorny one. If we do not address it right now, we might never achieve what has been envisaged in this Bill.

I sit in the Standing Committee on Roads and Transport. If we do not have a good road network, our farmers will never deliver their goods to their respective markets on time. It is a pity that there are roads in Kakamega County which have taken almost 11 years to be constructed, for example, the Kakamega-Webuye Road. Construction on this road commenced in the year 2010. Up to now, it has taken the Government eight years to tarmac only seven kilometres of that road.

I want also to talk about the Navakholo-Lurambi Road. Farmers from Navakholo Constituency in Kakamega County who want to deliver their goods in Lurambi Constituency in Kakamega Town have suffered the same injury. This is a road that was commissioned in 2012. However, up to now, it has not been constructed. All we see is during the political campaign season, politicians hiring graders then they go and launch and relaunch the project. We need to be serious, or else this will be a theoretical exercise we are engaging in.

If we want to achieve food security, we need to start with improving the infrastructure of our country. We need to invest more time and technique in ensuring that our roads are done in good time. Our markets are constructed. We look for market for small scale farmers and eradicate unfair competition. That way, we will achieve our objective.

I will support this Bill, but on condition that we, as Senators, play a big role to ensure that this is implemented. I want to join my brother the Senator for Kericho County in saying we cannot delegate our duties to the governor. Our duty is to defend the county governments and oversee them. Therefore, we cannot take our core mandate and delegate it to the governors.

I will be supporting this Bill, but with many amendments. I want to state categorically that this is a novel idea. The novelty behind this idea is superb. We are ready to salvage this county and secure a bright future for the coming generation.

Sen. Mutula Kilonzo Jnr.: Thank you, Mr. Temporary Speaker, Sir. I rise to support the Food Security Bill (Senate Bills No. 12 of 2017). For avoidance of doubt, I also want to inform my colleagues who joined us in the Twelfth Parliament that we passed a similar Bill in last Parliament. The Bill was sponsored by Sen. Beatrice Elachi who is now the Speaker of Nairobi County Assembly. However, the situation has not changed. It is still the same and business as usual.

First, I will make a few general remarks before I get in to the details of the Bill. The fundamental question that I always ask is: Is Kenya truly food insecure? It is not, why? If you travel to Meru County and get to Nkubu Town, you will find a plethora of bananas every market day. If you travel to Kisii, you will find bananas. If you travel to Eldoret, you will get maize. It is just that the country has been generally disorganized about the situation of our food.

There was a quarrel recently between the Government and the farmers. It was about the cost at which the Government wanted to buy maize from farmers. This country

is a country of contradictions, we find it easier to import maize from Brazil, but much more difficult to pay a handsome reward to our farmers. We find it easier to borrow billions of shillings for infrastructure, but pay lip service to food security. What will it cost the Kenyan Government and successive governments since independence to pay more for the production of maize?

I will tell you that farmers in Ukambani are finding it difficult to plant maize for commercial purposes. They are doing it for subsistence. Why? There are no returns. It is so much better to plant something that will give you returns. We are now doing macademia. We are being offered Kshs145 for a kilogramme which is far much rewarding than planting maize. The country is food insecure because we are generally disorganized.

To agree with Sen. Cheruiyot, these authorities upon authorities have done nothing, but squander public funds, doing nothing, lazing around and collecting allowances. Why have we not done an audit of this function of agriculture? When we began the Senate in the year 2013, in transition to devolved government, the governors brought to us various petitions on devolved functions. One of the functions that have been devolved by lip service is the function of agriculture.

[The Temporary Speaker (Sen. Lelegwe) left the Chair]

[The Temporary Speaker (Sen. Malalah) in the Chair]

The question I have been asking throughout this debate that I asked during the disaster management and it is what has led me and Sen. Sakaja to draft the Disaster Management Bill is: What is the policy of Kenya on food security? I was depressed during the campaigns because, believe it or not, - I must say it here – the Government has always taken advantage of hunger, particularly in Ukambani. The time to distribute maize is during the election period.

I once bumped into a meeting where they were distributing one litre of oil, two kilogrammes of maize and two kilogrammes of beans to old women. This is because men are so embarrassed that they cannot queue for food, they send their mothers, sisters and wives who carry small *ciondos* to collect the food from the District Commissioner (DC) who gives you the looks of “if you do not pledge your loyalty to the Government, you will not eat”

I went to a place called Mavindini in Makueni Constituency where the chief had locked maize and beans in his office for over three months because he was waiting for a certain Cabinet Secretary who promised to come to distribute the food. It is so tragic, it is a disaster. You may find a lady walking away with two kilogrammes of maize, two kilogrammes of beans and oil. First of all, that is not a balanced diet. Secondly, for how long will she feed on that? Successive governments have taken advantage of this issue for so long.

In parts of Makueni where I come from, people get relief food which they call *mwolio* because they have to queue for it. They have come to believe that it has become part and parcel of their lives. If food does not come, they sleep hungry. Those people are even prepared to leave the identity cards or sell everything just to get food. This Senate must interrogate the function of agriculture.

One of the other things that came to the Senate was the storage of food. Why is the Ukambani part of this country affected by aflatoxin? The reason is that the granary in that part of lower eastern does not have driers. There are driers in parts of rift valley like Kitale and Trans Nzoia. Why have the people of lower eastern been discriminated? Even the most ordinary Kenyan, the *mama mboga* that you were referring to, knows what a granary is. They keep their food for a bad day like the people in the Bible who were told they would have seven years of plenty and seven years of drought and they kept food for seven years of drought. We end up with the same problem every successive season.

Last week, Mombasa Road was closed because of floods. The irony is that we will have drought after two months. Last week we were in the middle of heavy rains yet there were trucks upon trucks written "Clean Water" distributing water in Nairobi. This matter will not be addressed by this Bill but by a deliberate policy. I do not know which committee this Bill rests but we must address this in a little more detailed and think about the children of this country.

The Constitution provides for the right to food. Article 53(1)(c) states that every child has a right to basic nutrition, shelter and health care. Do we as Senators and Members of Parliament believe in this? If we did, even the Budget Policy Statement (BPS) that my Chair here, who is the Senator for Mandera County, presented would have addressed this concern. As we address the Four Pillars of the Jubilee Government, one of which is Food Security, what is our answer to the question? Does every child in Kenya have the right to basic nutrition, shelter and health care? The answer is "no."

Again, I am unhappy about this definition. There is maize, beans, wheat, rice, meat, sugar cooking *et cetera* as usual. There is nothing like cassava, bananas, millet and other drought-resistant crops that would help in semi-arid areas. The Senator for Wajir, Dr. Ali, was right to say that in discussing some of the issues about food security, we forget that there are persons in this country who see rain as the tenth wonder of the world. How have we factored this in law?

Just a month or two months ago, the Maasais drove over 10,000 head of cattle to Makueni County. There were clashes everywhere and cows died. For that community, livestock is everything and it is their wealth. That came up during debate on the money the Government had set aside for El Niño rains. Livestock should be bought from the farmers so that their animals do not die. Instead, we banned the movement of livestock in Nairobi as if the Maasais who come to Nairobi are interested in walking along Tom Mboya Street. That was not their business because they were just looking for grass. If they had grass in Kajiado, they would not come to Nairobi City.

Some of the concern this Bill should seek to address is how to deal with the special category of Kenyans who keep livestock. We need to think about how we can store grass somewhere because we can. How much will it cost to store grass from Laikipia and many other places and distribute it at a reasonable cost to the Maasais who have suffered with their livestock? People walk all the way from Kajiado across to Laikipia. You will recall how their animals were short dead because their only crime is that they were feeding their livestock. So, food security is not the absence of food as such. It is a much more comprehensive policy that we must look at.

Sen. Murkomen mentioned about the Kenya Meteorological Department that is located somewhere on the left side towards Dagoretti Corner. I am glad he reminded me that the Kenya Broadcasting Corporation (KBC) used to have a programme about where

it would rain and where the rains would come from. Some of the issues that we should be discussing in this Bill include how to incorporate our weather patterns into our food security concerns and where we should place all these issues. If we know that we will have a lot of rainfall in rift valley and no rainfall in parts of lower eastern for example, people can be advised to plant more food so that it can be distributed to lower parts of eastern when there is no food.

I have talked about granaries. Food security is not just growing of crops and harvesting but it must include storage. This country must take pride in storing enough food to feed Kenyans during the dry season. We are lucky we have never had a war that forced people to go and fight and not go to farms. It is only disasters related to weather that have made us unable to farm. This Senate must take that initiative.

I will be happy if the Committee on Agriculture, Livestock and Fisheries moved a Motion, so that this Senate can request the national Government to table its food and nutrition policy to enable us interrogate it in detail. That is the only thing that will inform this authority. I hope we will not be asked to vet the persons who will serve there because we will end up with an issue that I witnessed here yesterday. Again we will appoint people whose work will be to sit and do nothing. If we do not give them funds they will give us no report even if we expect it.

The former Senator for Mombasa County, Mr. Hassan Omar, had a Bill on Article 43 on the rights of Kenyans. How will we realise this? My Chairman of the Committee on Finance and Budget is here. He knows that unless the national Government takes the initiative that funds must follow functions, this Act will just be a nice paperwork and nice records for us.

Clause 6(k) provides that the authority shall facilitate access to resources and means of production. How much is the Government investing to ensure that farmers who grow maize in the rift valley get fertiliser even on credit? If Equity Bank can give Local Purchase Orders (LPOs) to *mama mbogas*, the Government ought to give farmers these facilities on credit.

I am unhappy about the provision that the authority shall adopt a comprehensive national strategy. They should collect views from Kenyans on a comprehensive national strategy action plan to promote the right and access to food.

Mr. Temporary Speaker, Sir, I have spoken about the Authority and implementation, but unless this function is coordinated well under Article 189 between the national Government and county governments, it would be again a fallacy to take all this work at national government. As we prepare to participate in the next Devolution Conference, I would like us to raise with national Government, a serious conversation and national dialogue on what we intend to do about the functions that have been devolved including health and agriculture, and Agricultural Mechanization Services (AMS).

What happened to the machinery that was used by the Ministry of Agriculture and Irrigation? Those are the issues that we should be discussing seriously. I support this Bill and say that food security and the devolution of its function will fund it. The Ministry of Agriculture and irrigation should show cause why we should not take serious measures against them for not doing what they are supposed to do under the law.

I hope that The Food Security Bill (Senate Bills No.12 of 2017) will not end up in some shelf. The national dialogue and the handshake must result into some serious law. I

hope the Committee is going to bring amendments at the committee stage alongside the things that we have proposed so that we can see your policy. If they do not do so, I will sponsor a Motion to have a food and nutrition policy in line with the articles in the Constitution cited here; right to food and right to shelter so that if the national Government does not do so, we can draft one and send it to them to implement.

Thank you.

Sen. (Prof.) Onger: Thank you, Mr. Temporary Speaker, Sir, for giving me the opportunity to contribute to my favourite subject; nutrition and food.

I was delighted when I saw The Food Security Bill (Senate Bills No.12 of 2017). Sometimes you wonder why it is titled 'Food Security.' Secure from what? Food can drive a nation to a war; just as water can drive a nation to war. Therefore, food is an essential commodity because with food, you can sustain life. Without food, there will be wars in the counties. We have seen it recently in Laikipia County where people were fighting, because of livestock. They want to reach the feeding grounds for their livestock.

Food is also an energy giver; it secures the workforce of this nation to productivity. If you do not have adequate food, then your population would be weak and the productivity would be very low. If you do not have food for the young children who are growing up, they will be retarded in their growth. Therefore, their performance in class and performance at the university level would obviously be affected. Food is an adjunct, it prevents many diseases.

When you are talking about public health and preventable diseases, I can assure you more than 50 percent of the preventable diseases can be prevented by adequate nutritious and palatable food or well-balanced food. When I say balanced food, I mean every sense of it that you are catering both for carbohydrates, energy, proteins and fats for growth, hence a well-balanced diet that sustains life.

From the level where I stand in my profession, I know I had one time the occasion to deal with the scourge of Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome (HIV/AIDS). One of the problems that I came across is that these people who unfortunately acquired HIV/AIDS, their nutritional status were at the lowest. What does that entail? The immunological functions or the ability to fight disease or the ability to fend off disease is highly compromised.

At the micro level, any nutrition which is biochemically adequate, can fight 50 percent of the disease process in our bodies. It gives the body the power and ability to sustain and fight off infections. Therefore, food is a security item because it has multiplicity of functions that can perform in order to sustain mankind. No wonder even in the Bible, when our first parents sinned, the only thing that God would give them as an alternative is to till their land, be productive and sweat in order to produce for their survival.

Mr. Temporary Speaker, Sir, the culture of food production gets me to that second level. The culture of food production has shifted heavily. We have gone in for certain types of food but at the end of the day, they have given us a lot of problems and difficulties in our health profiles. What do I mean by this? Indeed, you heard from Sen. (Dr.) Ali from Wajir County, whom I had the occasion to teach medicine, he was absolutely right. Some of the preservatives that are being used to keep "our food in storage" are the ones causing mischief in terms of the cancer incidences which are on the

rise. Today, every county without any exception is coping with the scourge of cancer which has mushroomed suddenly.

The time we were doing medicine in the 1960s, one of the biggest problems in our hospitals was Kwashiorkor – lack of a balanced diet. As we grew up, and as we grappled with this problem, we were able to manage Kwashiorkor by a balanced diet. We advised our populations and our communities about Kwashiorkor and how to prevent that contamination of a balanced diet. Today, our communities and populations have no variety of choices; they would take anything that comes in their way because of the scarcity of food. There are areas which have plenty of food while there are others with scarce food.

The method of movement from food plenty to food scarce areas again is in jeopardy. I would have liked to see in this Bill how we are going to, first of all, utilize the internal resource to move food from one level to another. What I have seen is an *ad hoc* reaction; almost a knee-jerk reaction to a national disaster. I have seen the Red Cross at the forefront while the rest of the people have been bystanders, because they are not participants when this kind of national disaster strikes.

Water is essential for life; not only for human beings, but also our plants and animals. We now have floods terrorizing our existence in this country, yet all that water is going to waste. Sometime this week – I think the day before yesterday – I read that River Sabaki had broken its banks and had completely destroyed the crops of those who were trying to plant for this season. We are, therefore, facing another famine in as far as that region is concerned. Where did that water come from? It came from Athi River, Ngong Hills and these other places because we have not gotten into the culture of water preservation.

I remember when I was working in Wajir - and Sen. (Eng.) Mahamud will agree with me – I would travel from Wajir Township to Giriftu, Buna or to the border of Wajir with Ethiopia, Gurao. The distance from Gurao to Buna is only 40 kilometres, but when it rained, it took us 12 hours to move from Gurao to Buna. When we tried to move from Buna to Wajir town – and in between there is Giriftu town – we found the whole place flooded. There were landmines thus we had to stop and, by an act of God, we stopped short of being ambushed by the then Shiftas.

A lot of water goes to waste at this time when we have plenty of rain. The water table of Wajir is very shallow. We have not gone to a level where we conserve every drop of water, like the Israelis do. I say this because I have visited their homes.

In this Bill, one of the things that we must put in black and white is water storage and preservation so that it forms part and parcel of our food security network. We cannot scratch on the surface and say that we have a Bill which cannot take into account how we are going to harvest rain water during the season of plenty, like what we have right now. I dare say that it starts with us, as Senators. Have we showed an example of water conservation in our own individual homesteads, or are we coming here to debate and then, at the end of it, say that we want the Government to do a, b, c and d? When I talk about government, I am referring to both the National and county governments, which should preserve water.

If we stop the flow of River Nile today, Egypt will be at war with every riparian state around the River Nile. It is no wonder that they have now placed hydrologists in the Ministry of Water and Irrigation in these riparian states and they are doing so because of

water. Their sustainable lifestyle and the developments in the new settlements depend on the River Nile. Israel has only one river, River Jordan, and they have exploited it fully for food productivity; it is no wonder that they are able to export even fruits. There was a time when we only wanted to eat fruits from Israel, although we are now eating fruits from South Africa. It is a tragedy, yet this country is so much endowed with land resource, which is finite if we do not take care of it.

The mischief that we are now seeing is that there is a rise in the death rate as a result of malnutrition and poverty. There is also a rise in poor performance in our schools because children are not fed properly. I was happy to see the Chairperson of the Committee on Agriculture, Livestock and Fisheries admit that the *Nyayo* Milk Programme was an important programme for this nation. I had expected that we would have adopted this programme throughout our generations. However, because of our poor politics, we threw it away for being a product of the *Nyayo* philosophy.

This is despite the fact that children, who are products of that programme, are the professors, principals, chief clerks, Senators, Members of Parliament and brilliant minds of this society today. I am saying this because I am also a Member of the Committee on Education. Unless we nurture our Early Childhood Development (ECD) population properly, we are going to land into problems.

You will notice that I have brought in the philosophy of food. The underlying factor of this philosophy must be that; let us not do something which is *ad hoc*; let us not operate at the kneejerk reaction level. We should instead consolidate all the relevant food agencies and bring them in tandem with this Bill. This is because you can create a mushroom of entities, each handling its small things.

For example, we now have the National Drought Management Authority (NDMA), the Food Production Authority and the Special Programmes in the Office of the President, among many others. We, therefore, want to harmonise all these pieces of legislation into one. I believe that agriculture, being a fully devolved county function, counties need to have a bigger say in the productivity that will ensue. When that is done, the benefits will accrue directly to the people who are affected from place to place.

I support this Bill, although there are a few things that we will sit down and wind through so as to see how we can innovate this Bill for it to serve Kenyans. At the end of it all, it should be seen as a master Act of this Senate and Parliament. It should be seen that, for once through this Bill, we have concentrated and concerned ourselves with the quality of human life through proper provision of adequate and accessible nutritious diet. This will enable us to deal with some of these preventable diseases through a proper nutritional programme. It will also prevent the callous fumigation of chemicals in various areas that are now causing a lot of casualties and deaths in our population.

I am ready to support this Bill and give my input, so long as at the end of it all, it will bring an element of sustainability on how we want to handle food security in this country. I would want to be there at the Committee stage, so that we can work together and share experiences from each county on how these emergencies must be involved.

For instance, I am worried that although we have plenty of food in Kisii, water is getting scarce. That is why I wanted to support the Irrigation Bill last time, and I will still support it when it comes on this Floor. This is because I believe that water conservation is a factual thing that will help us in the totality of food production. This is what Israel has done and we can do it better.

Mr. Temporary Speaker, Sir, I beg to support this Bill.

Sen. (Dr.) Milgo: Thank you, Mr. Temporary Speaker, Sir. I also stand to add my voice to this great Bill. First of all, I thank the Senate Majority Leader for bringing a great Bill to this House. Issues of food security and the quality of food cannot be over-emphasized.

This Bill will actually operationalise Article 43(1) (c) of the Constitution to ensure that the Government complies with its mandate of ensuring that its citizens are provided with sufficient food. This Bill speaks to the framework and mechanisms through which the Government can accomplish this wonderful objective. The legislative framework will by no means go a long way in ensuring that the national Government, as well as the county Governments, are guided so that our country realises food security.

One of the four pillars set by the Government is food security. The other one is sustainable healthcare. If the issue of food security can be addressed, many of the diseases caused by malnutrition can be reduced. In any case, we shall reduce the amount of funding that goes to health. However, we do realise that despite the fact that we are talking about food security, it looks like many of the processes that we have tried to put in place are *ad hoc* or rather impulse activities that are abandoned after a short while. I believe that this great Bill will ensure that people are food secure.

Clause 5 (1) states that:-

“Under Article 43 (1) (c) of the Constitution, every person has the right to be free from hunger and to have adequate food of an acceptable quality.”

I hope that this will go a long way in implementing actions to ensure that we solve this issue once and for all. It is unfortunate that this Bill came up in the last Parliament but it was not passed. We are not sure what happened but this is a very good Bill.

Mr. Temporary Speaker, Sir, Part II, Clause 5(2) (c) states that:-

“For the enjoyment of the right to adequate food and freedom from hunger, the national and county governments shall-

promote the production of diverse crops and foods and put in place measures, including irrigation schemes, water harvesting schemes and other programmes that ensure the availability of adequate food for all.”

As one colleague - the great professor - has stated, we have been having a lot of rains recently. I come from a county where I have to cross Narok County where, year in, year out, the road is cut-off by water that floods and sweeps away parts of the road, yet this water could be harvested and put to good use for irrigation. You will realize that after a short while, there will be shortage of water which will lead to shortage of food in the long run.

Mr. Temporary Speaker, Sir, with climate change, it has been estimated that by the year 2030, well over 20 million people will be food insecure. Unless we put in place tangible and great strategies to ensure that we have sufficient food, this country will for many years continue to experience similar problems.

I remember that in my county, we had large silos that stored maize, beans and millet, yet right now, they are just white elephant projects which are empty. This is because people in Bomet County have been growing maize, whereas South Rift has been experiencing what we call the yellow maize streak yet the farmers are continually growing the same due to lack of advice from the agricultural sector. I wonder what is not happening that we are experiencing such issues.

Mr. Temporary Speaker, Sir, I love Clause 9 which talks of ensuring that mothers and children receive proper nutrition. Just like me, you will realize that, Professor who was a great Minister for Education years ago does not know how the popular *Nyayo* milk got lost. This milk was to take care of the children in their formative years to achieve protein. You will realize that in some areas, there are people who normally feed on wild poisonous fruits which they boil from morning to evening to remove the poison from the fruits and end up eating them. The young ones in such areas used to be well nourished because of the provision of the *Nyayo* milk. We should bring an amendment to this Bill to ensure that the school going children will be fed on free milk.

Parts III, IV, V and VI of this Bill are about the formation of a national authority as well as the County Food Security Committee. This begs the question; what happened to the agricultural sector? This could be a special linkage at the grassroots but the major problem is that, of late, we do not see the people we used to call Agricultural Extension Officers who used to go deep into the villages to train farmers on the best practices of growing and tending to food. Currently, the type of fertilizer used by farmers and the way they tend their crops is a major contributor to low food production in this country.

Mr. Temporary Speaker, Sir, the food security committee at county level will play a very important role of ensuring there is proper mapping. I am a member of the Senate Committee on Information and Technology (IT). If this Bill is passed, we will amend it to include issues of IT. This is the only way we can network and know what types of food are there in the county. We should not have people starving in some areas when there is plenty of food going to waste in other areas.

For example, there was a lot of maize in North Rift and in some areas people lacked maize. In North Rift, farmers had a challenge in selling their crops. Some of them wanted to sell their maize in the neighbouring counties, but they could not access a market for it. I urge the Government to continue buying maize and milk from farmers. It can revive feeding programme so that it provides market for farmers' produce as well as make our country food secure.

Mr. Temporary Speaker, Sir, food and funding given during disasters have always been embezzled and mismanaged by the concerned agencies. Part 9 of the Bill has really put in place measures on how to deal with people who mismanage and embezzle food and funding meant for disaster management. A term of 10 years imprisonment or a fine of Kshs10 million is not sufficient. I wish we had stiffer penalties provided in this Bill. This is because a person who sells maize, beans and cooking fat worth over Kshs20 million will not mind paying a penalty of Kshs10 million and then pocket the balance and then continue embezzling money. We should put in place more stringent measures to ensure that those culprits are brought to book and punished, once and for all.

As I conclude, we should ensure that our country is food secure. This Bill majorly addresses crop farmers and has left out the pastoralists. We should also address the issues of pastoralists. Apart from protecting their animals, we should buy their animals during the drought season. Later on, they use the money to buy grass so that they continue with their proper culture and live a comfortable life.

Mr. Temporary Speaker, Sir, I support this Bill with amendments as proposed my colleagues. This particular Bill will be amended at the Committee level. Some of us, from agricultural areas who have a lot of experience will have a chance to appear before the

Committee as it sits and contribute some of the ideas. This Bill will be one of the greatest Bills that will make our country to prosper.

Mr. Temporary Speaker, Sir, with those few remarks, I beg to support.

Sen. Seneta: Thank you, Mr. Temporary Speaker, Sir, for giving me a chance to also contribute to this very timely Bill.

This Bill seeks to provide a framework that will promote food production in the country. I support this Bill but I wish it could have concentrated on food production. Many of my colleagues have talked about a framework of funding systems that can enable this country to produce food. I am also of the opinion that we concentrate on a system that can enable people in this country to produce food.

As a country, we also need to concentrate on facilitating farmers and funding mechanisms that can enable them to produce food by allocating money for irrigation where we do not have water and exploring ways of getting water by either digging dams, drilling boreholes or harvesting rain water. Whatever means we use, it will ensure farmers have water for irrigation.

It is not only water but we can also look at how to help farmers prepare themselves to plant their crops using the short rains. We have received a lot of rains after a long dry season but I can assure you in many counties, not even 10 per cent of farmers have planted any crop because they had not prepared themselves. We need to look at the component of preparedness of our farmers. We need to strengthen the Meteorological Department for them to give citizens information to enable them prepare themselves.

It is not only information of when it will rain like the way we told two weeks ago. We were just told: "It will rain", and not many citizens got the information. We need to strengthen the Meteorological Department to relay the information to wananchi in every vernacular station and prepare them on how much rain is expected and at what time. This way, they will understand the information and prepare themselves adequately.

Mr. Temporary Speaker, Sir, we analyse politics a lot in this country. When we were campaigning, you could see many political analysts on television channels, analysing the political situation in the country. We also need to analyse the weather patterns and make it simple for wananchi to understand. If we do this, farmers can then prepare themselves to get capital to prepare fields and seed for planting.

Mr. Temporary Speaker, Sir, we also need to fund our farmers. When farmers want to produce food and have parcels of land and might even have the water, they may not have the seeds and the technological know-how. The Ministry should look for a mechanism of disseminating information to farmers on which type of crops can be grown during the short rainy season.

When we were young, there were the agricultural extension officers, who used to go round and educate our people on how to do certain agricultural activities. I also understand from history shared by our parents that when you wanted to keep a certain breed of animal, the colonial system used to dictate the systems you should put in place to keep that kind of cow. However today, our people do not have such information and we need to prepare our county governments. The departments of agriculture should educate our people on the best crops to be planted during a particular season.

Mr. Temporary Speaker, Sir, I also support the Bill because it is talking about purchase. Can our people afford food? Access is also in terms of whether you can afford food. When you do not have a certain kind of food that is in another county, would you

afford it? Therefore, we need to put systems in place to enable our people to afford the kind of food they want. This Bill also sets out systems of food distribution. When we do not have food or when we get food from different institutions and programs; how do we distribute them in our countries?

Mr. Temporary Speaker, Sir, I support the Bill but I am reluctant in supporting the formation of an authority. Even though we need to have an entity to be accountable in any policy or framework, I do not support the formation of many authorities that will require human resources and funding. This is because we already have existing institutions, which we should strengthen. For example, we already have an intergovernmental council, the ADN and many other agricultural institutions that can do the same work if we fund them adequately and give them the mandate so that they can look into the same Bill.

I am also reluctant about forming an organisation that is not devolved to the counties, because agriculture has been devolved. The Bill should promote the same spirit of devolving the thinking of food production and security to the counties so that we can make the counties accountable.

Mr. Temporary Speaker, Sir, another issue that makes me a bit reluctant in supporting the Bill is pastoralism, which is a way of life to many of our communities has not been adequately addressed. It is also a way of food production. Therefore, if we are talking about food security, we also need to look into how to strengthen pastoralism, the fish sector and all other types of production, not only the crop farmers.

Therefore, Mr. Temporary Speaker, Sir, I support the Bill and urge the Committee to look into ways of strengthening a few of the policies and also avoid the issue of duplication of roles through the authorities that we are creating.

The Temporary Speaker (Sen. Malalah): Proceed, Sen. (Eng.) Mahamud for Mandera County.

Sen. (Eng.) Mahamud: Thank you, Mr. Temporary Speaker, Sir, for giving me the opportunity to contribute to this important Bill. This Bill seeks to operationalize Articles 43 and 53 of the Constitution in terms of food security. The intentions of the Bill are very good; in fact, the objects and purposes as listed in the Bill are very noble. One object is to provide a framework that promotes the realization of the freedom from hunger and access to food of acceptable quality as a fundamental human right. That is not disputable. The Bill also provides for the establishment of institutions that advance corporate governance in the various institutions of government so that we can have food security in this country.

Mr. Temporary Speaker, Sir, it is now over five decades since our independence and we are still talking about food security. This country's mainstay is agriculture, yet up to date we are not able to feed our people. We have become a nation dependent on famine relief. Kenyans yearn for famine relief today and expect the government to feed them. We must put in place policies that can motivate our farmers and give them good prices for their produce so that food is available to Kenyans.

The Temporary Speaker (Sen. Malalah): Order! Sen. (Eng.) Mahamud, you have a balance of 18 minutes to contribute to this Bill.

ADJOURNMENT

Hon. Senators, it is now 6.30 p.m., time to interrupt the business of the Senate. The Senate, therefore, stands adjourned until Tuesday, 27th March, 2018, at 2.30 p.m.

The Senate rose at 6.30 p.m.