



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (THIRD SESSION)

THE SENATE

ORDER PAPER

THURSDAY, NOVEMBER 14, 2019 AT 2:30 P.M.

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Statements (as listed in the Appendix)
8. **MOTION –REPORTS OF THE PARLIAMENT OF KENYA DELEGATION TO THE GLOBAL SUMMIT ON OPEN GOVERNANCE PARTNERSHIP**
(Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

THAT, this House notes the Reports of the Parliament of Kenya Delegation on the Global Open Governance Partnership Summits held in Tbilisi, Georgia, from 17th to 19th July, 2018, laid on the Table of the House on Wednesday, 20th February, 2019, and in Ottawa, Canada, from 29th to 30th May, 2019, laid on the Table of the House on Thursday, 11th July, 2019.

9. **MOTION - REPORT ON THE THIRD STATUTORY MEETING OF THE COMMITTEE ON ECONOMIC DEVELOPMENT, REGIONAL INTEGRATION AND NATURAL RESOURCES OF THE FORUM OF PARLIAMENTS OF THE INTERNATIONAL CONFERENCE OF THE GREAT LAKES REGION (FP-ICGLR)**
(Sen. Samuel Poghio, MP)

THAT, this House notes the Report on the 3rd Statutory Meeting of the Committee on Economic Development, Regional Integration and Natural Resources of the Forum of Parliaments of the International Conference of the Great Lakes Region (FP-ICGLR) held in Bujumbura, Burundi, from 13th to 14th March, 2019, laid on the Table of the House on Tuesday, 21st May, 2019.

...../Motion

10. **MOTION - REPORTS OF THE SIXTH ORDINARY SESSION OF THE FOURTH PAN-
AFRICAN PARLIAMENT AND THE FIRST ORDINARY SESSION OF THE FIFTH
PARLIAMENT OF THE PAN-AFRICAN PARLIAMENT**

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

THAT, this House notes the Reports of the Sixth Ordinary Session of the Fourth Pan- African Parliament held in Midrand, South Africa, from 7th to 18th May, 2018, laid on the Table of the House on Tuesday, 24th July, 2018; and, the First Ordinary Session of the Fifth Parliament of the Pan African Parliament held in Kigali, Rwanda, from 18th October to 3rd November, 2018, laid on the Table of the House on Tuesday, 12th March, 2019.

11. **MOTION- REPORTS OF THE PARLIAMENT OF KENYA DELEGATION TO THE
ASSEMBLIES OF THE INTER-PARLIAMENTARY UNION (IPU) AND RELATED
MEETINGS.**

(Sen. Susan Kihika, MP)

THAT, the Senate notes the reports of the Parliament of Kenya Delegation to the 139th Assembly of the Inter-Parliamentary Union (IPU) and related meetings held in Geneva, Switzerland from 14th to 18th October, 2018, laid on the Table of the Senate on Thursday, 6th December, 2018, and the 140th Assembly of the Inter-Parliamentary Union (IPU) and related meetings held in Doha, State of Qatar from 6th to 10th April, 2019, laid on the Table of the Senate on Tuesday, 23rd July, 2019.

12. **MOTION – REPORT OF THE PARLIAMENT OF KENYA DELEGATION TO THE
UNITED NATIONS CONFERENCE ON CLIMATE CHANGE (COP 24).**

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

THAT, the Senate notes the Report of the Parliament of Kenya Delegation to the United Nations Conference on Climate Change (COP 24) held in Katowice, Poland, from 3rd to 14th December, 2018, laid on the Table of the Senate on Thursday, 25th July, 2019.

13. **MOTION - REPORT ON THE 8TH WORLD WATER CONFERENCE**

(Chairperson, Standing Committee on Land, Environment and Natural Resources)

THAT, the Senate notes the Report of the Standing Committee on Land, Environment and Natural Resources on the 8th World Water Conference held in Brasilia, Brazil from 18th to 23rd March, 2018.

14. **MOTION - REPORT ON THE 14TH ANNUAL GENERAL MEETING (AGM) OF THE
INTERGOVERNMENTAL FORUM ON MINING, MINERALS, METALS AND
SUSTAINABLE DEVELOPMENT ON MODERN MINING LAW AND POLICY**

(Chairperson, Standing Committee on Land, Environment and Natural Resources)

THAT, the Senate notes the Report of the Standing Committee on Land, Environment and Natural Resources on the 14th Annual General Meeting (AGM) of the Intergovernmental Forum on Mining, Minerals, Metals and Sustainable Development on Modern Mining Law and Policy held in Geneva, Switzerland from 16th to 18th October, 2018.

...../Motion

15. **MOTION - REPORT ON THE 18TH MEETING OF THE CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA (CITES) CONFERENCE OF PARTIES (COP 18)**

(Chairperson, Standing Committee on Land, Environment and Natural Resources)

THAT, the Senate notes the Report of the Standing Committee on Land, Environment and Natural Resources on the 18th Meeting of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) Conference of Parties (CoP 18) held in Geneva, Switzerland from 17th to 28th August, 2019.

16. **MOTION - REPORT ON THE 64TH COMMONWEALTH PARLIAMENTARY CONFERENCE**

(Sen. Mohamed Faki, MP)

THAT, the Senate notes the Report of the Parliament of Kenya Delegation to the 64th Commonwealth Parliamentary Conference (CPC) held in Kampala, Uganda from 22nd to 29th September, 2019.

17. **MOTION - REPORT ON THE 12TH SESSION OF THE CONFERENCE OF PARTIES TO THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES**

(Chairperson, Standing Committee on Labour and Social Welfare)

THAT, the Senate notes the Report of the Standing Committee on Labour and Social Welfare on the 12th Session of the Conference of Parties to the Convention on the Rights of Persons with Disabilities held at the United Nations Headquarters in New York, USA from 11th to 13th June, 2019.

18. **MOTION - EXERCISE BY THE DEPUTY COUNTY GOVERNORS OF THE POWERS AND FUNCTIONS VESTED IN THE OFFICE OF THE COUNTY GOVERNOR IN THE ABSENCE OF THE SUBSTANTIVE HOLDER OF THE OFFICE**

(Sen. Ledama Olekina, MP)

THAT, COGNIZANT THAT, Article 179(4) of the Constitution designates the County Governor and the Deputy County Governor as the chief executive and deputy chief executive of the County, respectively;

FURTHER COGNIZANT THAT, pursuant to Article 180(6) of the Constitution, a County Governor and Deputy County Governor are elected on a joint ticket, with Article 179(5) providing that, whenever the County Governor is absent, the Deputy County Governor shall act as the County Governor;

AWARE THAT, in several Counties, Deputy County Governors have had to serve as County Governors due to the absence of the substantive County Governors, arising from ill health, incapacity or orders emanating from the Courts barring the substantive Governor from accessing office;

ACKNOWLEDGING THAT, section 32(4) of the County Governments Act places limitations on the exercise, by the Deputy County Governor while acting as Governor, of the powers to nominate, appoint or dismiss that are assigned to the Governor under the Constitution or other written law;

...../Motion

NOTING THAT, other than the said limitations under section 32(4) of the County Governments Act, no other restraints are placed in law on the exercise, by the Deputy County Governor, of the powers and functions of the Governor whenever the Governor is absent;

AWARE THAT, in exercising the powers and functions of County Governor pursuant to Article 179(5) of the Constitution, Deputy County Governors face a myriad of legal, operational and administrative challenges, which hinder the effective functioning of county governments and the efficient delivery of services to the public;

NOW THEREFORE, the Senate directs that the National Treasury, the Controller of Budget, the Auditor General, and the respective County Assemblies and County Executive Committee Members, to work directly with the Deputy County Governor, while exercising the functions of County Governor, in order to facilitate the effective functioning of county governments and the efficient delivery of services to the public.

***(Resumption of debate interrupted on Tuesday, 12th November, 2019)
(Balance of time – 2 hours 20 minutes)***

NOTICE

The Senate resolved on 13th February, 2019 as follows:-

THAT, pursuant to Standing Order 106 (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

APPENDIX

STATEMENTS

(i) Pursuant to Standing Order 48(1)

- a) The Senator for Machakos County (Sen. Boniface Kabaka, MP) to seek a statement from the Standing Committee on Land, Environment and Natural Resources regarding land grabbing cases in Nairobi City County.
- b) The Senator for Wajir County (Sen. (Dr.) Abdullahi Ali, MP) to seek a statement from the Standing Committee on Finance and Budget on the status of funds donated to counties by the Danish International Development Agency (DANIDA).

(ii) Pursuant to Standing Order 51(1)(b)

- a) The Chairperson, Standing Committee on Finance and Budget to issue a statement relating to the activities of the Committee;
- b) The Chairperson, Standing Committee on Information and Technology to issue a statement relating to the activities of the Committee;
- c) The Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights to issue a statement relating to the activities of the Committee; and
- d) The Chairperson, Standing Committee on Labour and Social Welfare to issue a statement relating to the activities of the Committee.

(iii) Pursuant to Standing Order 52(1)

The Senate Majority Leader to issue a statement on the business of the Senate for the week commencing Tuesday, 19th November, 2019.
