



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE SENATE

VOTES AND PROCEEDINGS

MORNING SITTING

WEDNESDAY, JULY, 26, 2023 AT 9.30 AM

1. The Senate assembled at thirty Minutes past Nine O'clock.
2. The proceedings were opened with Prayer said by the Speaker.
3. **QUORUM IN THE SENATE**

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 at the expiry of ten minutes;

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

4. **COMMUNICATIONS FROM THE CHAIR - VISITING DELEGATION FROM THE KILIFI COUNTY ASSEMBLY**

The Speaker conveyed the following Communication from the Chair: -

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this morning, visiting delegation of Members from the Kilifi County Assembly and their secretariat who are members of the Ad Hoc Committee on the investigation of Shakahola massacre in Adu ward, Kilifi County. The delegation is in the Senate for five (5) days to hold meetings and present their recommendations to their counterparts in the Senate.

I request each Member of the delegation to stand when called out so that you may be acknowledged in the Senate tradition.

NAME**DESIGNATION**

1. Hon. Benson Ngirani	- Vice Chairperson
2. Hon. Mariam Mkumbi	- Member
3. Hon. Emmanuel Changawa	- Member
4. Hon. Paul Kitsao	- Member
5. Hon. Samson Zia	- Member
6. Hon. Ronald Mbura	- Member
7. Ms. Charity Mwambura	- Clerk Assistant II
8. Mr. Shauri Nyule	- Committee Clerk
9. Mr. Harold Sipha	- Serjeant-at-Arms
10. Mr. Justin Amani Karabu	- Senior Research Officer
11. Mr. George Kumbatha	- Director Hansard
12. Ms. Linda Nyamwata	- Legal Counsel

Honourable Senators,

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 engagement.

I thank you.”

5. **QUESTIONS AND STATEMENTS**

QUESTIONS

- i. **Question 018** by the Senator for Turkana County (Sen. James Lomenen, MP) on inaction of the Kenyan Government to hasten the release of the Turkana pastoralists arrested in Uganda to the Cabinet Secretary for Foreign and Diaspora Affairs was deferred in the absence of the Cabinet Secretary.
- ii. **Question 019**, by the Nominated Senator (Sen. George Mbugua, MP) on accessibility of health facilities and services to Persons with Disabilities (PWDs) to the Cabinet Secretary for Health was deferred in the absence of the Cabinet Secretary.
- iii. **Question 020**, by the Nominated Senator (Sen. George Mbugua, MP) on compliance with the Persons with Disabilities Act with regard to the reservation of employment to PWDs to the Cabinet Secretary for Labour and Social Protection was deferred in the absence of the Cabinet Secretary.

6. **MOTION - INCORPORATION OF INTELLIGENT WATER MANAGEMENT SYSTEMS IN BUILDING PLANS FOR SUSTAINABLE LIVING**

Order read;

Motion made and Question proposed;

THAT, AWARE THAT water is an essential yet scarce resource whose demand is increasing rapidly due to population growth, urbanization, and industrialization, and whose wastage has become an issue that needs to be addressed urgently owing to Kenya's vulnerability to climate change;

NOTING THAT there is a growth in the number of buildings coming up to accommodate the rapidly growing population thereby posing a challenge to water management;

APPRECIATING THAT the incorporation of water management systems in building plans include a variety of techniques and technologies such as rainwater harvesting, waste water recycling, low-flow plumbing, and sensor systems that detect leaks and (de)activate water flow when necessary thereby optimizing the use of water by eliminating water overexploitation, waste water management, and pollution;

NOW THEREFORE the Senate urges the Ministry of Lands, Public Works, Housing and Urban Development in coordination with the Council of Governors and the National Environment Management Authority to:

- i. incorporate into the building code and standards a requirement for intelligent water management systems in all building plans; and
- ii. undertake a systematic nation-wide renovation to government-owned buildings to incorporate water management systems.

(Sen. Wahome Wamatinga, MP- 14.06.2023)

Debate interrupted on Thursday, 20th July, 2023 resumed;

And there being no Senator wishing to contribute;

Mover Replied;

Before the Question was put and pursuant to Standing Order 84 (1), the Speaker ruled that the matter did not affect counties.

Question Put and agreed to.

RESOLVED ACCORDINGLY

THAT, AWARE THAT, water is an essential yet scarce resource whose demand is increasing rapidly due to population growth, urbanization, and industrialization, and whose wastage has become an issue that needs to be addressed urgently owing to Kenya's vulnerability to climate change;

NOTING THAT, there is a growth in the number of buildings coming up to accommodate the rapidly growing population thereby posing a challenge to water management;

APPRECIATING THAT, the incorporation of water management systems in building plans include a variety of techniques and technologies such as rainwater harvesting, waste water recycling, low-flow plumbing, and sensor systems that detect leaks and (de)activate water flow when necessary thereby optimizing the use of water by eliminating water overexploitation, waste water management, and pollution;

NOW THEREFORE, the Senate urges the Ministry of Lands, Public Works, Housing and Urban Development in coordination with the Council of Governors and the National Environment Management Authority to:

- i. incorporate into the building code and standards a requirement for intelligent water management systems in all building plans; and
- ii. undertake a systematic nation-wide renovation to government-owned buildings to incorporate water management systems.

7. **MOTION – ACCELERATING THE IMPLEMENTATION OF SUSTAINABLE DEVELOPMENT GOALS (SDGs)**

Order read;

Motion made and Question proposed;

THAT, AWARE THAT, the 2030 agenda for Sustainable Development adopted by all United Nations Member States in 2015 provides a shared global blueprint aimed at ending poverty, protecting the earth's environment and climate and ensuring that people everywhere enjoy peace and prosperity;

APPRECIATING THAT, the implementation of the 2030 agenda for Sustainable Development in Kenya started by the official launch of the Sustainable Development Goals (SDGs) in Kenya in 2016 followed by the development of the Country SDGs roadmap to guide the transition from

Millennium Development Goals to SDGs and the mainstreaming of the SDGs at both the National and County Governments;

CONCERNED THAT, the implementation of the 2030 agenda for sustainable Development in Kenya has been affected negatively by shocks such as continued drought since 2019 in Kenya and around the world, serious invasion by desert locusts, the COVID-19 pandemic and other public health calamities and the current strained state of the Kenyan economy;

NOW THEREFORE, the Senate resolves that the State Department for Economic Planning in consultation with the Council of Governors comes up with reviewed implementation roadmaps for the two levels of Government taking into account the shocks that have impeded or any other that are likely to impede the implementation of the 2030 agenda for Sustainable Development.

(Sen. Catherine Mumma, MP)

Debate arising;

And there being no other Senator wishing to contribute;

Mover Replied;

Before the Question was put and pursuant to Standing Order 84 (1), the Deputy Speaker ruled that the matter did not affect counties.

Question Put and agreed to.

RESOLVED ACCORDINGLY

THAT, AWARE THAT, the 2030 agenda for Sustainable Development adopted by all United Nations Member States in 2015 provides a shared global blueprint aimed at ending poverty, protecting the earth's environment and climate and ensuring that people everywhere enjoy peace and prosperity;

APPRECIATING THAT, the implementation of the 2030 agenda for Sustainable Development in Kenya started by the official launch of the Sustainable Development Goals (SDGs) in Kenya in 2016 followed by the development of the Country SDGs roadmap to guide the transition from Millennium Development Goals to SDGs and the mainstreaming of the SDGs at both the National and County Governments;

CONCERNED THAT, the implementation of the 2030 agenda for sustainable Development in Kenya has been affected negatively by shocks such as continued drought since 2019 in Kenya and around the world, serious invasion by desert locusts, the COVID-19 pandemic and other public health calamities and the current strained state of the Kenyan economy;

NOW, THEREFORE, the Senate resolves that the State Department for Economic Planning in consultation with the Council of Governors comes up with reviewed implementation roadmaps for the two levels of Government taking into account the shocks that have impeded or any other that are likely to impede the implementation of the 2030 agenda for Sustainable Development.

8. **WITHDRAWAL OF A STATEMENT PURSUANT TO STANDING ORDER 102**

Following the Communication from the Chair on Tuesday, 25th July, 2023, in which the Speaker informed the Senate that Sen. Samson Cherarkey, MP, sought the intervention of the Chair, at the Sitting of the Senate on Tuesday, 18th July, 2023, to require Sen. Daniel Maanzo, MP, to substantiate the statement attributed to him that “... *what is happening in Sondu is politically instigated...*”;

The Senator for Makueni County (Sen. Daniel Maanzo, MP) withdrew the said statement attributed to him and apologized to the Senate.

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

(Sen. William Cheptumo, MP)

Order read;

THAT, 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.

Order dropped from the Programme of Senate Business, pursuant to Standing Order 64 (3).

10. **MOTION - DECLARATION OF CATTLE RUSTLING AS A NATIONAL DISASTER AND ESTABLISHMENT OF A SPECIAL FUND FOR VICTIMS**
(Sen. William Cheptumo, MP)

Order read;

THAT, AWARE THAT, cattle rustling is a major menace and security threat in the South and North Rift regions and some other regions of the country;

CONCERNED THAT, the menace has since left irreparable and negative socio-economic impact which include but are not limited to increased number of widows, widowers, orphaned children, poverty, displacement of people leading to Internally Displaced Persons (IDPS), disruption of educational programs and other economic activities owing to the destruction and/or closure of educational, health and other institutions;

FURTHER CONCERNED THAT; the people living in the affected regions have been denied the enjoyment of their social, economic and political rights as guaranteed to them under the Bill of Rights as enshrined in Chapter Four of the Constitution;

NOW THEREFORE, the Senate resolves that the National Government through the Ministry of Interior and National Administration and in collaboration with the Council of Governors:

1. Declares cattle rustling a National Disaster;
2. Establish a National Task force on cattle rustling to:

- (i) Investigate the causes of the rampant cattle rustling in the said region and the Country at large;
 - (ii) Establishes extent of loss and damage the cattle rustling has occasioned to the communities in all the affected Counties;
3. Create a special fund for mitigating the losses suffered by and in compensating all victims of cattle rustling and settle all internally displaced persons occasioned by the menace.

Order dropped from the Programme of Senate Business, pursuant to Standing Order 64 (3).

11. **REPORT OF THE 146TH ASSEMBLY OF THE INTER – PARLIAMENTARY UNION (IPU) AND RELATED MEETINGS HELD IN MANAMA, KINGDOM OF BAHRAIN FROM 11TH TO 15TH MARCH, 2023.**

(Sen. Kathuri Murungi, MP)

Order read;

THAT, the Senate notes the Report of the 146th Assembly of the Inter-Parliamentary Union (IPU) and Related Meetings, held in Manama, Kingdom of Bahrain, from 11th to 15th March, 2023, laid on the Table of the Senate on Tuesday 2nd May, 2023.

Order deferred.

12. **MOTION - ARBITRARY ARRESTS OF KENYAN FISHERMEN BY UGANDAN AUTHORITIES**

(Sen. (Dr.) Oburu Oginga, MP)

Order read;

THAT, AWARE THAT the communities around the lake rely on fishing as their main economic activity, their source of food and employment;

CONCERNED THAT the fishermen have reported harassment from the Ugandan security personnel including arbitrary arrests and imposition of unreasonable fines;

FURTHER CONCERNED THAT in November, 2021 the Kenya International Boundaries office formed a Joint Committee with the Ugandan authorities that did not effectively delineate the boundaries that would have helped avoid conflict between the two Countries;

NOW THEREFORE the Senate resolves that-

- a) the Ministry of Foreign and Diaspora Affairs in collaboration with the Ministry of East African Community (EAC), the ASALs and Regional Development engages the counterpart ministries in the Republic of Uganda to;
 - i) Fast-track the delineation of the Kenya-Uganda boundary;
 - ii) Develop measures to curb the arrests of Kenyan fishermen by Ugandan authorities;
 - iii) Institute a protocol for sustainable development of the Lake Victoria Basin on the sharing of resources between partner states; and
- b) The Ministry of Interior and National Administration to deploy the Kenya Coast Guard in the territorial waters of Lake Victoria to enforce maritime security and safety.

Order dropped from the Programme of Senate Business, pursuant to Standing Order 64 (3).

13. **MOTION - REVIEW OF THE MINIMUM WAGE NECESSITATED BY HIGH COST OF LIVING**

(Sen. Karen Nyamu, MP)

THAT, AWARE THAT minimum wages in Kenya are specified as part of a national wage policy and guided by the Regulation of Wages and Conditions of Employment Act (CAP 229) aimed at reducing poverty as well as protecting and promoting the living standards of workers;

CONCERNED THAT, despite the increase in Kenya's minimum wage in May 2022 by 12% to help workers cope with the surge in consumer prices, the current inflation rates have had a knock-on effect on the cost of living and doing business in the country with the prices of goods, household energy bills, and transport remaining stubbornly high;

NOW THEREFORE the Senate resolves that the Cabinet Secretary for Labour and Social Protection engages all stakeholders including the General Wages Advisory Board (GWAB) and the Agricultural Wages Advisory Board (AWAB) with a view of raising the minimum wage by at least 50% as from 1st May, 2023.

Order dropped from the Programme of Senate Business, pursuant to Standing Order 64 (3).

There being no other business in the Order Paper, the Deputy Speaker adjourned the Senate at fifty-four minutes past Twelve O'clock, without question put, pursuant to the Standing Orders.

13. SENATE ROSE - at fifty-four minutes past Twelve O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Wednesday, July 26, 2023 at 2.30 p.m.*

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