

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Thursday, 28<sup>th</sup> November, 2019

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

*[The Speaker (Hon. Lusaka) in the Chair]*

### PRAYER

### PETITIONS

**The Speaker** (Hon. Lusaka): Hon. Senators, I defer Petitions No.1 and No.2 on the request of the Senator who is indisposed.

#### STATUS OF HEALTH FACILITIES AND HEALTHCARE IN LAMU COUNTY

*(Petition deferred)*

#### COMPENSATION FOR VICTIMS OF HUMAN-WILDLIFE CONFLICT

*(Petition deferred)*

**The Speaker** (Hon. Lusaka): I also defer Petition No.3 to Tuesday next week.

#### REPORT ON PETITION: SETTLEMENT OF AWARDS TO EX-KENYA AIR FORCE OFFICERS AND SERVICEMEN

*(Petition deferred)*

Next Order.

## STATEMENTS

## REDUCTION IN PRICE OF RAW MILK IN THE COUNTRY

**Sen. Mwangi:** Mr. Speaker, Sir, pursuant to Standing Order No.48(1), I seek a Statement from the Standing Committee on Agriculture, Livestock and Fisheries regarding the deteriorating price of raw milk in the country.

The Committee should also further explain-

(1) The cost of the falling milk prices from a previous high of Kshs35 to the current Kshs17 per litre whereas the consumer price has remained the same in our supermarkets.

(2) Whether there is anything the Government is planning to do to improve milk farm prices.

(3) Whether the Government can regulate or control the importation of raw milk from neighboring countries so as to increase demand of our local milk, thus improving its buying price.

**Sen. (Dr.) Ali:** Thank you, Mr. Speaker, Sir. I wish to support the Statement by the Senator for Nyandarua. Some of us do not have dairy farms, but the little milk which we get from the nomadic communities is not taken care of.

Hopefully, when the Committee looks into these issues, they should also put into consideration those nomadic areas; how this milk can be utilized and how people from these areas can take care of themselves.

From the rural areas to the main towns in Isiolo, Wajir and Mandera, you will see vehicles and *matatus* with a lot of jerry cans on the side. Therefore, there is a lot of unhygienic ways of transporting the milk in some of these areas. In some parts, I am told Garissa to Nairobi and Isiolo there are some other deterrents. The state of this milk is sometimes dangerous and people buy it. I hope all those issues will be considered in the Statement.

**Sen. Wetangula:** Thank you Mr. Speaker, Sir. I thank the distinguished Senator for Nyandarua for bringing this question and seeking a Statement at this time. We have heard excess rains this year.

Even as the rains have caused devastation elsewhere, we also have a silver lining. It should be a boon to dairy farmers. The Chairperson of the Committee in answering this question must explain what happened to Kenya Co-operative Creameries (KCC) that was owned by farmers.

Anytime there was a glut of milk in the country, the KCC bought the milk, processed it into powder milk, stored it for longer life and converted it to liquid milk when there was drought to cushion consumers on the market and stabilize prices.

This is the only country, when the farmer has a boon in production, he or she suffers even more. Today, even farmers in the Arid and Semi-Arid land (ASAL) areas like Kajiado, Narok with the full range, farmers should be smiling all the way to the bank with their milk because there is plenty of fodder and the animals are producing milk.

Instead, farmers in Trans Nzoia, Nyandarua, Nakuru, Uasin Gishu and Bungoma counties have nowhere to take their milk.

Mr. Speaker, Sir, the Chairperson must bring a comprehensive Statement from the Ministry on one, the fate of the Kenya Cooperative Creameries (KCC). Two, how the Ministry is handling the monopoly that we now see in the milk industry. Three and more important, explain why we have a very heavy inflow of milk from Uganda.

As a country, we cannot be setting up establishments to boost other farmers when our farmers are going under. We need answers to these questions, so that our farmers, when providence from the good heavens brings good rains to the country, it should put more money and not misery in their pockets.

**The Speaker** (Hon. Lusaka): Sen. Seneta, proceed.

**Sen. Seneta:** Mr. Speaker, Sir, I also rise to add my voice to this important Statement by the Chairperson of the Committee on Agriculture, Livestock and Fisheries.

This is an issue of great concern. We are already in a country that is food insecure. Many a times, we have cries of hunger, even from the marginalized communities. These are communities who can only depend on livestock, but today when you go to the market where they sell their livestock, the prices are too low. You even feel that it is better to slaughter your cow and let people celebrate rather than selling it.

The same case applies to milk. We are looking for a way of promoting food security, but we are not supporting farmers who are trying their best to save this country by supplying such products.

I wish to ask the Committee concerned to inquire from the Ministry what plans they have for the farmers of this country and more so, the livestock keepers. All our products are just almost free. However, in any supermarket or shop, you cannot afford a packet of unga or a kilogramme of sugar. However, the prices of the products from the farmers which manufactures rely on are too low.

Mr. Speaker, Sir, I wish to also ask the Ministry to look at the cost of production verses the prices of these products. Today, the cost of production is very high. If you visit an agro vet, the price of feeds, medicines, vaccines or livestock products is very high. After struggling that much with the high cost to take care of the livestock, the milk is sold at very low prices.

I urge the Committee to interrogate the Ministry on what plans they have for livestock farmers in terms of the cost of these products and also the cost of production. These vaccines and feeds are very expensive. They are actually unaffordable, but when it comes to the products, our farmers are suffering. All our farmers, including tea and maize farmers, are crying. I thought this is one way of promoting food security in this country so that we do not cry throughout that we want relief food. This is something that this Committee should dispense of with before we go on recess.

**The Speaker** (Hon. Lusaka): Sen. Halake, proceed.

**Sen. Halake:** Thank you, Mr. Speaker, Sir. I rise to support the Statement by my Chairperson, Sen. Mwangi. This is a good Statement. It baffles me that many of the fundamentals of economics are not followed when it comes to food production in Kenya. How is it that when supply increases, the producer suffers? That said, one of the things

that is interesting is that the same reduction in the price of raw milk to the farmer does not trickle down to us when we buy from the supermarkets.

This is not the only sector in which these kinds of warped economics are at play. We have seen this in every sector in this country and we wonder why Kenyan farmers and consumers continue to be punished even when other fundamentals of economics are meant to favour them. This is a very important sub-sector in the agricultural sector. I am told it contributes to almost 40,000 jobs and 4.5 per cent of the Gross Domestic Progress (GDP). However, even with all these important contributions, we find ourselves in a food crisis. I know in the next cycle of drought, we will not have milk or it will be expensive. At the same time, milk will not change in terms of prices. We are told the inflows are from neighbouring countries yet our country is the one that produces the most milk in the whole of Sub-Saharan Africa.

Mr. Speaker, Sir, if we are serious about the Big Four Agenda, food security and job creation, it is high time the fundamentals of economics start being what guides our economy. Our economy seems to be guided by something other than the fundamentals of economics. Sometimes farmers in parts of Nyandarua County and the Rift Valley pour all their milk when perhaps in northern Kenya, especially in areas that do not have good milk supply, find ourselves facing a food crisis.

This is something that the Chairperson of the Committee on Agriculture, Livestock and Fisheries should commit to doing immediately. This is because when this is done much later when the glut is already gone, then the farmer will have lost already, will be impoverished and not rewarded for the hard work of producing good quality milk. People are now shunning farming and we wonder why the youth are not farming. If farming does not pay, be it livestock or dairy, then why should anybody go into farming?

We should take this very seriously. It is about time that we started supporting agriculture especially the dairy farming sub-sector.

**The Speaker** (Hon. Lusaka): Sen. (Dr.) Milgo, proceed.

**Sen. (Dr.) Milgo:** Thank you, Mr. Speaker, Sir. I also rise to support this Statement.

The issue of falling milk prices is a challenge everywhere in the country. It is quite unfortunate particularly because one of the pillars of the Big Four Agenda of the Jubilee Government is food security. Farmers have to be encouraged so that we ensure we have food on our shelves.

It is unfortunate that milk is following suit after falling maize prices. Recently, we had tea bonuses also falling terribly. The other time we talked about sugar cane prices also falling. I think sugar cane farmers have already given up. Tea farmers in my county, where we grow a lot of tea, are already uprooting tea plants. They are also looking into leaving dairy farming.

Mr. Speaker, Sir, when we talk about food security, in this case it would have meant that we should be able to look into issues of management and encouraging these farmers to ensure that they produce to the extent of managing to sell the excess. However, of late, these farmers are not even able to take care of the cows themselves. Seeing that the price of one litre of milk dropped from KShs35 all the way to KShs17, it

means that this farmer is not able to feed the cow, let alone imagining that this will be commercial business.

Mr. Speaker, Sir, as our graduates come out of the universities, we have been talking to them and telling them that they should engage in agribusiness, because it is another way of self-employment. However, looking at the misery in which farmers are being subjected to right now, no youth will take up farming.

Mr. Speaker, Sir, recently in my county, we found that there is a lot of powdered milk coming in from across the border of a certain country into our markets. One challenging issue is that even while the milk is being sold at KShs17, the shelf price remains the same. Nobody has ever reduced that. The production costs and all other related products that go into ensuring that those dairy activities are successful are still very high. These costs include, for example, deworming and medicine to ensure the good health of the cows. They also include the high cost of feeds. Bearing in mind that there is what we call opportunity cost, it means that it is better for a farmer to give up on dairy cows, if the prices will be this low and take up other ventures.

Therefore, this is a very important Statement. It should be looked into very seriously so as to unearth the actual cause of these falling prices. This means that in the future, our country will not even have any farmer actually doing farming. This is because, as you have seen, tea and sugarcane production are already affected; pyrethrum was affected a long time ago and we already have maize farmers suffering. We are now talking about cows; and soon, poultry will follow suit. Therefore, farming in this country is in jeopardy.

Mr. Speaker, Sir, the Ministry of Agriculture, Livestock and Fisheries should be compelled to actually come to this House to explain whether that Ministry just exists for its own sake, yet they do not know how to go about things so as to ensure that this country becomes food secure. It is quite a shame, because our Government came on board and promised that by 2022, this county will be one of the countries in the region that shall be entirely food secure, to the extent of even having surplus to sell to the neighbouring countries. This may not be achievable, considering the scenario that is going on right now in all agriculture sectors.

Mr. Speaker, Sir, I beg to support.

**The Speaker** (Hon. Lusaka): Proceed, Sen. (Prof.) Kamar.

**Sen. (Prof.) Kamar:** Thank you, Mr. Speaker, Sir, for giving this opportunity to add my voice to the Statement from Sen. Mwangi, on the price of milk.

Mr. Speaker, Sir, our farmers seem to be suffering from all sides. Just the other day, we were debating about the price of maize and its storage. Maize is being harvested and the stores have not yet been opened. We heard that farmers in Trans Nzoia have been protesting that the National Cereals and Produce Board (NCPB) has not opened the stores for them, yet here we are on the issue of milk.

Mr. Speaker, Sir, because I come from the farming areas of Uasin Gishu, I know that a good number of farmers shifted from maize planting to dairy farming. The reason for this shift was in the hope that they would be able to make better income out of livestock. It is so sad that a good number of farmers, in fact, decided to harvest their

maize and make silage. If you went to Uasin Gishu now, almost 50 per cent of the farms were converted from grain to silage production. It is no wonder that we are not hearing as much noise about maize; it is because most of it was converted to silage. They have now moved to milk production, and the price of milk goes down by 50 per cent. This is extremely sad; it is one of the saddest moments for our farmers. It is as if they have run from the frying pan into the fire itself.

Mr. Speaker, Sir, this House, knowing that agriculture is devolved must start looking at the farmer as a client to the Senate. That way, protection of the farmer is not just from those of us who come from the farming communities. It should be an agenda for this Senate to consider these farmers as our main clients. They should not only be looked at as citizens of this country, but as real clients for food security. That is because you cannot talk of food security, if you cannot produce food for your people, particularly if you have the capacity to produce.

Mr. Speaker, Sir, the sad part is that we have food security as one of the items of the Big Four Agenda. We have the capacity for the maize growing zones of this country to produce enough maize for the country. However, because of the lack of support that these farmers would have enjoyed from the county governments and the national Government, they have reduced their capacity to almost 50 per cent.

As I said earlier, if you do not have *ugali* in this country, you are not secure. Obviously, it is because maize is a grain that can be stored for the whole year. We cannot store most of the other food products; we cannot store potatoes, peas and a lot of other things. Therefore, maize becomes useful for purposes of food security, because it is very easy to store. Therefore, if we do not encourage the farmers to produce, store and make business sense of food production, then it becomes very difficult.

If milk is facing exactly the same problem that maize was facing, then we really need to start questioning what it is, to be a farmer in this country. I am very happy that the Chairman of the Senate Committee on Agriculture, Livestock and Fisheries is here, because we need to start questioning. We have raised a number of questions and the Chair has been trying, as much as possible, to even get the Cabinet Secretary (CS) to come and answer these questions.

Mr. Speaker, Sir, as we contribute to this Statement, I suggest that as the Committee looks at that issue, the CS should be invited to come and talk to the whole House so that every Member of this House can actually see the problem that those of us who come from the food production zones of this country are facing. We have the farmers who have the capacity to produce both milk and grain for this country for purposes of food security, but now we have a problem.

I thank Sen. Githiomi for coming up with this Statement. The Committee that you direct this Statement to should bring the CS before us. It should also separate issues to be done by the county governments and the national Government. We should not invite him to come and answer to issues that should be dealt with by counties.

Mr. Speaker, Sir, I support this Statement. I look forward to the Committee investigating the issues to properly.

**Sen. Cherargei:** Thank you, Mr. Speaker, Sir, for giving me this opportunity. I congratulate, Sen. Githiomi, the Senator for Nyandarua County. This Statement is timely. Despite the heavy rainfall and high milk production in the country, the prices have dropped. However, the price of processed and packaged milk remains high. There is no rationale that a litre of packaged milk is more than Kshs50 yet raw milk which has many components, for example, ghee and cream is only Kshs17 per litre. This is unfair to farmers.

I come from Nandi County where apart from having tea, coffee and maize farmers, we also produce a lot of milk. These prices keep fluctuating until there is a milk glut. So, we want to know what the national Government and county governments are doing. We are cognizant of the fact that agriculture is a devolved function. Therefore, we expect milk prices to remain at Kshs50 or 60 per litre.

Mr. Speaker, Sir, a person who processes other milk products, for example, cream and ghee sells it at Kshs150 while a farmer gets less yet he or she takes care of cows. The prices of animal feeds are high. Cows are treated by extension officers and sometimes there is need to procure Artificial Insemination (AI) services. It is expensive to treat milk producing cows. So, farm inputs are expensive, but the output is low which is unfortunate.

Mr. Speaker, Sir, county governments and the Ministry of Agriculture, Livestock and Fisheries must come out and tell Kenyan farmers why the price of milk has gone down from Ksh35 to Kshs17 per litre.

As Senators, we are the custodians of devolution. Is there a possibility to come up with legal interventions? I hope the Chairperson of the Committee on Agriculture, Livestock and Fisheries my good friend, Sen. Ndwiga, will come up with a way forward. Is there an option for price controls or regulations?

Going forward, as we go into conversations or proposals of Building Bridges Initiative (BBI) that was launched by the President, we should demand for long-term and shared prosperity of prices for products that are produced by farmers. We want maize, milk, coffee and tea prices to be stable. When the time comes to engage on the BBI, we should ensure that prices of produce and issues of farmers are captured. It should not only be about sharing power or creation of new structures. We need to have a shared prosperity around the issues of farmers who are on an average, about 54 to 55 years. We should also encourage young people to engage in farming or agribusiness.

Thank you, Mr. Speaker, Sir, for allowing me to contribute to this Statement. I support.

**Sen. Ndwiga:** Thank you, Mr. Speaker, Sir. First, I thank Sen. Mwangi for bringing this Statement which is a reflection of what is happening on the ground. There is an outcry in milk, maize, tea and coffee producing areas. We have a major problem in the agriculture sector.

It is true that Nyandarua is one the greatest producers of milk in the country. I am sure that the Senator has brought this Statement because he has had sleepless nights when he goes at home. It is not just in Nyandarua, it is also the same in Embu, where I come from, Nandi and throughout the country.

As a Committee, we have tried to question the Ministry on why some of these things are happening and why milk prices are low for the first time in the Republic. I may not have a lot of time, but I want to take this House down memory lane. We were in this position in 2000 and 2001. However, in 2003, Kenya Co-operative Creameries (KCC) was revived. It was meant to be a buyer of last resort so that we should not have glut milk in the country. It was supposed to take it over.

I am informed that KCC still has a large stock of powdered milk which it has not been able to dispose of and is not able to process more powdered milk. That is the information as of last week.

Mr. Speaker, Sir, it is the responsibility of the Government in any country, particularly with an institution like KCC to find ways and means to dispose the milk. We have that stock of milk yet children in slum areas are dying of marasmus or kwashiorkor because of lack of proteins.

In 2004, there was a proposal to make milk part of the strategic food reserve. If that does not happen, we will continue to have this problem. We need to pressurize the Government to initiate the process of making milk a strategic food reserve.

As Sen. Cherargei has said, we need to know what the county governments are doing. This is because agriculture is a devolved function. Sadly, we only have four counties who process milk and give to children. The four counties have programmes where milk is distributed to the children in Early Childhood Education Development (ECDE). We need a structure where all school going children can be given milk. That way, we will solve the issue of excess milk in the country.

Mr. Speaker, Sir, we have received information that a lot of milk is coming from a neighbouring country. Most of the milk that is imported was exported before processing. That is not a tenable trend. I would like the Government to take stern measures to stop the importation of milk from foreign countries.

**The Speaker** (Hon. Lusaka): Sen. Kinyua, what is your point of intervention?

**Sen. Kinyua:** On a point of order, Mr. Speaker, Sir. We are expected to just make comments on the Statement. It is not a Motion that needs to be discussed. Fellow Senators are making long contributions yet we were just supposed to make brief comments.

**The Speaker** (Hon. Lusaka): Sen. Cherargei, what is your point of intervention?

**Sen. Cherargei:** Mr. Speaker, Sir, we have always stated that Statements should be attended to urgently. The Chairperson of the Committee on Agriculture, Livestock and Fisheries is giving preliminary observations. This matter is of great concern because the milk prices are at Kshs17 per litre currently down from Kshs25 per litre. I appreciate that the Chairperson is giving us an overview of what should happen. We request that the Chairperson gets a concrete explanation in seven days. I request Sen. Kinyua to be patient because the dairy farmers are making losses and feeling the pinch.

**Sen. Were:** Mr. Speaker, Sir, I would like to state that Sen. Ndwiga served as a Minister in the Ministries of Co-operative as well as Agriculture, Livestock and Fisheries. He is a body of knowledge on these issues. It is worth listening to him.

**The Speaker** (Hon. Lusaka): Let us give Sen. Ndwiga the latitude being he is the Chairperson of the Committee Agriculture, Livestock and Fisheries. He is giving us some good background information. I am sure that he will give a detailed response later.

**Sen. Ndwiga:** Mr. Speaker, Sir, this is a matter of national importance. The Committee on Agriculture, Livestock and Fisheries will still give a formal report. I am just giving preliminary information which I think can benefit the House.

Issues of dairy farming, especially the pricing of milk should not bother this country at this day and age. Looking at the amount of money that the dairy product appropriates to our counties, we should take it seriously. The counties where milk is produced in plenty should create a platform for the milk to be consumed in the county. We should process the milk in the counties and consume it there.

Mr. Speaker, Sir, we should not be importing powdered milk that was exported from this country in raw form because it is killing dairy farming in our country. Our Committee will look into this issue and report back to the House.

Sen. (Prof.) Kamar mentioned that the National Cereals and Produce Board (NCPB) silos are closed. We have information that there is a move to start the importation of maize. We will resist the move to import maize until all the maize from the local farmers is mopped up. We would like the NCPB to clean their silos and granaries for the new harvest because our farmers are about to harvest maize.

We do not want to have a situation like the one we had last year where maize was imported and we ended up with no storage for the maize from Kenyan farmers. The maize in the stores was imported. The Kenyan farmer must be protected by all means. This Statement needs to be attended to urgently. I assure Sen. (Prof.) Kamar that our Committee has the interest of the farmers at heart. We have asked the CS, Ministry of Agriculture, Livestock and Fisheries to instruct the NCPB to open their silos to the Kenyan farmers.

This House passed the Warehouse Receipt System Bill (Senate Bills No. 10 of 2017). We need to put some of those institutions in place so that farmers can harvest their maize and take them to a designated warehouse, get receipts and wait for good prices.

Mr. Speaker, Sir, our Committee is working diligently to find solutions to the issues affecting the farming of tea and coffee. We have given the Ministry our suggestion on what needs to be done in the tea and coffee sectors. We are hoping that the suggestion we have made will be implemented before the end of this coffee season. We are aware that the President allocated Kshs3 billion to cushion the coffee farmers this season. However, it is sad that structures have not been put in place to ensure the farmers receive the money. We are fearful that if this trend goes on, the money will disappear like all the other funds that have been given by the Government before.

I would like to assure the House that my Committee will deal with these issues particularly the issues affecting dairy farming. We will give a report to the House within seven days.

I thank you, Mr. Speaker, Sir.

**Sen. Kibiru:** Mr. Speaker, Sir, I would like to support the Statement given that there is a lot of dairy farming in my county. The Committee on Agriculture, Livestock

and Fisheries should not give us first aid solutions. We need long term solutions. The Committee needs to look into how we can manage our dairy farming like any other business considering comparative advantage. We should map out the counties that produce milk in plenty and ensure that they have a ratio of the amount of milk needed. If dairy farming is well managed and becomes a great income earner, every farmer will go into dairy farming as we witnessed the case of quail farming. We must be very careful to ensure that we do not overproduce.

In countries like Israel, farmers have a stipulated ratio of the amount of milk that they can produce. If one produces milk in excess, the Government or the buyers are not responsible. The Committee needs to think wide considering modern technology. We need to put strategies for long term.

Mr. Speaker, Sir, I beg to support.

**The Speaker** (Hon. Lusaka): Proceed Sen. (Dr.) Langat.

**Sen. (Dr.) Langat:** Thank you, Mr. Speaker, Sir, for giving me this opportunity to add my voice on the same.

*(Loud consultations)*

Mr. Speaker, Sir, I request that those consulting do so in low tones.

I support this particular Statement with all my heart. This is because this is the only remaining farming sector that generates income for Kenyans. We are aware that the coffee industry declined and the tea industry is dying. Unless we secure this one, our farmers will soon remain with nothing. We have also heard poultry farmers in areas like Kiambu complaining that the prices of eggs are going down, yet we import a lot of the eggs from neighbouring countries.

There are many challenges that face dairy farming. One of them, which I have seen in my county that needs to be addressed by the county governments, is lack of storage facilities for farmers to store milk as they wait for it to be bought. More often than not, farmers sell their milk at a throwaway price fearing loss and spoilage. Our counties should realise that this is a devolved function. They should make sure that storage facilities are availed to the farmers, so that they have somewhere to store milk as they negotiate with those who can buy at better prices.

Delayed payments to farmers by major co-operatives societies is also a major challenge. For example, farmers from Kericho and Bomet counties are still waiting for payments they are owed by the KCC for the past 10 years. The Government should waive that and make sure that farmers are assisted.

The other issue that affects dairy farming is poor infrastructure. Sometimes milk buyers are from within. Better co-operative societies that could buy milk from farmers are unable to reach them because of poor roads. For example, where I come from, big companies that have strong machinery, like vehicles, have monopolized the collection of milk. Therefore, poor infrastructure in our country is another problem affecting dairy farming.

Since agriculture is a devolved function, our counties should be aware that cattle feeds and supplements are expensive. It is time the national and county governments assisted the farmers. They should regulate or control and subsidize the prices of feeds and insecticides used in this particular type of farming.

The mitigations are obvious. It is only that there is a lot of laxity by the national and county governments. Farmers can be supported so that their production in terms of quality is realised. Most counties no longer have extension officers to assist our farmers to improve dairy farming. These are the challenges that affect dairy farming, leaving our farmers in problems.

Farmers are supposed to be supported so that benefits of this industry are realised. We should encourage county governments to negotiate for farmers. They should also be encouraged to form co-operative societies to negotiate for better prices even outside the country.

We have many countries like China that are doing a lot of business---

*(Sen. (Dr.) Langat's microphone went off)*

**The Speaker** (Hon. Lusaka): I will add you a few minutes.

**Sen. (Dr.) Langat:** Thank you, Mr. Speaker, Sir for adding me a few more minutes. There are many countries that are doing a lot of infrastructural work in our country. I expected the national Government to negotiate with them to also buy our farm products.

We also need to encourage our counties to establish value addition processes, so that farmers do not only rely on raw materials, but also on other by-products from milk. The national Government should also regulate importation of milk and milk products from our neighbouring countries. That way, our farmers will benefit from farming.

With all the experience of Sen. Ndwiga, I am sure we will arrive at a solution to the problems affecting our farmers. Farmers are discouraged because of inability to get money. They are unable to sustain this particular industry and their cattle are affected.

Since there is massive unemployment in our country, this is the only sector that we should support to encourage the young people to join.

Mr. Speaker, Sir, I support.

**The Speaker** (Hon. Lusaka): Finally, let us have Sen. Kinyua.

**Sen. Kinyua:** Thank you, Mr. Speaker, Sir, for giving me this opportunity to support this Statement by Sen. Mwangi. It is a timely Statement because the issue of milk prices has become a problem in this country.

*(Loud consultations)*

Mr. Speaker, Sir, please protect me.

**The Speaker** (Hon. Lusaka): Order Senators! Please consult in low tones.

**Sen. Kinyua:** Mr. Speaker, Sir, Kenya is an agricultural country, but the most astonishing thing is that every product that we grow---

*(There was a technical hitch)*

**The Speaker** (Hon. Lusaka): There is a problem with the system.

**Sen. Kinyua:** There is no product that we grow in this country that we can say with confidence that has a good price; starting from maize, tomatoes, coffee, tea, sugarcane, miraa and potatoes.

I take this opportunity to urge Members of the Committee on Agriculture, Livestock and Fisheries--- I have confidence with the insights that the Chairperson of the Committee gave us concerning what is happening in agriculture. I am sure that he is up to the task and he will deliver.

I keep asking myself: Are we producing so much than we can consume or is there a problem in this country? These are the questions that the Committee should answer, so that we are sure that we consume what we grow and if we sell, the prices are appropriate.

Mr. Speaker Sir, if you come to Laikipia, the price of maize is Kshs800. This amount is less than what the farmer used to grow this maize. The same applies to coffee and tea. Kenyans are suffering. We are asking the committee that will be responsible to look into these details so that we can give a lasting solution. The Senator for Kirinyaga was quick to say that we do not want temporary measures; we want permanent measures to be taken. As country, we keep talking about agriculture as the backbone of this country. This should be seen to be true and not just heard so that Kenyans can be happy to practice farming. There is no point of telling Kenyans to go back to the villages and do farming yet they do not benefit from farming.

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Lusaka): Order, Members! I hope the Chairperson of the Committee on Agriculture, Livestock and Fisheries has heard that. Agriculture, just like health, is a devolved function. I want to agree with hon. Senators that there are many sectors that are failing especially agriculture. Therefore, we will want a very comprehensive report on this matter.

Where it is a devolved function, this is where we must rise to the occasion as a House to come up with strategies that will improve those sectors. Chairperson, I know you have the competence, you have been there before and that you will bring a report that will address this matter in a very comprehensive manner.

There is a problem with the system and unfortunately, it is only happening where we have people--- Did this other side---

*(Laughter)*

I do not know whether it is sabotage, but they are working on it.

Yes Chairperson.

**Sen. Ndwiga:** Mr. Speaker, Sir, I do not know who is sabotaging us. I had to come all the way from there to come and say yes, we are going to look at the Statement and do what must be done.

*(Laughter)*

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Lusaka): The next Statement is by Sen. Wario.

**Sen. Seneta**: On a point of order, Mr. Speaker, Sir!

**The Speaker** (Hon. Lusaka): But you know how to seek for permission to speak. Order, Sen. Wario, there is a point of order.

**Sen. Seneta**: Mr. Speaker, Sir, having heard the many concerns that have been raised concerning this issue of milk, I do not want to preempt the debate of adjournment for next week, but I was of the opinion that you could have given the Committee a time frame on when they should come back with a response for this Statement so that we can go home with an answer for the farmers who are already suffering.

You know we shall go for a long recess and they will still be having this problem until February when we come back.

**The Speaker** (Hon. Lusaka): Chairperson, what time frame do you think we would be able to get a comprehensive report?

**Sen. Ndwiga**: Mr. Speaker, Sir, given the circumstances that we will soon be going on recess, we will be able to give this House a report on Thursday, next week.

**The Speaker** (Hon. Lusaka): That is reasonable enough. Sen. Wario, kindly proceed.

FLOODING DISASTER IN TANA RIVER COUNTY  
CAUSED BY PERENNIAL OVERFLOW FROM  
THE SEVEN FORKS DAMS

**Sen. Wario**: Thank you, Mr. Speaker, Sir, for giving me this chance.

Mr. Speaker, Sir, pursuant to Standing Order No.48(1), I rise to seek a Statement from the Standing Committee on Energy.

The disaster caused by annual flash floods experienced in Tana River County is as a result of perennial overflow from the Seven Forks Dams which is responsible for the production of hydroelectric power.

Mr. Speaker, Sir, in the Statement, the Committee should-

(1) Explain why the management of power stations allegedly flash excess water into the river causing floods in upper, middle and lower Tana areas that lead to severe damage of roads, crops, livestock as well as displacement of thousands of people;

(2) Outline the measures, if any, that the Ministry of Energy has put in place to mitigate against repeat of the perennial disaster;

(3) State whether there is any form of compensation to the individuals and communities that have been directly affected and when the compensation if any will be given.

Thank you, Mr. Speaker, Sir, for giving me this chance.

**The Speaker** (Hon. Lusaka): Thank you. Sen. Farhiya, kindly proceed.

**Sen. Farhiya:** Thank you, Mr. Speaker, Sir, for giving me this opportunity. I wish to support Sen. Wario for bringing this Statement to the House.

Mr. Speaker, Sir, every time there is drought, people from the area where Sen. Wario and I come from, suffer from hunger. When there is abundant rain, they suffer from flooding. They live from one catastrophe to the next. It is high time the Government made some effort in ensuring that people from this area are supported in terms of how to deal with these disasters.

Mr. Speaker, Sir, it is more sad when the disaster is manmade. A Government institution that is supposed to protect the citizens is the one that is now causing part of their problem.

Mr. Speaker, Sir, it does not need rocket science to ensure that mitigation plans are put in place because these rains were predicted much earlier. People knew it was going to happen. What mitigation measures were put in place to ensure that the flooding of 2017 did not happen? There were no mitigation measures and as usual, the excess water was let into the Tana Rive. This has caused the people of Tana River undue suffering.

Mr. Speaker, Sir, as we speak, there so many communities in my county who are locked out because of rain water and the roads are so bad that they are impassable. Therefore, people cannot even access the county headquarters.

Mr. Speaker, Sir, it reaches a point where we feel this is just too much. The company responsible for generating electricity Kenya Electricity Generating Company (KenGen) should have created an extra reservoir so that the water that was going to be wasted would have been kept in that reservoir. When the water of Tana River becomes less, then they would have let that water go into the river.

Mr. Speaker, Sir, we cannot sing the same song year in, year out and yet the people of Tana River and all these other marginalized counties need a solution from this great Government.

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Lusaka): If you want to catch my attention in the meantime, you will have to carry up your left hand.

Sen. Kinyua, kindly proceed.

**Sen. Kinyua:** Asante sana Bw. Spika. Nasimama kuunga mkono Tarifa hii. Hii imekuwa kama swala sugu kwa watu wa Tana River. Kila wakati, haya mabawa yanapovuja, yanaenda yanabeba hawa ndugu zetu wa Tana River. Tungependa kujua kwa nini Serikali haiwezi ikachukua hatua mwafaka na hatua ya kudumu ndiposa ndugu zetu ambao wanaishi upande wa chini wa mto wawe na afueni.

Tunaskia kwamba kila mwaka hawa ndugu zetu wanapatwa na hili janga la kubebwa na maji. Itakuwa ni jambo nzuri ikiwa Serikali itachukuwa mikakati ambayo itawasaidia ndugu zetu ili waweze kujua wanaishi katika hali ambayo inafaa. Kila mwaka, hili jambo limekuwa likitokea na Serikali inanyamaza ama baada ya watu kuzombwa na maji, unapata Serikali inaenda huko na ndege kuwapelekea watu chakula ilihali jambo kama hilo lingezuiliwa kabla ya kutendeka. Haya mabwawa yako juu na

yana saidia kuleta stima lakini, wange punguza hayo maji kiasi ya haja ndiposa yasiwe mengi kisasi ya kusomba wakenya.

Kwa hivyo, serikali inafa kuchukua mikakati ya kuduma kwa sababu hatua kubwa ya Serikali ni kulinda maisha ya wananchi. Haifai Serikali kuamka wakati jambo kama hili limetokea. Serikali sasa inapeleka malazi, chakula na vitu vingine, ni kama kwamba jambo la dharura limetokea, ilhali watu hawa wangesaidiwa kabla ya haya maneno kutendeka.

**Sen. Halake:** Thank you, Mr. Speaker, Sir. I rise to support this Statement by Sen. Wario.

Counties in Northern Kenya are all submerged. We have wards and entire sub-counties under water in Isiolo County. We went to the Cabinet Secretary to explain to him and show him photos. The same thing is happening in Wajir, Garissa, Tana River and Mandera. All those counties are under water. I worked for the Kenya Red Cross Society (KRCS) for a very long time and I brought a Statement to this House early in the year, as part of an early warning system. The Statement warned us of the La Niña effect that we were going to experience. It also asked for the measures that were being taken to prepare for it. I have not gotten a response to that Statement. It was referred to the Committee that is in charge of disaster management and preparedness.

We will never get out of this cycle of drought and floods. We are all wondering of when we will get to look at sustainable ways of dealing with these floods. People have died in West Pokot due to something that we knew was coming. We cannot afford to lose so many people at one go. The meteorological department has data showing the patterns and cycles of La Niña and its effect. Why do we wait to scoop bodies? Why do we wait for people to die of hunger? Why do we subject our people to such great suffering when we know that these things happen so often and we even have early warning systems? As legislators, we tried to establish what the Government was planning to do now that we have data on the weather patterns yet we continue to experience these loses.

It is time that this House does something. We have passed laws to govern this, but I do not know where they are. They could be at the National Assembly, but drastic measures have to be taken for us not to be a House that just talks. We should walk the talk. We should look for some sustainable solutions and put people to account.

County governments should be the first responders. If you look at the budgets of the county governments, you will realise that the largest budget items are relief for droughts or floods. Those allocations at times get to 15 to 16 per cent of the total budget. Last year, over Kshs600 million was allocated to the office of the Governor for relief in my County. Have we seen responses that warrant such an amount on the ground? We also need to see a more sustainable approach. If not, we will continue talking as our people continue suffering.

I support and I hope that the Committee will do something before we go on recess.

**Sen. Wamatangi:** Thank you, Mr. Speaker, Sir. I support the issue raised by the Senator for Tana River on the cycle of disaster that has been experienced by various counties.

It is true, as said by the Senator, that this problem is more pronounced in counties like Tana River and those that have a flat terrain. When the rains fall in the upper areas, the water flows in those areas and it becomes a bigger menace, especially the water that has been in the reservoirs.

What does that teach us? What does that teach the leadership at county level? I know that counties that are under Arid and Semi-Arid (ASAL) are the ones that have been largely affected by this phenomenon. I propose that this be one of the agenda in the next ASAL meeting. They should discuss this and come up with mitigating factors. There is a fund that has a lot of money, the Equalisation Fund. Most of that money is yet to be released to the counties that deserve it. When that money is released to the counties, can it be earmarked to mitigate the emergency issues such as human rescue and restoration of the livelihoods of those people?

As the Chairperson of the Committee on Roads and Transportation, I urge the national Government to address the question of the damage on infrastructure, especially the roads in these counties. The kitty that the Ministry avails under emergency funds for repair and rehabilitation of roads after such an occurrence cannot be enough to deal with the damage that has been caused. We urge the national Government, at the level of the National Treasury to determine how much is going to be released this time. These counties should be given special consideration in allocation of the emergency fund that will then be used for rehabilitation of infrastructure.

We need to be more vigilant. When a tsunami or tornado is about to occur in the United States of America (USA), they send early warning signs and they even evacuate people in advance. They also put mitigating factors that help the people not to suffer the damage. We should ask the national Government in conjunction with county governments to have a well-structured response system that will help members of the public when rains start falling heavily. That will help us to have a structured evacuation procedure for members of the public.

I support the Statement and also call for urgent action from both levels of government.

**Sen. Zawadi:** Ahsante Mheshimiwa Spika kwa kunipa nafasi hii ili nitoe maoni yangu kuhusu Taarifa iliyo letwa na Seneta wa Tana River.

Naunga mkono yale ambayo yamesemwa. Vile vile, ninashangaa. Mvua inafaa kuwa baraka kwa watu wetu lakini kuna wakati ambapo huwa haikuwi baraka bali inaleta maafa na laana kwa watu. Mvua hainyeshi kwa bahati mbaya. Tunajua ya kwamba tuko na msimu wa mvua na msimu wa kiangazi.

Ninashangaa ni kwa nini hakuna viegezo vinawekwa ili kuzuia maafa wakati wa mvua. Nasema hivyo kwa sababu tunaishi nyanda za chini, na hata sio sisi peke yetu, kuna Wakenya wengi kule. Mvua inaponyesha, mvua iliyonyesha nyanda za juu huteremka kwetu. Kwa hivyo, vifo vingi hutokea kwa sababu mvua inaponyesha, ajabu ni kwamba maji haya hayafiki mapema ili watu wajipange. Mara nyingi maji hufika usiku wakati watu wamelala.

Hua ninashangaa kuhusu kina mama na watoto, kwa sababu mara nyingi vifo huwapata kwa sababu huwa wamelala wakati huo. Afadhali wazee hua bado wako nje,

lakini akina mama na watoto hupatwa wakiwa ndani wamelala. Tumepoteza akina mama na watoto wengi kwa ajili ya mvuo hiyo.

Jambo hili si la jana, leo, wala la juzi; limekupwepo tangu jadi. Ninashangaa ni kwa nini Serikali haingalii namna ya kuokoa maisha. Kwani kila siku tutakua tunakimbia kuwapelekea *tents* na mabati? Tutafute njia mbadala ya kuhakikisha kwamba, watu hawatapoteza maisha tena. Mvua hii inaponyesha, kuwe na viegezo vitakavyokua vinawekwa, kama kuchimba *dams* ili maji haya yasipotelee bahari kavu.

Tunaviojua, hakuna maji haswa katika sehemu za wafugaji, ilhali mvua inanyesha. Kwa nini hizo *dams* hazichimbwi sasa ili mvua inaponyesha, kuingie maji ili ng'ombe na mbuzi wao wapate malisho, na pia kuyatumia maji kulima kwa wale ambao ni wakulima? Sisi tumekua tukiwacha maji hayo yaende baharini. Ninafikiri imefika wakati sasa.

Mjadala huu sijaskia kwa mara ya kwanza au wa pili; umekuwa ukirudiwa rudiwa, lakini bado hakuna hatua ambazo zimechukuliwa. Kwa sasa, mvua bado inaendelea. Wakati umefika wa kuchukulia watu wetu umuhimu mkumbwa. Kabla ya mambo mengine, tuangalie maisha ya wanadamu na mifugo.

Mtu anaweza lala tajiri na amke maskini akiwa sehemu hizo. Hii ni kwa sababu maji yakija usiku; yabebe ngombe wako wote, chakula chako kwa shamba na watoto. Unalala ukiwa na mali na unaamka ukiwa maskini kwa ajili ya maji ambayo yanapaswa kuwa faida kwa wananchi.

Nimesisama kuunga mkono watu wa Tana River kwa sababu mimi ninatoka Kilifi, na hali ni hiyo hiyo. Ukienda sehemu za Sabaki, utakuta hali ni hiyo hiyo; maji huja na kusomba watu. Wakati umefika ambapo inafaa majanga haya yote yaishe na tutafute njia ambayo itasaidia watu wetu.

**The Speaker** (Hon. Lusaka): Finally, Sen. (Dr.) Ali.

**Sen. (Dr.) Ali:** Thank you, Mr. Speaker Sir. I wish to support this Statement by the Senator of Tana River. Every other day, we talk of disasters in this country, and we have had several Statements on this issue. Even if this is specific to the Ministry of Energy – to be specific Kenya Electricity Generating Company (KenGen) – disasters are not well taken care of in this country. I do not know why the national Government does not have proper policies on this issue.

We have been talking about these things for several years and nothing really happens. When it comes Tana River and the lower side of Kenya; that is Garissa, Tana River, Lamu and Kilifi this literally happens every year. Flooding happens all over, because this parastatal releases water when they reach a certain level without information or consultation. As Sen. Zawadi said, it comes at odd hours and, therefore, so many people die and others are seriously affected.

I do not know why when it reaches a certain level, KenGen does not inform the people concerned. They can do it through radios and television. They can inform the Government operators – the county commissioners the police and even the KRCS. This information can then be disseminated. People can be told that water will be released in good time, so that they evacuate when they suspect that the amount of water they want to release can reach a certain level.

When somebody wakes up in the middle of the night only to find that they whole house is flooded, this is a very serious issue. I urge the Committee to look into this issue very seriously and make sure that it does not recur. I know that they have no alternative when the water levels go high other than to release it, but the people have to be told. They also have to compensate the people who have suffered loss of animals and those ones who have lost their loved ones.

I beg to support.

**The Speaker** (Hon. Lusaka): Thank you. Hon. Senators, I will defer the Statement by the Chairperson of the Standing Committee on National Security, Defense and Foreign Relations and call the Senate Majority Leader to give his Statement.

ACTIVITIES OF THE COMMITTEE ON NATIONAL SECURITY,  
DEFENSE AND FOREIGN RELATIONS

*(Statement deferred)*

BUSINESS FOR THE WEEK COMMENCING  
TUESDAY, 3<sup>RD</sup> DECEMBER, 2019

**Sen. Dullo:** Thank you, Mr. Speaker, Sir. Pursuant to Standing Order No.52 (1), I hereby present to the Senate the business of the House for the week commencing Tuesday, 3<sup>rd</sup> December, 2019.

On Tuesday, 3<sup>rd</sup> December, 2019, the Senate Business Committee will meet to schedule the business of the Senate for the week. Subject to further directions by the Committee, the Senate will consider Bills due for Second Reading and those at the Committee of the Whole stage. The Senate will also continue with the consideration of business that will not be concluded in today's Order Paper.

Mr. Speaker Sir, I continue to urge Senators to be available in the Chamber to prosecute scheduled business. In the same spirit, I urge Committee Chairpersons to expedite consideration of business still pending in the Committees, most notably, Bills, Statements and Petitions referred to them.

I take this opportunity to thank Chairpersons of Select Committees who have submitted quarterly reports to the House, pursuant to Standing Order No.51(1)(b) relating to activities of the Committees, including consideration of Bills, Statements, Petitions and inquiries undertaken. Only a few remain. I urge the concerned Chairpersons to submit their reports as required by the Standing Orders.

Mr. Speaker Sir, next week the House will come to the end of the Third Session in line with the Calendar of the Senate. However, the House still has a number of Bills pending at the Second Reading stage and at Committee of the Whole stage. I, therefore, urge Senators to prioritize House business and avail themselves in the Chamber so as to dispose of the Bills before the close of the Session. I also urge the party Whips to be extra vigilant to ensure that we have the requisite numbers to pass critical House business.

I thank you and hereby lay the Statement on the Table of the Senate.

**The Speaker** (Hon. Lusaka): Next Order.

Sen. (Dr.) Ali, proceed.

**Sen. (Dr.) Ali:** Thank you, Mr. Speaker Sir. The 6<sup>th</sup> Ordinary Session of the Pan-African Parliament (PAP) took place from 7<sup>th</sup> to 18<sup>th</sup> May, 2018 at the Gallagher Convention Centre, Midrand, in South Africa. Various resolutions on matters affecting member states were adopted and recommendations were made.

The Kenyan delegation to the meeting comprised of the following-

- (1) Sen. (Dr.) Abdullahi Ibrahim, CBS, MP- Leader of Delegation;
- (2) Sen. Stewart Mazdayo, MP;
- (3) Hon. Janet Ong'era, CBS, MP;

**The Speaker** (Hon. Lusaka): Order, Senator! You need to move the Motion first.

## MOTIONS

### NOTING OF REPORTS ON THE 6TH ORDINARY SESSION OF THE 4TH PAP AND 1ST AND 2<sup>ND</sup> ORDINARY SESSIONS OF THE 5<sup>TH</sup> PAP

**Sen. (Dr.) Ali:** Mr. Speaker, Sir, I beg to move the following Motion-

THAT, this House notes the Reports of the Sixth Ordinary Session of the Fourth Pan-African Parliament held in Midrand, South Africa, from 7<sup>th</sup> 18<sup>th</sup> May, 2018, laid on the Table of the House on Tuesday, 24<sup>th</sup> July, 2018; the First Ordinary Session of the Fifth Parliament of the Pan African Parliament held in Kigali, Rwanda, from 18<sup>th</sup> October to 3<sup>rd</sup> November, 2018, laid on the Table of the House on Tuesday, 12<sup>th</sup> March, 2019; and, the Second Ordinary Session of the Fifth Parliament of the Pan-African Parliament, held in Midrand, South Africa from 6<sup>th</sup> to 18<sup>th</sup> May, 2019 laid on the Table of the Senate on Tuesday, 10<sup>th</sup> September, 2019.

Mr. Speaker Sir, the ordinary session of the Fourth Pan African Parliament (PAP) took place from 7<sup>th</sup> to 18<sup>th</sup> May, 2018 at the Gallagher Convention Centre Midrand, South Africa. Various resolutions on the matter affecting the member states were adopted and recommendations were made.

The Kenya delegation to this meeting comprised of the following-

- (1) Sen. (Dr.) Abdullahi Ibrahim, CBS, MP- Leader of Delegation;
- (2) Sen. Stewart Mazdayo, MP;
- (3) Hon. Janet Ong'era, CBS, MP;
- (4) Hon. Jude Njomo, MP; and,
- (5) Hon. Beatrice Kones, MP.

This session occasioned the first meeting attended by the delegation from Kenya following the general elections in 2017. As such, the Members from Kenya among 72 other new Members took the oath of office of the PAP.

The delegation participated in the deliberations of the ordinary session and the sittings of the permanent committees of the PAP and the PAP East African Regional Caucus.

The PAP discussed a number of topics, among them, the ongoing institutional reform process of the African Union (AU) and the implementation of the Malabo Protocol on the constitutive Act of the AU relating to the PAP.

Additionally, the PAP undertook elections of Members of the PAP Bureau, the PAP Committees, the PAP Regional caucuses and the women and youth caucuses

The PAP also considered several reports including-

(i) A report of the Committee on Health, Labour and Social Affairs on “HIV/AIDS Plan of Action on achieving health targets leaving no one behind”;

(ii) Report of the Committee on Monetary and Financial Affairs of the 2019 PAP budget;

(iii) Report of the Committee on Cooperation, International Relations—

*(Loud consultations)*

**The Speaker** (Hon. Lusaka): Order, Senators! Let us consult in low tones we are disrupting the Member.

**Sen (Dr.) Ali:** Thank you, Mr. Speaker Sir. The reports are continued as follows-

(iii) Report of the Committee on Cooperation, International Relations and Conflict Resolution on the regional seminar on “Connecting the dots: Supporting 2030 Agenda, ATT and UNPoA implementation through increased parliamentary engagement and action in international processes;

(iv) Report of the Committee on Transport, Industry, Communication, Energy, Science and Technology on a workshop on ICT;

(v) Three reports of the Committee on Justice and Human Rights.

Mr. Speaker, Sir, there were many other committee reports which concerned the committees of the PAP.

The delegation is grateful to the Speakers of the two Houses for allowing them to attend the sessions, for facilitating travel and accommodation and providing logistical and technical support in liaison with the office of the Clerk of the PAP.

Mr. Speaker, Sir, the second one is the First Ordinary Session of the Fifth Parliament themed: “Winning the Fight against Corruption; a sustainable path to Africa’s transformation of the PAP” which took place from 22<sup>nd</sup> October to 2<sup>nd</sup> November, 2018 in Kigali, Rwanda. Legislators from across the continent convened in Kigali to dissect matters pertaining to the continent’s progress. The Session was preceded by the meeting of the Bureau that took place on 18<sup>th</sup> October, 2019 followed by the sitting of committees of the PAP.

Mr. Speaker, Sir, the First Ordinary Session of the Fifth PAP considered and debated various issues affecting the Member States. All the issues concerned are annexed to the report. The committees also exchanged views on various topical issues affecting the continent's integration objectives and came up with a raft of resolutions. The Kenyan delegation participated actively in all the deliberations of the ordinary session, the sittings of PAP committees and the PAP Eastern African Regional Caucus.

Several issues were discussed and those are also in the annexes of the Report.

Mr. Speaker, Sir, the third one is the Second Ordinary Session of the Fifth PAP which took place from 6<sup>th</sup> to 18<sup>th</sup> May, 2019 at the Gallagher Convention Centre in Midrand, South Africa. Here various issues on matters affecting the Member States were deliberated upon and resolutions on them adopted.

The theme of the Second Session was: "2019 the Year of Refugees, Returnees and Internal Displaced Persons: Towards durable solutions to false displacement in Africa." Members of the delegation also participated in most of these meetings and all the reports of the committee are annexed to this report.

Finally, the PAP considered the resolutions or recommendations of all the PAP, and they were adopted. To give a bit of introduction on the PAP, since this is the first time we are presenting our Report, the PAP is established in accordance with the Protocol to the treaty establishing the African Economic Community (AEC).

Article 2 of the Protocol provides-

"Member States hereby establish a Pan African Parliament, the composition, functions, power and organization of which shall be governed by the present Protocol."

The purpose of PAP as set in Article 17 of AU constituted Act 2000 states---

*(There was a technical hitch)*

The PAP held its inaugural session in March, 2004 in Addis Ababa, Ethiopia and its current seat is in Midrand, South Africa. The Parliament affords the opportunity for people from all African states to be involved in discussions and decision making of the problems and challenges facing the continent.

The objectives of the PAP as spelt out in Article 3 of the PAP Protocol and include-

(a) To facilitate effective implementation of the policies and objectives of the Organization of African Unity (OAU) and the African Economic Community (AEC) and ultimately of the AU;

(b) Promote the principles of human rights and democracy in Africa;

(c) Encourage good governance, transparency and accountability in Member States;

(d) Familiarize the people of Africa with the objectives and policies aimed at integrating the African continent within the framework of the establishment of the AU;

(e) Promote peace, security and stability;

- (f) Contribute to a more prosperous future for the people of Africa by promoting collective self-reliance and economic recovery;
- (g) Facilitate co-operation and development in Africa;
- (h) Contribute to a more prosperous future for the people of Africa by promoting collective self-reliance and economic recovery;
- (i) Facilitate cooperation and development in Africa;
- (j) Strengthen continental solidarity and build a sense of common destiny among the people of Africa; and,
- (k) Facilitate cooperation among regional economic communities and parliamentary fora.

The Membership of the Pan-African Parliament (PAP) is comprised of 200 Members of Parliament (MPs) from each of the 50 African Union (AU) Member States that have ratified the PAP Protocol, with each Member State represented by five MPs. The representatives are elected by the legislatures of the AU Member States.

However, the protocol on the Constitutive Act of the AU relating to the Pan African Parliament (Malabo Protocol) has proposed for election of PAP Members through universal suffrage. Once ratified, membership to the PAP will be through election in the respective countries, similar to elections of Members to the European Union (EU). PAP MPs will be barred from serving as MPs in their respective national legislatures once the Malabo Protocol is signed.

This is one of the changes that seeks to transform the PAP to a fully legislative organ, once the protocol is ratified by the requisite membership. Kenya has not ratified this process to date. The whole number of countries which have ratified it is only 12. In the East African region, it is only Somalia and Madagascar which have ratified the protocol; all the others have not ratified it. When you talk of the East African Region, it is bigger than our East African Community (EAC). It includes Ethiopia, Djibouti, Somalia, Kenya, South Sudan, Sudan, Tanzania, Rwanda, Uganda, Madagascar, Seychelles and Mauritius. Those are the ones who form the East African Caucus.

Mr. Speaker, Sir, the protocol stipulates the composition of a countries' delegation which reflects the diversity of political opinions of the Member State legislatures, with at least one of the Members being a woman

*[The Speaker (Hon. Lusaka) left the Chair]*

*[The Temporary Speaker (Sen. (Prof.) Kamar) in the Chair]*

Madam Temporary Speaker, the organs of the Pan-African Parliament are the plenary, which comprises of the full House; the Bureau, which is the leadership organ of the PAP and it comprises of the President and four Vice Presidents. Each member of the Bureau represents a different geopolitical region of Africa. That means that in the African region, we have five regions; the Northern, Eastern, Southern, Central and Western regions. Therefore, if the President comes from one of the regions, then the other four

Vice Presidents will come from the other four regions. The third is the Secretariat, which provides technical support, as usual, and it consists of a clerk, deputy clerks and directors.

Madam Temporary Speaker, the Committees of the Pan-African Parliament are as follows-

(1) Committee on Rural Economy, Agriculture, Natural Resources and Environment;

(2) Committee on Monetary and Financial Affairs;

(3) Committee on Trade, Customs and Immigration Matters;

(4) Committee on Cooperation, International Relations and Conflict Resolutions;

(5) Committee on Transport, Industry, Communication, Energy, Science and Technology;

(6) Committee on Health, Labour and Social Affairs;

(7) Committee on Education, Culture, Tourism and Human Resources;

(8) Committee on Gender, Family, Youth and Persons with Disabilities;

(9) Committee on Justice and Human Rights;

(10) Committee on Rural Privileges and Discipline; and,

(11) Committee on Audit and Public Accounts.

On the calendar, the key annual activities of PAP are as follows-

(a) Meetings of the Permanent Committees and Bureau held in March;

(b) Meetings of the Plenary, permanent committees and Bureau held in May;

(c) Meetings of the Permanent Committees and Bureau held in August;

(d) Meetings of the Forum of Clerks and Secretaries General of Member Parliaments held in August;

(e) Meetings of Plenary, Permanent Committees and the Bureau held in October.

Additionally, Madam Temporary Speaker, from time to time, the PAP organises seminars and workshops on areas within the purview of the Permanent Committees for Members falling within the objectives of PAP. PAP also participates in the AU Election Observer Missions and fact-finding missions to member States on security and development.

Madam Temporary Speaker, these are the activities of PAP. That is what the committees and everything that the PAP does. Recently, we had the caucus of the East African Region which held its meeting here in Nairobi, last week. They really enjoyed their time here. The Senate facilitated the stay of the Members here, mainly in welcoming them. However usually, when Members come to other regions, they take care of their own issues of lodgings and hotels.

With those few remarks, Madam Temporary Speaker, I wish to ask Sen. Farhiya to second the Motion.

**Sen. Farhiya:** Thank you, Madam Temporary Speaker, for allowing me to second. Thank you, Sen. (Dr.) Ali, for giving me this opportunity.

Madam Temporary Speaker, in terms of relationships among African countries, that is what we need to take this continent to the next level. I am glad that we are taking that route. However, I sometimes feel that there are too many impediments that are impacting on some of these issues.

Madam Temporary Speaker, as I went through the report, I read in one of the pages that Anne, who is a representative of World Bank (WB), was saying that Members get investments of up to US\$17 billion from the WB. If African countries were cooperating very well, helping each other and supporting each other in terms of business and markets, then Africa would not have been the highest recipient from WB. We do not need that aid because Africa has the highest potential in terms of human capital. We are the only continent that is growing in terms of population. We are the continent with the highest mineral resources, and we are well endowed with all other resources.

Even in terms of clean energy, we have the sun in abundance. This is, therefore, a continent that does not need all that support. It is a continent whereby if we kept corruption away and increased the relationship between African countries, then Africa would be the best in the world.

Madam Temporary Speaker, they also discussed coordination among parliamentarians in terms of harmonising policies and ratifying agreements between us on what is passed in that Parliament. That is not happening in this country. I do not know if some of you saw a video clip of a lady who was talking about Anglophone Africans being forced to deposit all their money in France, then France determines how much of that interest needs to come back to Africa. I do not know how much that is true, but that lady lost her job because of stating a fact that is crippling the economy of Africa. Therefore, unless Africans speak for each other---

Europe has the EU, America has the North American Free Trade Agreement (NAFTA) and all these other agreements between South America, North America and others; and they are an economic block. Therefore, as individual countries in Africa, we are not able to compete with that kind of mighty power. That is why we need Africa countries to ease travel between economic blocs.

We have many economic blocs in Africa such as the Southern African Development Community (SADC), the East Africa Community (EAC) and so on and so forth. What stopped Africa from having one economic bloc?

Africa has the highest number of youth. Therefore, we should take advantage of the big market. Other continents have ageing populations which has an effect on their workforce. Truth be told, Africans are also getting education. We should use all the resources that we have so that we move to the next level. In Africa, 60 per cent of the population is under the age of 25 years. We have a vibrant population with a lot of energy. If we have improved healthcare, that is a big working population that can make a huge difference to the economy of Africa.

Madam Temporary Speaker, Members of the PAP should not just talk about harmonization of policies and leave it like that. When they make resolutions in that Parliament, it should be replicated by other countries so that we all move in tandem.

South Africa was appreciated because that is where the PAP is. I apologize for what I am going to say, but in my view, the PAP should not be in South Africa. That is a country where fellow Africans are butchered every time in the name of xenophobia. They should have regulations in their country so that fellow Africans are not harmed within their jurisdiction. We cannot achieve Pan-Africanism, free movement and free trade

between Africans if we have the kind of attitude that the citizen of South Africa have. That will remain a dream. The parliamentarians of the PAP should demand that its headquarters be moved to another destination.

Madam Temporary Speaker, the other issue is fighting cybercrimes and other ICT related crimes. We need to have harmonised regulations and policies on that. There is also the issue of money laundering by Africans among African countries and the rest of the world. It is good that Africans are coming together to fight that. Only if we are united and fight as a bloc will the rest of the world respect us.

Truth be told, there is a lot of innovations in ICT that is ongoing in our region. The benefits of that cannot be realized because there are huge expenditures that individual African countries incur to fight ICT related fraud. I commend the PAP for discussing issues touching on political support, financial flaws and other ills that come as a result of cybercrime and related issues.

Madam Temporary Speaker, freedom of the press is also one of the things that were discussed by the PAP. It appears as if the BBI Task Force was listening to the discussion. One of the recommendations in the BBI Report is to outlaw defamation as a way of fighting corruption. Whistleblowers and media reporting are curtailed because media personalities fear being sued by cartels that have a lot of resources at their disposal. They use the same to fight the media so that their bad manners are not exposed by members of the fourth estate. I am happy that the PAP discussed that. This House needs to sponsor a Bill to actualise this because it is the game changer as far as fighting corruption is concerned.

The other issue is creation of the Civil Society Organisations (CSOs) space. Non-Governmental Organisations (NGOs) and CSOs should conduct more research so that we are told who is the most corrupt. My recommendation is that we should have a list of shame every quarter if we have to achieve financial freedom in Africa. I believe that the game changer is allowing freedom of CSOs space and the media, so that the ills within our society are exposed all the time.

Therefore I am in agreement with the recommendations of the PAP in terms of outlawing any laws regarding defamation. There are countries that have beaten us in this game. Both South Africa and Ghana have passed legislation. Yesterday we were told by Tanzanian Foreign Affairs Minister that it is the economic engine of East Africa. For us to survive beyond our time, we have to address the issue of corruption and how media freedom can be enhanced.

There is also a resolution regarding albinism and the kind of human rights violation these people face in Africa. There is an action plan to eliminate any form of violation by 2020, which is only one month from now. I think it is too late because if the abuses continue, that group of people will be extinct. There is need for that to be fast-tracked. We should have stringent laws to discourage people from killing fellow human beings. They are killed because of beliefs in witchcraft, which has no space in a country like ours where people take pride in religious beliefs. That should be addressed urgently by all countries. I am happy that the person who made a presentation to the PAP is none

other Sen. Mwaura, a Member of this House, whom we all know fights for the rights of PWDs.

There is also a proposal to ensure freedom of movement and people having African passports. You can imagine the impact of having an African passport and any African living anywhere they wish within the Continent of Africa. If the recommendation by the PAP is implemented, nothing will stop the Continent of Africa from realising achievements because other continents have reached their optimum levels. They cannot deny us from doing the same because they use our resources and market to grow their own economies. However, they are not declining because they use our resources and market to grow their economy and re-invent themselves all the time while the African continent has that opportunity, but does not take advantage of it.

I support the Pan African Parliament (PAP) in terms of those resolutions.

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

**The Temporary Speaker** (Sen. (Prof.) Kamar): I will give you the last 30 seconds.

**Sen. Farhiya:** Thank you, Madam Temporary Speaker. I support the Report and recommend that all our Senators read this Report because it is very rich.

I second and thank you for giving me the extra 30 seconds.

*(Question proposed)*

**The Temporary Speaker** (Sen. (Prof.) Kamar): Sen. Cheruiyot, proceed.

**Sen. Cheruiyot:** Thank you, Madam Temporary Speaker. I rise to support this Report.

This is one of the reports that has, unfortunately, stayed for quite a while listed on our Order Paper. I have taken time to interact with Members of this House who are Members of PAP. My good friend, Sen. (Dr.) Ali, speaks with a lot of confidence about the things they discuss at this temple of Africa, as it is referred to in the document. This is the place where Africa meets, speaks about its problems and tries to find ways of seeking solutions to the challenges that continue to bedevil our continent.

I support this Report because I have taken time to read through the resolutions especially of the last Extra-Ordinary Session that they had and the kind of discussions they had as a Parliament. It is my sincere wish, though, that over time each of the 52 African States can ratify the recommendations and also the existence of PAP as a proper parliament whose resolutions, the entire continent is bound by.

The African Union (AU) is more of an elite club where African presidents and their foreign Ministers meet occasionally, maybe once, twice or thrice a year. They exchange pleasantries and speak about challenges here and there. However, we have never seen far reaching resolutions of the AU, where at a peer to peer level, African presidents can challenge each other and say: "What you are doing in your country is not right or what you are doing to a certain group of people in your country is not the right

thing to do". Where they can challenge each other about business, speak about ease of doing business in Africa, exploitation of Africa, issues of corruption and youth and unemployment. These are the many issues that continue to face this continent.

Madam Temporary Speaker, in my humble opinion, I do submit before this House, that until such a time that each and every resident country of the African continent sits, doctrinates and makes it part and parcel of their laws that the PAP is the premium institution in terms of African parliaments where people can sit and their resolutions can be binding to all the 52 governments of Africa, we are still on our way up.

I agree with many of the recommendations. I have read the resolutions where they are condemning all acts of inhumane treatment of refugees, returnees and displaced persons. These are very good recommendations. They speak to each other and say that in each country, you either have a refugee, returnee or displaced persons.

That exists even in Kenya. Kenya is one of the countries where we have all the three that are listed in this category. We have refugees, returnees and Internally Displaced Persons (IDPs) either from post-election violence or Government policies that have gone wrong as is the case in the Mau.

If the PAP had been promoted to the level that they are seeking, these resolutions today would not just be resolutions or a situation whereby we are expecting Members of this Committee like Sen. Dr. Ali or Sen. Mwaura to launch a campaign and try to speak to their governments and encourage them to be bound by this. It would be a matter of presenting the issue before the Attorney-General of the Republic of Kenya and saying: "PAP has given you this number of days to be compliant."

Reading through the resolutions, I have noted that they are calling upon African nations to take the necessary measures to achieve the agenda of silencing the guns by the year 2020. This is quite an ambitious goal especially bearing in mind that we are only a few days to 2020 yet the entire region still continues with conflict.

Madam Temporary Speaker, the sad thing about the issues that we continue to read about is that Africa is still the only continent where you have more countries at war, both externally and within itself, than those that are at peace, yet we continue to talk and sit as if life is okay. If things were to be fixed in some of our neighbouring countries like the Democratic Republic of Congo (DRC) and their economy allowed to perform at the level it can, even the entire region would benefit.

There is no country as rich in terms of minerals and all the extractives you can think of like the DRC. Are we powerless as a continent to a point that we cannot be able to sit down the people who brought about the conflict in DRC because they are known? They continue to move around the continent lecturing us.

The other day, I saw what was happening in South Sudan and how other Western nations--- Of course I am alive to the provisions of our Standing Orders about discussing friendly nations. That is why I am guided and I cannot name the perpetrators of some of these atrocities against African nations. Perhaps on another day when we revise some of these Standing Orders, we should be allowed to speak freely especially on issues that matter; on an issues that touch on what is happening in our continent and what Western nations have done to ensure that they continue to enjoy.

Madam Temporary Speaker, the beneficiaries of the war that continues in DRC are not Africans. It is countries of the West and yet, because of not ensuring that we have proper institutions that have been set up in Africa like the PAP, we continue to have conflict in Africa. How difficult is it for us, as a country to sign up and ask our presidents when they meet for the AU Summit, to commit themselves and set up a proper PAP that is true to the meaning of the word “Pan-African”? They can then sit down and come up with recommendations. They can point out and issue sanctions against members of certain regions. It should function the way a proper parliament is supposed to function.

As it is - with all due respect - it is a talking club. It is good because people must first begin to talk. We must begin to encourage each other before we finally get to a point of looking at each other straight in the eye and speaking the truth to each other.

The issues that we are raising about our brothers in South Africa; they must also be able to look back at us and tell us the things they know are not right with our country. Sometimes it is only your neighbour who can tell you how much potential you have and how better you can be as a person when you face up to them. That can only be done in a proper established Pan African Parliament (PAP). However, this is the situation that we end up finding ourselves in.

I see even one of the resolutions that has been brought is a request by the African Union (AU) to engage the European Union (EU) in handling migrants that are prevented from entering Europe. It is a very sad issue and I do not know why you want to engage the EU. It is like when people are fighting in your own house that you want to engage your neighbour on how to allow the people that are coming out of your house to be allowed to access the neighbour's house. That is not proper.

We should be able to tell each other the truth as Africans. What is it that is making our young people get into a rickety boat and cross very dangerous waters and oceans just to try and get decent lives in different parts of the world? What is it that Europe has done that we, as Africans, cannot do so that our population can be happy amongst itself?

All these issues though not to the scale that is faced in Africa, exist in Europe. If it is about unemployment, the difficulties of life and all the challenges we continue to face in Africa exist in Europe. The only issue is that they have been able to manage their challenges better. Their leadership is able to rise up to the occasion and provide, yet in Africa, we are still saying: “Please Europe, if our sons and daughters cross the Mediterranean on a rickety boat, do not chase them; allow them to come in”. That is unfortunate. This is insulting and a serious indictment on the leadership of Africa.

Madam Temporary Speaker, each of the persons that sit in the AU Summit should receive part of these recommendations. I do not know, but I think Sen. (Dr.) Ali needs to send them copies and they need to be read aloud before the beginning of the extraordinary meetings of the AU Summit where all the presidents sit down in their nice well-cut suits, none of which is made from Africa. I am sure, if you walked into that room, from head to toe, you will not find an African President who is wearing anything that has been manufactured in Africa and yet we want to sit here and say that we are doing justice to our people.

It is not fair when you read how the PAP continues to challenge us on the things that we need. I have seen that the Pan African Parliament is also calling upon the AU to help conflicting parties in Africa to resolve their differences to allow refugees return to their countries and also set up effective early warning systems to detect and prevent eruption of conflicts.

What is the position, say of those who have retired from office? You know we have a very interesting discussion in our country right now, where people are telling our President that he is too young to retire. Such people should never be allowed to speak in any public forum.

I was embarrassed yesterday, during the launch of the BBI, when I saw one such fellow being allowed to speak. People must be able to serve and give an opportunity for others to serve. It is these retired African presidents that we need to put somewhere, so that at a peer to peer level, every time there is an early warning and the country that is about to go in turmoil, they can visit it and sit down the politicians.

In all these conflicts that we have in Africa, it is about the fight for power and resources, mostly by politicians. It is not even communities. It is politicians who pit community against the other and yet, all they are interested in is not even to serve, but just how much they can benefit out of it.

Madam Temporary Speaker, these will find good value in creating a club of retired African presidents. You remember that in 2007/2008 when we had our moment of difficulty as a country, it is former presidents from different parts of Africa that came, sat us down during the National Accord and our country was able to get back on the right path. The same needs to be replicated across the entire Africa. Therefore, we should bury those people that are encouraging our President and telling him that he is too young to retire. He is too young such that we need his services across the continent.

I am sure there is good value that he adds from the experience he has gained and the regional goodwill he continues to enjoy. He can be very useful in achieving this dream of the PAP where Africans can begin giving solutions to each other.

Madam Temporary Speaker, in concluding, I have seen that they are also encouraging AU member States to ratify, domesticate and implement AU instruments of refugees, Internally Displaced Persons (IDPs) and returnees and also accede to global compact of refugees. I think Kenya has set a good example in this region. We host the world's largest refugee centre.

The challenges that have been there, notwithstanding, we have been a good neighbour to our entire neighborhood each and every time they have had conflict. You can count; Somali, Southern Sudan, Djibouti and all these other countries. Each time they have had conflict, they have always found themselves being welcomed to Kenya.

We need to encourage the rest of the region to also learn how to share the burden when you neighbours are in turmoil. This is so that, as a region, we can be happy amongst ourselves.

It is not that all the countries that are members of the EU agree or like each other, but they have learnt that if God has put us together in one region, we are stronger than we

are, as divided. The issues that separate them are fewer compared to their shared vision or aspirations they have as a region.

I plead with our colleagues who sit in this Parliament to continue pushing. Sen. (Dr.) Ali should not tire until African governments and heads of States agree to ratify and ensure that PAP is a proper Parliament for Africa where they can sit, set sanctions against countries that are not observing human rights on refugees, IDPs and returnees. They can sanction the politicians who are creating conflicts in different parts and tell off the Western world which contributes immensely to the challenges that many of our African nations continue to face. This is because they know what is ailing our continent.

They can speak on issues of business. It cannot be okay that in almost the entire West Africa and parts of former colonies of France--- For example, to date, if you go to some of these countries the bread that you will eat has been flown in from Paris. How fair is that? What an indictment to us, as leaders, and yet we have many our young people who are not working.

With those many remarks, I support.

**The Temporary Speaker** (Sen. (Prof.) Kamar): Thank you, Senator. Proceed, Sen. (Dr.) Musuruve.

**Sen. (Dr.) Musuruve:** Thank you, Mr. Speaker, Sir, for giving me this opportunity to support this Motion. The Pan African Parliament is very important for us, especially because of issues of leaders engaging with one another. For instance, there are many pertinent issues that leaders can exchange through the PAP such as the issue of cooperation among Africans which we cannot ignore.

As leaders interact with each other, they share so many ideas and as they do so, there is a lot of cooperation that goes on. Communicating is very important. Through that, you can borrow so much from each other. Even in terms of development. It is possible for a leader of country to engage with another and find out what is making their country better off than others, even in terms of women in leadership.

As we are talking about issues of women in leadership, it is possible for leaders in the PAP to discuss and engage with each other and see how they can ensure that women are also taking the centre stage with regard to decision-making.

I am also happy because Sen. (Dr.) Ali brought out the issue of disability that was also discussed there. The issue is a conversation that goes on in very many countries; how women and Persons with Disabilities (PWDs) can be helped so that they do not become a burden. Even African countries and their leaders need to engage with each other and see how they can elevate the status of women. For example, you are on record as saying that Rwanda is doing very well with regard to women empowerment and women in leadership.

Apart from women in leadership, there is also need to also engage even among those in leadership. How can we help women leaders with disabilities so that they can be in the decision-making process? These are issues that Sen. (Dr.) Ali is bringing to the Senate.

Madam Temporary Speaker, I congratulate the people who attended this Conference and came up with this Report. The issue of conflict resolution is important.

As leaders engage each other, there are many conflicting issues which are either external or internal. It is possible for leaders to sit on a round table and discuss how to resolve conflicts. Leaders can help each other to resolve conflicts that they are familiar with. So, it is important to have delegations to such important forums so that they can bring home important points that will help our nation.

Madam Temporary Speaker, I support this Motion. It was worthwhile for the delegation from Kenya to represent us.

Thank you, for the opportunity.

**The Temporary Speaker** (Sen. (Prof.) Kamar): Thank you, Senator. There being no other interest, I ask the Mover to reply.

**Sen. (Dr.) Ali:** Madam Temporary Speaker, I wish to thank all Members who have contributed to this Motion. One issue that has come out clearly is that Pan African Parliament (PAP) would have been useful if the Malabo Protocol was ratified by all countries in Africa. Unfortunately, it has not worked out that way. There are only 12 countries that have ratified the Malabo Protocol and Kenya is not one of them. So, nothing much can be done until the Malabo Protocol is ratified by all the 54 African countries. Some of the new countries like Eritrea have not yet joined the PAP.

As Sen. Cheruiyot said, PAP is more of a talking shop than anything else. It does not have any legislative activities. It passes many Motions and Bills, but they cannot be taken to the national Parliaments.

PAP is also financially crippled. It depends on the ambassadors of the African Union (AU). Members of Parliament (MPs) from other countries support the ambassadors and approve them when they are appointed. When Members join the PAP, they are answerable to ambassadors of the AU. This is a terrible thing. I will bring a Statement on why Kenya has not ratified this Protocol. I hope that Members of this House will support it.

I beg to reply.

**The Temporary Speaker** (Sen. (Prof.) Kamar): Hon. Members, this Motion does not affect counties.

*(Question put and agreed to)*

**The Temporary Speaker** (Sen. (Prof.) Kamar): Hon. Members, let us move on to the next Order.

NOTING OF REPORT ON THE UN CONFERENCE  
ON CLIMATE CHANGE (COP24)

**Sen. (Dr.) Ali:** Madam Temporary Speaker, I beg to move -

THAT, the Senate notes the Report of the Parliament of Kenya Delegation to the United Nations Conference on Climate Change (COP 24) held in Katowice, Poland, from 3rd to 14th December, 2018, laid on the Table of the Senate on Thursday, 25<sup>th</sup> July, 2019.

Madam Temporary Speaker, the United Nations Conference on Climate Change took place in Katowice, Poland between 3<sup>rd</sup> to 14<sup>th</sup> December, 2018.

The Conference included the 24<sup>th</sup> Session of the Conference of the Parties (COP 24) to the United Nations Framework Convention on Climate Change (UNFCCC), the 14<sup>th</sup> Session of the Conference of parties serving as the Members of the Parties to the Kyoto Protocol and the third part of the first Session of the Conference of the parties serving as Members of the parties to the Paris Agreement.

Madam Temporary Speaker, the Kenyan Members of PAP participated in the Conference together with their colleagues from other parts of Africa. There were also colleagues from the Kenyan Parliament and a Kenyan delegation led by the CS for Environment and Forestry.

The key objective of the participation of the PAP in the Conference was as follows-

(1) Provide support to the African common position through advocacy and other related activities;

(2) Contribute to the current climate change debate by offering the perspective of African parliamentarians;

(3) Build capacity of parliamentarians on climate issues and share best practices of addressing the negative impacts of climate change;

(4) Advocate for adequate climate legislation in order to implement and enforce the Paris Agreement in African countries;

(5) Enhance the visibility of the PAP and its mandate to global audience and climate change stakeholders.

The delegation participated both in the main event which was a Conference of the State parties and in which the CS, Ministry of Environment and Forestry read the Kenya Statement. He reiterated the country's commitment to support the international and regional efforts towards the full implementation of the Paris Agreement.

The delegation is grateful to the Speakers of both Houses for facilitating it.

Madam Temporary Speaker, the delegation comprised of the following -

(1) Sen. Dr. Abdullahi Ibrahim, MP;

(2) Hon. Janet Ongera, MP;

(3) Hon. Jude Njomo, MP;

(4) Hon. Beatrice Kones, MP;

(5) Sen. Stewart Mwachiru Madzayo, MP;

(6) Sen. Paul Githoni Mwangi, MP;

(7) Mr. Samuel Njoroge, Director - Legislative and Procedural Services;

(8) Mr. George Otieno Onyango - Senior Clerk Assistant; and,

(9) Ms. Halima Maalim Hussein - Clerk Assistant III

*[The Temporary Speaker (Sen. (Prof.) Kamar) left the Chair]*

*[The Temporary Speaker (Sen. (Dr.) Lelegwe in the Chair]*

Mr. Temporary Speaker, Sir, the delegation proposes several recommendations based on the lessons learnt from the Conference. I will not go into what happened. There were several speakers; the CS, Secretary-General of the UN and the President of Poland and several other heads of states and government from all over the world gave their speeches.

The recommendations were as follows –

(1) The Cabinet Secretary responsible for Environment to develop regulations under the Climate Change Act (NO. 11 of 2016) to provide for preparation of a regular reporting platform required to coordinate the implementation framework of the Paris Agreement – This include biennial transparency reports, national greenhouse gas inventory reports, among others;

(2) The Cabinet Secretary responsible for Environment to initiate a process to update Kenya's Nationally Determined Contribution (NDC) and prepare a long term mid-century low emissions development strategy which is required by 2020;

(3) The Cabinet Secretary for the National Treasury being the national designated authority of the Green Climate Fund to enhance awareness and capacity building for the stakeholders to effectively benefit from the climate financing programme pledged at the COP 24 and enforce policies to safeguard finances in climate change and make climate change funds more accessible to all;

(4) The Cabinet Secretary responsible for Environment to conduct sensitization, awareness and capacity building programmes aimed at enhancing the capacities of the local technical negotiators so as strengthen Kenya's participation at the subsequent Conference of the Parties (COP)

Mr. Temporary Speaker, Sir, the Kenya statement highlighted hereunder was read to the Conference by Hon. Keriako Tobiko, CBS, SC., Cabinet Secretary - Ministry of Environment and Forestry, Kenya and reiterated the country's commitment to support the international and regional efforts towards and more particularly to the full implementation of UNCAC requirements. It included-

(1) The Intergovernmental Panel on Climate Change (IPCC) Special Report on Global Warming of 1.5 degrees centigrade underscores the undeniable fact that climate change is real and that urgent and drastic actions are needed in order to avert a global climate change-induced disaster;

(2) That the Conference provided the opportunity to adopt an inclusive and comprehensive programme of work to operationalize the Paris Agreement and maintain the principles and spirit of the Convention and the Agreement, including the principle of intra-and-inter-generational equity and common and many other issues.

Mr. Temporary Speaker, Sir, the Pan-African Parliament (PAP) side even was led by the First Vice President of the PAP from Tanzania. The delegation participated in the PAP annual side event under the theme: "Climate Finance and Status of Climate Change Legislation in Africa" with the following objectives-

(1) To provide African parliamentarians with an opportunity to obtain updated information on the climate change negotiations, progress made since the Paris Agreement in particular, on climate finance;

(2) To discuss efforts made by African Climate Legislations Initiative (ACLI) in building capacity of parliamentarians in areas of climate change legislations and policies;

(3) To explore how parliamentary caucuses mobilise to build momentum on climate action;

(4) Identify challenges facing African countries to access climate finance; and many others.

Mr. Temporary Speaker, Sir, the key highlights of the adopted package include-

(1) The information about Nationally Determined Contributions (NDCs);

(2) Information about efforts to adapt to climate impacts by countries;

(3) Climate Finance Related outcomes;

(4) Confirmation of climate finance mobilization - developed countries have pledged to mobilize USD 100 billion per year by 2020, and through to 2025, for both adaptation and mitigation actions in developing countries. At COP24, a small handful of developed countries stepped up with pledges towards this goal. The United States of America (USA) which is one of the main contributors pulled out. At Katowice in Poland, the USA was there to discourage delegates from making such kind of changes. Developing countries need support to contribute climate actions towards the global effort. Moreover, reaching the USD 100 billion goals is also essential for confidence-building among countries and a greater effort towards it is essential.

(5) Importance of the roles of the Green Climate Fund and the Global Environment Facility in supporting developing countries;

(6) Arrangements for providing predictability and clarity on climate finance;

(7) Financial goal beyond 2025;

(8) Modalities, guidelines and procedures on Transparency Framework;

(9) Modalities for establishment of a committee to facilitate implementation of the Paris Agreement;

(10) Procedures for conducting a Global Stocktake of overall progress towards the aims of the Paris Agreement;

(11) Procedures for assessment of progress on the development and transfer of technology; and,

(12) Capacity building for developing countries.

Mr. Temporary Speaker, Sir, if all these things were to be implemented, the developed countries will help the developing countries perform their duties effectively.

I beg to move and ask the Senator for Nyandarua County to second.

**Sen. Mwangi:** Mr. Temporary Speaker, Sir, I beg to support this Motion and state that the COP 24 Conference on climate change that took place in Poland was very useful. The world over, climate change has become a concern. The control of climate is essential because it affects the control of temperatures of greenhouses.

There has been a suggestion to move to electric cars across the world. In some countries, the move to electric vehicles has already started. Electric cars may not have been imported yet, but they will surely come with time as a solution to dealing with climate change which has become an issue.

We realized that the climate we are experiencing today may not be the climate that we used to have many years ago. This is an issue that concerns the whole globe. Climate change affects all the countries of the world. Very soon, the effects of climate change will be a reality.

I beg to second.

*(Question proposed)*

**Sen. (Prof.) Kamar:** Mr. Temporary Speaker, Sir, I thank you, for giving me the opportunity to contribute to this Motion on the COP24 Conference that took place in Poland.

I thank Sen. (Dr.) Ali for giving us a very detailed Report. I also thank the delegation for representing us well.

The Report from the COP24 Conference addresses the realities of climate change. We can only doubt climate change at our own peril. Climate change is real. Global warming is also real. Increase in temperatures is having devastating effects. Some of the devastating effects we are facing include the West Pokot landslide.

At this juncture, I want to remember the people of West Pokot County and those from various parts of the country who have experienced landslides. These people are actually facing the impact of climate change. Climate change in Africa and Kenya, in particular, has resulted in very erratic rainfall and dry seasons. This is to the extent that we are experiencing floods in November, in areas that are normally supposed to be dry. This is a time when people are normally finalizing their harvesting season and we do not expect this kind of rain.

In reality, the suffering that is going on today is as result of the impact of climate change, which must be addressed as outlined in this Report. On my own behalf and the people of Uasin Gishu County who I represent, I send my deepest condolences to the people of West Pokot through their Senator who is here today, and to the bereaved families. It was extremely sad for us to learn in the morning that there was a devastating landslide in West Pokot which took away people's lives. The numbers have continued to rise and we want to say, *pole*, to the people of West Pokot.

Senator, tell the people of West Pokot that we are with them. Please let us know whatever we can do as colleagues so that we can help one another, even if it means putting a smile on the faces of the bereaved families. Our colleagues talked about this a few days ago in the absence of our Senator, but now that he is here, he can hear it from those of us who had not contributed on that day.

The devastation that we have seen is like no other. It has broken down bridges. Families have been completely disconnected from one another. People were left on one side of the road while their houses were on the other side. We saw people being carried away. The only thing I would like to add my voice to, which was raised by our colleagues the other day, is the reaction of the national Government. In particular, we know that the county government was almost helpless in this situation and we had expected more from the national Government.

We really would like to ask the Ministry of Interior and Coordination of National Government that is involved in emergencies to relook their strategies. This is because, those roads would have had bridges mounted on them the same day. If attention had been given, we know that the armed forces have the capacity to erect a bridge between any sizes of rivers in this country, within the shortest time possible. As Senators, we felt that the attention that was initially given to West Pokot was not sufficient. Maybe the Senator will tell us whether that has changed.

We also know that food was limited because of the limitation of transportation and the fact that nobody could access most of the areas. Looking at these devastating effects of climate change, we need to start asking ourselves what we can do as a country. We will not wait for the Green Climate Fund. The report from our delegation is that we need to start thinking around the global fund. However, before that fund comes, people will have died and will have been devastated because of climate change.

We need to ask ourselves: What are our mitigating approaches towards climate change? What are our adaptation strategies? Have people been told what to do when such a thing happens? It is only maybe when you have a landslide in the deep of the night that you will not be able to predict. However, we can even predict the rainfall patterns and know that the rain is going to be higher than normal. Our Metrological Department should be able to predict. We should be able to tell people to move from fragile places. The question is: Do we know those fragile areas?

This demands for an inter-ministerial task force that should map out fragile areas in the country. As we were settling with West Pokot, we had Murang'a and many other parts of the country which were facing the same thing. We need to map the country according to the vulnerability to climate change, so that we know areas that are highly vulnerable and those that are least vulnerable. When we have that, then we know what kind of storms they can withstand and if they cannot withstand, we, as a country should be able to move this people.

Mr. Temporary Speaker, Sir, there is nobody who is prepared to have two homes; one on the hill and the other on the lower side. Obviously, you cannot own land on both sides. Therefore, this is an activity that must be taken care of by the Government using the taxes of this country. We do not really expect the people of West Pokot to move and build themselves new houses.

A very fast approach to such a calamity is very important because we might lose other people out of pneumonia and sickness that may arise as a result of living in tents. Young children are living in tents in this very cold season. We need to ask ourselves about our own preparedness even as we prepare ourselves to respond to the international approach to climate change. Climate change will not spare us; whether we are the initiators of causes of climate change or not.

Sometimes, we might say that we are waiting for the Green Climate Fund because we are not the contributors and the contributing countries will find. We are all aware that the United States (US) has tried to avoid this as much as possible because of the line of interpretation that they should be paying for what they have polluted the atmosphere with.

Everybody is trying to escape, but for us as a country, we must have our agenda on preparedness. We must be able to prepare ourselves so that when a calamity like what we saw comes, we should save our people and protect ourselves. We cannot reduce on our own the impact of climate change.

Mr. Temporary Speaker, Sir, I insist that we need to come from the international level approaches and strategies to our own strategies, both for adaptation towards climate change and mitigation.

With those remarks, I support.

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): Proceed Sen. Poghio.

**Sen. Poghio:** Thank you, Mr. Temporary Speaker, Sir. From the onset, let me congratulate the team led by the Senator for Wajir County and others who participated in this conference that dealt with climate change. I do not wish to dwell in the many technicalities of the Kyoto Protocol or even the Vienna Convention and the others.

I will just come to the reality in the country; our own understanding of what happened in West Pokot. You can imagine, it is like this building we are in, finding itself in Eastleigh Estate. That is what happened. The entire ground moves with you, and then turns over and becomes mud, then everything just becomes loose. When the water has super saturated the land and finds any cracks within the bedrock, that is what causes a landslide. Therefore, we still have people who are buried in the mud and they are yet to be found. These are people who could not help themselves, because it is a very helpless situation.

Mr. Temporary Speaker, Sir, Kenyans had not taken it seriously. I, therefore, support the Members of Parliament (MPs) who discussed it, even when I was not here. I also thank Sen. (Prof.) Kamar for the gesture and for expressing, on behalf of many, the condolences to the people of West Pokot.

It happened in more than one place, just to show us that climate change is real. The effects of greenhouse gases are real. You can tell that places like West Pokot, which hitherto were not very rainy, have been so rainy that there is rain every day. In areas that are usually very dry, they continue to have rain up to today. Things have changed; times and seasons have changed. That is the practical aspect of understanding what climate change is.

Therefore, when Kenya participates in these conferences, we are a very small country, but our contribution should be to begin to understand that we are the most at risk, that the richer countries can afford to ignore the signs and even refuse to understand this. However, for us, our own situation requires that we become the champions in climate change, and in undertaking the mitigation against climate change. It is because we are so prone, that we must begin to be the ones to protect ourselves.

Mr. Temporary Speaker, Sir, my understanding of emergency situations, rescue and preparedness, should be more preventive than curative. When these people were swept away in their tents in their numbers, there was no fore warning by anybody in the Government. Nobody went to them to tell them to move away from their homes. We do not have that capacity. I do not know if we do. Government officials should be able to warn people to leave those dangerous places. They should be able to tell them: "This is

now dangerous;" because they should be the ones who have an understanding of the situations.

My understanding of the way we respond, as Kenyans, and if you look at this now, you will see it tomorrow, and it will happen somewhere else, Kenyans understand emergencies when people have died, swept away and have lost all their lifestyles. That is what we call an emergency; we then rush and start to spend our money.

Mr. Temporary Speaker, Sir, we have these funds that are for emergencies and the experts. We do not have to wait until people have been killed so that we now begin to understand the meaning of emergency and response. This is an indictment on the Government, both the county and the national.

Mr. Temporary Speaker, Sir, when we look at the families that lost their loved ones, there is one family that lost seven people; another family lost five people--- You will, therefore, find whole families are buried because their homes are the ones that moved, and not the people. It is the homes that moved.

Therefore, I want to accept that we need to have, in a sense, Parliament directly participating in conferences like this. We should also have a direct participation in making sure that we pass laws and initiate active groups – not be the *ad hoc* groups or caucuses – that particularly deal with this issue of climate change, because it is here with us. It is real.

Mr. Temporary Speaker, Sir, my conclusion on this matter is that, as we mourn the people who have been lost in West Pokot, they say in some quarters that, "When it is raining, it pours." Not only did the people die, and some are still lost in whatever debris or whatever it is, but what happened, at that point, is that all the bridges in West Pokot were swept away.

Therefore, you cannot drive to any place and you cannot reach there by road. In fact right now, if you want to reach one of the places, you come to a river where some people have trained themselves to carry others across the river. That is their business now. Therefore, if you go there right now, they will carry you across, because you cannot cross the river in any other way. There are people who wait on one end to carry people across, so that they can get another means of transport from the other side.

The last bridge which connects West Pokot to Central Pokot is so important, but it broke down just two days ago. It completely collapsed when a lorry went over it, and it fell. It has now been three days without anybody responding to that bridge. Usually, as Sen. (Prof.) Kamar has said, we have a military that should be so responsive, because they have bridges which they put on the ground during their operations. Therefore, they should have come quickly to our rescue.

The Ministry of Transport, which is concerned with roads, have emergency funds for things like that. However right now, three days later, there is no bridge. Therefore, you now have to be carried to cross two rivers to get across to Sigor. I am just saying this so that people can understand the magnitude of this disaster.

While yesterday we were busy with the Building Bridges Initiative (BBI) and other things, there is a crisis in West Pokot that has not been responded to in the way that most crisis would have been responded to. It is still raining out there, and it is becoming

very difficult even to land there. The weather is a bit okay now, but I am just asking this House that if there is any way we can respond, as House, we should respond, because the matter is grave.

I would like to appreciate the fact that the Kenya Red Cross Society (KRCS) and the other organizations that have been very generous have gone there. Similarly, some of our international partners, through the KRCS have been there, and they have assisted our people.

I know that the terrain is difficult, but we should see more efforts and frequency in terms of supplies. That will tell us understand the purposes for which we study all these things called greenhouse gases; that we understand what climate change is. That is because it is here with us, it has affected us and I am a victim. I have relatives who have perished in that landslide. This is a crisis of existential proportions. It is a crisis that the Government must begin to turn to very seriously.

Mr. Temporary Speaker, Sir, I do not want to take too long. I just wanted us to understand that these are matters that must be taken very seriously; matters of climate change and greenhouse gases. We used to listen to them; they look like big terms and things that are difficult to understand, but they are here with us. They have changed the way we think about own weather and climate.

I, therefore, want to challenge those at the Metrological Department, who tell us about the weather, that they should also escalate that to tell us how we should behave in certain altitudes that we live in.

Thank you. I beg to support.

**Sen. Wambua:** Thank you, Mr. Temporary Speaker, Sir, for this opportunity. I thank the Kenyan delegation that visited Poland for the United Nations Conference of Parties on Climate Change (COP 24).

In support of this Motion, I will say a few things about climate change, and bring it closer home. That Report contains recommendations and obligations to Member States, but those obligations and recommendations will only make sense if they are implemented in Member States. If Member States take no action on the recommendations that were passed in Poland, then what they have done will just be paper work.

I want to draw the attention of this House to the global climate change profile of our country, Kenya. It spells doom, creates and paints a very grim image of our country and where we are going. I, therefore, encourage every leader in this country to take interest in our profile, as a country. It says that between the years 2000 to 2050, Kenya's temperatures will have risen by up to 2.5 degrees celsius. With the rising temperature, we will start experiencing erratic and very intense rainfall. I am reminded that we are in the year 2019, and those effects are already here with us. The current rainfalls are both erratic and unpredictable.

I wish that the delegation that went to Poland looked at the Fifth Session of the COP 5. In May, 2000, this country hosted the COP 5 on Climate Change in Gigiri. In that conference, Kenya was cited for extreme destruction of natural ecosystems. Recommendations were then made that we needed to do certain things to make sure that we do not get ourselves in the mess that we find ourselves in today.

When the tragedy struck on Saturday, I called Sen. Poghiso, and I also contacted the Member of Parliament (MP) for Pokot South, Hon. David Pkosing Sakwa. The top leadership of this country must take what Sen. Poghiso has said very seriously. What is the emergency response to situations? Do we wait for such disasters to happen, for us to act in an uncoordinated manner, to a point where we are unable to save lives?

My understanding of setting up of quick response units and emergency units is that we should also invest in our capacity to predict and, as much as possible, try to stop some of these things from happening. As a nation, we are now grappling with a 10 per cent forest cover, yet other countries are talking of serious percentages. We have destroyed our forests; the sea level is rising; lakes in the Rift – such as Lake Bogoria and Lake Baringo – are claiming land, and we are just seated there watching. In fact, we are doing very little to stop a bigger tragedy from happening.

I took time to look at the Kenyan profile on climate change. That profile says that our situation will be made worse by our weak institutions, and I believe that is what Sen. Poghiso is talking about. Our problem arises from our inability to mobilise resources to deal with tragedies of such nature; and the lack of technology to predict and act before these tragedies strike.

I support this Motion, but a time has come that we, as leadership and as Kenyans, have to stop talking about climate change. We should do something about it at a national level in a concerted and coordinated way.

**Sen. Kihika:** Thank you, Mr. Temporary Speaker, Sir. I also rise to support this Motion. I begin by congratulating the delegation that represented us in Poland. That delegation was led by the able Senator for Wajir County, Sen. (Dr.) Ali. I also congratulate them for bringing such a great Report to Parliament that talks about a very important issue; climate change.

Mr. Temporary Speaker, Sir, there is climate crisis in the world today. Every country is undergoing some form of climate change, and Kenya is no exception. When we see this kind of Report and we get to hear of what was discussed in that conference, we become hopeful that we can domesticate those recommendations and handle our crisis.

I also take the opportunity to condole with my brother, Sen. Poghiso, the Senator from West Pokot, who is in the House today, and the great people of West Pokot on the tragedy that they went through a few days ago. They lost many people as a result of the effects of climate change. It is difficult to see them going through difficult situations, such as lack of shelter. We have seen families out in the cold, and we have seen some of them being relocated to the tents. Nobody would wish to be in that sort of a situation.

As we talk about climate change, I call upon our national Government to do better, in as far as responding to crisis situations around the country is involved. We had a crisis about a year ago – the Solai Dam Tragedy in Nakuru – and the response was wanting. I hope that we will get it right, at some point. We understand that this is a tragedy that comes without notice, but we should have a way of dealing with it. We should have a better mapping of the country on where we identify places where such

crisis can occur. With the current technology, we should be able to warn people in advance. We have seen that happen all over the world.

I used to live in the United States of America (USA), and in August 2005, Hurricane Katrina killed hundreds of people. The Government was condemned for not being well prepared, despite the fact that they had warned people to leave their homes and seek shelter away from where the hurricane was to hit. However, since there had been many warnings, people just ignored them. When the Hurricane came, it was catastrophic. Therefore, we should warn our citizens when disasters are about to happen. We should also tell people living in areas that are not good for human habitation that they would be the most affected when such kinds of crises occur. We should plan in advance on what to do and how to do it to make sure that people are evacuated and relocated to safe places in case of catastrophes.

We have been seeing changes and experiencing extreme weather patterns. We now experience a lot of rainfall in months when it never used to rain. It has also led to a lot of food shortage, because sometimes we have delayed rainfall. Therefore, we experience extreme weather patterns both ways. With that, the same people living in poverty lack food, water, and sometimes shelter. Therefore, as a country, it is important to come up with solutions.

Immediately disaster strikes, we should get to the affected areas and offer the relief needed by our citizens. This is because there is the risk of people dying because of cold weather and lack of shelter, like it happened in West Pokot. It is an issue that we cannot just bury our heads under the sand and wait for it to happen again. We have to be proactive by thinking ahead. We should not keep reacting after our people have died. That is not acceptable.

Mr. Temporary Speaker Sir, during the UN General Meeting, a young Swedish environmental activist called Greta Thunberg challenged the world to do better. When school-going children begin having movements about climate change, then we should know that we have a crisis. It is also necessary to conduct more civic education in our country so that people are aware of what is going on. If there are mitigating factors that can be taken into account, our people should be brought on board so that we do not continuously keep experiencing these disasters. We face challenges year after year, but we do not seem to learn.

Mr. Temporary Speaker Sir, I thank Sen. (Dr.) Ali and his team for bringing the comprehensive report. Going forward, I hope that we will get solutions to the current climate problems that we are facing us, as a country.

Mr. Temporary Speaker Sir, I beg to support.

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): Proceed, Sen. (Dr.) Musuruve.

**Sen. (Dr.) Musuruve:** Thank you, Mr. Temporary Speaker Sir, for giving me this opportunity to support this Motion. I thank the delegation that represented Kenya at the UN Conference on Climate Change. Climate change is an issue that is affecting Africa as a whole, and we cannot ignore it. That is because climate change is a threat to food security; it causes both drought and floods, which are threats to food security.

Mr. Temporary Speaker Sir, Article 43 of the Constitution is about the socio-economic rights. One of them is ensuring that there is food security. The Article also provides that a person is entitled to clean and safe water in good quantities. Climate change affects Kenyans in many ways. In some areas, people and their families are displaced because of floods as a result of climate change. They have to look for a place to stay, which is something that we cannot ignore, as a country. When I watched the television, I saw children carrying mattresses, beds, chairs and items relocating to a place they did not know. That was painful. Therefore, climate change brings problems to families, and we need to address it, as a country.

Mr. Temporary Speaker Sir, I condole with the families that lost their loved ones in West Pokot as a result of the floods. We have floods as a result of climate change. We may not expect hurricanes here, but climate change affects families and farmers negatively. There is a time when farmers got the impression that it was going to rain. They prepared their lands, just like committed farmers would, but it only rained once. Consequently, the seedlings did not sprout and the farmers did not get a bumper harvest. This led to scarcity of food.

Mr. Temporary Speaker Sir, there is need for this country to ensure that information is disseminated to farmers; that way, they will know when to expect drought. They should know of different methods of irrigation so that they irrigate their lands. When there is drought, the poor are the most affected. This is because they do not have mechanisms or money to irrigate their land. There is need for county governments to have a conversation and ensure that they prepare for such eventualities. Where there are floods in the counties, county governments should act swiftly and help the farmers and Kenyans, because we do not want Kenyans to die of hunger.

Mr. Temporary Speaker Sir, we live at a time when we are talking about Sustainable Development Goals (SDGs). We aim to achieve zero tolerance to poverty, and this cannot happen if we do not have a mechanism of ensuring that we prepare for such disasters. Climate change is a disaster which we should be prepared for, from the county level. Climate change is something that we cannot ignore, because floods will always occur. Therefore, there is need for county governments to put mechanisms in place. They should make drainages and set aside reasonable amounts of money to ensure that families are not affected in case of calamities.

Mr. Temporary Speaker, when floods come, they retrogress families, because they are an economic minus to families. Many families lose their homes and relocate elsewhere when floods occur. Do we even think about school-going children from areas affected by floods? That is a conversation that we need to have. If other children go to school and children who are hard-hit by these calamities do not go to school, that affects them because when others are learning, they are not learning. That affects their performance, and we know very well the impact of education on people. Therefore, there is need for us to engage and see how exactly we can help the county governments and the common *mwananchi*, because the poor are the ones who suffer the most and they have nowhere to go.

Mr. Temporary Speaker, Sir, I was looking at the television, and I saw the residents of West Pokot and what they went through. The roads in that area were destroyed, and the people could not cross over to the other side. It was a sad state of affairs. There are affected families that are hurting. I want to commend well-wishers who come in when there were floods, because when they take food to the victims, they are helping them. There is need for us to look for a sustainable way of helping, because you cannot take food every day and floods will forever be there. There is need for a conversation to ensure that we come up with a sustainable way of ensuring that even when there is climate change, there is a way in which our people will not suffer from hunger or fail to get water. These are basic necessities.

In the Maslow's Hierarchy of Needs, if you do not have food, shelter or clothing, then you cannot go to the next level of the hierarchy because you lack the basic needs. Every human being on earth must have food, clothing and shelter. This means that if floods interfere with these basic needs, it is an issue that we must interrogate, as a Government, and ensure that we are doing something to support those Kenyans. This will ensure that there is service delivery, even to those who are out of reach or the vulnerable in this country.

As I talk about the issues of floods, I will not fail to talk about Persons with Disabilities (PWDs), because they are the most affected during times of calamity, floods and hunger. There is need for county governments to ensure that even when they are putting measures in place to ensure that people are free from hunger, they should also ensure that even PWDs are free from hunger. When they are coming up with mechanisms of ensuring that there is water, they should also ensure that PwDs have water.

I just want to take us back to West Pokot. Think of that PWD who is immobile, cannot move from one place to another, is on a wheelchair or uses crutches, and he finds himself in such a situation. Such a person would be unable to help himself. He will just wait for God to come and say, "God, I am coming home." Therefore, as we talk about disasters and look for ways of mitigating them, let us also think about PWDs and how they can be helped. The PWDs are a segment of our population that you cannot wish away or ignore. When we address issues of everybody else, we tend to forget the most vulnerable. As we talk of the vulnerable, let us talk about the hardest to reach and the most vulnerable, so that even PWDs are factored in, in whatever we are doing, as a Senate.

Thank you for giving me the opportunity. I beg to support this Motion.

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): I request the Mover to reply.

**Sen. (Dr.) Ali:** Thank you, Mr. Temporary Speaker, Sir. I wish to thank all Members who have contributed to this Motion. As we have been told by many Members, climate change is here with us. I wish to send my condolences to the people of West Pokot. I did that previously, but I will do it again. These things happen everywhere, not just in West Pokot. Sometimes last year, there were landslides in Uganda. Landslides are very different from water moving around. A month ago, a girl who saw water coming in Wajir and decided to go and fetch water drowned. That was not a landslide, but land sometimes moves because of too much rain.

You can imagine that somebody, standing somewhere in North Eastern, can just drown in mud; that is how bad things are. It has been raining for the last three to four months, and things in this country are changing. The dry areas are getting too much rain, and it is raining heavily in areas which used to receive a lot of rains before. Things are bad and I hope that the Government and the ministries concerned will do what is supposed to be done. When it comes to disasters, because climate change is now becoming a disaster in Kenya, Kenyans have problems. We were talking about disasters the whole of today, and we noted that we do not have proper disaster management. I hope things will work out well.

Mr. Temporary Speaker Sir, the next United Nations (UN) Conference for Climate Change will be held next week in Madrid, Spain, and it looks like this House has not prepared itself. I hope that we will be able to go again with Sen. Mwangi. Hopefully, we will follow up on these issues and come back to the House to support whatever we have started, and work on it again.

Thank you, Mr. Temporary Speaker, Sir. I beg to reply.

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): Hon. Senators, we have determined that this Motion does not affect counties.

*(Question put and agreed to)*

Next Order.

Proceed, Sen. Mwangi.

NOTING OF REPORT ON THE 8TH  
WORLD WATER CONFERENCE

**Sen. Mwangi:** Thank you, Mr. Temporary Speaker, Sir. I beg to move-

THAT, the Senate notes the Report of the Standing Committee on Land, Environment and Natural Resources on the 8<sup>th</sup> World Water Conference held in Brasilia, Brazil, from 18<sup>th</sup> to 23<sup>rd</sup> March, 2018.

Mr. Temporary Speaker Sir, the World Water Conference (WWC) was a very interesting forum, and it meant a lot to the issue of water the world over. A lot was discussed, and among what was discussed in the conference was that water should belong to all. Water should not belong to individuals, institutions, organizations or individual counties. I have just added the last one, it was not discussed there. Water is life and it is a very important commodity.

The discussion on water was very important in the 1980s in Kenya, such that it was the talk on the streets of Nairobi and every town in this country. It was envisaged that by the year 2000, every household would have portable water. It was also envisaged that there would be adequate reticulation across the country to every house so that every person was served with portable and clean water in their houses. Unfortunately, that is yet to be achieved. It is imperative that the Government plans to give every person living in this country water.

It is unfortunate that this dream of every house having portable water has not been realised. I cannot understand why, because there is adequate water in this country that can be served to Kenyans in every home.

Mr. Temporary Speaker, Sir, we have had a lot of rainfall in this country. With proper planning and if that water is harvested, every Kenyan would have water. We have rivers in this country. Perhaps the challenge could be funds, but I think that the funds that are directed to water development may not be directed to that; maybe not all of it. That is why we have this problem of Kenyans still lacking water in their houses.

Mr. Temporary Speaker Sir, we should have irrigation. Every person should have enough water to irrigate so that we can have adequate supply of food. We can have enough food storage so that Kenyans do not have to suffer at any time because of lack of food. We have a lot of water in the Aberdare Mountains, but the people of Nyandarua, who I represent, do not have water. One wonders why we should be going through such problems when we have adequate supply in the county.

Mr. Temporary Speaker Sir, I am pleased to share the contents of this Report on the 8<sup>th</sup> World Water Forum. This Report contains the events attended by the Committee representation in Brasilia, Brazil, during the 8<sup>th</sup> World Water Conference. The Committee was represented by myself, as the Chairperson, and Sen. Khaniri, a Member of the Committee and also a Member of the Parliamentary Service Commission (PSC). The Committee was able to discuss, during various bilateral meetings held, on various ways in which Parliament can streamline legislation in the water sector. This is to ensure that there are no overlaps between a particular legislation and the other inter-county disputes in sharing of water resources. What came out was that clear policies should be put in place to ensure that they do not arise.

We should not be having problems because of lack of legislation in this country. I think we have enough legislation; we only need to have the line Ministry in place to organise and plan ahead of time, and to do feasibility studies on proper design when it comes to supply of water. We need to have proper articulation across the country so that nobody suffers from lack of water. As I had said before, water is life.

The delegates who were present from the country were in agreement that there is need to initiate a managed aquifer charge programme in Nairobi, as the Nairobi's ground water levels have declined due to over-obstruction. When implemented, this programme will increase water availability and storage will improve ground water quality. It will also reduce the cost of borehole drilling and raise the stability of the city building foundation.

Mr. Temporary Speaker, Sir, it is not so much of the recharging the ground water available in the country. We have adequate water; the only thing that we need to do is a little bit of proper planning. Before we embark on planning, feasibility studies should be done to ensure that there is adequate underground water. The water we have is enough, and when we think that we do not want to exploit all the ground water that we have, we can harvest water and put it in storage facilities instead of thinking on how to recharge.

Mr. Temporary Speaker Sir, the country was also privileged to hold the 9<sup>th</sup> Water Forum Pre-Conference, which was held in Nairobi. The World Water Council (WWC) expects Kenya to support Senegal towards the preparation of the 9<sup>th</sup> World Water Forum,

which is scheduled to be held in Senegal, and that is just about to happen. I am hoping that this Government will give adequate support so that we get the kind of World Water Forum in Senegal like the one we had in Brazil. The delegates proposed early preparation for the pre-conference and well outlined mechanisms to support the Republic of Senegal in the forum preparations. It includes preparation of a Kenya water sector exhibition stand during the forum.

Mr. Temporary Speaker, Sir, I have a small eyesight problem. However, I am managing. The Committee also participated in various Parliamentary sessions and the output on the theme, “The Role of the Parliament and the Right to Water.” This is in terms of the role of Parliament in terms of legislation and the right to access water. This is because every person across the globe has a right to access water. Well outlined mechanisms to support the Republic of Senegal in the forum preparation have been put in place, including preparation of a Kenya water sector exhibition stand during the forum, with the representatives of Parliament participating.

Mr. Temporary Speaker Sir, we commit to adopting the actions established in the manifesto to strengthen the role of parliaments and the universalization of the human right to drinking water and sanitation. We re-enforce the need to prioritise measures to mitigate climate change that are related to water security, protection of forests and incorporating water as a central component of adaptation actions. We commit to working globally with the many partners who promote the implementation of SDG No. 6, and guarantee human rights to drinking water and sanitation.

We request the representatives of our countries to support the proposals contained in this manifesto in the Paris Agreement, and the One Planet Summit before the UN General Assembly.

Mr. Temporary Speaker, Sir, the Committee also recognizes the overwhelming support and hospitality it received from the Kenyan Ambassador in Brazil, headed by His Excellency Isaac Ochieng’, who was also the head of the Kenyan Delegation at the Conference. We found a wonderful ambassador in Brazil. This is a man who is committed to his country; a patriot. He was willing to take us around to guide us on what we were required to know in the World Water Forum. He also represented the Cabinet Secretary (CS) for Water and Sanitation, who was not present at that time. He is a wonderful ambassador. If I was the one promoting officers, I would have promoted him because of the work he did. He showed great patriotism to this country.

Mr. Temporary Speaker, Sir, this ambassador took us to various places and sections where deliberations of the Conference were going on. He had a lot to teach, because he has lived in Brazil for quite some time. We appreciated what he is doing for this country. We went to the embassy and he also told us about what he does. He represents a large area, not only Brazil, but also Argentina and a few other countries within the South America.

Mr. Temporary Speaker Sir, I beg move and call upon Sen. (Dr.) Ali to second this Motion.

**Sen. (Dr.) Ali:** Thank you, Mr. Temporary Speaker, Sir. I wish to second the Motion by stating that water is life, as it has been said. The story that goes around is that if we will have the Third World War, then water might be the cause.

Water is becoming scarce in the universe because of the rising human population. Population is increasing and the water levels are going down. As has been stated earlier, taking a local example of Wajir, we used to have the shallow wells where we went just six feet to get water. However nowadays, even if you go you 15 feet you still cannot get water. That is the way things are everywhere. We know well the issues that are going on in Africa, especially in the River Nile. The Egyptians and Sudanese have been surviving on the River Nile for many years. However, everyone needs that water, including people from East Africa. There was a big crisis when Egypt wanted to invade Ethiopia. We also know what Brazil is doing with the Amazon River and with the deforestation of the Amazon Forest; water levels will go down. This will cause climate change and a lot of problems.

Mr. Temporary Speaker, Sir, water is important. For example, the Seven Forks Falls released a lot of water downstream, and people suffered as a result of the flooding. We, therefore, need to do more in terms of disaster management and water restoration. We need to have dams all over the country, so that our water levels can increase and help people in the dry rural areas.

With those few remarks, Mr. Temporary Speaker Sir, I beg to second.

*(Question proposed)*

**Sen. (Dr.) Musuruve:** Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity to support this Motion. Water is important. In fact, plants and animals need it to survive. No animal on earth can survive without water. For example, people can survive without food, but they cannot survive without water. Water carries nutrients to help the body and oxygen to the brain. If a person has oxygen deficiency, it can affect them adversely. That is why water plays that salient role. It also allows our bodies to absorb minerals and flushes out toxins and wastes. However, if you use a toilet in a house where there is no water, you will have difficulties.

Mr. Temporary Speaker, Sir, water has medicinal value. For example, I am a cancer survivor. When I was going through chemotherapy, the doctor said that I must drink a lot of water, because it will help to flush out toxins. It is important for people to take clean water, as stipulated for in Article 43 of our Constitution. One of the social-economic rights is that every Kenyan must have access to clean water. Therefore, it is important for all households to access water.

Many households in different parts of the country are unable to access water. I know that the residents of Langata have a big challenge in accessing water. All county governments must ensure that people access water, which is a socio-economic right. One cannot do much without water.

The domestic value of water includes cleaning, food preparation, drinking, and many others. Outdoor uses of water include watering plants, irrigation and many others.

Water reservoirs should be set up for use during drought. Scarcity of water is a crisis that must be addressed, because climate change comes with scarcity of water. It is a constitutional requirement for every citizen to access clean water. Water is a pertinent issue while discussing food security.

Mr. Temporary Speaker, Sir, the county governments need to put in place mechanisms to ensure that all households have clean water. The county governments must put monies aside for purposes of supplying water to all residents. Water is required for irrigation if we are to attain sufficient supply of food.

Mr. Temporary Speaker Sir, I beg to support this Motion and urge the Committee on Lands, Environment and Natural Resources to interrogate county governments and ensure that all households have sufficient water supply.

Thank you, Mr. Temporary Speaker, Sir.

**Sen. Shiyonga:** Mr. Temporary Speaker, Sir, I take this opportunity to support the report of the 8<sup>th</sup> World Water Conference. The conference was worthwhile. We should take part in more of such conferences so as to get solutions to the challenges that face Kenyans. When delegates from Kenya attend such bilateral conferences, they learn a lot from the experiences of other countries. I am happy that the delegation from Kenya to this conference has shared their experience.

Mr. Temporary Speaker Sir, the problem is not as a result of lack of policies on the preservation of water. The biggest problem we face, as a country, is on the implementation of policies on water. Low budget allocations for water projects in the counties pose a serious challenge.

Water prevention and water usage is very important. I feel humiliated when I see Kenyans who have settled in the forests, which are our water reservoirs, resisting eviction. The forests are the main source of water and we need to look at that, as Kenyans. We need to use the basic skills that we have.

Mr. Temporary Speaker Sir, I was privileged to be in Israel, Egypt and other countries in the Middle East last week. That place is a desert, but I never missed water. Their taps have water all the time, which means that they have made good use of their resources and policies. They identified water as their problem, and they have invested on how to harvest and reserve water.

Water is important and it is life. There is nothing as important as water, and it is water that facilitates our lives. We need to visit countries like the ones in the Middle East for us to learn. How best can we implement what we have learnt? We must sensitise our people for us to implement what we have learnt. Most of our people are ignorant. I come from Kakamega, where it rains throughout the year. We have forests there, yet the people feel like they are living in a desert when it fails to rain for one month. That means that our people do not know how to preserve water.

Kenya needs to wake up. We should look at what the others are doing, borrow from them, and then come and implement it. Agriculture is flourishing in Israel and we actually go there to learn. We should harvest and reserve water for our people not to experience water shortage again.

Mr. Temporary Speaker Sir, I support this Report and congratulate the Senators who attended this Conference. We should adopt this Report.

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): The Mover should reply.

**Sen. Mwangi:** Mr. Temporary Speaker, Sir, I thank those who have contributed to this Motion. As they have all said, water is life. It is incumbent upon this Government to ensure that all Kenyans get adequate water. It is important for the Government to first serve the people who live in the water sources, before taking that water to other towns or cities. We expect people surrounding water sources, like Sasumwa Dam in Nyandarua, to be served first before taking it to other places.

Mr. Temporary Speaker Sir, I thank those who have contributed and I beg to move.

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): This Motion does not affect counties, so I will proceed to put the question.

*(Question put and agreed to)*

### ADJOURNMENT

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): Hon. Senators, it is now 6.30 p.m., time to adjourn the House. The Senate, therefore, stands adjourned until Tuesday, 3<sup>rd</sup> December, 2019, at 2.30 p.m.

The Senate rose at 6.30 p.m.