



REPUBLIC OF KENYA
TWELFTH PARLIAMENT - (SECOND SESSION)

THE SENATE

ORDER PAPER
THURSDAY, AUGUST 02, 2018 AT 2.30 PM

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers (as listed in the Appendix)
6. Notices of Motion (as listed in the Appendix)
7. Statements (as listed in the Appendix)
8. **MOTION - REPORT OF THE SELECT COMMITTEE ON THE SOLAI DAM TRAGEDY**
(Chairperson, Select Committee on the Solai Dam Tragedy)

THAT, this House adopts the Report of the Select Committee on the Solai Dam tragedy, laid on the Table of the House on Thursday, 26th July, 2018.

(Resumption of Debate interrupted on Wednesday, 2nd August, 2018)

9. **MOTION - APPROVAL OF SENATORS TO SERVE IN SELECT COMMITTEES**
(The Senate Majority Leader)

THAT, pursuant to standing orders 183, 212 and 213, the Senate approves the nomination of Sen. Rose Nyamunga, MP, to serve in the Standing Committee on Devolution and Intergovernmental Relations in place of Sen. James Orengo, EGH, SC, MP.

10. **MOTION - FLOOD SITUATION IN THE COUNTRY**
(Sen. Fatuma Dullo, MP)

THAT, aware that several days of heavy rains recently have caused severe flooding in many parts of the country, resulting in multiple deaths and devastating damage to property and infrastructure;

...../Motion

NOTING with concern that, whenever Kenya experiences periods of severe drought, torrential rains usually follow;

CONCERNED that year in year out, the challenge of floods continues to recur, leading to loss of human and animal life, displacement of people and wanton destruction of property;

COGNIZANT that the number of Kenyans needing emergency food aid as a result of displacement caused by the current floods continues to rise by the day, and that the floods have also washed away many bridges and destroyed roads in many parts of Kenya;

ALSO CONCERNED that no effective measures, such as improved storm water harvesting, proper drainage infrastructure and preventing the destruction of riparian reserves and natural water courses, to mitigate and/or provide a lasting solution to the menace of flooding, have been taken;

NOW THEREFORE, the Senate calls upon the National Government to develop a lasting framework to permanently address the challenge of effects of floods by, among other things-

- i. developing and enforcing regulations for preventing the obstruction of riparian reserves and natural water courses; and
- ii. preventing and regulating the construction of informal settlements and ensuring prevention of construction on low lying areas and flood plains.

And further that the relevant government agency to execute this task and submits a report to the Senate within three months of the adoption of this Motion.

11. **MOTION - DEVELOPMENT AND IMPLEMENTATION OF A NATIONAL DISASTER RISK FINANCING**

(Sen. George Khaniri, MP)

THAT, WHEREAS Kenya's disaster profile is dominated by droughts, fire, floods, terrorism, diseases and epidemics that disrupt livelihoods, destroy infrastructure, divert planned use of resources, interrupt economic activities and retard development;

FURTHER WHEREAS the government, through its various agencies, is ultimately responsible for disaster reduction, preparedness and management;

COGNIZANT of the fact that government agencies involved in disaster management are usually overwhelmed when called upon to provide response services during disasters and emergencies;

AWARE that the Kenya Red Cross Society Act, Cap 256 of the Laws of Kenya establishes the Kenya Red Cross Society, a sole national Red Cross Society in Kenya, as a voluntary aid society;

RECOGNIZING, the efforts of the Kenya Red Cross Society to provide first-line disaster response services in incidences of disasters and other emergencies across the country;

...../Motion

OBSERVING, the huge financial resources required to finance disaster reduction, preparedness and other emergency services;

NOTING that one of the sources of the Kenya Red Cross Society in financing its operations is through accepting unrestricted contributions and assistance, in any form, from individuals, public authorities and private bodies;

APPRECIATING, the efforts made by the prudent management of funds by the Kenya Red Cross Society;

FURTHER AWARE that emergency fund is a substantial proportionate Vote Head in both the national and county government budgets;

CONCERNED, that the Kenya Red Cross Society has not been allocated a budget from the national and county governments despite the huge contribution in disaster and emergency response across the country;

NOW THEREFORE, the Senate urges the national and county governments to explore collaborative mechanisms for the Kenya Red Cross Society to support and implement a paradigm shift from post disaster response to risk reduction by developing and implementing a national disaster risk financing strategy across all sectors and incorporate it into the national and county development planning and financing processes.

12. **MOTION - REPORT OF THE SENATE DELEGATION TO THE INAUGURAL COMMONWEALTH PARLIAMENTARIANS' FORUM**

(Sen. Moses Kajwang', MP)

THAT, this House notes the Report of the Senate Delegation to the Inaugural Commonwealth Parliamentarians' Forum held at the Westminster Palace, London, United Kingdom from 26th February to 1st March, 2018 laid on the Table of the House on Thursday, 10th May, 2018.

13. **MOTION - IMPROVEMENT OF KENYA'S POSITION IN THE WORLD ECONOMIC FORUM TRAVEL AND TOURISM COMPETITIVENESS INDEX**

(Sen. Ledama Olekina, MP)

THAT, AWARE that the Ministry of Tourism have developed and published the Kenya National Tourism Blueprint 2030 in May 2017;

FURTHER AWARE that Kenya Tourism Agenda 2018 - 2022, launched in April 2018, establishes the foundation for the National Tourism Blueprint 2030 and is the tool for initiating the components of the Blue Print;

ALSO AWARE that the contribution of travel and tourism to Kenyan GDP stood at 9.7 % in 2017, up from the 9.3 % previous year;

COGNIZANT that in the next 10 years every industry will be changed by technology;

ALSO AWARE that Kenya Tourism Board has partnered with Google, Safaricom, Kenya Wildlife Service and Tourism Finance Corporation to create new digital content for local tourism;

...../Motion

CONCERNED that Kenya tourism industry's potential is underutilized;

AWARE that Kenya's position in World Economic Forum's Travel & Tourism Competitiveness Index Ranking is 80 out of 136 in 2017, having improved by 2 points from 2015, while having currently the lowest score in cultural resources and business travel with 1.6 points out of 7;

FURTHER CONCERNED that majority of the solutions proposed by the tourism agenda are brick and mortar type and not addressing the trends; noting that in less than two years, the share of online booking globally has grown from 9% to almost 33% and the lucrative and fast-growing segment of business tourism;

ALSO CONCERNED that Kenya will continue to attract only beach and park type tourists ignoring the large number of conference and business travellers, who largely never leave Nairobi and are offered minimal exposure to Kenya;

NOW THEREFORE, the Senate calls upon the Ministry of Tourism to approach tourism sector with modern innovation and implement tangible, measurable and impactful solutions, resulting in improvement of Kenya's ranking in the World Economic Forum Travel & Tourism Competitiveness Index 2019 by 6 positions and improve the lowest score of cultural resources and business travel by 1 point.

14. **MOTION – PAYMENT OF A ONE-OFF HONORARIUM AND MONTHLY PENSION TO FORMER COUNCILORS**

(Sen. John Kinyua, MP)

THAT AWARE that National Forum of Former Councilors petitioned the Senate regarding the need for legislative interventions to address the plight and welfare of former Councilors;

FURTHER AWARE that the Senate Standing Committee on Labour and Social Welfare considered the Petition and tabled its report on Tuesday, 16th February, 2016;

ACKNOWLEDGING that the Committee's report on the Petition made five recommendations among them that-

1. one-off honorarium of Kshs1.5 Million be paid to former councilors who served a minimum of one term since independence; and
2. monthly pension of at least Kshs30,000 be paid to former councilors.

APPRECIATING that the recommendations were based on the fact that former Councilors did not receive fixed emoluments and experienced disparities with regard to access to pension services and terms and conditions of pension schemes over the years, which made it difficult to fairly and equitably determine each councilor's rightful benefits retrospectively;

CONCERNED that the State Department for Social Services and Security, State Department for Devolution and the National Treasury have to date not implemented the Committee's recommendations on the Petition;

NOW THEREFORE, the Senate calls upon the Principal Secretaries to the said State Departments and the National Treasury to take necessary steps to implement the recommendations contained in the Report.

...../Motion

15. MOTION - REPORT OF THE SENATE DELEGATION TO THE AFRICAN PARLIAMENTARIANS' NETWORK AGAINST CORRUPTION (APNAC) CONFERENCE

(Sen. (Dr.) Isaac Mwaura, MP)

THAT, this House notes the Report of the Senate Delegation to the African Parliamentarians' Network Against Corruption (APNAC) Conference held in Ghana from 17th – 18th March, 2018, laid on the Table of the House on Tuesday, 19th June, 2018.

16. MOTION - ENFORCEMENT OF NATIONAL TRANSPORT AND SAFETY AUTHORITY (OPERATION OF MOTORCYCLE) REGULATIONS, 2015

(Sen. (Arch.) Sylvia Kasanga, MP)

AWARE that the National Transport and Safety Authority (NTSA) is mandated to plan, manage and regulate the road transport system, while ensuring the provision of safe, reliable and efficient road transport services;

FURTHER AWARE that motorcycle transport services have been rapidly embraced throughout the country leading to several challenges including: rise in road accidents involving motorcycle riders, unlawfulness, insecurity and road congestion;

COGNIZANT that the National Transport and Safety Authority (Operation of Motorcycles) Regulations that came into force on January 1, 2016 have not adequately addressed the challenges associated with the high numbers of motorcycles as a mode of transport;

NOW THEREFORE, the Senate resolves that the Ministry of Transport, Infrastructure, Housing, and Urban Development: -identify strategies to enforce the National Transport and Safety Authority (Operation of Motorcycles) Regulations; in collaboration with County Governments, develop programs to sensitize and educate members of boda-boda associations and the public on the laws regulating motorcycle operations; submits a Report to the Senate within ninety(90) days outlining the short and long term strategies, and preventative measures that are being put in place to halt the rising cases of road carnage involving motorcycle riders.

17. MOTION - REPORT OF THE STANDING COMMITTEE ON EDUCATION ON THE 20TH COMMONWEALTH EDUCATION MINISTERS CONFERENCE

(Chairperson, Standing Committee on Education)

THAT, this House notes the Report of the Standing Committee on Education on the 20th Conference of Commonwealth Education Ministers (20CCEM) held in Nadi, Fiji from 19-23 February, 2018, laid on the Table of the House on Thursday, 12th July, 2018.

...../Motion

18. MOTION - REPORT OF THE GLOBAL PARLIAMENTARY CONFERENCE (GPC)
HELD AT THE WORLD BANK HEADQUARTERS

(Sen. (Dr.) Abdullahi Ali, MP)

THAT, this House notes the Report of the proceedings of the Global Parliamentary Conference (GPC), held at the World Bank Headquarters, in Washington DC, United States of America from 16th to 17th April, 2018, laid on the Table of the House on Thursday, 12th July, 2018.

NOTICE

The Senate resolved on 14th February, 2018 as follows:-

THAT, pursuant to Standing Order 100 (1), the Senate resolves that debate on a Motion not sponsored by the Majority or Minority Party or a Committee shall be limited in the following manner:-

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

KEY

******** - Denotes a Majority/Minority Party Bill

******* - Denotes a National Assembly Bill

****** - Denotes a Committee Bill

***** - Denotes any other Bill

APPENDIX1. PAPER

- a) Report of the Senate Delegation to the Conference on Enhancing the Role of Parliamentarians in the Interlinkage between Population Issues and the 2030 Agenda for Sustainable Development held in New Delhi, India from 13th – 15th September, 2017.

(Sen. Fredrick Outa, MP)

2. NOTICES OF MOTION

- a) NOTICE OF MOTION - (Sen. Fredrick Outa, MP)

THAT, this House notes the Report of the Senate Delegation to the Conference on Enhancing the Role of Parliamentarians in the Interlinkage between Population Issues and the 2030 Agenda for Sustainable Development, held in New Delhi, India from 13th – 15th September, 2017, laid on the Table of the House on Thursday, 2nd August, 2018.

- b) ESTABLISHMENT OF MORE YOUTH POLYTECHNICS AT THE COUNTY LEVEL

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

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;

...../Appendix

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.
- c) **ESTABLISHMENT OF AN AD HOC COMMITTEE TO INVESTIGATE THE MAIZE CRISIS IN THE COUNTRY**
(Sen. (Prof.) Margaret Kamar, MP) and (Sen. Moses Wetang'ula, MP)

WHEREAS maize is Kenya's staple food whose demand and supply is monitored by the government through the Strategic Grain Reserves;

AND WHEREAS that Kenya has been experiencing maize shortage mainly due to the high cost of production, the effects of climate change and poor management of the Strategic Grain Reserves;

NOTING that maize farmers have called to question the efficiency and capacity of the National Cereals and Produce Board (NCPB), which is the institution mandated to buy maize from farmers to continuously replenish the strategic reserves, to effectively handle and manage maize produce, forcing small-scale farmers to sell their produce to unscrupulous traders at very low prices;

COGNIZANT that the NCPB has on many occasions declined to buy maize from farmers, claiming that its stores are full to capacity, and failed to pay the farmers whose produce it has received, thereby exposing them to severe financial problems;

CONCERNED that although the Government has committed to supporting maize farming in Kenya in order to ensure Kenya's food security, little has been done to improve the efficiency of NCPB and protect the maize farmers from exploitation;

AWARE that the Government, during periods of maize shortage, grants waivers to enable importation of maize duty-free;

CONCERNED that the last duty-free window which was scheduled to terminate in October, 2017 was not terminated and that deliveries continued until late December, 2017 leading to overstocking of most NCPB stores with no clarity as to where the maize deliveries came from;

...../Appendix

CONCERNED that failure to properly manage the maize situation in Kenya could lead to disillusionment of farmers, famine, civil strife and economic sabotage;

NOW THEREFORE, the Senate resolves to establish an *Ad Hoc* Committee to inquire into the maize crisis in the country and report to the Senate within sixty (60) days after the adoption of this Motion on-

- i) why farmers who have delivered their produce to NCPB have not been paid to date;
- ii) the quantity of duty-free maize imported into the country during the duty-free window which was to end in October, 2017 and why the period was extended;
- iii) the challenges facing the maize farmers and the NCPB and make recommendations on how to resolve the challenges;
- iv) the maize received by the NCPB for the 2017/18 season, to establish the suppliers; and
- v) the criteria for identification of millers and business persons involved in the importation of maize to the country.

AND FURTHER that the following Senators be members of the *Ad Hoc* Committee-

1. Sen. (Prof.) Margaret Kamar, EGH, MP;
2. Sen. Moses Wetang'ula, EGH, MP;
3. Sen. Samson Cherarkey, MP;
4. Sen. (Dr.) Christopher Langat, MP;
5. Sen. Petronila Were Lokorio, MP;
6. Sen. (Dr.) Michael Mbito, MP; and
7. Sen. Boniface Kabaka, MP.

3. STATEMENTS

a) PURSUANT TO STANDING ORDER NO. 46 (2)(A)

Nominated Senator (Sen. (Dr.) Getrude Musuruve, MP) to make a statement on the state of maternal health care in the country.

b) STATEMENT PURSUANT TO STANDING ORDER NO. 46 (2)(C)

The Senate Majority Leader to issue a statement on the business of the Senate for the week commencing Tuesday, 7th August, 2018.

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