



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – SECOND SESSION**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**THURSDAY, SEPTEMBER 27, 2018 AT 2.30 P.M.**

1. The Senate assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with prayer said by the Speaker.
3. **COMMUNICATIONS FROM THE CHAIR**

The Speaker issued the following communications from the Chair: -

**a) Visiting students and teachers from ACK St. Barnabas Secondary School,  
Uasin Gishu County**

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker Gallery this afternoon, of visiting students and teachers from ACK St. Barnabas Secondary School, Uasin Gishu County.

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

I thank you.”

**b) Visiting former Senator for Uasin Gishu County**

“Honourable Senators,

I would like to acknowledge the presence, in the Speakers Gallery this afternoon, of Senator Issac Melly, immediate former Senator Uasin Gishu County.

In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to him and, on behalf of the Senate and on my own behalf, wish him a fruitful visit.

I thank you.”

#### 4. **PETITIONS**

- a) Pursuant to Standing Order 226 (1) (a) and 230(2)(b) the Speaker reported to the Senate a petition concerning the resettlement of the minority Ngerek Community following their proposed eviction from South Nandi Forest, in Nandi County.

Pursuant to Standing Order 231, the Speaker invited Senators to comment on the Petition and, subsequently, committed the Petition to the Standing Committee on Lands, Environment and Natural Resources for its consideration, pursuant to Standing Order 232 (1).

- b) Pursuant to Standing Order 226 (1) (a) and 230 (2)(b) the Speaker reported to the Senate a petition concerning delayed compensation for land owners affected by the construction of the Eldoret Town By-Pass project in Uasin Gishu County.

Pursuant to Standing Order 231, the Speaker invited Senators to comment on the Petition and, subsequently, committed the Petition to the Standing Committee on Roads and Transportation for its consideration, pursuant to Standing Order 232 (1).

#### 5. **PAPERS LAID**

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

- a) Report of the Auditor-General on the Financial Statements of the Kakamega County Trade Loans Fund for the year ended 30<sup>th</sup> June, 2017.
- b) Report of the Auditor-General on the Financial Statements of the Kakamega County Trade Loan Fund – Mkopo Mashinani for the year ended 30<sup>th</sup> June, 2016.
- c) Report of the Auditor-General on the Financial Statements of the Vihiga County Community Empowerment Fund for the year ended 30<sup>th</sup> June, 2016.  
*(The Senate Majority Leader)*

- d) Report of the Standing Committee on Energy on the consideration of the Petroleum Bill (National Assembly Bills No. 48 of 2017).

*(Sen. Mary Seneta on behalf of the Chairperson, Standing Committee on Energy)*

**6. STATEMENTS****a) Statement Pursuant to Standing Order No. 47 (1)**

The Senator for Murang'a County (Sen. Irungu Kang'ata, MP) issued a statement regarding the danger posed to society by hyper-liberalism jurisprudence of Kenyan Courts.

The Senator informed the Senate that Hyper-liberalism jurisprudence was a concept that centered on the values of individual liberty, equality, economic freedom, limited and democratic government and the rule of law. Under the circumstances, though these values were relevant to human rights, they also tended to compromise on the cultural values of the people.

In the recent past, the Court had made decisions that supported human rights organizations that purportedly fight for the rights of gays to be registered and those that support the lifting of the temporary ban against gay themed movies.

He noted that, Article 165 (3) granted the High Court power to interpret the Constitution. Further, Article 93 (2) vests in Parliament the power for representation saying that it is pursuant to this provision of Article 93 (2) that he was expressing his constituency's deep resentment of the jurisprudence that appeared to suggest "victimless" crimes were redundant under the new constitutional dispensation.

He further gave the following reasons for disagreeing with the jurisprudence-

- i. A vast majority of Kenyans were constantly against gay relationships because it was simply not natural to the African culture. It thus offended the principle of sovereignty as provided by Article 1 of the Constitution. Therefore, for the Court to make decisions that encourage gay relationships is counter – majoritarian;
- ii. That the jurisprudence undermines the rationality that underpins other penal offences, including offences related to unjustified rationale of criminalizing drugs such as marijuana as well as offenses such as bestiality, suicide and incest;
- iii. The jurisprudence also undermines the constitutionally protected institution of the family and the preamble which makes express references to God;
- iv. The jurisprudence further ignores research-driven data which proves the dangers posed by these vices to persons practicing such liberal notions; and
- v. Finally, the jurisprudence undermines the exclusive constitutional role of Parliament as the sole law-making organ of the Government.

He concluded by urging all Senators to be aware of such court rulings and their effect on the religious, societal and moral fabric in the society with a view to ensure that despite the rule of law enshrined in the Constitution, the voice of the majority of Kenyans was heard owing to the representation function of Parliament and that values are upheld.

**b) Statement Pursuant to Standing Order No. 52 (1)**

The Senate Majority Leader issued a statement on the business of the Senate for the week commencing Tuesday, 2<sup>nd</sup> October, 2018.

**7. THE PETROLEUM BILL (NATIONAL ASSEMBLY BILLS NO. 48 OF 2017)**

(The Senate Majority Leader)

Order for Second reading read-

Order deferred.

**8. MOTION - ESTABLISHMENT OF YOUTH POLYTECHNICS IN COUNTIES**

Motion made and Question proposed:

**THAT, AWARE THAT** Youth Polytechnics, also known as Village Polytechnics, are educational institutions that offer primary school leavers opportunities to acquire relevant knowledge especially technical and vocational skills to increase their employability;

**FURTHER AWARE THAT** youth polytechnics provide industrial and entrepreneurial skills training to young people in order to increase employment opportunities, reduce dependency levels and increase self-reliance among the youth;

**RECALLING THAT** in 2005, the Youth Training Department of the then Ministry of Youth Affairs and Sports was established through the Presidential Circular No.1 of 2005, with a mandate of revitalizing the Youth Polytechnics countrywide in order to empower youth through provision of accessible, appropriate and quality training in technical, vocational, industrial, entrepreneurship and life skills;

**COGNIZANT THAT** youth polytechnics are a devolved function;

**PERSUADED THAT** Vocational Education and Training is a critical aspect for a developing economy and that it would contribute towards the realization of the Big Four Agenda;

**CONCERNED THAT**, in Kenya, the number of young people who have completed the primary school education but have not joined secondary schools continues to rise by the day;

**FURTHER CONCERNED THAT** county governments have not prioritized youth polytechnic functions despite the polytechnics' capacity to ultimately contribute to both social and economic development;

**NOW THEREFORE** the Senate calls upon each of the 47 county governments to-

- a) establish youth polytechnics in every location within their respective the areas of jurisdiction and to revamp the already existing youth polytechnics;
- b) to develop a structure/guidelines for sensitizing the youth who have completed their primary school education but have not joined form one to embrace vocational training in order to acquire the necessary skills to join the labour market.

*(Sen. (Prof.) Margaret Kamar, MP)*

Debate arising;

And there being no other Senator wishing to contribute;

Mover replied;

Before the Question was put and pursuant to Standing Order 79 (1) the temporary Speaker (Sen. Judith Pareno) ruled that the Motion affects counties.

Raising a point of order the Senate Majority Leader requested pursuant to Standing Order 61 (3) that putting of Question be deferred to a later date.

And the temporary Speaker (Sen. Judith Pareno) acceding to his request deferred putting of the Question to a later date.

And the time being thirty minutes past Six O'clock, the Temporary Speaker (Sen. (Judith Pareno) adjourned the Senate without Question put, pursuant to the Standing Orders.

9. **SENATE ROSE** – at thirty minutes past Six O'clock.

**M E M O R A N D U M**

*The Speaker will take the Chair on  
Tuesday, October 02, 2018 at 2.30 p.m., Senate Chamber, Parliament Buildings.*