



REPUBLIC OF KENYA
THIRTEENTH PARLIAMENT – (FIRST SESSION)

THE SENATE

SUPPLEMENTARY ORDER PAPER

TUESDAY, NOVEMBER 15, 2022 AT 2.30 PM

PRAYER

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers (as listed in the Appendix)
6. Notices of Motion (as listed in the Appendix)
7. Statements (as listed in the Appendix)
8. **MOTION – APPROVAL OF SENATORS TO SERVE IN SELECT COMMITTEES**
(The Senate Majority Leader)

THAT, the Senate resolves that: -

- i. Pursuant to Standing Order Nos. 199 and 228, and the Fourth Schedule to the Standing Orders, the Senate approves the following Senators nominated by the Senate Business Committee to serve in Standing Committees of the Senate as follows: -
 - a) Devolution and Intergovernmental Relations:
Sen. Esther Anyieni Okenyuri, MP
 - b) Health:
Sen. Esther Anyieni Okenyuri, MP
 - c) Trade, Industrialization and Tourism:
Sen. Danson Mungatana, MP
- ii. Pursuant to Section 15 (1) (b) (ii), of the Parliamentary Powers and Privileges Act, and Standing Order No. 199, the Senate approves the nomination, by the Senate Business Committee, of Senator Esther Anyieni Okenyuri, MP, to serve in the Committee on Powers and Privileges.

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iii. Pursuant to Standing Order Nos. 194 and 199, the Senate approves the nomination, by the Senate Business Committee, of Senator James Kamau Murango, MP, to serve in County Public Investments and Special Funds Committee.

9. **MOTION - ADOPTION OF THE REPORT OF THE JOINT SELECT COMMITTEE ON THE ELECTION OF MEMBERS TO THE EAST AFRICAN LEGISLATIVE ASSEMBLY**

(Co-Chairperson, Joint Select Committee on the Election of Members to the East African Legislative Assembly)

THAT, pursuant to the provisions of Article 50 of the Treaty for the Establishment of the East African Community and Rule 13(5) of the East African Legislative Assembly Elections (Election of Members of the Assembly) Rules, the Senate adopts the Report of the Joint Select Committee on the Election of Members to the East African Legislative Assembly on its consideration of the nomination papers of the duly nominated candidates for election as Members of the East African Legislative Assembly, laid on the Table of the Senate on Tuesday, 15th November, 2022.

10. **MOTION - APPROVAL FOR THE SENATE TO HOLD A MORNING SITTING ON THURSDAY, 17TH NOVEMBER, 2022**

(The Senate Majority Leader)

THAT, pursuant to the provisions of Standing Order 34(4)(b), the Senate resolves to hold a Sitting on Thursday, 17th November, 2022, commencing at 9.30 am and terminating not later than 2.15 pm, for purposes of the election of Members to the East African Legislative Assembly and any other business as maybe approved by the Senate Business Committee.

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

(Sen. Danson Mungatana, MP)

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.

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NOTICE

The Senate resolved on 5th October, 2022 as follows:-

THAT, pursuant to Standing Order 111 (1), the Senate resolves that debate on a Motion not sponsored by the Majority or Minority Party or a Committee shall be limited in the following manner:-

A maximum of three hours with not more than twenty minutes for the Mover, twenty minutes for the Majority Party Official Responder, twenty minutes for the Minority Party Official Responder and fifteen minutes for each other Senator speaking and that fifteen minutes before the time expires, the Mover shall be called upon to reply.

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APPENDIX

1. PAPERS

- i.) Report of the Joint Parliamentary Select Committee on the Election of Members to the East African Legislative Assembly
(Co-Chairperson, Joint Select Committee on the Election of Members to the East African Legislative Assembly)
- ii.) Report of the Auditor General on the Financial Statements of Lamu Water & Sewerage Company Ltd for the year ended 30th June, 2021.
- iii.) Report of the Auditor General on the Financial Statements of Lodwar Water & Sanitation Company Ltd for the year ended 30th June, 2021.
- iv.) Report of the Auditor General on the Financial Statements of Bungoma County Disaster Management and Emergency Fund for the year ended 30th June, 2021.
- v.) Report of the Auditor General on the Financial Statements of Tharaka Nithi County Assembly Mortgage and Car Loan Fund for the year ended 30th June, 2021.
- vi.) Report of the Auditor General on the Financial Statements of Vihiga County Education Fund for the year ended 30th June, 2021.
- vii.) Report of the Auditor General on the Financial Statements of West Pokot County Cooperative Development Fund for the year ended 30th June, 2021.
- viii.) Report of the Auditor General on the Financial Statements of Nandi County Emergency Fund for the year ended 30th June, 2021.
- ix.) Report of the Auditor General on the Financial Statements of Yatta Water Services Company Ltd for the year ended 30th June, 2021.
- x.) Report of the Auditor General on the Financial Statements of Kericho County Assembly Members Car Loan & Mortgage Scheme Fund for the year ended 30th June, 2021.
- xi.) Report of the Auditor General on the Financial Statements of Kericho County Enterprise Fund for the year ended 30th June, 2021.
- xii.) Report of the Auditor General on the Financial Statements of Trans Nzoia County (Executive) Car Loan and Mortgage Fund for the year ended 30th June, 2021.

...../Appendix

- xiii.) Report of the Auditor General on the Financial Statements of Trans Nzoia Water & Sewerage Company for the year ended 30th June, 2021.
- xiv.) Report of the Auditor General on the Financial Statements of Trans Nzoia County Elimu Bursary Fund for the year ended 30th June, 2021.
- xv.) Report of the Auditor General on the Financial Statements of Municipality of Kitale for the year ended 30th June, 2021.
- xvi.) Report of the Auditor General on the Financial Statements of Busia County Assembly Revolving Fund for the year ended 30th June, 2021.
- xvii.) Report of the Auditor General on the Financial Statements of Busia County Co-operative Enterprise Development Fund for the year ended 30th June, 2021.
- xviii.) Report of the Auditor General on the Financial Statements of Busia Water & Sewerage Services Company Ltd for the year ended 30th June, 2021.
- xix.) Report of the Auditor General on the Financial Statements of Kakamega County Assembly Loans & Mortgages Fund for the year ended 30th June, 2021.

(The Senate Majority Leader)

2. NOTICES OF MOTION

- i.) **Approval of Senators to Serve in Select Committees**
(The Senate Majority Leader)

THAT, the Senate resolves that: -

- i. Pursuant to Standing Order Nos. 199 and 228, and the Fourth Schedule to the Standing Orders, the Senate approves the following Senators nominated by the Senate Business Committee to serve in Standing Committees of the Senate as follows: -
 - a) Devolution and Intergovernmental Relations:
Sen. Esther Anyieni Okenyuri, MP
 - b) Health:
Sen. Esther Anyieni Okenyuri, MP
 - c) Trade, Industrialization and Tourism:
Sen. Danson Mungatana, MP

...../Appendix

- ii. Pursuant to Section 15 (1) (b) (ii), of the Parliamentary Powers and Privileges Act, and Standing Order No. 199, the Senate approves the nomination, by the Senate Business Committee, of Senator Esther Anyieni Okenyuri, MP, to serve in the Committee on Powers and Privileges.
 - iii. Pursuant to Standing Order Nos. 194 and 199, the Senate approves the nomination, by the Senate Business Committee, of Senator James Kamau Murango, MP, to serve in County Public Investments and Special Funds Committee.
- ii.) **Adoption of the Report of the Joint Select Committee on the Election of Members to the East African Legislative Assembly**
(Co-Chairperson, Joint Select Committee on the Election of Members to the East African Legislative Assembly)

THAT, pursuant to the provisions of Article 50 of the Treaty for the Establishment of the East African Community and Rule 13(5) of the East African Legislative Assembly Elections (Election of Members of the Assembly) Rules, the Senate adopts the Report of the Joint Select Committee on the Election of Members to the East African Legislative Assembly on its consideration of the nomination papers of the duly nominated candidates for election as Members of the East African Legislative Assembly, laid on the Table of the Senate on Tuesday, 15th November, 2022.

- iii.) **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.

3. STATEMENTS

a) Pursuant to Standing Order 52 (1)

The Senator for Nandi County (Sen. Samson Cherarkey, MP) to make a statement regarding the death of the first Kenyan Olympic Medalist, Mr. Wilson Kirugut Arap Chuma.

b) Pursuant to Standing Order 53 (1)

- i.) The Senator for Lamu County (Sen. Joseph Kamau, MP) to seek a statement from the Standing Committee on Land, Environment and Natural Resources concerning the incessant human-wildlife conflict in Lamu County.
- ii.) The Senator for Nandi County (Sen. Samson Cherarkey, MP) to seek a statement from the Standing Committee on Land, Environment and Natural Resources regarding the impact of the current drought on wildlife in Kenya.
- iii.) The Senator for Marsabit County (Sen. Mohamed Chute, MP) to seek a statement from the Standing Committee on Energy regarding the cost of electricity in the country.
- iv.) Nominated Senator (Sen. Beatrice Ogolla, MP) to seek a statement from the Standing Committee on Roads, Transportation and Housing concerning the deaths of *boda boda* riders and their passengers caused by sugarcane trailers in Ndhiwa Constituency.
- v.) Nominated Senator (Sen. Mariam Omar, MP) to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding registration of births in Mandera County.
- vi.) Nominated Senator (Sen. Mariam Omar, MP) to seek 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.

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NOTICE PAPER

Tentative Business for

Wednesday, November 16, 2022

(Published pursuant to Standing Order 43 (1))

It is notified that the Senate Business Committee has approved the following **tentative** business to appear in the Order Paper for Wednesday, November 16, 2022.

MOTION – STATE OF FOOD SECURITY IN KENYA

(Sen. Mwenda Gataya Mo Fire, MP)
