



REPUBLIC OF KENYA

**TWELFTH PARLIAMENT – (FOURTH SESSION)**

**THE SENATE**

**VOTES AND PROCEEDINGS (MORNING SITTING)**

**TUESDAY, JUNE 23, 2020 AT 10:00 AM**

1. The Senate assembled at Ten O'clock.
2. The proceedings were opened with Prayer said by the Speaker.
3. **COMMUNICATION FROM THE CHAIR - CONSIDERATION OF THE REPORT OF THE STANDING COMMITTEE ON JUSTICE, LEGAL AFFAIRS AND HUMAN RIGHTS ON NOMINATION OF HON. RACHEL AMESO AMOLO FOR APPOINTMENT AS A NON-MEMBER OF PARLIAMENT COMMISSIONER TO THE PARLIAMENTARY SERVICE COMMISSION.**

“Honourable Senators,

On Tuesday, 16<sup>th</sup> June, 2020, the Vice-Chairperson of the Standing Committee on Justice, Legal Affairs and Human Rights laid on the Table of the Senate the Report of the Committee on the nomination of Hon. Rachel Ameso Amolo for appointment as a non-Member of Parliament Commissioner to the Parliamentary Service Commission.

The tabling of the report was done in fulfilment of Section 8 of the Public Appointments (Parliamentary Approval) Act and Standing Order 71(1) and (3) of the Senate, following the submission to the Senate, by the Parliamentary Service Commission, of its Report on the appointment of a Commissioner under Article 127(2)(d) of the Constitution, and Section 9 of the Parliamentary Service Act, on Tuesday, 2<sup>nd</sup> June, 2020.

Honourable Senators,

After the tabling of the report the Vice-Chairperson gave Notice of adoption of the Report in the following terms –

*“THAT, the Senate adopts the Report of the **Standing** Committee on Justice, Legal Affairs and Human Rights, on the approval of Hon. Rachel Ameso Amollo, for appointment as a non-Member of Parliament Commissioner to the Parliamentary Service Commission, laid on the table of the Senate on Tuesday, 16<sup>th</sup> June, 2020, pursuant to Standing Order 71, and that pursuant to Article 127(2)(d) of the Constitution and Section 9(2) of the Parliamentary Service Act,*

*approves the appointment of Hon. Rachel Ameso Amollo, as a Member of the Parliamentary Service Commission”.*

Honourable Senators,

By a letter dated 22<sup>nd</sup> June, 2020, Sen. Mutula Kilonzo Junior, MP, who is a Member of the Standing Committee on Justice, Legal Affairs and Human Rights, brought to my attention an error in the Notice of Motion issued as aforesaid, whereby the Notice of Motion given and the recommendation in the Report of the Standing Committee were not congruent. The Senator explained that the error in the Notice of Motion arose from reliance on documents which had been prepared beforehand by the Standing Committee in readiness for laying of the Report, but which the Standing Committee had not made its final determination on. The Senator concluded by seeking the Speaker’s approval for the Motion be “*moved in an amended form*”.

Upon verification of the claim by Sen. Mutula Kilonzo Junior, MP, the Standing Committee, at page 21 of its Report, recommends that “*the Senate does not approve the appointment of Hon. Rachel Ameso Amolo to the position of member of the Parliamentary Service Commission, under Article 127(2)(d) of the Constitution*”. As such therefore, it is clear that the Notice of Motion given on Tuesday, 16<sup>th</sup> June, 2020, by the Standing Committee, for consideration and determination by the Senate and the Standing Committee recommendation contained in the Report, are at cross purposes.

This is a situation that needs to be remedied before we proceed with the Motion on the Standing Committee Report.

Honourable Senators,

Having considered the matters raised by Sen. Mutula Junior, MP and the totality of the circumstances, I have granted approval, pursuant to Standing Order No. 1, as read together with Standing Order 55, for a new Notice of Motion to be given in the terms set out in the Supplementary Order Paper, to correct the anomaly, and that upon the new Notice of Motion being given, the earlier Notice of Motion stands withdrawn, within the meaning of Standing Order 56.

I thank you”.

#### 4. **PETITION**

Pursuant to Standing Order 230(2) (b), the Speaker reported to the Senate that a Petition had been received from Rendille and Samburu Community Representatives concerning the acquisition of Karare Land in Marsabit County, by the Kenya Defence Forces.

Pursuant to Standing Order 231, the Speaker invited Senators to comment on the Petition and subsequently, committed the Petition to the Standing Committee on Land, Environment and Natural Resources, pursuant to Standing Order 232.

#### 5. **PAPER**

The following Paper was laid on the Table of the Senate-

The National Government Budget Implementation Review Report for the First Nine Months of Financial Year 2019/2020.

*(The Deputy Senate Majority Leader)*

6. **NOTICE OF MOTION - ADOPTION OF REPORT OF THE STANDING COMMITTEE ON JUSTICE, LEGAL AFFAIRS AND HUMAN RIGHTS ON THE NOMINATION OF HON. RACHEL AMESO AMOLO FOR APPOINTMENT AS A NON-MEMBER OF PARLIAMENT COMMISSIONER TO THE PARLIAMENTARY SERVICE COMMISSION**

*(The Deputy Senate Majority Leader)*

THAT, taking into consideration the recommendation of the Standing Committee on Justice, Legal Affairs and Human Rights, in its Report on the proposed appointment of Hon. Rachel Ameso Amolo as a Member of the Parliamentary Service Commission, laid on the Table of the Senate on Tuesday, 16<sup>th</sup> June, 2020, pursuant to Standing Order 71, and cognizant of the provisions of Article 127(2)(d) of the Constitution, Section 9 of the Parliamentary Service Act and Sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, 2011, the Senate **rejects** the proposed appointment of Hon. Rachel Ameso Amolo as a non-Member of Parliament Commissioner to the Parliamentary Service Commission.

7. **STATEMENTS**

**a) Statements pursuant to Standing Order 47(1)**

- i. Nominated Senator (Sen. Petronilla Lokorio Were, MP) made a statement on behalf of the Senator for Trans Nzoia County (Sen. Michael Mbito, MP) on biodiversity protection as key in realization of food security.

Thereupon, the Senator stated that ecosystems of our planet produce a wealth of nourishing food as result of biodiversity. In order to achieve human development, food security would be among the key ingredients that are vital in driving the growth of our workforce. For this reason, she said that there is need to start rethinking the way we use biodiversity in order for it to feed us.

The Senator also averred that, the need to feed the increasing population has made intensive farming the most practical action to take by many governments. This has led to farming and encroachment into biodiversity important areas and sensitive habitats. Competition between food crops and wild biodiversity as well as loss of indigenous crop diversity has been brought about as people seek to grow high value crops that give fast short-term cash gains.

The Senator further stated that, Kenya's economy is highly dependent on natural resources, meaning that recurrent droughts, erratic rainfall patterns and floods continue to negatively impact livelihoods and community assets. For this reason, there is need to sustainably manage the environment and the natural resources in Kenya. She concluded by stating that it is about time to enact policies that will control poaching, overfishing and over-harvesting which contribute greatly to the loss of biodiversity.

- ii. The Senator for Marsabit County (Sen. Eng. Hargura Godana, MP) made a statement regarding the insecurity in Marsabit County.

Thereupon, the Senator informed the Senate that there has been a serious escalation of attacks and loss of lives mainly between North Horr and Saku Constituencies since September, 2018. There have also been attacks on the Kenyan-Ethiopian border at Forolle and Elledimtu areas.

Further, the Senator said that conflict in Marsabit has been recurring between the different communities. Recently, in the month of June, 2020 conflict occurred between the residents of Moyale Constituency and Wajir County. In this conflict, at least 10 lives were lost and about 400 camels were stolen. The leadership of Wajir and Marsabit Counties made efforts to contain the situation.

The Senator also informed the Senate that in the same month of June, 2020 four (4) youths from Rendille community from Songa were ambushed and killed in cold blood while returning from Marsabit town.

The Senator further informed the Senate that the National Government had disarmed the Kenya Police Reservists who were the only source of security for the Songa community sometimes in the year 2019 without disarming illegal gun holders thus creating more insecurity. In this regard, he urged the Cabinet Secretary, Ministry of Interior and Coordination of National Government to re-arm the Kenya Police Reservists who were patrolling between Songa and Badassa and those between Hulahula and Marsabit Towns.

The Senator thanked the Marsabit Inter-faith Forum for their effort to resolve the said conflicts. Further, the Senator emphasized on the need for the National Government to investigate these incidences and arrest the culprits.

- iii. Nominated Senator (Sen. Naomi Masitsa Shiyonga, MP) made a Statement regarding the brutalization of Ms. Mercy Cherono by police officers in Kuresoi South, Nakuru County.

Thereupon, the Senator informed the House that Ms. Cherono was dragged in Olenguruone for more than 200 meters by police officers and as a result of this incident, she sustained a broken leg, head and soft tissue injuries before she was rescued by members of the public and rushed to Olenguruone sub-county Hospital for treatment. The Senator stated that it was of great necessity that justice prevails for Ms. Cherono.

The Senator also averred that citizens across the Nation have been suffering at the hands of police officers and in Nakuru County alone, more than 8 cases of police brutality had been reported.

The Senator urged the National Police Service Commission (NPSC) and the Independent Police Oversight Authority (IPOA) to investigate this matter and to ensure that the perpetrators are brought to book.

- iv. Nominated Senator (Sen. Petronilla Lokorio Were, MP), on behalf of Sen. Michael Mbiti, MP, made a Statement on exploring new thinking to reap from Technical and Vocational and Education Training (TVET).

Thereupon, the Senator informed the Senate that in the recent selection for Colleges and Universities, among the 2019 KCSE candidates who scored C plus and above, hence qualifying to enroll for university degrees, 2,632 chose to join TVETs for technical diploma courses which is laudable.

The Senator also stated that the “United Nations Sustainable Development Agenda 2030” identifies TVET as key action area in pursuit of the Sustainable Development Goal of education and that of decent work and economic growth.

The Senator also informed the Senate that, for TVET to be effective, governments ought to renovate and reinvent to ensure an enabling environment nationwide. This would call for review of the TVET policies for quality assurance and better management. She said that innovation is key followed by proper values and attitudes aligned to the national ethos. Additionally, this can be achieved by educating the public on the benefits of TVETs as compared to the general education.

The Senator further informed the House that a robust system at the national level to set criteria for management of quality of courses such as evidence based TVET Quality assurance Management System to ensure employees, apprentices or trainees in enterprises and TVET institutions have the right awareness, skills, knowledge and attitudes is vital. She added that technology can also be employed to deliver TVET to more people as virtual platforms become globally available in this era of the new normal.

**b) Statement pursuant to Standing Order 51(1)(a)**

The Chairperson, Ad-Hoc Committee on the COVID-19 situation in Kenya issued a Statement on matters for which the committee is responsible for.

And the time being thirty-five minutes past Twelve O'clock, the Speaker interrupted the proceedings and adjourned the Senate Pursuant to Standing Order 31 (2).

8. **SENATE ROSE** – at thirty-five Minutes past Twelve O'clock.

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

*The Speaker will take the Chair on  
Tuesday, June 23, 2020 at 2:30 p.m.*