

PARLIAMENT OF KENYA**THE SENATE****THE HANSARD****Thursday, 22nd June, 2023**

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

[The Speaker (Hon. Kingi) in the Chair]

PRAYER**DETERMINATION OF QUORUM AT
COMMENCEMENT OF SITTING**

The Speaker (Hon. Kingi): Clerk, do we have quorum?

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

Serjeant-at-Arms, kindly ring the Quorum Bell for 10 minutes.

(The Quorum Bell was rung)

The Speaker (Hon. Kingi): Serjeant-at-Arms, ring the Bell again for a further 10 minutes.

(The Quorum Bell was rung)

(Several senators walked into the Chamber)

The Speaker (Hon. Kingi): Serjeant-at-Arms, I am informed that we have quorum now. You may stop the Bell. Clerk, please proceed to the first Order.

PETITION**DELAYED COMPENSATION FOR NYANDARUA
INTEGRATED IDPS**

The Speaker (Hon. Kingi): Sen. Methu, please proceed.

(Sen. Methu was not in the Chamber)

The Speaker (Hon. Kingi): The Petition is dropped.

(Petition dropped)

The Speaker (Hon. Kingi): Clerk, please call the next Order.

QUESTIONS AND STATEMENTS

STATEMENTS

The Speaker (Hon. Kingi): Statements pursuant to Standing Order 53(1). Hon. Sen. Osotsi, please proceed.

STATE OF LICENSES FOR GOLD MINING COMPANIES IN VIHIGA COUNTY

Sen. Osotsi: Thank you, Mr. Speaker, Sir. I rise, pursuant to Standing Order 53(1) to seek a Statement from the Standing Committee on Land, Environment and Natural Resources regarding the state of licensing and activities of gold mining companies in Vihiga County.

In the Statement, the Committee should -

(1) provide a comprehensive report on the licensing status of all gold mining companies in Vihiga County detailing the year of licensing, mining location, amount of gold mined, specific terms and conditions of licensing for each company;

(2) state whether the Cabinet Secretary for the Ministry of Mining, Blue Economy and Maritime Affairs, is aware that a Chinese company called Kitigu Resources and Mining Company has been mining gold at Kichutu mining area in Sabatia Ward without proper licensing and adherence to the relevant regulations and laws;

(3) table the Environmental Impact Assessment conducted by NEMA, if any, focusing on Kitigu Resource Mining Company, noting the company's adverse effect on the environment and associated health risks stemming from the unauthorized mining activity conducted by the company;

(4) outline the composition plans to the community as per the Mining Act of 2016 and commitment made by Kitigu Resources and Mining Company to implement various community development initiatives during the commencement of the mining operations;

(5) state the measures in place to enforce the provisions of the Mining Act in relation to the violation of the relevant licencing criteria by the unlicensed mining companies which have been exploiting community natural resources.

The Speaker (Hon. Kingi): Sen. Wambua, please proceed.

(Sen. Wambua was not in the Chamber)

The Speaker (Hon. Kingi): Is there any Senator holding brief for Sen. Wambua? That Statement is dropped.

DELAYED PAYMENT OF SALARIES TO STAFF AND PENDING
BILLS AT KITUI TEACHERS TRAINING COLLEGE

(Statement dropped)

The Speaker (Hon. Kingi): Sen. (Prof.) Tom Ojienda, please proceed.

Sen. (Prof.) Tom Odhiambo Ojienda, SC: Thank you, Mr. Speaker, Sir. I have three Statements. The first Statement is on the ownership and registration of land in the irrigation schemes in Kisumu County.

OWNERSHIP AND REGISTRATION OF LAND ON
THE IRRIGATION SCHEMES IN KISUMU COUNTY

Mr. Speaker, Sir, I rise under Standing Order 53(1) to seek a Statement from the Standing Committee on Lands, Environment and Natural Resources regarding the ownership and registration of land occupied by irrigation schemes in Kisumu County.

In the Statement, the Committee should-

(1) provide a report detailing the nature of ownership and registration of land occupied by the irrigation schemes in Kisumu County, especially in Ahero, Gemrae, Ombwei, Seme, Kisian, Chiga, Nyamdho, Kasiru Kolal, Ahero Extension, West Kano Schemes and South West Kano, Magwagwa Pilot and Wach Kano Irrigation Schemes.

(2) state the measures, if any, that would have been taken to register these parcels of land to allocate them to individual private owners, and in cases where acquisition has already taken place, state measures put in place to compensate those whose land were taken away.

(3) state plans in place, if any, to expand the schemes in Kisumu County for purposes of enhancing rice farming and crop cultivation for food security in this country.

Sen. (Prof.) Tom Ojienda Odhiambo SC: The second Statement is on the state of insecurity in Katito Township in Kisumu County.

STATE OF INSECURITY IN KATITO
TOWNSHIP IN KISUMU COUNTY

Mr. Speaker, Sir, I rise under Standing Order 53(1) to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the current state of insecurity in Katito Township in Kisumu County.

In the Statement, the Committee should;

(1) outline steps that have been taken to address the rapidly increasing insecurity situation in Katito Township in Kisumu County

(2) state the number of security officers, if any, that have been deployed in Katito, especially Katito Market, following its upgrade to township status on 3rd March, 2021, and whether there is a properly resourced police station in terms of personnel, machinery and equipment.

(3) explain plans put in place by the National and County Governments to ensure adequate budgetary allocation to Katito Town to facilitate the building and do the

upgrade of infrastructure and security systems, including sufficient manpower to ensure the security in the town and its environment.

RAMPANT INCIDENTS OF POLICE
BRUTALITY IN KISUMU COUNTY

Mr. Speaker, Sir, I rise under Standing Order 53(1), to seek a Statement from the Standing Committee on National Security Foreign Relations relating to rampant incidents of police brutality in Kisumu County.

In the Statement, the Committee should -

(1) provide a comprehensive explanation on the reasons behind the frequent incidents of police shootings of civilians in Kisumu County, as well as identify the police officers involved in these incidents;

(2) detail the actions undertaken by the Independent Police Oversight Authority (IPOA) and the National Police Service to investigate the police officers implicated in the recurrent incidents of civilian shootings in Kisumu County, detailing any transfers or suspensions that have been made concerning these officers;

(3) table a report outlining the ongoing criminal investigations as well as pending and concluded criminal prosecutions pertaining to the civilian shootings carried out by police in Kisumu County; and

(4) deal with measures that have been taken to improve police service delivery, *Utumishi kwa Wote*, in Kisumu County to put an immediate stop to police brutality in the county.

The Speaker (Hon. Kingi): The Senate Majority leader, please proceed onto Statement pursuant to Standing Order 57(1).

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, can I please say something on the Statement about the state of insecurity in Katito Township in Kisumu County?

The Speaker (Hon. Kingi): I am afraid we want to hear you on your Statement.

(Applause)

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, Katito Township is on the boundary of Kericho and Kisumu Counties and the insecurity incidents actually affected some people from Kisumu County and some from Kericho County, I would have liked to say something about it, but it is okay. I believe the distinguished Senator for Kisumu has represented us well enough and that the people of Kisumu and Kericho Counties will get justice from the Committee on Security Defence and Foreign Relations.

BUSINESS FOR THE WEEK COMMENCING
TUESDAY, 27TH JUNE, 2023

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I rise pursuant to Standing Order No. 57(1). I hereby present the business of the Senate for the week commencing Tuesday, 27th June, 2023.

Mr. Speaker, Sir, in the last few weeks, the Senate has made commendable strides in processing of legislations. At the sitting of the Senate held on Thursday, 15th June, 2023, the Senate passed the County Allocation of Revenue Bill (Senate Bills No. 16 of 2023) and on Tuesday, 20th June, 2023, the Senate considered and passed the Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill (Senate Bills No. 7 of 2022). These Bills have since been forwarded to the National Assembly for consideration. This brings the total number of Senate Bills referred to the National Assembly for consideration to five.

Mr. Speaker, Sir, I hope that you will raise it with your counterpart from the National Assembly at the next meeting of the status of collegiate consideration of business before both Houses. Please find out if they have begun the legislative process in that House or the old habits which we are often reminded die hard have crippled back and business from the Senate is beginning to gather dust in the 'Lower House.'

The National Assembly has considered and passed the County Allocation of Revenue Bill. At least they have considered and passed one of them. However, the County Allocation of Revenue Act (CARA) and Division of Revenue Act (DORA) does not pass under the purview of legislative business that they normally delay. We would like them to focus on the other Bills, especially those that are sponsored by Members of this House as Private Members Bill.

The passage of the Bill will then pave way for the county governments' cash disbursement schedule to be introduced and considered by the Senate in the next few days. If I am not mistaken, this issue should already be with the Committee on Finance and Budget.

Despite the significant strides made in the passage of Bills, we still have a number of Bills pending for consideration. Sixteen Bills are at the Second Reading Stage and four are at the Committee of the Whole. This is an indication that we still have an enormous task ahead of us and need to continue dedicating ourselves to perform our legislative duties.

Mr. Speaker, Sir, with respect to Motions; 22 Motions are pending before the Senate. The Senate Business Committee (SBC) is conscious about this high number of Motions and has taken deliberate steps to prioritize them for debate. For this to happen, I urge the respective Movers to be available in the Chamber whenever the Motions are scheduled in the Order Paper. Remember the rules we all agreed upon, just for the benefit of our colleagues, still apply, that if your Motion is slated on the Order Paper and you are not there and have not designated anybody to move it for you, then it falls.

Mr. Speaker, Sir, on Petitions, this process is gaining prominence as members of the public are increasingly exercising their rights under Articles 37 and 199 of the Constitution of Kenya, in submitting Prayers for consideration by the Senate. The Petitions procedures, however, has timelines set under the Petition to Parliament Procedures Act and our own Standing Orders.

Twelve Petitions are now due for reporting. It means that the 60-day calendar period allowed for consideration has been exhausted. Specifically, four Petitions by the Senate Standing Committee on Transportation and Housing, one before the Standing Committee on Agriculture, one Petition by the Standing Committee on Education, three Petitions before the Standing Committee on Justice Legal Affairs and Human Rights

Committee and one Petition by Standing Committee on Land, Environment and Natural Resources.

I have not seen Sen. Thang'wa and Sen (Dr.) Murango. However, I have seen Sen. Joe Nyutu, Sen. Wakili Sigei and Sen. Methu in the House this afternoon. The Chairpersons must remember that our statutory timelines are public. Therefore, citizens expect that if their Petitions are read in the Senate on such a day, then they should be receiving the answers to their Prayers 60 calendar days down the line.

I urge the Chairpersons of these Committees to quickly expedite and conclude on that business in the next seven day so that we do not find ourselves in an embarrassing situation, where citizens will begin losing faith because we do not respect our own timelines. I request the Liaison Committee to as well take measures to ensure that these Petitions are concluded on within the period.

Mr. Speaker, Sir, as it is expected at the start of a new procedure, there have been challenges in the processing of Questions. To address this challenge, the SBC has pronounced itself in a bid to ensure that the processing of Questions is undertaken in a seamless manner.

Mr. Speaker, Sir, you communicated the resolution of the SBC to vary the criteria of scheduling Questions, in a Communication issued on Tuesday, 20th June, 2023. Therefore, effective Tuesday, 28th June, 2023, the Committee will prioritize and schedule all Questions addressed to relevant Cabinet Secretaries.

This means that in the coming weeks, only one or two Cabinet Secretaries will appear before the Senate at a sitting to responds to all the Questions that have been addressed to that Ministry. The Committee will however observe the principal that not more than three Cabinet Secretaries will appear before the Senate in the event that it will no longer be feasible to have one Cabinet Secretary to appear. This depends on the number of Questions that are being filed by colleague Senators.

Additionally, the Committee recommends the use of Standing Order No. 51C (2), whenever a Senator is absent during a sitting when their Question is scheduled in the Order Paper.

In view of the aforementioned resolutions of the SBC, the Cabinet Secretary for Education, Hon. Ezekiel Machogu, will appear before the Senate on Wednesday, 28th June, 2023 to respond to the following Questions: Question No. 21 by Sen. Mbugua; Question No. 27 by Sen. Korir; Question No. 34 by Sen. Tobiko; Question No. 35 by Sen. Mariam Omar and Question Nos. 37, 38, 39 and 40 by Sen. Cherarkey.

On 27th June, 2023, the SBC will convene to consider and approve the business for the coming week.

Mr. Speaker, Sir, in conclusion, the Senate will proceed for a short recess at the rise of the House next week Thursday, 29th June, 2023 pursuant to the Senate Calendar. I urge the Standing Committees to make use of this period to conclude pending business before them and table reports pursuant to Standing Orders.

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

(Sen. Cheruiyot laid the documents on the Table)

The Speaker (Hon. Kingi): Now, there are two Senators whose business had been dropped. That is Sen. Methu and Sen. Wambua. The reason was that they were not

in the House when I called out their business. The two Senators have since entered the Chamber. They have approached the Chair and given the reasons why they were not present when their business was called out. I have found their reasons not just persuasive but also compelling.

I, therefore, direct that the two businesses be reinstated. I will allow Sen. Methu to proceed and read his Petition and thereafter, Sen. Wambua will proceed to read his Statement in that order.

PETITION

DELAYED COMPENSATION FOR NYANDARUA INTEGRATED IDPS

Sen. Methu: Mr. Speaker, Sir, I thank you for allowing me to read this Petition on behalf of Nyandarua Integrated IDPs. It is a Petition to the Senate by the Nyandarua Integrated IDPs concerning delays in compensation and occupation of parcels of land both for their settlement between 2010 and 2013.

Mr. Speaker, Sir, I hereby present a Petition that has been submitted to the Senate by the Nyandarua Integrated IDPs concerning their delayed compensation and occupation of parcels of land both for their settlement between 2010 and 2013. As you are aware, Article 119 (1) of the Constitution states -

“Every person has a right to petition Parliament to consider any matter within its authority, including to enact, amend or repeal any legislation.”

Mr. Speaker, Sir, the salient issues raised in this Petition are -

THAT the petitioners are among victims of the 2007/2008 post-election violence, who were internally displaced after the 2007/2008 post-election violence. After the formation of the Grand Coalition Government, the Ministry of Special Programmes was tasked with the mandate of responding to the plight of the 663,921 IDPs.

THAT the IDPs that were in designated camps such as Laikipia, Rumuruti, at Kianjogu, Muruku, Jericho, and Muhu farm were to be compensated monetarily in addition to allocation of land for settlement.

THAT, the Kenyan Government through the Ministry of Special Programs acquired parcels of land to settle the Internally Displaced Persons (IDPs) especially in Laikipia County which has been alienated and grabbed.

THAT, the IDPs were vetted and profiled to be genuine and were to benefit from the money that the Parliament of Kenya appropriated and budgeted for compensation which they have not received to date.

THAT the Petitioners have made efforts to have the matters addressed by the Nyandarua County Assembly, the Laikipia County Assembly, the National Land Commission, the Ministry of Interior and National Administration, the State Department for Internal Security and National Administration, the National Consultative Coordination Committee (NCCC) of which all have failed to give satisfactory responses.

Mr. Speaker, Sir, now therefore, the Petitioners pray that the Senate intervenes in this matter with a view to-

(1) Put in place elaborate a proper mechanism to give the mandate to the NCCC Board to enable it accomplish its primary mandate as stipulated in the Prevention

Protection and Assistance to Internally Displaced Persons and Affected Communities Act No. 56 of 2012;

(2) Recommend the release of the money awarded for compensation of the vetted IDPs since it is overdue since 2017 and;

(3) Effect identification, recovery and settlement of the IDPs on the parcels of land bought through social trust fund for settling IDPs.

I thank you.

The Speaker (Hon. Kingi): Pursuant to Standing Order No.237, I will allow interventions on that Petition.

Sen. Sifuna, you may have the Floor.

Sen. Sifuna: Mr. Speaker, Sir, allow me to pass that opportunity to another Senator. I wanted to express some sentiments on the question that had been put forward by Sen. (Prof.) Tom Odhiambo Ojienda, SC.

The Speaker (Hon. Kingi): Sen. Cheruiyot, you may have the Floor.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, this is a curious matter that we still have IDPs in the country. It is something that pricks my curiosity.

This is because, before Parliament, that is in the National Assembly and I think if I am not mistaken, even before this Senate, there have been reports of billions of Kenya shillings that have been spent to resettle IDPs that came as a result of the difficult times that we had in 2007/2008 election cycle.

That we still have Kenyans who are still living in camps is something that should prick our conscious and establish what basically may have led to this unfortunate situation.

Mr. Speaker, Sir, I do not know which Committee this matter will eventually be referred to. I believe their first point of call, before even commencing work, is Parliament library. Why do I refer them to the library of Parliament? It is to bring to fore any reports that have been tabled on this matter. There have been quite a number. Committees that have investigated, gone around the country, tabulated how many people have been paid, how much of tax payers' money has been spent on this exercise and the lessons therein. If there are people that have not been catered for, then we have to find ways of establishing how to sort them because they are Kenyans.

This House has just passed the Preservation of Human Dignity and Conservation of Economic Rights Bill sponsored by Sen. Mungatana, a few weeks ago. The Bill has just been referred to the National Assembly. This is part and parcel of what we are talking about.

We cannot live in a country where other Kenyans feel more Kenyan than others. If there are those who unfortunately for one reason or the other, such as there being political challenges that came their way and up to date they have never been able to recover, reconstitute and build up their life, then they should be assisted.

Mr. Speaker, Sir, however, having said that, I request that this Committee that will look into this matter does justice to the people of Kenya by ensuring that this is the final time that this matter shall ever arise in this House.

As such, it will involve going around and ensuring that they verify the claims that have been made, counter check with Government records that are available and send a lasting solution. This is so that we do not have the same 10 or 15 years down the line. I

know how these kinds of matters normally end eventually. It is a vicious cycle, which is very difficult to conclude on.

The minute you show up in a village sometimes--- You remember the tales. I remember watching Parliament, this must have been the Ninth Parliament, the 2007 to 2013 parliament. There were many debates that Parliamentarians used to have about having IDPs in their areas. I know the Government did a lot through the Special Programmes Ministry as was known then to try and resettle this people. Colossal amounts of money were spent.

Mr. Speaker, Sir, therefore, I hope that this shall mark the end of this exercise. I know the Petition is specific to Nyandarua County, but I hope that we can cover this across all the counties that we know of. I know there are some in Nakuru. If you go to Narok, you will find IDPs as well. Though many of them have not been displaced by post-election violence, but by Government action.

You know this was one of the main points of departure between some of us and the previous administration because of what they did to the residents who live in Narok South. Some of them are still in concentration camps. Therefore, I do hope that this Committee will effectively deal with this matter such that we shall never hear of it again.

I congratulate and wish Sen. Methu well as he pursues justice, but urge him not to pursue it for the residents of Nyandarua Count only but for all displaced people in the country since that is our duty as Senators. We are Senators in the Republic of Kenya.

Thank you.

The Speaker (Hon. Kingi): Sen. (Prof.) Tom Odhiambo Ojienda, SC.

Sen. (Prof.) Tom Odhiambo Ojienda, SC: Mr. Speaker, Sir, I speak about the IDPs question and the issues raised by the Senator for Nyandarua County. This is because I am passionate about the question, not just as a previous lawyer having acted for IDPs in several capacities, but also having been directly involved with questions of post-election violence.

Mr. Speaker, Sir, I am a resident of Nakuru County. Of course, I am the Senator of Kisumu County but I have a residence domiciled in Nakuru County. I had a first-hand experience in the 2007/2008 conflict. I believe that Government through its structures should rise to the occasion and deal with questions of IDPs.

We had sets of IDPs, the direct IDPs and the integrated IDPs who moved to their counties or sub-counties and settled. I think they never benefited from the compensation that was given to the direct IDPs living in the various camps in Naivasha, Nakuru and other counties.

The Petition by Sen. Methu is therefore timeous. This Senate should take it seriously, process it for the benefit of this country because this country must also learn from the previous past that we had. We need to settle questions of human right violations, have a framework that will ensure that we live peacefully as communities in this country so that we grow into a coercive nation that can develop and grow further. This is so that we do not go back to questions of people with unsettled human rights questions and violations.

Thank you.

The Speaker (Hon. Kingi): Sen. Wakili Sigei, you may have the Floor.

Sen. Wakili Sigei: Thank you, very much Mr. Speaker, Sir. The question of land and settlement is a very emotive one. When Sen. Methu speaks about the IDPs in his

country, he is speaking to very many issues affecting very many Kenyans not only within his county, but across.

Indeed, it is a matter of public interest especially in this time and age, to have Kenyans who are unable to own homes and do whatever the rest of us are doing. It is a desire of every leader because the people we lead look upon us to settle them down, have their homes and run their affairs just like other people.

A Kenyan living in an Internally Displaced People (IDP) camp or a concentration camp is unable to do what will keep him or her going. The spike of fires in a number of places here in Nairobi, including business enterprises that we spoke about yesterday, are as a result of fights that people have on land. Therefore, the Petition by Sen. Methu is a timely one because it will not only in resolving the IDPs, but also help them settle down and have their businesses, families, and future secured.

As earlier stated by my colleagues who spoke here, this is not limited to Nyandarua. We have other places including Nakuru where such incidences happened in the previous elections. We also have a good number of people who are still living in camps in Mau. I urge Sen. Methu and the team that will be dealing with the Petition not to limit their scope of investigations, report and recommendations to the specific County of Nyandarua, but the whole country so that we resolve the issue of Kenyans living in IDPs once and for all.

It is the only way that we will bring Kenyans to be at par with the rest. It is a matter of human rights and an entitlement to have a place called home and shelter. Consequently, it is the obligation of every Government to make sure that such basic human rights are protected and where possible are provided. I congratulate Sen. Methu and commit to supporting such Petitions which speak to the interest of all Kenyans.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Hon. Senators, pursuant to Standing Order No. 238 (1), the Petition should be committed to the relevant Standing Committee for its consideration. In this case, I direct that it be committed to the Standing Committee on Lands, Environment and Natural Resources. In terms of Standing Order No.238 (2), the Committee is required in not more than 60 calendar days from the time of reading this prayer to respond to the Petitioner by way of a report addressed to the Petitioner and laid on the Table of the Senate. It is so directed.

*(The Petition was committed to the Standing Committee
on Lands, Environment and Natural Resources)*

Proceed, Sen. Wambua.

STATEMENT

DELAYED SALARIES AND PENDING BILLS AT KITUI TEACHERS TRAINING COLLEGE

Sen. Wambua: Mr. Speaker Sir, let me take this opportunity to thank you for indulging me on the matter of this Statement so that we have clarity on this issue. I was delayed at the leaders meeting, but I am happy to issue the Statement now.

Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Education on the delayed payment of salaries to staff and pending bills owed to suppliers and contractors at Kitui Teachers Training College (KTTC).

In the Statement, the Committee should-

(1) Establish the cause of delay in payment of salaries to staff of KTTC for the last 10 months stating the total amount owed by the institution in terms of salary arrears and plans in place if any, to ensure the teachers and staff are paid without further delays;

(2) State the reasons for the delay in the release of payment to suppliers and contractors since 2018 outlining the total amount owed in terms of pending bills and plans in place if any to ensure that the bills are paid stating timelines if any and;

(3) State reasons for the low enrolment of students at KTTC currently standing at 50 students against a capacity of more than 1,200 students indicating the steps the Ministry of Education intends to take to stop an imminent closure of the institution.

Mr. Speaker Sir, I thank you.

(Several Senators stood at the Door)

The Speaker (Hon. Kingi): Hon. Senators, kindly take your seats. Before I allow the Clerk to call the next order, I have the following communication to make.

COMMUNICATIONS FROM THE CHAIR

DEADLINE FOR FILING OF AMENDMENTS TO THE NATURAL RESOURCES BENEFIT SHARING BILL (SENATE BILLS NO. 6 OF 2022)

The Speaker (Hon. Kingi): Hon. Senators, the Natural Resources Benefit Sharing Bill (Senate Bills No.6 of 2022) was published on November, 2022. The Bill was read for the first time on the 1st of December, 2022 and committed to the Standing Committee on Lands, Environment and Natural Resources. The Committee tabled a report on the Bill on the 21st of March 2023 pursuant to Standing Order No.148.

The second reading debate on the Bill commenced on the 1st March 2023 following a Division on the 13th of April 2023, the Bill was passed by the Senate and subsequently committed to the Committee of the Whole. During the sitting of the Senate held on 7th of June, 2023, the Bill was canvassed in the Committee of the Whole and amendments filed by the Standing Committee on Lands, Environment and Natural Resources were canvassed. The Bill could not proceed to Division owing to a lack of a sufficient number of County Delegations.

However, there are a number of concerns raised by the Senators when making their contributions on the amendments by the Standing Committee during the Committee of the Whole to which the Chairperson of the Standing Committee on Lands, Environment and Natural Resources committed to having them addressed at the next sitting of the Committee of the Whole and the necessary amendments already filed remained.

The Bill has since generated some interest from Senators who have expressed their wish to file amendments to address their particular concerns. At the sitting of the

Senate held on Tuesday 20th June, 2023, the Bill was scheduled to proceed to the Committee of the Whole where the Chairperson of the Standing Committee on Lands, Environment and Natural Resources was to be given an opportunity to make clarifications on the interventions made by Senators at the sitting held on 7th June, 2023 and thereafter the Committee of the Whole was to undertake a Division. However, a number of Senators approached the Chairperson of the Committee of the Whole and requested that the Bill be stood down to allow them to file amendments.

The Chairperson of the Committee of the Whole acceded to the request and the Bill was subsequently deferred to a later date. Hon. Senators, to avert a situation whereby the Bill may stall at the Committee of the Whole Stage, I direct that all hon. Senators who wish to make amendments to the Natural Resources Benefit Sharing Bill (Senate Bills, No.6 of 2022) file them with the office of the Clerk. The amendments must be filed by close of business Tuesday 27th June, 2023. This will allow time for scrutiny and harmonization of the amendments before the next Committee of the Whole. Amendments filed after the deadline will not be processed.

The House is accordingly guided.

VISITING DELEGATION FROM GARDEN ESTATE SECONDARY
SCHOOL IN ROYSAMBU CONSTITUENCY

The Speaker (Hon. Kingi): I have this other Communication to make. I would like to acknowledge the presence in the Public Gallery this afternoon visiting teachers and students from Garden Estate Secondary in Roysambu Constituency.

The Group comprises three teachers and 100 students who are in the Senate for a one-day academic exposition.

Hon. Senators, in our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them.

On behalf of the Senate and on my own behalf, wish them a fruitful visit.

I will allow the Senate Majority Leader to just say a few words of welcome in one minute.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker Sir, I want to extend a warm welcome to the students that have found time to be with us. They have patiently been sitting in the Speaker's Gallery since 2:30 p.m., if I am not mistaken. Even when we had a quorum hitch, I saw them excitedly chatting amongst themselves wondering that even Hon. Senators can be late. Please, do not pick such bad habits. Always be in time for your classes then when you finally get here, you can delay a bit because there would not be too much to lose at that particular time.

Welcome to the Senate. I wish you well in the course of your studies in school and what you intend to achieve. Please, dream the impossible and do not take no for answer. May you achieve all that you have set out to do in life.

I thank you.

The Speaker (Hon. Kingi): Thank you.

Now, Hon. Senators, pursuant to Standing Order No.45(2), I will proceed to rearrange the sequence of today's Order Paper. We will start with Order No.11 and proceed on thereafter.

In the event that we have enough county delegations in the course of interrogating Order No.11, then we may come back to Order No.8, 9, and 10.
Clerk, kindly proceed to call Order No.11.

BILL

Second Reading

THE MUNG BEANS BILL
(SENATE BILLS NO.13 OF 2022)

(Sen. Wambua on 20.06.2023)

(Resumption of debate interrupted on 21.6.2023)

The Speaker (Hon. Kingi) Sen. Ogola, you had a balance of 12 minutes.

Sen. Ogola: Thank you, Mr. Speaker, Sir, for giving me the remaining 12 minutes that I had yesterday.

I support this Bill because of the real importance of these beans. I declared yesterday that initially, I was misled by the name 'mung' and until the senior Senator Wambua, sat me down and gave the confidence that this was not anything other than what I know as green grams or *ndengu*.

I rise to support because this crop is very popular in Homa Bay County where I come from. It does so well in all the sub-counties, but even better in Ndhiwa Sub-County where I come from.

I give the confidence that amongst all the crops that we have in the County, the mung beans does well for farmers in my sub-county. It puts money into the hands of the farmers. I can confess to the House that I have also been a farmer of mung beans. Amongst other crops, 10 sacks of mung beans is capable of making one a millionaire. That is why I am keen on this Bill.

Above all, Mr. Speaker, Sir, the Bill promotes the use of the beans. It promotes the use of the beans and spells out some of the areas where the mung beans would be very useful. Amongst them, it can be used to enhance the school feeding programme. That will be very important because of the nutritional level that the beans have.

Next to my home is Ndhiwa Hospital Primary School and it is in the middle of the town. Being within the Sub-County headquarters, the school has many pupils who come from families that are not very well to do. Some teachers have confessed to me that a number of pupils coming from the urban poor class, go without food for even two days. The teachers have to go an extra mile to feed them on their own initiatives. Sometimes teachers have to dig into their pockets to assist these pupils.

If these beans can be promoted, it means that such school feeding programmes will be enhanced. I was just reading the other day that the Governor of Nairobi City County has initiated a school feeding programme. That excites me because it means the pupils are sure of something to eat once they come to school.

This is where the Mung Beans Bill will be very useful. Other than being used in the school feeding programme, the Bill proposes that the beans would make for a

delicacy for patients in hospitals and prisoners behind bars. This grain is also highly recommended to people with some lifestyle diseases. It gives them a lot of comfort and improves their lives.

I support this Bill because it also spells out how productivity is going to be enhanced. The Bill provides for availability of farm inputs and implements, including seeds and fertilizer, which are key to farmers. This is because farmers left on their own may not get some of those implements.

The Bill spells out the functions of the county and the national Government in the promotion and development of this crop. This is where seeds, fertilizer and farm implements will be provided to the farmers. The Bill further goes ahead to spell out the use of modern farming methods. If this is done and then county governments provide extension services to farmers, this will enhance quality. Farmers will produce crops that are of good quality and quantity.

Mr. Speaker, Sir, this is a crop that is capable of giving farmers good money. If extension services are provided by the county government, the farmers will harvest more. With more, it means the farmers will earn more.

The Bill goes ahead to state that there will even be identification of markets for the farmers, both locally and internationally. That means that our farmers are assured of a market once they have their produce. All we need is our farmers to get some money from their work.

The Bill also spells out that six months after the Bill commences, the Cabinet Secretary will have to develop a national policy on mung beans. This policy will spell out how the promotion and development of the beans will be done. This will further enable county governments to also incorporate the national policy into the County Integrated Development Plans (CIDPs). If this policy is engraved in CIDPs, then counties will have to go further and develop county policies to spell out how the beans will be promoted and developed in the country.

Mr. Speaker, Sir, I support this comprehensive Bill. It spells out the main functions that the two levels of Government will have on the growth, promotion and development of the beans.

I told the House yesterday that initially, the other gender was a bit negative and uncomfortable about the beans. They had many negative thoughts that have not been scientifically proven. Some thought that if they take the beans more often, they will not be man enough. I gave the House confidence that it has not been proven scientifically. So far, with time, everyone has welcomed the mung beans.

I support it. One, the Bill promotes the use of the beans. Two, it enhances productivity. Three, the Bill identifies markets for farmers both locally and internationally. What more do we need than have our farmers get a crop that can give food to the population and have them have money in their pockets?

Mr. Speaker, Sir, I support the Bill.

Sen. Munyi Mundigi: Bw. Spika, ninaunga Mswada huu ambao Seneta wa Kitui ameleta kuhusu ndengu.

Kaunti ya Embu ni mojawapo ya zile kaunti zinalima ndengu kama kaunti 35 zinginezo. Mbeere South na Mbeere North, inapakana na Kitui. Bei ya ndengu iko chini sana. Ukienda kwa *supermarket*, Uganda, India au hoteli zetu utakuta ndengu.

Kwa hivyo, ninaunga mkono mambo ya kilimo ya mmea huu. Ili tupate kilimo bora, lazima tuwe na maji ya *irrigation*. Serikali pia itupee dawa na *fertilizer* kwa bei ya chini. Ikifanya hivyo, tutaendelea vyema na tutaboresha kilimo. Mkulima akipanda ndengu, atavuna baada ya miezi mitatu au minne. Pia, shamba lisilo na mbolea nyingi linapo pandwa litahitaji maji kidogo, na mkulima atavuna ndengu.

Ninaunga mkono kilimo cha ndengu. Serikali ikitusaidia tutapata bei nzuri. Tunaomba Serikali itutafutie soko za kuuza nchi za ng'ambo.

The Senate Minority Leader (Sen. Madzayo): Asante Bw. Spika. Kwanza, ninataka kumpa kongole ndugu yangu Sen. Wambua kwa kuleta Mswada huu.

Ninatambua kwamba nchi yetu ya Kenya ni ya ukulima ama *agricultural country*. Maana tumetegemea ukulima wa aina mbili. Kuna wale wakulima wa Tingatinga na wale wasiojiweza wanalima kwa majembe. Kuna wale wengine wanaolima kimaskini zaidi.

Kama sisi wengine tulipokuwa tukikua zamani, na hadi mpaka sasa, kilimo kama hicho kinaendelea huko Kilifi. Akina mama zetu huwa wanalima na kiserema. Yaani nguvu za mkono ndizo zitakazo kulisha. Ukilima shamba lako na upande bidhaa zako, utapata mavuno.

Umuhimu wa Mswada huu ni kwamba ni lazima Serikali yetu ijukumike na ijihusishe zaidi. Tunataka waletu vitu kama mbolea ili wakati wa upandaji wa hiki chakula, tuweze kupata kwa wingi zaidi. Tuone ya kwamba chakula cha kutosha kipatikana kirahisi.

Pili, hata ukienda kwa daktari, kama afya yako si nzuri, unaambiwa ule ndengu, ama mboga. Hii ni mojawapo wa vyakula ambavyo vinaweza kuleta nguvu. Kwa hivyo, ni muhimu Serikali iweze kujihusisha zaidi na kusaidia wakulima. Nina hakika kuwa hakuna mahali popote nchini ambapo ndengu haziwezi kumea.

Serikali iweze kupeana mkono wake na kusaidia wakulima wa ndengu. Sio kusaidia wakulima wa kahawa na majani chai peke yake. Wakisaidika, mazao yao yatakuwa bora na watapata mafanikio, ajira na waweza kulisha taifa letu chakula kitakapotosha kwa wananchi wetu wa Kenya.

Asante Bw. Spika.

Sen. Wafula: Thank you, Mr. Speaker, Sir, for this auspicious opportunity for me to contribute on this Mung Beans Bill presented to us by my senior, Senator for Kitui.

Mr. Speaker, Sir, I happen to be part of the team of the Committee on Agriculture, Livestock and Fisheries. We had a series of public participation fora across the country in Ukambani, Mombasa and Western Kenya. I assure you that this is a product that the country has not been keen to invest in. This is because it had not understood the importance of mung beans to the people of this country.

I listened to the local people in Kitui, who toil and moil, spend time in the sun cultivating, harvesting and packing only for a cartel to visit their homes, pick these products without any sweat, drive to Nairobi and pocket these monies freely, it really touched our hearts.

Looking into the books of agriculture, we realized the Ministry of Agriculture and Livestock Development did not see, did not know and did not hear anything. I thank my senior for bringing this Bill on the Table.

The other day we were talking about opening the storage facilities and grain basket through the silos. When you look keenly into what people store there, mung beans are not there.

If we have to handle starvation, hunger and create opportunities for the farmers in this country, we have to ensure those who consume *ndengu* in this country, are encouraged.

The Hon. Governor of Nairobi City County has launched a product. When you go to Bungoma, Members of Parliament (MPs) have also launched a programme to feed our people. The same is the case in Eastern and Northern Eastern parts. Therefore, we need these beans to be harvested under a regime of honesty, within which the farmer can earn his or her hard-earned money without brokers in this country.

We are here in this House to ensure that the common man in whichever part of this country benefits from their sweat.

In Bungoma, in particular, areas of Sirisia, Bumula and Kabuchai constituencies as well as a farmer called Edward Kabuchai who in the last financial year harvested 20 bags of mung beans. This shows that we have a capacity in this county to feed ourselves, our neighbors, to export it and equally to feed the military and the National Youth Service (NYS) in this country. All these people must benefit from this. I thank Sen. Wambua for this.

The Committee on Agriculture, Livestock and Fisheries will go further to look into other crops that have not featured prominently in this country, put infrastructure and regulations into place, push the Ministry to implement what we have said and make Kenyans healthy and proud with money in their market. As much as they tax us, they will tax us knowing we have money and will no longer cry about taxation.

Thank you.

The Speaker (Hon. Kingi): Sen. (Dr.) Oburu, you may proceed.

Sen. (Dr.) Oburu: Thank you, Mr. Speaker, Sir, for the opportunity. I support this Bill by my Deputy Minority Leader in the Senate, Sen. Wambua. This is a cash crop and is also a very nutritious crop.

Our country only thinks of food in terms of maize meal and people think that when there is no maize, then we have no food. We forget that our country is divided into counties with good rainfall and counties with little rainfall. Considering this, we should also have specialization in crops that we grow in our counties.

We should not be forcing ourselves to grow maize in areas which have little rains per year. Maize requires a certain amount of rain which if it does not get, then there is crop failure. However, there are crops which are drought resistant like sorghum and millet. There are also drought resistant crops like cassava and mung beans.

Mr. Speaker, Sir, these mung beans can grow and mature within 50 to 60 days. This means you can grow it two to three times in a year and that makes it handy in terms of addressing the sufficiency in food production as a cash crop. This Bill talks of the national Government's role in research and policy. There is also the role of counties in the actual implementation in terms of extension services to the farmers and support in licensing and regulating the production of mung beans in the counties.

Mr. Speaker, Sir, this crop, for instance has a big market in India because they eat a lot of *ndengu*. We have that huge market there but we also have a huge market within our country. We have to learn to diversify our menu, so that we do not depend on particular crops which are foreign to our land and were brought later and want to use them as the measurement for our sufficiency in food production.

I am happy with this Bill because it is also encouraging marketing because we have very few cash crops. Our country is not endowed with many minerals like our neighbours. We, therefore, have to take agriculture seriously as we always state that agriculture is the backbone of our economy. We must invest heavily in agriculture.

When we have a crop like this which has not been given prominence and yet it is a crop with a high value in terms of nutrition and cash, which goes into the pockets of *wananchi*. This Bill has come at the right time. We encourage all counties, not only the ones that were listed.

Mr. Speaker, Sir, I saw the Bill specifying counties where mung is grown. I want to inform my leader that mung beans are also grown in my County and Nyanza, only that it has not been given prominence as a cash crop. I am sure that when this Bill is introduced, we shall strengthen the production of this crop in our region, so that it becomes one of our important cash crops.

We have few cash crops in my region. I know we have fish. However, fish resources are dwindling and the Central region is taking over from us by using other methods of producing fish. My region should engage in production of such crops like mung beans which need little rain and cotton soil so as to replace fish which has been our main cash resource for many years.

Mr. Speaker, Sir, I will not speak more on this. I hope it will achieve its intended purpose.

The Speaker (Hon. Kingi): Sen. Wakili Sigei.

Sen. Wakili Sigei: Thank you, Mr. Speaker, Sir. I congratulate Sen. Wambua who at a very crucial moment and time in the new Government of Kenya Kwanza has brought such an important Bill. The last three or four Sittings, we have dealt with matters to do with legislation on agriculture. We first dealt with Agriculture and Livestock Extension Services Bill (Senate Bills No. 12 of 2022), by Sen. Mutinda.

We did the Cotton Industry Development Bill (Senate Bills No. 5 of 2023), by Sen. Beth Syengo. We did the Agriculture and Food Authority (Amendment) Bill (Senate Bills No. 13 of 2023), by the Chairperson of the Standing Committee on Agriculture, Livestock and Fisheries. From yesterday, we are dealing with the Mung Beans Bill (Senate Bills No. 13 of 2022), by Sen. Wambua.

I am a happy legislator because dealing with agriculture is dealing with the lives of thousands and thousands of Kenyans. Agriculture is the backbone of our economy. We can do better than what we are doing in agriculture because if we deal with legislation on matters of agriculture, we are directly affecting thousands of Kenyans and touching the lives of many.

Mr. Speaker, Sir, no wonder, there is premium placed on the agriculture sector by the current government of the day. I had the opportunity to look at the Bill that has been sponsored by Sen. Wambua.

It is very important because it can only be a concern to a leader when he wants to affect the livelihoods of the people.

Agriculture is the backbone of any economy and in our case it is the backbone of Kenya's economy. We can change agriculture by making sure we put in place policies, regulations and laws that not only support the growth of agriculture but also ensure that the farmers who toil and work so hard in their villages gain from it. That can only happen if there is legislation that ensures that the middleman or brokers-the person who goes to

markets or farms and markets the product in order to get a clean price for goods- do not benefit more than the farmer.

The provisions of the Bill, particularly in Section 8, which provides for registration of farmers at the county level, will ensure that at any given time, every county government has got data of farmers involved in a particular crop. This will help both the county and national governments to provide incentives. When we pass the Agriculture and Livestock Extension Services Bill, the data provided for by the registration process under Section 8 will ensure that we avail services to the relevant areas.

It will help to allocate extension services to the areas where the specific crops are being farmed so that we do not take services for tea to areas where mung beans are grown. The provision is so timely and critical. We shall know at what time we need to increase services to the people in Kitui County or in areas where particular crops are being grown by the farmers.

Mr. Speaker, Sir, under the provisions of Section 9, the Bill provides for regulation in terms of marketing and processing. If we enhance regulations both at the county and national level, we are going to ensure that farmers are the direct beneficiaries and avoid incidences where middle men and brokers earn beyond the farmers. Mung beans is one of the many agricultural products. I believe that by bringing out legislation, we are ensuring that we also attract other areas within which people can farm this particular crop.

The moment we have a crop that is protected by legislation and the farmer is equally incentivized by the regulations and policy that the Government has put in place, we will have several farmers diversify and that also applies to farmers from where I come from. I am sure farmers will be given the opportunity to diversify from the current crop they are farming to the diversified one- in this case mung beans. It will be one of the crops which a good number of farmers across the country will be attracted to plant.

Under the provisions of Section 16, there is a requirement that where a farmer or individual seeks to partake or engage in the marketing of this particular products, they are required to be licensed by the county committee established under the Act. Additionally, where one is dissatisfied with the decision of the committee, they are propelled to the next level, which is to appeal to the County Executive Committee Member (CECM) agriculture, livestock and fisheries in the county.

Instead of the Bill providing for the period to be 60 days, I urge Sen. Wambua to consider the period within which the CECM is required to give decision on the appeal be 30 days. This way, we can ensure that where an individual is denied the license; the time within which he can appeal to get another decision is not too long and will not discourage people to get involved. The 60 days are too long for the purpose of getting a CECM to make a decision.

This Bill is timely. It speaks to thousands of Kenyans who are hardworking farmers and need protection. The protection that the Bill will give them once passed will encourage agriculture across the board and country. Mung beans will definitely get to the market at the required price. I listened to the story that Sen. Wambua gave us in the introductory part of this Bill. He gave a comparison of a Kilogram (Kg) of Mung beans in a local market- I do not recall its name- in Kitui County, and a Kg from a supermarket

across the city. The same product but different packaging takes over 200 per cent margin in pricing. It is not the right way to go.

We cannot get a kg from the farmer at Kshs50 and then sell it in the supermarket shelves without adding anything more than packaging and branding at a 200 per cent margin in pricing. Regulation and managing pricing in this case is the only way to protect the farmer and to ensure that the same farmer gets the price that the middle man gets when they get to the upper markets in Nairobi City or other cities across the globe.

I applaud you, Sen. Wambua, for thinking through and taking the farmer on in order to support them in this Bill. I support.

I thank you.

The Speaker (Hon. Kingi): Proceed, Sen. Okiya Omtatah.

Sen. Okiya Omtatah: Thank you, Mr. Speaker, Sir. I rise to support this very important Bill. I begin by congratulating my brother, Sen. Wambua, for having thought through this process.

I begin with Section 23 of the Bill which states that the Crops Act shall not apply to the production, development and regulation of the mung beans. This is extremely important because the Crops Act has been responsible for a lot of confusion we have in the various sectors.

I pray that going forward, the various crops which are important are developed as stand-alone crops with unique challenges and requirements. In support of this Bill, I acknowledge the mandatory terms it uses to impose requirements on the county governments. It is important because when things are left hanging, they tend to be ignored. To support the mandatory terms, there are penalties for certain aspects and certain conducts.

I support the Bill. There is need to strengthen the growth of this crop by investing a lot in research and development. We may need to have a mung bean research and development centre for us to improve the crop and not rely on the seeds as they are. We can improve them in order for us to get crops that can deal with the various challenges that we have today such as climate change and acidic soils.

We also need to research on the products that can be made from the mung beans. Let us not assume that it can only be helpful in one way. There is need for research to establish if we can use it to produce more products and if we can also use it in baking or making baby formula. Let us invest in research for it to move beyond the traditional food served on the table to the field of supplements and such.

Of course, the mung bean is very good for bachelors because it is very easy to cook. All you need is to clean it and dump it in a pot of boiling water.

Even with just salt and ugali, you will eat a good meal. It does not need a lot of sophistication when it comes to cooking. So, these are the kind of simple foods that can help industrialisation because in industrialisation, time is limited.

If you go to begin preparing *ngwashi*, you have to debulk stuff, storage is difficult and what have you. It is very difficult to use them in urban centres. However, something like mung beans is very easy to utilize because it is easy to store, cook and transport. The benefits of this bean are really beyond what can be stated on the Floor of this House.

I support and congratulate our Senator for having brought this Bill about.

When I was growing up, my grandmother used to grow a lot of these beans, but today they have disappeared. I only see them in the supermarkets. It means that there

must have been a problem with marketing of mung beans in Busia County or in other places. So, the issue of marketing is also very important.

I see the Bill has attempted to deal with the question of cartels emerging in the sector to deny the farmers the benefits of their labour. I congratulate that particular clause in the Act as it will ensure that the crop becomes attractive. By becoming attractive, it will be grown by many people.

Ultimately, I congratulate Sen. Wambua, for the manner in which he has laid out this Bill. This is because, he has a section on the responsibilities of the national and county Governments.

He is not allowing any grey areas because when you allow such areas, the national Government seems to kick the county governments out. We get many situations whereby devolved functions are being denied to county Governments by the national Government.

Sometimes coming in, like the story of the Bedouin and the camel where the camel says, "Can I just warm my nose in your tent?" Then my neck, my ears. At the end of the day, the camel is inside the tent and the Bedouin is out in the cold.

So, by defining in very clear terms the boundaries between the county and the national Government as regards to this crop, our Senator has done us proud by ensuring that agriculture is devolved.

Mr. Speaker, Sir, we have been told that Africa is the only continent that has not achieved the Green Revolution and the only that is unable to feed ourselves. We shall not be able to crack that problem unless we have a legal framework such as the one contained in this Bill to ensure that crops are developed, we produce food and we feed ourselves. Once we sort out our food issues, we shall be able to deal with the many other challenges that we face.

With those very few remarks, I thank our venerable and most able Senator, for having brought us this Bill. I support it and pray that whatever amendments have been recommended be looked into so that we can have a very good legislation going forward.

The Speaker (Hon. Kingi): Sen. Cherarkey, please proceed.

Sen. Cherarkey: Thank you, Mr. Speaker, Sir, for this opportunity to add my humble opinion and views on this wonderful Bill. From the onset, I thank the Deputy Minority Leader for this wonderful thought. I believe Kitui County people have every reason as to why they re-elected him for the second term and they can see their fruits in action.

To Sen. Wambua and to the House, I confirm that anything that comes in improvement, defence and protection of a farmer in this Republic, I will always be defender number one. Sen. Wambua, thank you for this wonderful Bill.

Let me begin from where Sen. Okiya Omtatah has left. Nowadays, *madodo* has been replaced by mung bean because they it is very sweet with *chapatis*. It is also very nutritious and advisable to take.

You can see for the people who are still bachelors and still learning to cook, it is easy to cook and can be shared. We should look at these mung beans as a way of also improving on food security.

Mr. Speaker, Sir, there is overreliance on maize. I see people making noise about *ugali*. I know *Omwamis*, Sen. Sifuna and Sen. (Dr.) Khalwale, might take an offense with this but, we need to diversify our eating habits. I remember there was a former

Assistant Minister during your tenure when you served in Parliament, hon. Githae, who went to be an Ambassador---

The Speaker (Hon. Kingi): Sen. Joe Nyutu, Sen. Tobiko and Sen. Nyamu, kindly do not disrupt the proceedings by consulting in loud tones. You can consult but let it not be disruptive.

Sen. Cherarkey: Mr. Speaker, Sir, I do not know whether you then served as a Member of Parliament (MP) when Ambassador hon. Njeru Githae went to become an Ambassador in Washington. When he was Assistant Minister, he suggested that Kenyans should eat rats. I do not know if that is when you were in Parliament or you were yet to join.

I remember there was hue and cry. We are not telling Kenyans to eat everything that moves but what has been approved by nutritionists.

I also remember Sen. Wambua in the last session, was really complaining when I was talking about milk glut. This is because, in Nandi County, especially during this season, we have a lot of milk until it gets bad and we have to pour on the roads. It is a curse.

It is the same thing in Kitui County. You have a lot of mung beans and mung glut yet people here in Nairobi City County do not have food to eat.

I encourage Kenyans, it is not only *ugali* that you can eat. There are many other foods including mung beans, *madondo* and the rest. For students, mung beans mean *ndengu* so that they are in tandem with what we are discussing.

A few issues on the aspect of food security. On the Kshs5 billion subsidy program of fertilizer, I have suggested that we should not only give subsidy fertilizer to maize farmers but also to coffee, tea, mung beans and sugar cane farmers.

I remember I saw our Government Chief Whip when he was with the President over the weekend complaining about Mumias Sugar Company and ensuring that they get subsidized fertilizer.

This Kshs5 billion that has been allocated in the financial year 2023/ 2024, should be diversified. We should include even coconut from where you come from Mr. Speaker, Sir., macadamia among other crops so that we do not appear selfish that we only give the maize farmers subsidized fertilizer.

If we do not give power to the farmer, we will keep importing food, like is the case in Dubai and other countries where they eat everything that is imported. This is a wonderful country where we can plant all these things.

Mr. Speaker, Sir, to improve on the food security, let us also ensure subsidy on the inputs and quality of seeds. We have been having a problem with Kenya Seed Company in Kitale because of being underfunded. They are not able to do proper research in Kenya Forestry Research Institute (KEFRI), Kenya Plant Health Inspectorate Service (KEPHIS) among other research institutions of Government, so that we get the best variety.

The best country in production mung beans is India, among other countries. They are now moving to the best variety of mung beans. We need to resource the Kenya Seed Company in Kitale, KEPHIS and other institutions to do research.

We, maize farmers are being forced to use what we call '*6-choge*'. '*6-choge*' means you pick the best maize, take to a granary, it is heated through the smoke, then you

use that one to plant in the season. I know Sen. (Prof.) Kamar understands because she is the big maize farmer.

The quality of maize seeds that come from Kenya Seeds Company Limited affects the growth of the plants. After some time, maize starts to possess some funny colour. They become whitish and cannot withstand aphid attacks. We need to source for seeds from other organizations.

Not everybody can plant mung beans. However, as the Bill proposes, we have to ensure that there is access to the international mung bean market. When you walk to any supermarket you will get different types of mung bean because they are produced differently.

We need to deal with the issue of clutter during high season of the mung bean in Kitui and other parts of the country. We need to reopen strategic grain reserves because at the moment they are closed. This is why the price of *unga* is different depending on which brand you consume. There is *unga* that costs Kshs150 and another that costs Kshs238. The difference in prices is as a result of the absence of a strategic grain reserve. When we have an excess of maize, mung bean, cassava, millet and the rest of the food, we can put them in a strategic grain reserve.

Two years ago the strategic grain reserves were closed down. We need to reopen so that the mung beans in high season can be stored. We should also allow proper storage of the produce since we are starting the aggregation centers. The first Budget of His Excellency President (Dr.) William Ruto has appropriated funds for aggregation centers. This will ensure that our produce does not spoil. We should be aware that top countries like India, Bahrain, China and Indonesia – I do not know the pronunciation of that country's name. I am happy that Kenya features prominently as part of the production of mung beans in Africa. In the world, Thailand and India rank highly.

My last point will be on the school feeding program. I am happy about this program. The Governor of Nairobi County, Sen. Sakaja broke down when they were launching the programme in Roysambu. Even Jesus wept. It is not an offense to weep. The governors and all the stakeholders must take charge and ensure this program is devolved. I am happy that the President has recommended this. There are very many stakeholders willing to partner with the Government.

I would be happy to see children in the Speaker's gallery having the opportunity of consuming a meal. We cannot ask them questions but from the way they are smiling, they not only like meat, they like mung beans too.

On the issue of nutrition, we need to see the school feeding programme in Kilifi County. Research has shown that learners miss school because of hunger. People assume that since Nairobi County generates 60 per cent of the country's Gross Domestic Product, it is the land of honey and milk. There is a problem in this city. There is urban poverty.

When we were passing the formula for revenue sharing among counties as recommended by the Commission of Revenue Authority (CRA), we fought as one for counties that were gaining allocation. We realised that Nairobi has high poverty index than some of the counties. The urban poor come from slums. The school feeding programme will entice enrolment and attendance in schools. This is a genius proposal by Sen. Wambua. We should ensure that we get quality mung beans the same way we emphasise on maize and other crops.

Once the program is rolled out in your school, I hope the students will improve their school attendance and performance.

An interesting fact about Kenya is that an average age of a farmer in Kenya is 60 years. A further interesting fact is that the life expectancy in Kenya is 65 years. You are a farmer for 5 years before you go to heaven.

I would like to encourage young people, who are following this discussion live on the broadcasting channels or in the Speaker's gallery. From where I come, I know of youth as young as 20 years who are accomplished, farmers. Let us not reduce farming to retirement. The average age of a farmer is 60 years. We need to relook, rethink and encourage smart farming. Yesterday the Cabinet Secretary in charge of agriculture was in the Senate and we were discussing smart farming.

In our time, during the 8-4-4 curriculum there were 4K-Clubs that were encouraging agriculture. The Curriculum Based Competencies and the reforms within the curriculum should include the 4K-Clubs to ensure young people appreciate agriculture. The future dollar millionaires in Africa and across the world are in farming. I know because I come from a region of farmers. The people who attend *harambees*, give proper money and are respected, are majorly farmers. This is because there is no day you will fail to eat something at least from morning to evening.

Agriculture employs over 40 per cent of our population. From where I come, you will see milk being taken from places like Elchegoo. You need somebody who will milk the cows, the person who will transport and the seller of the milk. You can imagine the value chain from the time the milk is produced to the time of consumption. About 40 per cent of Kenya's population which is 53.1 million as per 2019 population census, are employed in the agricultural sector.

With the introduction of aggregation centres and investing in the mung beans by creating a legal framework, we are able to increase the number of farmers in the country for example, in Kitui County where Sen. Wambua comes from. They depend on farming and can bring employment to the locals.

Agriculture creates opportunities for 70 per cent of the population in the rural areas. About 70 percent of people in rural areas depend on agriculture. When you visit such areas, you will find somebody owning a cow, planting maize, mung beans, macadamia and cotton. I was shocked to learn that Lamu County is one of the leading counties in the production of cotton alongside Busia and other counties. Yet, Lamu County does not have a cotton ginnery that can process cotton.

Agriculture cannot go unnoticed. On the issue of implementation of regulation, we need to agree on the role of the County Executive Committee Member (CECM). Agriculture is fully devolved. I wanted to ask the Committee on Devolution and Intergovernmental Relations to seize this matter. There was the Senate and the Council of Governors consultation that happened in Naivasha. Some of us attended remotely. We need to define the functions that need to be devolved and calculate the cost. We also need to look at functions that go back to the national Government. Agriculture is a fully devolved function. It is only the policy-making that you can be retained at the level of national Government.

With those many remarks, I want to congratulate Sen. Wambua. In the spirit of congratulating, I congratulate Members of the National Assembly from the Kenya Kwanza Coalition for passing the Finance Bill yesterday evening. The Finance Bill has

been passed; the Budget has been read. We need to mop up resources and ensure some go to the production of mung beans. I want to assure Sen. Wambua that the increment of Value Added Tax on fuel from 8 per cent to 16 per cent will provide more resources to invest in the mung bean. Let us support the Finance Bill.

Mr. Speaker, Sir, let President William Ruto have resources. We need roads, so that we can ensure---

The Speaker (Hon. Kingi): What is your point of order, Sen. Sifuna?

Sen. Sifuna: Mr. Speaker, Sir, I rise pursuant to Standing Order on relevance. We are discussing *ndengu* and how we can help our farmers to produce these mung beans.

I do not see any relevance whatsoever between the Finance Bill and the mung beans and the provisions that are in this draft Bill. In fact, it is quite clear from the submissions that are coming from my colleague from Nandi County that he has not read this Bill. Everybody who is here and has interacted with this Bill knows that Sen. Cherarkey has not read this Bill.

The things that he is talking about here and congratulating Members of the National Assembly have nothing to do with this Bill. In fact, if you were to ask him, how are those farmers who produce these mung beans supposed to get their produce to the market? They are going to use vehicles that use diesel. Therefore, if you are going to increase the price of fuel, you are hurting these farmers. You are negating the very intention of this Bill.

Mr. Speaker, Sir, I want you to rule him out of order because it has no relevance to what we are discussing. Please, maybe allow people who have read this Bill to have an opportunity to educate the Senator from Nandi County.

The Speaker (Hon. Kingi): Sen. Sifuna, if I got Sen. Cherarkey well, he was addressing himself to the financial implications of the Bill; that at some point, for this Bill to live to its objectives, it requires some finances. Therefore, through the revenue raising measures that have been captured in the Finance Bill, resources then will be made available for purposes of implementing and cushioning this Bill financially.

I think the Senator is quite in order to advance that kind of argument. Proceed, Sen. Cherarkey.

Sen. Cherarkey: Mr. Speaker, Sir, thank you for ruling Sen. Sifuna out of order. I dismiss those assertions with the contempt they deserve, and I do not want to go there.

Mr. Speaker, Sir, in conclusion, what I was just explaining – and I am willing to educate him over a cup of *chai* and *mandazi* in the Lounge courtesy of you – that this Bill will need financing and a processing factory. Where will the President raise money from to allocate to the development of mung beans factory? I can see your leader is nodding in agreement. Maybe you need to sit close, so that he can be apprising you.

Mr. Speaker, Sir, with those many remarks, I support this Bill. I have read it and I think this is the best thing that will happen to every farmer. I know Sen. Sifuna does not appreciate the role of farmers because he lives in a City and waits for us to bring food.

Thank you.

The Speaker (Hon. Kingi): Hon. Senators, before we proceed with debate on this Bill, allow me to read two Messages that have been received from the National Assembly.

(Interruption of Debate on the Bill)

MESSAGES FROM THE NATIONAL ASSEMBLY**PASSAGE OF THE COUNTY ALLOCATION OF
REVENUE BILL (SENATE BILLS NO.16 OF 2023)**

Hon. Senators, I wish to report to the Senate that pursuant to Standing Order No.46(4) of the Senate, I have received the following Message from the Speaker of the National Assembly, regarding the passage of The County Allocation of Revenue Bill (Senate Bills No.16 of 2023).

Pursuant to the said Standing Order, I now report the Message –

“Pursuant to the provision of Standing Order No.41(1) and 144 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly –

“THAT WHEREAS, The County Allocation of Revenue Bill (Senate Bills No.16 of 2023) was published vide Kenya Gazette Supplement No.52 of 27th April, 2023 to provide for the equitable allocation of revenue raised nationally among the county governments for the year 2023/2024, as well as defining corresponding responsibilities of the national and county governments in connection to the said allocation.

WHEREAS the Senate passed the said Bill on 6th June, 2023 and referred it to the National Assembly for consideration and whereas the National Assembly considered and passed the said Bill on Thursday, 22nd June, 2023 without amendment and in the form passed by the Senate;

NOW THEREFORE, in accordance with the provisions of Article 110 of the Constitution and Standing Orders No.41(1) and 144 of the National Assembly Standing Orders, I hereby convey the said decision of the National Assembly to the Senate.”

Now, Hon. Senators, I am consequently, therefore, in the process of transmitting the Bill to His Excellency the President for assent.

Thank you.

(Applause)

**PASSAGE OF THE EQUALIZATION FUND APPROPRIATION
BILL (SENATE BILLS NO. 3 OF 2023)**

Hon. Senators, I wish to report to the Senate that Pursuant to Standing Order No. 46 (4) of the Senate, I have received the following Message from the Speaker of the National Assembly regarding the passage of The Equalization Fund Appropriation Bill (Senate Bills No.3 of 2023).

Pursuant to the said Standing Order, I now report the Message –

“Pursuant to the provision of Standing Order No.41 (1) and 144 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly –

“THAT WHEREAS The Equalization Fund Appropriation Bill (Senate Bills No. 3 of 2023) was published vide Kenya Gazette Supplement No.7 of 31st January, 2023 to authorize the issue of a sum of money out of the Equalization Fund and its application towards the service of the year ending 30th June, 2023, and to appropriate the said sums for certain public basic services in the marginalized regions;

AND WHEREAS the Senate passed the said Bill on 6th June, 2023 and referred it to the National Assembly for consideration and whereas the National Assembly considered and passed the said Bill on Thursday, 22nd June, 2023 without amendment and in the form passed by the Senate;

NOW THEREFORE, in accordance with the provisions of Article 110 of the Constitution and Standing Orders No. 41 (1) and 144 of the National Assembly Standing Orders, I hereby convey the said decision of the National Assembly to the Senate.”

Now, Hon. Senators, I am consequently, therefore, in the process of transmitting the Bill to His Excellency the President for assent.

Thank you.

(Applause)

Sen. (Dr.) Khalwale, you know that you cannot rise on a point of order. Indeed, you can seek your clarification under Standing Order No.1.

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. Allow me through you, to laud the National Assembly for taking such a short time to pronounce itself on these two Bills.

Mr. Speaker, Sir, just two things. The first one is that as you take these Bills to the President for assent, we would like to see the presence of the Senate when the signing is going on.

(Applause)

It will be very bitter to see the Attorney General, Hon. Muturi and the other Speaker there, when our Bills are being assented to.

The second one is a point of appeal to Members of the Minority. Concurrence of the two Houses is not a weakness. You remember you behaved badly during the Bill on the Independent Electoral and Boundaries Commission (IEBC), just because the House had agreed with the position of the National Assembly.

You see now there is reciprocity and this should be encouraged. We were not elected to be disagreeing with the National Assembly. In fact, the Constitution contemplates a situation where the two Houses always agree in a complementary manner on an important business like this.

Thank you, Mr. Speaker, Sir, for allowing me to make that remark.

(Resumption of Debate on the Bill)

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

Sen. (Prof.) Kamar: Thank you, Mr. Speaker, Sir, for giving me the opportunity to support this wonderful Bill from my very own student; the Mung Beans Bill, 2022.

This Bill came to us in the last Senate. I am happy that we interrogated it at that time. We looked at a number of issues that have been ably addressed by Sen. Wambua.

Mr. Speaker, Sir, may I take this opportunity to congratulate the Senator for such a well worded Bill. This Bill will make a big difference in the agricultural sector of this country

[The Speaker (Hon. Kingi) left the Chair]

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

Mr. Temporary Speaker, Sir, my first degree is in agriculture. I know that there are crops that have been identified by Acts of Parliament. This Bill will shape mung beans to the same level as coffee or tea, which are crops that require processing and clear identification from others.

One thing Sen. Wambua convinced me in the last Senate is that we can pick one bean and run with it. I am truly convinced because it is very important for us, as a country or region, to ask ourselves what exactly do we have as crops for exports.

I like the fact that, in Part I, he has articulated that we want to provide a framework for the implementation of effective marketing strategies for the mung beans in Kenya and internationally. I say this because we have an open market with Common Market for Eastern and Southern Africa (COMESA) and East Africa Community (EAC). We now have an open market with European Union (EU) in addition to markets in the East, including China.

In most cases, there are trade imbalances in this country as a result of exporting less and importing more from these countries. Therefore, we really need to identify a few products that can be exported. This is what this Bill is going to do. It will move the mung bean to the levels where we can export it, the same way we export coffee.

I congratulate Sen. Wambua for providing a framework and facilitating a modern way of farming and processing the mung beans. We will upgrade it to the level where you can sell it to a supermarket in United States of America (USA), China and United Kingdom (UK).

It will help us close the gaps on imports and exports. What we receive from all these countries is more than what we send. The question has always been imbalance. We were even discussing the same imbalances in the Pan-African Parliament (PAP). What do you have that can be sold?

I was in the African, Caribbean and Pacific European Union (ACP-EU) Joint Parliamentary Assembly for almost, in my seven years in Parliament, both at the National Assembly and Senate. The same questions are being asked during the Economic Partnership Agreement (EPA) between Kenya and EU that was signed the other day by the President. What do you have to sell to us?

Mr. Temporary Speaker, Sir, currently, we are exporting French beans, avocados and mangoes, which are fresh produce. However much we sell fresh produce, it is very difficult to process them.

Therefore, the mung bean is going to be the gold in the beans sector once this Bill goes through. The research sector will research on special beans that can grow in all corners of the country. Apart from areas of Kitui which the beans do well, we will have enough.

I know the Bill has provided for use of the same beans in our school feeding programmes. However, the money maker is going to be export of these beans. This will be very important for us because before anybody exports any crop to us, we will also tell them what we have for exports.

This will be good. Seed breeding is going to be prime. Hybrids will be grown all over. The standards of packaging will be very high, so that we can sell them anywhere, as I had mentioned earlier on.

Mr. Temporary Speaker, Sir, one other aspect of this Bill that is very important is the registration. We debated it last time and asked the Senator why he wanted growers to be registered, only for us to start registering maize farmers the next year. I figured out that he already had a vision ahead of all of us. He knew that registration of farmers is very important.

I am now starting to understand why registration is very important even as we register farmers of all crops. It is very important that they are not only registered because of the inputs that the Government subsidizes at various points, but so that we know who owns what.

Again, there is another registration of the marketers and processors that is provided for by this Bill that is very important. People from Mt. Kenya region will tell you that coffee has become another nightmare. Unless we identify who owns coffee, you will find out that everybody sells coffee. This is why registration is very important.

We want to avoid middlemen who take advantage of farmers. If we know the owner and marketer, then it is very easy for us to standardize not only the selling price, but also to ensure that our farmers make profit.

It is important, as it is now in the coffee sector, that we must register the farmers, factories and marketers, so that we are able to take care of this. That was one of the issues Sen. Wambua was able to articulate to us. It is very important to recognize who the farmer is. I laud him for that.

We should limit brokers. They have destroyed the agricultural sector. Agriculture has a very low margin. If you have marketers and brokers coming in, then the person who wins in most cases is not the farmer. It is always the middleman who wants to broker everything.

Sometimes you will find out that these same marketers will be mixing the produce of Kenya and products of another country in order to make their margins. I support the approach that has been done.

Mr. Temporary, Speaker, Sir, the other area that I want to touch on, since I want to be very brief, is on coordinated implementation of the national and county policies on regulation. We know that agriculture is devolved. There is a problem currently with the agricultural products.

I live on the border of Elgeyo-Marakwet and Uasin Gishu Counties. It is amazing that Uasin Gishu and Elgeyo-Marakwet Counties have their own regulations at the county level. There is a tax that is implemented before anything exits Elgeyo-Marakwet and similarly when it enters Uasin Gishu. There is also another one when entering the market place for fresh produce. Therefore, there is need to harmonize regulations and ensure that there is a flow that will retain the profits with the farmers.

Mr. Temporary Speaker Sir, I will not touch on the duties of the county government; it was nicely articulated. I have also touched on the mung bean policy.

Finally, what should we do in regards to licensing and identification of marketers, processors and large-scale traders? This is an area that I would like to ask Sen. Wambua to articulate properly because the large-scale trader might go beyond the borders of this country, to look for the same product.

We know that there is free flow of goods under the East African Community (EAC) among partner states. We know there is free flow of goods between Common Market for Eastern and Southern Africa COMESA partner states. If there is going to be

free flow of goods, how shall we distinguish between the large-scale trader of the mung bean from Kenya, which is a protected crop; because this Bill is going to protect that crop, versus any other product that is coming out?

We know that we will not limit anything, just the way we discussed when we had our maize flour from Uganda. You cannot protect entry of commodities at the border point from other EAC partner states because of the other agreements that we have. It is the same thing when we have the African Union open. We need to think seriously about how the large-scale traders will not distort the trade of this good that we are saying is going to be a specialised product.

I am living it for Senators to think through. As we finalize the Bill, if there is a way in which we can tweak so that we are protecting ours because in most of these agreements, the source of the product is supposed to be known. How shall we ensure that what is from Kenya is a product of Kenya? If that is done, competition between us and the neighbouring countries will be in terms of the prices only. We continue to identify the Kenyan mung bean because it is a valuable product as far as the list of crops that we have are concerned.

Mr. Temporary Speaker, Sir, with those remarks, I support and congratulate Sen. Wambua for such a beautiful Bill.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. (Prof.) Kamar. Sen. Tabitha Mutinda, you may have the Floor.

Sen. Tabitha Mutinda: Thank you so much, Mr. Temporary Speaker, Sir. I rise to support my home county Senator, Sen. Wambua, on this wonderful mung bean Bill.

As a champion of agriculture, in regards to my current Bill on Agriculture and Livestock Extension Services, I am very happy to see this Bill on the Floor of this House. This Bill expounds and brings about the achievements of the extension, as I talk about making sure that our cash crops get the value that they deserve.

The Bill has talked about research methods in Clause 4. This is one of the areas in agriculture that need to be well funded, so that farmers can get the right methodologies of ensuring that there are yields of different crops, including the mung bean are maximized. Research will include areas like the soil PH levels, which is very important, fertilizers and the type of pesticides controls that need to be used.

Mr. Temporary Speaker, Sir, on pesticides, I am very happy that in the Finance Bill that is currently ongoing, the Government has exempted raw materials on pesticides. This is going to reduce the cost of production for the different products of agriculture. Being specific on mung bean, this is a crop that highly germinates very well in our County of Kitui. Through the right research and information to our farmers, we will definitely have positivity in yields.

Clause 3 of the Bill has also talked about marketing. Different market strategies, of course, apply to different products. I am happy because in this Clause, Sen. Wambua talks about increasing the market share. It is very important like any businessperson to always ensure you maintain and increase your market share. The focus of this Bill is to ensure that the market share for mung bean is increased.

As he stated last week when he was moving it, he indicated that the product and the commodities are in the market, but the farmers are unable to get value for their money for the process of farming that takes place. In Clause 3, we have matters marketing. This Bill should expound further and guide farmers on the right markets for the product.

I agree with Sen. (Prof.) Kamar when she talks about ensuring that we bring out a trademark and a brand name for our mung beans in this country, so that even when our commodity is in different countries, it can be easily identified. I resonate with tea. When we sometimes travel, we get a lot of positive compliments. When you say you are from Kenya, they say Kenya has the best tea. We have made a name and a brand.

I also happy that in the Finance Bill, we have been able to reduce export taxes. It is through this that the Kenya Kwanza Government is focusing on ensuring how they reduce production cost as far as agriculture is concerned. Through this mung bean, we will have a lot of advantages when this Bill is passed because a lot will be achieved.

Mr. Temporary Speaker, Sir, lastly, allow me to touch on the technology aspect. I am very happy about it because we are in a digital space. We are in 2023 where everything is digital. It is high time at the agricultural level we embrace agriculture. This technology will ensure that we have database for all our farmers. We will also have the different kinds of grades that are required. Through this database, farmers can be able to get the subsidized fertilizer, which you know very well, in the Finance Bill, we have a budget for subsidy of the fertilizer. You realise that, as a country entirely and not looking at any political divide, this is going to help us achieve food security.

With those few remarks, I had requested and apologised to the Members who were before me, because I want to rush back to the Impeachment Committee. I just came to support, for the passion that I have for agriculture.

Thank you.

The Temporary Speaker (Sen. Wakili Sigei): Thank you very much, Senator.

(Sen. Sifuna stood in his place)

Sen. Sifuna, resume your seat. I have this Communication to make, then you can contribute.

(Interruption of Debate on the Bill)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM KARIOBANGI NORTH GIRLS HIGH SCHOOL

Hon. Senators, I would like to acknowledge the presence in the Public Gallery this afternoon, of visiting teachers and students from Kariobangi North Girls High School in Embakasi Constituency.

The group comprises of three teachers and 95 students, who are in the Senate for a one-day academic exposition.

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

(Applause)

Sen. Sifuna, as you take the stage to contribute to this Bill, I also ask you to take a minute to welcome the students and the teachers from Kariobangi North Girls High School.

Thank you.

Sen. Sifuna: Thank you, Mr. Speaker, Sir. I join you and the Senate in welcoming the students from Kariobangi North Girls High School to our Senate this afternoon. I hope that they have had the opportunity to go around Parliament and see the National Assembly as well.

I hope that they will continue to work hard in school. This is because, you notice that these seats do not have anybody's name on them. This means that anyone of you working hard and finishing school can come back here in the future as Senators of Nairobi City County.

I am very proud of you. I am very proud of your teachers and the work that they are doing. Continue supporting us. We hope that on the many issues that are facing our country. I am sure you are proud of the people that you elected and we continue to speak for you.

Enjoy your visit, you can spend the next 10 minutes listening to my very brief submissions, then we come and have a chat outside the Chamber after that.

(Resumption of Debate on the Bill)

Mr. Temporary Speaker, Sir, allow me to begin. These students must know that once upon a time, their Senator was free labour for my father on his farm after I finished my Form Four. I got an opportunity--- It might not look like it right now, but I grew many of these crops that people are talking about. Sometimes, when my colleagues, Senators, talk to me, they imagine that I do not know what *ndengu* is because I am the Senator of Nairobi City County.

When I finished Form Four, I was free labour for my father, Mr. Watenya. I grew maize, sugarcane, cassava, groundnuts and this *ndengu*. I want to confess here that before this Bill came to the Floor of the House, I did not know that *ndengu* is called mung bean. So, I want to thank the Senator of Kitui County for enlightening me that this is what we were talking about. I was expecting some very fancy crop, only to be told that it is *ndengu*.

Allow me to also correct something that was said here by my colleague, Sen. Cherarkey. There is no---

Sen. Mandago: On a point of order, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Wakili Sigei): What is your point of order, Sen. Mandago?

Sen. Mandago: Mr. Speaker, Sir, is the Senator for Nairobi City County in order to cast aspersion on his father that he was employing child labour, while indeed he was being mentored to become a serious responsible citizen and a future Senator?

(Laughter)

The Temporary Speaker (Sen. Wakili Sigei): Sen. Mandago, I believe that the Hon. Senator for Nairobi City County was just using analogies and semantics. Otherwise, free labour is free labour as described. He is, however, entitled to also make a correction and amendments on it.

Sen. Sifuna: I hope Sen. Mandago heard me when I said I had finished high school. I was an adult then of 18 years. My father made very good use of me during that gap year between Form Four and when one joins university.

I was saying that I wanted to correct a notion that had been presented by Sen. Cherarkey. There is a component that many of us miss when we talk about food security. It does not mean that when there is no maize flour, we should substitute it with the mung beans. Food security is met when the food that is available for the people also meets their food preferences.

I have said on the Floor of this House that as a Luhya man, I consider *ugali* the only square meal that I can have. It is possible for me to starve even if you are feeding me with *ndengu*. I can die of starvation if you only feed me with rice. That is what I am saying. That is because it does not meet my food preference.

Let me also say that we have had a very difficult experience as farmers of other crops like maize, sugarcane and the rest. Every effort that is there to protect farmers in other fields, because it is very possible that the same reason maize farmers are crying at some point--

Sen. Kinyua: On a point of order, Mr. Speaker, Sir.

The Temporary Speaker (Sen. Wakili Sigei): What is your intervention, Sen. Kinyua?

Sen. Sifuna: Mr. Temporary Speaker, Sir, can I be allowed to make my submissions without these incessant interventions?

The Temporary Speaker (Sen. Wakili Sigei): Take your seat, Sen. Sifuna.

Let me listen to what Sen. Kinyua seeks to intervene on.

Sen. Kinyua: Mr. Temporary Speaker, Sir, the people of Kitui are keenly listening to the Senator for Nairobi City County as he says that he thought mung beans is a fancy crop. Is he insinuating that *ndengu* is just another crop and the people of Kitui are listening? What did he mean by fancy?

The Temporary Speaker (Sen. Wakili Sigei): Sen. Sifuna?

Sen. Sifuna: You must rule my colleagues out of order. This is what we call frivolous points of order. I think it is a problem with language.

The Temporary Speaker (Sen. Wakili Sigei): Proceed to conclude, Sen. Sifuna.

Sen. Sifuna: Do not allow any further interventions. I have even forgotten where I was because of all these, and this is the intention of these people. This is why they do it.

(Laughter)

I was saying that because of the problems that other farmers have experienced, we should not assume the problems that have bedeviled maize farmers, for example, cannot bedevil the ones growing mung beans.

I am happy that in this Bill, the Senator has made it clear that the intention of the Bill is to protect these farmers. I had a discussion with him regarding some of the provisions. I want to speak about three provisions of this Bill. The first one is Clause 6 (1), which provides that; -

“The national and county Governments shall, where they implement feeding programmes within schools or other institutions or areas falling within their respective mandate, implement a homegrown feeding programme aimed at-

- (a) maximizing the benefits for growers by linking schools and other relevant institutions to local production;
- (b) strengthening the capacities of growers and communities; and,

- (c) promoting the efficient production of mung beans in each county in order to ensure adequate supply to the schools, relevant institutions and food secure areas in the country.”

I saw my Governor the other day launching what is perhaps the largest school feeding programme in the country. He estimates to spend about Kshs800 million shillings a year to feed the students in the public schools in Nairobi. Now that we do not have those farms here to grow some of these crops, I am happy that this Bill is providing a mechanism where we can link that programme of the County Government of Nairobi City with the growers in Kitui.

Therefore, in these school feeding programmes, we need to see that linkage between the county governments and national Government. They should implement similar programmes with the farmers for us to maximize value. Of course, there are criticisms of our school feeding programme because, as you know, in Nairobi City County, we have about 205 public schools across the 85 wards. However, majority of the students are in what we call non-formal schools and there are bulk of the students there. Therefore, implementing that school feeding programme in public schools alone is not auguring well with many parents in Nairobi.

We have had this conversation with my Governor. Out of the 85 wards in Nairobi, there are 10 wards with no public schools. There are no public schools in places like Pipeline and Quarry that have high density. Therefore, we have asked him to extend the school feeding programme to the non-formal schools. I am sure he will listen because most of the time he does.

Under Clause 8(2), I did not understand what Sen. Wambua meant when he asks for all the growers of *ndengu* to be registered with the county governments. He, however, explained to me that if you are going to offer extension services to these farmers, the county government needs to know where these people are and what variety of beans they are growing. One of the arguments that has been made in this country is that we are over-regulated. There are too many regulations, licenses, and registrations.

For me, when I was growing, these crops back at home, I would not imagine that I needed registration. I initially thought that it is going to add another layer of bureaucracy for these farmers. However, Sen. Wambua has ably explained that we are going to have those farmers benefiting from the agricultural extension services that are mandated under this Bill. You, therefore, need to know who these people are and where they are and what they are growing.

Let me talk about Clause 9 (1) which requires that-

“A person shall not market, process or carry out large scale trading in mung beans or mung beans products, unless the person has obtained a license from the relevant county government.”

I think this is the crux of this Bill because the problem with any cash crop has always been exploitation by middlemen that ensures that farmers do not reap what they have sown. I only advised my senior that he may need, under the definition section of the Bill, to define what large-scale trading is, so that we do not victimize people who might not be large-scale traders.

A lot was said here about the impact of the just passed Finance Bill. I was very happy when the Speaker made the ruling that we can discuss that matter even in this discussion because that has opened an avenue for me to also say a few things. In that Bill,

there is an increase in Value Added Tax (VAT), and Sen. Cherarkey argued that we are going to have more money for us to give the county governments. We, in the Azimio Coalition, the minority party, argue that the economic impact of the passage of the Finance Bill is going to be counterproductive. Many of these farmers rely on the same agricultural equipment that use diesel. You are aware of the level of mechanization or the level of fuel needed in mechanized agriculture. If you levy further taxes on fuel, we are going to see a lot of problems facing our farmers.

He also argued that those increased taxes are going to support this programme. County governments receive resources through the Division of Revenue Act that we deal with here, in the Senate. It is unfortunate that this came from Sen. Cherarkey because I know his position on the Division of Revenue Act is just about everything. That next year when we come here to discuss the division of revenue, he will increase resources on the counties; I will be bold and happy.

Nairobi City County is going to spend Kshs800 million per year to feed the children in public schools. Do you know that that Kshs800 million is the entire extra allocation that Nairobi City County received under the Division of Revenue this year?

So, you can imagine a single project like that in the Nairobi City County gobbles up every single penny that we added to the equitable share of the county.

The County Governor told us that on Madaraka Day that he is going to put Kshs500 million in renovating City Stadium. This is why we argue here every day with my colleagues that counties need money.

So, if indeed the national Government is receiving an additional Kshs300 billion, why is it not possible for us to make sure that also the county Governments receive additional resources commensurate to the responsibilities that we are adding upon them?

I have stood here to debate Bills upon Bills that are adding layer upon layer of extra responsibility on the county governments. However, there is never a commensurate measure to ensure that the counties have those resources to undertake the programmes that we are asking them to.

So, I believe Sen. Cherarkey was misleading the House and the nation by coming here to pontificate about how county governments are going to get extra allocation yet, when the vote was here, on this Floor, he rejected those extra resources to go to county governments including his own county of Nandi. May be the people of Nandi County do not need these extra resources.

(Sen. Cherarkey spoke of record)

Mr. Speaker, you had agreed to protect me from these incessant points of order. You must rule him out of order and throw him out. When he was speaking, I was very quiet. So let me conclude.

I support fully this Bill. I congratulate my brother, Senator of Kitui County, for bringing this Bill.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Sifuna. Senate Majority Leader, you may proceed.

(Sen. Cheruiyot spoke off record)

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Speaker, Sir, I will respond later to the misleading information by my good friend, Sen. Sifuna, but first thing first. Let us deal with mung beans first.

The only thing that I share with Sen. Sifuna or I share is that like him too, I came to learn in the Senate that *ndengu* is called Mung Beans. At least that much, we agree.

Secondly, this is very personal to me and perhaps that is also close to what he said. My mother would have been very proud of you, Sen. Wambua, because of what you are doing to this very important crop.

As a young boy after high school, the duty of preparing lunch for my younger siblings used to fall upon me. You remember back in the day, we would wait for two years before joining university and that was the time that many of us will find many things to do. Sen. Sifuna said that he used to cultivate crops in his father's farm.

One of the things that I used to do was to prepare lunch for my younger siblings. My favorite lunch preparation was mung beans for the simple reason that I will play football up to 12:15pm then quickly remember that, oh my goodness, they will go for lunch at 12:45pm.

I would rush to the kiosk next by. I quickly put water to boil. The beauty with mung beans is that in 15 to 20 minutes, it is ready. One just needs to add some onions and tomatoes and alongside rice, lunch was ready.

I did it so many times such that my mother used to say that I would make mung beans grow in their stomach. That was the only meal I would prepare because of not having sufficient time.

Therefore, it is a good recollection to see Sen. Wambua try and get a good coordinated effort to the farmers who produce this very nutritious crop and one of our favorite meals to date. It is not only here in Kenya but when you travel across the globe, especially in the South East Asia, this is a very popular dish.

It is quite unfortunate that we have left farmers in Kenya for all those years to the vagaries of the market. They determine for themselves what value to be added, how to sell it, regulate its sale and how to organize and aggregate as farmers.

Therefore, the effort by Sen. Wambua is quite commendable. We need many of such regulations and legislations that will help our county governments to realize that this is primarily the very reason why Kenyans accepted devolution.

It was with the understanding that you are bringing services closer to the people. Part of the service that we speak about includes the responsibilities that I have seen Sen. Wambua, in the preliminary and even the first part of the Bill on the responsibilities of the national and county governments.

He has detailed what measures they need to put in place both policy and organizing our agriculture to ensure that our farmers are properly organized, guided and get the necessary support from our agricultural departments.

I have seen that the Bill gives duties and specifically to the county governor. Further in the Bill, there is specific reference to the County Executive Committee Member (CECM) in charge of Agriculture and the responsibilities that they are supposed to carry out. This is quiet commendable

I have seen even part of the Bill that do not lay specific emphasis on what I want to speak about. Most of our agricultural practice all over the country is subsistent farming

which slowly by slowly evolves into a way of living. You find that people plant either maize, beans or rice just to feed themselves.

However, soon and very soon as they get better at cultivating that particular crop, they enlarge and increase on the crop having learned how to ply the trade better. Perhaps later they learn to sell of their surplus. That is how many Kenyans, the people that we represent in this House live their lives in the rural settings.

As a country, we look forward to a time where we will be food secure. We shall be able to lift millions of Kenyans out of poverty by encouraging practices that assure and guarantee even the smallest farmers in the smallest of scale that they can make a living out of agriculture.

It is by coming up with policies that will ensure that these small scale farmers are guided and protected. They should also receive the kind of service that they need from either the county or the national Government to nurture this crop to fruition and gain from it.

With all the challenges that we have in the tea subsector, part of the genius that has made tea to be the leading foreign income earner to the country for all those years is the fact that through Kenya Tea Development Agency (KTDA), there is an aggregation process that brings together small-scale farmers.

Many people own a point of an acre to two acres. In fact, 60 to 70 per cent of tea farmers in this county do not own more than one or two acres. It is in small percentages. Even in families that a father used to have four or five acres, over the years, it has been passed down and shared equally amongst the two or three sons that we have there and everybody has an acre or less.

However, the fact that it does not matter how small your farm is, there is an aggregation process that brings together the tea. You take your tea to the buying centre, somebody does the job of processing it and the other person transports it to the auction. Eventually, it is sold and the money finds its way back to the farmer.

Unfortunately, in many of these other crops such as maize, wheat, sorghum and rice, there is not that level of organization. Everybody is left to fend for themselves.

On many occasions, I see in my county people drive big lorries and knock on one farm after another. You find that on this farm, if they get somebody who is desperate and in a difficult situation, they negotiate to buy a bag of maize at Kshs5,000.

When they go to the next one and find that for one reason or the other, the farmer is not willing to sell the maize, they offer a higher price. They take advantage of our small scale-farmers because of lack of proper aggregation policies.

In Kenya Kwanza's Administration, we gave our document that guides the implementation of the priorities that we gave. In it, there is aggregation of small-scale farmers and their produce. This is to ensure we are able to gather and collate crop from the smallest of farmers to the largest and have them enjoy almost shared benefits despite the fact that they do not produce equally.

To gather and collect the crop from the smallest farmers to the largest and have them enjoy almost shared benefits despite the fact that they do not produce equally--- The small-scale farmers do not enjoy the large economies of scale in things like pesticides and fertilizer but we should try and bridge the gap. This is a promise that we made.

Therefore, it is very encouraging to see such Bills come to the House. We must support such efforts so that the people of Kenya know that indeed, as a Senate, we

prioritize every need and every crop. Every Senator needs to come to the House and give us a proposal in which they can make their counties economically viable.

Mr. Temporary Speaker, Sir, we must begin to change our thinking. That is the problem that I have. I wish Sen. Sifuna was here as I make my presentation because he comes from the school of thought that it is possible to fund counties to trillions of shillings and ensure that for every need that farmers have, we shall always send money to them.

Part of the organisation that I see being brought up is the universal principle that every service that you enjoy from Government must be paid for. The good organisation, the licensing that Sen. Wambua is talking about, is not money that shall be reverted back to the national Government. That is a form of taxation for the people. However, the beauty about it and the beauty of what is in this Bill, is that I want to propose is--- the unfortunate thing is that perhaps, Sen. Wambua may need to propose during Committee of the Whole, though we can have an overarching principle for all crops about this--- when counties collect levies, then we must ring-fence that levy.

The license fee should go back for the development of that particular crop. Otherwise, it will happen like it happened to us in the tea subsector. Why we abolished cess and levies from the tea crop is because counties were collecting cess from tea factories but were not making the roads that it was meant to do. That used to happen previously before we county governments came in.

Therefore, we must find a way of ring-fencing these levies that are collected from these farmers so that we develop and ensure, that our farmers in Kitui and all the farmers in Kenya, who shall be participating in the development of this crop have good extension services. They also must have better pest control because the county government will be able to use that levy to send one or two officers to the Kenya Agricultural and Livestock Research Organization (KALRO) to be trained. Sen. Wambua, go back to Kitui, impart knowledge to the farmers with knowledge, and ensure that if this year you are producing 10 kilogrammes per acre, there are practices that can be used even to make you produce 15 or 20 kilogrammes.

That is the beauty of Government. That is how county governments need to operate. We must stop this obsession of imagining that we shall just always send monies to counties. It is possible to find at some point we will say, finally, we have sent enough resources and services. We must be creative in our thinking and challenge our counties. I persuade my colleague Senators to believe and understand that it is possible. I have seen this with my tea farmers. I see this even with sugar cane farmers in my county who are now pleading and saying, please, pass the Sugar Bill that is before the Senate and the National Assembly.

We do not mind paying the sugar development levy so long as it is ring-fenced and we know that it shall come to develop roads for us that shall take the cane back to the factories and develop seed cane for us. People do not have a problem paying taxes. They just have a problem with how those taxes are spent. Even this conversation about the Finance Bill is all about people asking themselves what their assurance is, once they pay this money to the Government.

I want to give an assurance that as a leader in this House, as a leader in one of the three Arms of Government in charge of the legislature, now that the Finance Bill has been passed, the duty is upon us to ensure that every tax that Kenyans pay to this

administration is put to prudent use so that, eventually, we shall to a good extent, win over those Kenyans who have a problem paying taxes simply on account that they do not see it is going to do that which it was meant for. This is a proposal that will find itself in this particular Bill and for which I agree with Sen. Wambua.

Many times, and we have seen these proposals, our counties rely on the national Government in the transfer of functions. When a county, for example, is not able to collect levies for one reason or the other, they are not able to provide a particular service. They surrender it to the national Government.

Sen. Wambua, if and when this Bill is eventually passed and enacted into law, it is possible to strictly follow every letter and spirit of this document and have your own county of Kitui develop and build this practice of mung cultivation to such excellent levels that other counties and the national Government, can transfer the function of developing policy and the practices of mung beans farming to County Government of Kitui so that whatever they use, whatever practices they have learned, applies across the country.

That is what devolution is all about. It should not only be imagined that it is always the counties that surrender to the national Government functions. It is possible for a county government to excel in a particular practice and trade to the point that the national Government actually selects and says Wajir or Marsabit county has excelled so much in the development of livestock and building of the paddocks and developing the framework in that trade to a point that we want to cede even policy development to them. Whatever they do there in Wajir, Marsabit or Kitui, then applies across the country.

That is what we aspire to do as representatives of counties in this House. That is the spirit of devolution and therefore, let us not reduce this conversation about counties. My friends from the Minority side, each and every time want to remind us that they wanted Kshs417 billion. It is not just about money. It is more than money. You can send billions of shillings and we know that we have done this--- We have the capacity to stand up for higher than what they are talking about.

Mr. Temporary Speaker, we are alive to the challenges and the situation that we find ourselves in as a country. I want to challenge my colleagues, all of us in the Senate, to think of ways in which we can spur economic activity in our counties over and above the funds that we devolve to our counties. It is not just about sending resources.

Resources are important, but more important are ideas and policies that will make counties sustainable, over and above, even that which is devolved as a fund. I congratulate Sen. Wambua for this immense and important proposal that he has sent to us.

I have seen the fines that are being proposed on large-scale farmers, especially those that fail to register, and all those challenges that may arise out of it.

I hope that counties will understand and appreciate, that any levy that has been developed or gained to the county from the practice of this particular crop should be ploughed back to it, at least, to a greater extent. It is not possible to do it 100 per cent because there are other services, but at least to a greater extent, see ways in which as a county you can develop trade, train other farmers, and develop a subsidy programme like the national Government is doing with the fertilizer subsidy.

I know people are talking about the cost of food, but you have to appreciate, and one of the things I am happy about is our fertilizer subsidy programme. Those of us who

come from the food-growing regions appreciate that despite the fact that the cost of food is high right now, in the next two or three months, we shall have a bumper harvest. I walk on many farms over the weekends and I see the kind of harvest that we expect this time. I appreciate that this first policy that this administration took, of running through a subsidy programme to our farmers, is beginning to yield fruits.

The second thing which I have seen Sen. Wambua propose is the fact that it is important to register farmers. The new gold, they say, is data. Data is king. Whoever is making decisions that are well-informed by modern, well-kept and updated data makes the most accurate decision. That is why I appreciate the proposal to register these farmers. We have had this conversation about the media and this obsession that they have about negative news in our country.

A genius thing happened Mr. Temporary Speaker, Sir - I do not know if you are aware - that upon the coming into office of this administration, within two months and with the least budget possible, we were able to register farmers across the country. Millions of them are now benefiting from the fertilizer subsidy programme. In fact, previous reports that were found at the Ministry of Agriculture were quoting Kshs5 billion to Kshs10 billion, as the cost to register farmers in the country.

However, in a meeting chaired by the President and his Deputy and the provincial administration were in attendance, chiefs were instructed to go to each village and register people. It is chiefs who know your land size. You cannot claim to have 10 acres in your village while your chief knows very well that you live on five points.

That was the quickest way to get the proper and most accurate data today. It is based on that information, that you book your allocation. The science is there such that those with two acres will need a certain number of bags per acre. So, you apply for fertilizer depending on the size of your land.

This is the kind of modern agricultural practice that is being advocated for in this Bill. I support the fact that there will be registration for farmers. This is the kind of legislation that the House is looking for. I hope we can have more of such legislation in order to help our counties appreciate the important role they play given the fact that agriculture is devolved. They know that there is need to manage agriculture better for better productivity.

The more the country produces, the more it earns, the more levies it collects and the more services it provides. That will improve on the Gross Domestic Product (GDP) as we saw in the last few days. I hope this can be the same.

I challenge Senators that there is something that can be done. Even those that come from the arid areas, up north and other difficult parts of the country, there is at least something they can do and excel to greater levels and earn a living for the people as well. This is what the Senate and devolution is about. I hope we can have more legislation like this one.

With those remarks, I beg to support and congratulate my colleague, Sen. Wambua, for a brilliant and well-thought-out Bill.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Cheruiyot. Sen. Wamatinga, proceed.

Sen. Wamatinga: Thank you, Mr. Temporary Speaker, Sir. I also rise to support this wonderful Bill from the Senator for Kitui County. I pride in sitting in the Committee on Agriculture, Livestock and Fisheries. I have seen the vigour and passion with which

Sen. Wambua has been pushing this Bill and others which will bring changes in the agricultural sector.

As has been said by many, mung beans can be one of the products to ensure Kenya moves closer to attainment of food security. We are all aware that it is not a highly perishable product. That being the case, putting legal frameworks in place, enhancing and encouraging farmers and protecting them so that they are not exploited, can be a move that will ensure Kenyans never again rely on relief food.

Mr. Temporary Speaker, Sir, we know that mung beans is also rich in nutritional value. With discussions of school feeding programmes, mung beans is one of the foods that we can resort to, instead of relying on the traditional beans that have been a challenge to get. The school feeding programme has been done by the Nairobi City County Government and is fast picking momentum in other counties.

On farming, we know that this is a crop that does well in areas that do not have a lot of rainfall and I thank Sen. Wambua for this. However, we need to manage it so that post-harvest wastages can be managed and at the same time, encourage county governments to ensure that as they start school feeding programmes. Other than ugali and maize, the other component should be the mung beans.

Mr. Temporary Speaker, Sir, I thank the Senator for the passion he has expressed so far and for coming up with this wonderful Bill. He is also supporting us as we embark on the Coffee and Tea Bills. After we are done with the Mung Beans Bill, we will start with the Macadamia and Nuts Bill.

The Committee on Agriculture, Livestock and Fisheries is showing commitment. Sen. Wafula, Sen. Wambua and I sit in this Committee, under the able leadership of our Chair, Sen. (Dr.) Murango from Kirinyaga County. We want to be written in the books of history as the Committee that sat down, regardless of party lines and decided that we must make a difference in this country and end the over-exploitation of farmers by laws that only favour a few people.

We have decided that we are going to take this path, as difficult as it may be. At the end of this term, we must write in the books of history that the Committee on Agriculture, Livestock and Fisheries brought record Bills to change the destiny of farmers in this country. We have what it takes. We have the passion and the drive. Most importantly, our Committee is composed of highly competent and passionate Senators, who want to bring change in the history of this country.

Mr. Temporary Speaker, Sir, as I sit, it is important to point out that the Kenya Kwanza Government is committed to ensuring that it puts structures in place, including industries and aggregated processing plants. This will serve to add value. After mung beans have been harvested, the only thing you need to do is sort and package it and it is ready for export and the shelves. We know it has a long shelf life.

I take this opportunity to urge my colleagues, even from the Minority Side, to support what can change the destiny of our people. One of them is this Finance Bill. Once we raise taxes and are able to put money in Government coffers, we will be able to inject more resources. That way, we will be able to develop infrastructure, especially the aggregated county development and processing centres which will be a game-changer.

Thank you.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Wamatinga. Sen. Thang'wa, proceed.

Sen. Thang'wa: Thank you, Mr. Temporary Speaker, Sir, for this opportunity to support this Bill by my good friend, Sen. Wambua.

When I read this Bill, the first thing I asked myself is why just *ndengu*? Why not throw in beans, *njahi*, peas and every other food? I then realised that when you specialise on something, it is not good to mix with other people who are doing different things. I saw it is fit for us to discuss mung beans alone because we have coffee and tea which have their own law. We were discussing cotton the other day but this is the way to go.

Mr. Temporary Speaker, Sir, when I did my research on the issue of *ndengu*, I was asking myself where it comes from. I realised that 95 per cent of *ndengu* comes from Kitui, Makueni, Tharaka Nithi, Machakos, Meru and Embu counties. Therefore, we need this law.

The only problem I have with this law and Sen. Wambua should note that, is the creation of this committee. I do not know whether there is a template because there are many laws that create committees.

I am raising this issue because the creation of committees, without knowing, is the creation of cartels. The moment you create a committee to focus on a market that was free before, then you have given power to a few people to manage a whole group.

What can be done is that county governments have channels, departments, employees and extension officers. They should come up with ways to manage the whole process, rather than the formation of a committee of a few individuals.

The committee says that they need to include somebody who is in this business. The moment you get that person who is doing that business and uplift them above everyone else that is where the cartels begin. Ask those people who are in the coffee industry.

When you form a body that is supposed to do a certain task that was not done before, you give power to people who do not have the business of production or farming at heart, for example, of *ndengu*. They will use that opportunity to form cartels that deters other from growing this crop.

The Bill is tasking the Council of Governors (CoGs) to make sure that counties improve the production. This is good because agriculture is devolved. Kenya being an agricultural nation; the taskforce should be tasked, forced and pushed to make sure they improve on agriculture. However, before they do so they need to do research on where the market is going to be.

Research on other benefits of *ndengu* other than their nutritional value. Maybe, they are also medicinal value and we do not know.

I read that it helps with weight loss and lowering cholesterol. They need to do research. If they do the research and certify this, I believe everybody will go to the shops to buy *ndengu* because it prevents heart diseases and fights cancer.

The article that gave me this information was online. However, is it true? We are asking the county and national governments together with the governors to do research and ascertain these claims so that people will have an idea of what the benefits of *ndengu* are. Of course, it is food but we need to know more.

I had a friend who goes to *uji* joints. He knows all the *uji* joints in Kiambu County. The only reason he goes there is because he was told that if he took that *uji* it would give him some "powers".

Mr. Temporary Speaker, Sir, I do not want to go to that direction. I know you understand what I mean. Maybe, this crop has the same. If you go to Yaya Centre there is a shop just close to the building that sells Chinese products that have *ndengu* juice. I am not promoting the shop.

I hope the Senator for Kitui County is listening to this. Maybe, tomorrow I can go to the shop and bring it for you. I had to buy and drink and it was good.

This is what county governments should do to give value addition to these products. In the budget that was read the other day, every county will benefit with an aggregation centre. This is where farmers will take their produce so that it can have value addition and be packed.

In as much as Sen. Sifuna was saying that we should not talk about the Finance Bill, the aggregations centres would not be available without finances. The finances will not be available without the Bill.

The Senator for Nandi County was right to link in the Finance Bill to the issue of the mung beans. The famers from Kitui, Makueni, Tharaka Nithi and Machakos Counties need markets to sell this produce.

In the budget read by the Cabinet Secretary for the Ministry of National Treasury, 181 markets will be built. We will not have these markets without finances. We will not have finances without the Finance Bill.

We need counties to train these farmers, not only, in the ways of farming and production but also in conservation and how to keep pests such as weevils.

Additionally, when it comes to the promotion of mung beans, I support the Bill. It is a good Bill. I believe we need to copy paste and introduce other cereals when coming up with new laws.

As I conclude, counties are supposed to register the growers. This is a good step towards understanding who farms this product, in what scale, whether it is on a small or a big farm? When the county has data, it will know who they distribute the subsidized fertilizer to. Of course, this is also in the budget and it requires finances from the Finance Bill.

We are telling the Senator for Kitui County, that this Finance Bill will assist farmers we are talking about here. With the data, county governments will know who to give the fertilizer. If you ask them right now, they do not know whether the farmers they give it to have crops or how big their farms are. Everybody is given a sack which is about 50 or 70 Kilograms. However, maybe they have a 50 by 100 farm while another has 10 acres. Therefore, the data will enable them to know who requires what.

My issue was on licensing when I talked of the Committee. If you have a Committee that gives licenses and scrutinizes whose *ndengu* has to go to which market, they will start to grade. There shall be grade a, b and c. The same way they do with coffee. However, if you go to the supermarket, do you ask for grade 'a' coffee? You just buy some and go home.

The best thing is to make sure that we do not form a Committee that comes up with these kinds of regulations that will hinder the purpose of this Bill. Licensing is very important for traders and processors. Its purpose is to control quality and to know who is doing what so that our farmers do not get oppressed.

I have given my contribution.

I and support.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Thang'wa. Proceed, Sen. Kinyua.

Sen. Kinyua: Asante, Bw. Spika wa Muda, kwa kunipa fursa hii. Mwanzo, ninampongeza Sen. Wambua kwa kuleta Mswada huu wa ndengu. Ninampa heko na kongole kwa sababu wakulima wa ndengu walikuwa hawajulikani. Nimewasikiza Maseneta wote walioongea na ni kama hawakufahamu ndengu kwa lugha ya kingereza ni nini.

Kwa hivyo, Sen. Wambua nakupongeza kwa sababu wakulima walioonekana ni wa kahawa, majani chai, mahindi, pareto na pamba. Ninakushukuru kwa kuwapa hadhi wakulima wa ndengu.

Nikiangalia Mswada huu kwa undani, Sen. Wambua amependekeza kuwa ukulima wa ndengu utakuwa kilimo biashara. Mambo yote ambayo yametajwa hapa yanazingatia kuleta gharama nafuu ya ukulima wa ndengu.

Ni vizuri ijulikane wazi kuwa anasisitiza ni mbegu gani zitakazotumiwa. Mbegu za hali ya juu ambazo utafiti umefanywa tayari.

Sen. Wambua anasema ya kwamba ni lazima mbegu ziidhinishwa. Anaendelea kusema vilevile mbolea iangaliwe. Anaendelea kusema hata mchanga katika mashamba ya wakulima unaangaliwe ili kujua ni mchanga upi unaofaa kutumika katika ukuzaji wa ndengu. Hakomei hapo, anaendelea kusema tuwe na mikakati ya kutosha ya kuhakikisha kwekwe zimeangamizwa mashambani. Anaonyeshana vizuri vile hayo mambo yote yanapaswa kufanywa.

Bw. Spika wa Muda, anaendelea kusema kwamba soko ya hawa wakulima wa ndengu inapaswa iangaliwe na ilindwe. Mkulima hutumia wakati wake mwingi kulima shamba lake. Baada ya kulima, wale walaghai ambao huwa katikati ya mkulima na yule ambaye atatumia chakula hiki, anaingilia kati. Unapata ya kwamba mkulima anagandamizwa kwa sababu hata bei anayouza bidhaa yake ni hafifu. Unampata huyu mkulima hawezi hata kujikimu kimaisha.

Bw. Spika wa Muda, nikiuangalia Mswada huu kwa kindani utaona ni Mswada ambao unapendekeza kilimo-biashara. Namshukuru Seneta kwa sababu amezingatia haya mambo. Anaendelea kusema kunapaswa kufanywe utafiti wa kutosha na kujulikane kabisa ni wakulima wangapi wanaokuza mimea hii. Ikiulikana ni wakulima wangapi, itakuwa rahisi sana kujua wakati tunatafuta soko zetu, tunatafuta soko za kiasi gani ya ndengu yetu.

Nilimsilikiza Sen. (Prof.) Kamar akimuuliza maswali mwanafunzi wake, Sen. Wambua; "Itawezekanaje sasa kwa sababu mipaka imefunguliwa, mbegu zikatoka Tanzania na Uganda zikauzwa hapa kwetu Kenya?" Lakini, nikiangalia Mswada huu unavyopendekeza naona kwamba ukulima wetu utakuwa umefanywa kwa bei nafuu. Kwa hivyo, ndengu zozote zikiletwa kutoka nchi jirani, hazitaweza kushindana kwa bei na ndengu zetu. Wanaogiza ndengu kuto nje wataona hii itakuwa kazi bure.

Hana shida yoyote na ndengu ambazo zinatoka nchi ya nje. Lakini anasema tutakuwa tukijua kiasi cha ndengu ambacho tuko nacho. Anaendelea kusema kujulikane wale wanunuzi watakaonunua kwa idadi kubwa ni akina nani.

Sina shaka rohoni yangu kuwa Mswada huu umezingatia mambo mengi. Hata nimemsikia Sen. Thang'wa akiuliza kwa nini hakukuweka maharagwe ya kawaida. Lakini, maharagwe yanajullikana. Nakubaliana na Sen. Wambua kwa kusema hangetaka

kuleta mimea mingine kajadiliwa katika Mswada huu kwa sababu ingeleta vurgu. Yeye alitaka mmea huu wa ndengu uangaziwe pekee yake katika Mswada huu.

Bw. Spika wa Muda, nasimama kuunga mkono Mswada huu. Hili ni jambo nzuri, hasa katika Kaunti ya Laikipia. Tukizangatia mambo haya yote anayopendekeza katika Mswada huu kila kaunti ikiyangalia kwa undani, basi sisi sote tutafaidika. Wakulima wa Kaunti ya Laikipia wanaweza kuwatembelea wakulima wa Kaunti ya Kitui na kuona jinsi wanavyokuza ndengu zao. Mchanga ni upi uko pale katika Kaunti ya Kitui. Sisi katika Kaunti ya Laikipia tuna wanao wanasayansi ambao wanaweza kutushauri kama tunaweza kukuza ndengu.

Wakulima wa ndengu katika Kaunti ya Laikipia watajulikani. Yeye amesema wakulima wa ndengu nchini Kenya haijulikani. Hili litakuwa ni jambo nzuri kwa sisi kusoma kutoka Kaunti ya Kitui.

Ikiwa utaupitisha Mswada huu kuwa sheria utawasaidia wakulima wa ndengu. Sisi wafugaji wa ng'ombe tunaweza tukaiga hii sharia. Sen. Wambua amezungumzia utafiti, hata sisi tunapaswa tufanye utafiti ili tujue ni mbegu gani nzuri ya ndume ambayo tunaweza tukawa nayo. Tufanye utafiti ni chumvi gani inaweza ikatumika katika Kaunti ya Laikipia ili kuongeza mavuno yetu maradufu.

Bw. Spika wa Muda, tukizingatia vile alivyosema Naibu wa Rais na Mhe. Thang'wa ataniunga mkono kwa sababu hili jambo la majani chai na kahawa limekuwa na hawa wakora ambao kazi yao ni kuvuna ambapo hawakupanda. Hili ndilo swala nyeti ambalo najua Sen. Wambua anazingatia ndio tuweze kuondoa hawa *brokers* na *cartels*.

Watu hao, hawana shamba lolote na hawajalima pahali popote, lakini wanafaidika kutoka na jasho la wakulima wa majani chai na kahawa. Hawana chochote wanachokifanya. Kazi yao kubwa ni kukaa na kungoja wakulima wakuze mazao yao na kuwalaghai. Mimi naweza kuwalinganisha na fisi. Kazi yake ni kumfuata mtu anaangalia kama mkono unavyoenda akingoja uanguke. Hawalimi, hawafanyi chochote lakini wao ni kungoja kuwalaghai wakulima kwa sababu hawana mahali pa kuuza mazao yao.

Nashukuru Sen. Wambua kwa sababu ameangazia mambo ya masoko ya ndengu. Sina shaka rohoni yangu kuwa Sen. Wambua alichaguliwa mara ya pili kwa sababu ya kuwatetea wakulima wa ndengu. Mswada huu ukipita, sitaki kusema lakini kwa sababu macho yangu huona mbali pengine Sen. Wambua atakuwa Gavana wa Kaunti ya Kitui. Ni maombi yangu kwa vile Mungu. Mungu si athumani.

Bw. Spika wa Muda, naunga mkono Mswada huu. Namwambia Sen. Wambua, baada ya sisi kupitisha, afuatilie vizuri wale wakulima wa ndengu pale Kaunti ya Kitui, ndiposa wawe funzo kwetu sisi ambao tumetoka sehemu zile zingine ambazo hatukuzi ndengu.

Pengine tunaweza tukatumia Mswada huu kujua ni vipi hata sisi tunaweza tukakuza ndengu na hata mimea mingine katika kaunti zetu, hasa Kaunti ya Laikipia. Tujue tunaweza kutumia sheria hizi tuweze kuwasajili wakulima wetu, kuwapatia mbolea na kuweza kuwatafutia soko ya mimea yetu ili waweze kupata faida kwa mimea ambayo wamepanda.

Bw. Spika wa Muda, nashukuru na ninaunga mkono Mswada.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Okenyuri, please proceed.

Sen. Okenyuri: Mr. Temporary Speaker, Sir, thank you for this opportunity. This is a very interesting time to be alive and listen to such a Bill discussed on the Floor of the

House. When lawmakers come together, they solve challenges facing a country. This evening, we are seeing Sen. Wambua, the Senator for Kitui County, come up with a Bill which is going to address so many other challenges and be part of the issues Kenya is dealing with as a country.

I start by noting that the mung bean is actually a very important type of legume, which is very popular even among the members of the Adventist family, which is the Seventh Day Adventist faithfuls. We are encouraged to partake in this high protein content legume, which, as a plant, has several other benefits. When I check, it contains benefits, which support pregnant mothers, children and lactating mothers. It is a very good opportunity for women across the country once county governments embrace this crop as a cash crop.

Even for the smallholder farmers, it is going to open up so many other avenues for women, young people and children to benefit.

There is a clause where the Senator proposes a committee to be established. I hope that there will be representation of women and young people in that committee.

In registering farmers, the process needs someone who is keen and with attention to detail. I have a radical proposition on that clause. Young people should be given priority in this Bill. This is because when implementing Bills that have been assented to, women and young people are overlooked. The excuse given for this is that the law was silent on the matter.

I have noted that this crop is popular in counties like Embu and Meru. They actually have special names for those projects to motivate people to practice mung bean farming. However, I am sure that in other counties like where I come from, this Bill will open their eyes to embrace this legume so that we do not just get used to bananas, avocados and other long term growing plants. Mung bean takes a short time to grow with very little productivity cost related to it. As a country, most of our citizens are of a low class. This will be an affordable crop for them to plant and participate in improving their lives.

When county governments embrace it fully, we will see an increase in farming of this bean. In turn, we will get huge yields after harvesting the beans. I hope we will look at the post-harvest so that we do not have the beans being destroyed by weevils or other adverse conditions that different regions face.

The Government has prioritised subsidizing fertilizer prices. This has made the fertilizer available to the lowest levels at the different areas where we come from. I am saying that because I also got reports from my own village of farmers who got access to this fertilizer. With such kind of incentives to boost agriculture, we have no reason for people not participating in it because it is the backbone of our economy. This will make it lucrative for the young people.

You have mentioned embracing of current modern technology. This is where most of our young people lie and they will come up with innovation. There will be need of modalities of siphoning such kind of ideas to the different county governments so that we have county governments taking up this project fully.

Registering the farmers who will be farming the mung bean will make it easier to mobilize these farmers into cooperatives. When they do it in their smallholder capacity, sometimes they are not able to apply for loans and other incentives that come with

farming. With such a Bill, we will have a provision that will allow small farmers have SACCOs that will give them access to loan and other existing facilities.

I will be looking forward to young people taking funds from the Youth Fund. The other week, I visited the youth fund and realized that, in some regions, young people do not take up this money. It is money that is given at an affordable rate. Once you have an organized group, you can repay.

I support Sen. Wambua for coming up with such a Bill at this time. The decisions made in this House are matters of life and death. This is a life decision and I commend Sen. Wambua for a well-thought-out proposal.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Veronica Maina, proceed.

Sen. Veronica Maina: Mr. Temporary Speaker, Sir, I first want to thank you for the opportunity to give my contribution in relation to the Bill that has been introduced by Sen. Wambua and to congratulate him for thinking about making a legislation that touches on a crop like the mung bean.

If you look at the categorization of this crop, it is in the category that does not get the attention like tea, coffee, cotton and pyrethrum. For a long time, these crops have been used to feed the nation and they seem to be delegated not to the first level, but to a different level. They do not seem to be the first degree crops that are given the attention and the kind of resource that one would expect to be invested in.

The commitment by the Senator to develop a legislation to support mung beans farmers is highly commendable. We hope that a legislation of this nature will be drafted for other crops in this category. The only concern – I would have wanted the Senator to be here, I see he is still here – is that it is as though the mung bean has been selected within the bean family to gain attention and location that it has found within a specific legislation that regulates the whole environment that is going to deal with this crop.

The proposed Bill is comprehensive. It provides a framework for the coordinated implementation of the national policies and strategies on the development and regulation of the mung bean industry. It is also intended to facilitate and develop a framework to regulate and promote the development of mung bean industry in Kenya in order to make it competitive at the international market. I am asking myself whether the Senator would have considered including the different species of beans within the same Mung Bean Bill in which he would have to amend to title of the Mung Beans Bill to make it the Beans Bill, because there are different categories.

We have other types of beans like *Wairimu and Mwitmania*. These are different kind of beans which are also in this country whose farmers have probably suffered the same fate as those of mung bean. The framework proposed in this Bill is comprehensive because it not only touches on the national Government, but it goes down to the county government. This is important because agriculture is a devolved function. It puts some functions upon the Council of Governors (CoG).

QUORUM

Sen. Okenyuri: Mr. Temporary Speaker, Sir, on a point of order.

The Temporary Speaker (Sen. Wakili Sigei): What is your point of order, Sen. Okenyuri?

Sen. Okenyuri: Mr. Temporary Speaker, Sir, I rise pursuant to Standing Order 41 on quorum during proceedings of the Senate. We do not have the numbers to sustain this engagement.

The Temporary Speaker (Sen. Wakili Sigei): Could the Serjeant-at-Arms ring the bell for three minutes.

(The Quorum Bell was rung)

The Temporary Speaker (Sen. Wakili Sigei): Sen. Veronica Maina, you will have a balance of 16 minutes to continue with your contribution when the House resumes.

ADJOURNMENT

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, there being no quorum and having rung the Quorum Bell pursuant to the provisions of Standing Order No.41(2), the Senate stands adjourned until Tuesday, 27th June, 2023, at 2.30 p.m.

The Senate rose at 6.12 p.m.