



**REPUBLIC OF KENYA**  
**THIRTEENTH PARLIAMENT – (FIRST SESSION)**  
**THE SENATE**  
**VOTES AND PROCEEDINGS**

**WEDNESDAY, NOVEMBER 16, 2022 AT 2.30 P.M.**

1. The Senate assembled at thirty Minutes past Two O'clock.
2. The proceedings were opened with Prayer said by the Speaker.

3. **PAPERS**

The following Papers were laid on the Table of the House: -

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

*(The Senate Majority Whip)*

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

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

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

pregnant and lactating mothers to acute malnutrition according to the Kenya Food Security Steering Group (KFSSG) report;

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

CONCERNED THAT the country is recording incidences of conflict between crop farmers and pastoralists over the scarce resource of water and pasture which results in the destruction of crops and deaths of livestock further exacerbating the food crisis and that the challenge of food shortage is now spreading to areas previously presumed to be rain-rich such as Mt. Kenya whose residents are now relying on government emergency food supplies;

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

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

## 5. **STATEMENTS**

### **a) Pursuant to Standing Order 52 (1)**

The Senator for Nandi County (Sen. Samson Cherarkey, MP), made a statement on the superb performance by Evans Chebet and Sharon Lokedi at the just concluded New York Marathon.

Thereupon, the Senator stated that on 6<sup>th</sup> November 2022, Mr. Evans Chebet won the men's title of the New York Marathon, with a time of 2:08:41. Furthermore, the Senator averred that in the women's title, Ms. Sharon Lokedi won the title in 2:23:23. The two athletes had brought glory to Kenya.

The Senator additionally informed the Senate that athletes from Kenya including, Mr. Eliud Kipchoge and Mr. Benson Kipruto had won other marathon races in the World Athletics Championship programme in 2022. The Senator argued that there was need to invest in sports and more so athletics as Kenya had for many years, led in world championships in the discipline.

In conclusion, the Senator called upon the government to use these upcoming and promising athletes as brand ambassadors and issue them with diplomatic passports and establish a mechanism that ensures their finances and rewards from such sporting competitions to grow and remain motivated.

**b) Pursuant to Standing Order 53 (1)**

- i.) Nominated Senator (Sen. Mariam Omar, MP) sought a statement from the Standing Committee on Health regarding enrolment of residents of Mandera County to the National Health Insurance Fund (NHIF) and release of capitation to hospitals in the county.
- ii.) The Senator for Kirinyaga County (Sen. James Kamau Murango, MP) sought a statement from the Standing Committee on National Security, Defence and Foreign Relations on the distribution of relief food in Kirinyaga County.
- iii.) The Senator for Kirinyaga County (Sen. James Kamau Murango, MP) sought a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the security situation in Kirinyaga County.
- iv.) The Senator for Kirinyaga County (Sen. James Kamau Murango, MP) sought a statement from the Standing Committee on Roads, Transportation and Housing concerning reckless driving by motorists transporting khat (*miraa*) through Kirinyaga County.
- v.) The Senator for Kirinyaga County (Sen. James Kamau Murango, MP) sought a statement from the Standing Committee on Labour and Social Welfare regarding the Older Persons Cash Transfers (OPCT) programme.
- vi.) The Senator for Vihiga County (Sen. Godfrey Osotsi, MP) sought a statement from the Standing Committee on Trade, Industrialization and Tourism regarding the effects of government austerity measures on the hotel industry.
- vii.) Seneta wa Kaunti ya Kilifi, (Sen. Jaji (Mst.) Stewart Madzayo, MP) aliomba kauli kutoka kwa Kamati ya Kudumu ya Ardhi, Mazingira na Maliasili, kuhusu kuvunjwa kwa nyumba na kufurushwa kwa wakaazi wa kijiji cha Pindukiani, Wadi ya Ganda katika Kaunti ya Kilifi.

6. **MOTION - EFFECTS OF UPSTREAM ACTIVITIES ON THE RIVER TANA TO THE RESIDENTS OF TANA DELTA**

Order read;

Motion made and Question proposed;

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

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

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

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

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

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

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

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

- i) conduct stakeholder participation before undertaking any major upstream activity including construction of dams, before the release of water during rainy season and limiting flow of water to River Tana during the dry season;

- ii) develop a policy in line with the Nile Treaty of 1959 to guarantee average annual flow of the River Tana; and
- iii) come up with mitigation measures to the perennial floods and water scarcity to the residents of Tana Delta.

*(Sen. Danson Mungatana, MP – 15/11/2022)*

Debate interrupted on Tuesday, 15<sup>th</sup> November, 2022 resumed;

And there being no other Senator wishing to contribute;

Mover replied;

Before the Question was put and pursuant to Standing Order 84 (1), the Temporary Speaker (Sen. Abdul Haji, MP) ruled that the Motion does not affect counties.

Question put and agreed to.

**RESOLVED ACCORDINGLY**

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

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

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

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- ii) develop a policy in line with the Nile Treaty of 1959 to guarantee average annual flow of the River Tana; and
- iii) come up with mitigation measures to the perennial floods and water scarcity to the residents of Tana Delta.

And the time being thirty minutes past six O'clock, the Temporary Speaker (Sen. Abdul Haji, MP) adjourned the Senate without Question put, pursuant to the Standing Orders.

7. **SENATE ROSE** – at thirty minutes past six O'clock.

**MEMORANDUM**

*The Speaker will take the Chair on  
Thursday, November 17, 2022 at 9.30 a.m.*