



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE SENATE

VOTES AND PROCEEDINGS

THURSDAY, AUGUST 10, 2023 AT 2.30 PM

1. The proceedings were opened with Prayer said by the Speaker.
2. **QUORUM IN THE HOUSE**

The Speaker, having counted the Honourable Senators present at the commencement of the Sitting and confirming that there was no Quorum, caused the Bell to be rung for ten minutes pursuant to Standing Order 40;

And there being a Quorum after the expiry of ten minutes;

The Speaker invited the Clerk to call the Orders of the day.

3. **PETITION**

Pursuant to Standing Order 238 (2), the Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights presented the Report of the Standing Committee on a Petition by the Kipsigis Community Clans Organization regarding historical land injustices against the Kipsigis community.

(The Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

4. **PAPERS**

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

- i.) The Water Services Regulations, Legal Notice No. 168 of 2021.
- ii.) Report of the Auditor General on the financial statement of Kisumu County Emergency Fund for the year ended 30th June, 2023.

(The Senate Majority Whip)

- iii.) Report of the Standing Committee on Justice, Legal Affairs and Human Rights on a Petition to the Senate by the Kipsigis Community Clans Organization regarding historical land injustices against the Kipsigis community.

(The Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

- iv.) Statement on the Business of the Senate for the week commencing Tuesday, 5th September, 2023.

(The Senate Majority Leader)

5. **QUESTIONS AND STATEMENTS**

STATEMENTS

a) Pursuant to Standing Order 52(1)

- i. The Senator for Nyamira County (Sen. Okong'o Mogeni, SC, MP) made a Statement on the tragic death of the Majority Leader of the County Assembly of Nyamira and Member of County Assembly for Nyamaiya Ward, Hon. Elijah Osiemo, in a road accident along the Maai Mahiu-Naivasha highway.

In the Statement, the Senator informed the Senate of the passing on of Hon. Elijah Osiemo, who was lauded as a dedicated public servant who demonstrated unwavering commitment to his constituents and to the advancement of Nyamira County. He conveyed deep condolences to the bereaved family, friends, and his colleagues, by emphasizing the need to reflect on road safety in the wake of the fatal accident that claimed Hon. Osiemo's life and left two other Members of the County Assembly injured.

The Senator concluded by calling for stringent measures against overloading motorbikes and the establishment of emergency medical centres along national highways for prompt medical assistance.

- ii. Nominated Senator (Sen. Catherine Mumma, MP) made a Statement concerning safeguarding the health and rights of adolescents in Kenya.

In the Statement, the Senator highlighted the importance of adolescence in the transition from childhood to adulthood and the need for comprehensive support and protection as it is prone to vulnerabilities. The Senator presented statistics that underscored the challenges faced by adolescents, including sexual and gender-based violence, child pregnancies, HIV infections, and harmful practices like child marriages and female genital mutilation.

The Senator called for a comprehensive approach involving various government sectors and stakeholders to address these issues, such as integrating age-appropriate sex education, establishing a specialized field of adolescent medicine, collecting accurate data on adolescent health, ensuring cost-free healthcare services, and reviewing laws related to defilement and consensual sexual activity among minors, as measures that would reduce the risks posed to teenagers.

In conclusion, the Senator urged the Standing Committee on Health to initiate a national conversation with a view to develop a comprehensive national policy on adolescent health and related rights. She stated that aiming to create a supportive environment that safeguards the well-being of adolescent population in Kenya goes a long way in securing a better future for the country.

b) Pursuant to Standing Order 53(1)

- i.) Nominated Senator (Sen. Veronica Maina, MP) sought a statement from the Standing Committee on Agriculture, Livestock and Fisheries on the storage of food commodities during bumper harvests in the country.
- ii.) Nominated Senator (Sen. Miraj Abdullahi, MP) sought a statement from the Standing Committee on Land, Environment and Natural Resources on the introduction of diving and lifeguard courses at Bandari Maritime Academy and other technical institutions.
- iii.) Nominated Senator (Sen. Betty Montet, MP) on behalf of the Senator for Nairobi City County (Sen. Edwin Sifuna, MP), sought a statement from the Standing Committee on Agriculture, Livestock and Fisheries regarding the planned importation of sugar.
- iv.) Nominated Senator (Sen. Betty Montet, MP) on behalf of the Senator for Nairobi City County (Sen. Edwin Sifuna, MP) sought a statement from the Standing Committee on Energy regarding plans by the Government to hand over the management of the National Oil Corporation of Kenya (NOCK) to a private investor.
- v.) The Senator for Marsabit County (Sen. Mohamed Chute, MP) sought a statement from the Standing Committee on Justice, Legal Affairs and Human Rights regarding the status of inquiries by the Ethics and Anti-Corruption Commission (EACC) in the Arid and Semi-Arid Lands (ASALs) counties of Wajir, Mandera, Marsabit and Samburu.
- vi.) The Senator for Nandi County (Sen. Samson Cherarkey, MP) sought a statement from the Standing Committee on National Security, Defence and Foreign Relations on the recent heightened security incidences in several parts of the country.

- vii.) The Senator for Migori County (Sen. Eddy Oketch, MP) on behalf of the Senator for Machakos County (Sen. Muthama Agnes Kavindu, MP) sought a statement from the Standing Committee on Devolution and Intergovernmental Relations regarding the boundaries of counties in Kenya.

c) Pursuant to Standing Order 56 (1) (a)

The Chairperson, Standing Committee on National Security, Defence and Foreign Relations made a Statement in response to a request for a Statement by the Senator for Kilifi County (Sen. Justice (Rtd.) Stewart Madzayo, CBS, MP) regarding the withdrawal of security personnel attached to the Azimio la Umoja One-Kenya Coalition Party leaders.

The Chairperson informed that Senate that at a meeting with the Cabinet Secretary for Interior and National Administration, the Standing Committee was informed that the principle of national security is to provide for the protection against internal and external threats while upholding constitutional rights, including freedom of association and assembly.

In this respect, the Standing Committee asserted that members of the Azimio la Umoja One-Kenya Coalition Party leaders had engaged in illegal demonstrations resulting in disruption of the economy, damage to property, injuries, and even loss of life. The Chairperson further stated that their security detail was withdrawn due to their involvement in these activities, which conflicts with the mandate of the National Police Service to protect life and property.

d) Pursuant to Standing Order 57

The Senate Majority Leader issued a statement on the Business of the Senate for the week commencing Tuesday, 5th September, 2023.

6. **MOTION – ADOPTION OF THE REPORT OF THE COMMITTEE OF POWERS AND PRIVILEGES ON THE INQUIRY, ON ITS OWN MOTION, INTO THE CONDUCT OF SENATOR GLORIA ORWOBA, MP AND TO ESTABLISH IF THE CONDUCT CONSTITUTED BREACH OF PARLIAMENTARY PRIVILEGE**

Order read;

Motion made and Question proposed;

THAT, the Senate adopts the Report of the Committee of Powers and Privileges on the inquiry, on its own motion, into conduct of Senator Gloria Orwoba, MP and to establish if the conduct constituted breach of Parliamentary Privilege, laid on the Table of the Senate on Wednesday, 9th August, 2023.

(Sen. Shakila Abdalla, MP, a Member of the Committee of Powers and Privileges, on behalf of the Chairperson)

Debate arising;

Rising on a point of order pursuant to Standing Order 110 (1), the Senate Majority Leader claimed to move, that the debate be now adjourned –

Motion made and Question proposed;

THAT, the debate be now adjourned.

(The Senate Majority Leader)

Debate arising;

There being no Senator wishing to contribute;

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

Question put and agreed to.

RESOLVED ACCORDINGLY

THAT, the debate be now adjourned.

7. **QUORUM OF THE SENATE**

Rising on a Point of Order pursuant to Standing Order 41(1), the Senator for Migori County (Sen. Eddy Oketch, MP) drew the attention of the Temporary Speaker (Sen. Wakili Hillary Sigei, MP) to the fact that there was no quorum in the Senate.

And the Temporary Speaker (Sen. Wakili Hillary Sigei, MP) having counted the Senators present and confirmed that there was no quorum in the House, ordered the quorum bell to be rung for ten minutes.

And there being a Quorum at the expiry of ten minutes;

Proceedings of the Senate resumed;

8. **THE PROMPT PAYMENT BILL (SENATE BILLS NO. 8 OF 2022)**

(Sen. Mariam Sheikh Omar, MP)

Order deferred.

9. **THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 16 OF 2023)**

(The Senate Majority Leader)

Order deferred.

10. **THE EQUALIZATION FUND (ADMINISTRATION) BILL (SENATE BILLS NO. 14 OF 2023)**

(The Chairperson, Standing Committee on Finance and Budget)

Order deferred.

11. **COMMITTEE OF THE WHOLE**

THE LEARNERS WITH DISABILITIES BILL (SENATE BILLS NO. 4 OF 2023)

(Sen. (Prof.) Margaret Kamar, MP and Sen. Crystal Asige, MP)

Order deferred.

12. **MOTION - INTEGRATION OF ETHNIC MINORITIES AND MARGINALIZED COMMUNITIES IN KENYA**

Order read;

Motion made and Question proposed;

AWARE THAT, Kenya is a multi-ethnic country with a rich diversity of cultures, languages and traditions;

FURTHER AWARE THAT, ethnic minorities and marginalized communities face significant social, economic and political challenges including discrimination, marginalization and exclusion;

ACKNOWLEDGING THAT Articles 10 (2)b, 21(3), 27, 56, 91(1)(e), 100, 174(e), 177(1) (c),204(3)(b),216(4) and the Fifth Schedule to the Constitution of Kenya obligate the state to promote and protect the welfare of ethnic minorities and marginalized communities;

APPRECIATING THAT, the Government has put in place policies, legal and institutional frameworks including affirmative action programs to address the needs of other special interest groups namely children, persons with disabilities (PWDS), youth, women and the elderly;

CONCERNED THAT, ethnic minorities and marginalized communities remain largely unaddressed through similar interventions due to lack of an existing national policy and legislative framework;

NOW THEREFORE the Senate resolves that the Ministry of Public Service, Gender and Affirmative Action, the National Gender and Equality Commission and any other relevant state departments in collaboration with the Council of Governors: -

- i.) Initiate measures to identify and address the specific needs and challenges faced by ethnic minorities and marginalized communities in Kenya; and

- ii.) Develop and implement national policy and legislative framework for the integration of ethnic minorities and marginalized communities in Kenya as envisaged in the Constitution of Kenya.

(Sen. William Cheptumo, MP - 02.08.23)

Debate interrupted on Wednesday, 2nd August, 2023 resumed;

And there being no other Senator wishing to contribute;

Mover Replied;

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

Question put and agreed to.

RESOLVED ACCORDINGLY

AWARE THAT, Kenya is a multi-ethnic country with a rich diversity of cultures, languages and traditions;

FURTHER AWARE THAT, ethnic minorities and marginalized communities face significant social, economic and political challenges including discrimination, marginalization and exclusion;

ACKNOWLEDGING THAT Articles 10 (2)b, 21(3), 27, 56, 91(1)(e), 100, 174(e), 177(1) (c),204(3)(b),216(4) and the Fifth Schedule to the Constitution of Kenya obligate the state to promote and protect the welfare of ethnic minorities and marginalized communities;

APPRECIATING THAT, the Government has put in place policies, legal and institutional frameworks including affirmative action programs to address the needs of other special interest groups namely children, persons with disabilities (PWDS), youth, women and the elderly;

CONCERNED THAT, ethnic minorities and marginalized communities remain largely unaddressed through similar interventions due to lack of an existing national policy and legislative framework;

NOW THEREFORE the Senate resolves that the Ministry of Public Service, Gender and Affirmative Action, the National Gender and Equality Commission and any other relevant state departments in collaboration with the Council of Governors: -

- i.) Initiate measures to identify and address the specific needs and challenges faced by ethnic minorities and marginalized communities in Kenya; and

- ii.) Develop and implement national policy and legislative framework for the integration of ethnic minorities and marginalized communities in Kenya as envisaged in the Constitution of Kenya.

13. **MOTION – ADJOURNMENT OF THE SENATE**

Order read;

Motion made and Question proposed;

THAT, pursuant to Standing Order 31 (3), the Senate do adjourn until Tuesday, 5th September, 2023.

(Sen. John Methu, MP on behalf of the Senate Majority Leader)

Debate arising;

And there being no other Senator wishing to contribute;

The Temporary Speaker (Sen. Wakili Hillary Sigei, MP) adjourned the Senate at sixteen minutes past Six O'clock without Question put, pursuant to the Standing Orders.

14. **SENATE ROSE** – at sixteen minutes past Six O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Tuesday, September 05, 2023 at 2.30 p.m.*

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