



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT – (SECOND SESSION)**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**THURSDAY, MARCH 30, 2023 AT 2.30 PM**

1. The Senate assembled at thirty Minutes past Two O'clock.
2. The proceedings were opened with Prayer said by the Deputy Speaker.

3. **QUORUM IN THE HOUSE**

The Deputy 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 pursuant to Standing Order 40;

And there being a Quorum after the expiry of five minutes;

The Deputy Speaker invited the Clerk to call the Orders of the day.

4. **COMMUNICATIONS FROM THE CHAIR**

The Deputy Speaker conveyed the following Communications from the Chair: -

**a) Visiting Delegation From the Parliament of Uganda**

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, a visiting delegation from the Parliament of Uganda. The delegation comprises Parliamentary Officers who are on a benchmarking visit.

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

- |                                 |  |
|---------------------------------|--|
| 1. Ms. Sitna Chemisto Cherotich | General Counsel (Leader of Delegation) |
| 2. Mr. Solomon Kirunda          | Director Litigation                    |

- |                            |  |
|----------------------------|--|
| 3. Dr. Robert Tumukwasibwe | Assistant Director, Table Office                           |
| 4. Mr. Adilo Daniel        | Assistant Director, Human<br>Resource                      |
| 5. Ms. Irene Mirembe       | Senior Administrative Assistant,<br>Office of the Clerk    |
| 6. Mr. Ambangira Joshua    | Human Resource Officer                                     |
| 7. Mr. Businga Police Fred | Principal Administrative<br>Secretary, Office of the Clerk |

Honourable Senators,

On behalf of the Senate and on my own behalf, I extend a warm welcome and wish you a fruitful visit.

I thank you”

**b)The demise of Hon. Kulow Maalim Hassan, MP, Member for Banissa Constituency**

“Honourable Senators,

It is with deep sorrow that I notify you of the untimely demise of the Member of the National Assembly for Banissa Constituency, the Hon. Kulow Maalim Hassan, MP, that happened on Wednesday, 29<sup>th</sup> March, 2023 after being involved in a road accident on Saturday, 25<sup>th</sup> March, 2023 near *the Al-Huda Mosque*, in South “B” Estate, Nairobi.

Honourable Senators,

The Late Hon. Hassan Kulow Naalim was born in Mandera County. He held a Masters of Science Degree in Development Studies and a Bachelors Degree in Education, both from Kenyatta University and a Diploma in Education from Siriba Teachers College. The departed colleague studied for the Kenya Advanced Certificate of Education (K.A.C.E.) at Mandera High School, where he also sat for his Ordinary Level (0-Level) education.

He was an accomplished teacher and after graduating from Siriba Teachers College, he taught at Wajir High School before proceeding to Sheikh Ali School in Rhamu, Mandera County, where he also served as the Deputy Principal. Thereafter, he moved to Kigari Teachers College as a lecturer until 1992 when he changed careers and became the Project Coordinator at the Arid Regional Integrated Agency until 1993.

Honourable Senators,

Until his premature demise, the Late Hon. Kulow was serving his second Term in Parliament. He was first elected as the Member for Banissa Constituency in 2017 on the Economic Freedom Party (EFP) and earned a re-election to the 13th

Parliament in August 2022 under the sponsorship of the United Democratic Movement (UDM) Party. The late Hon Member will be remembered as a dedicated legislator in the National Assembly who served in the Departmental Committee on Trade, Industry and Cooperatives and the Public Accounts Committee. In the 12<sup>th</sup> Parliament, the Late Hon. Kulow served in the Departmental Committee on Transport, Public Works and Housing.

Honourable Senators,

In accordance with the Islamic tradition, the body of our departed colleague was buried at 1.45 pm yesterday, Wednesday 29<sup>th</sup> March, 2023 at the Muslim Cemetery in Lang'ata which was preceded by *Janaza* Prayers at *Masjid Noor* Mosque in South 'C', Nairobi.

On behalf of all Senators and the entire staff of the Senate, and indeed on my own behalf, I wish to take this opportunity to condole with the family of Hon. Kulow Maalim, Members of the National Assembly, the people of Banissa Constituency, and all his friends in this most difficult time. The Parliament of Kenya and the nation at large has indeed lost a diligent leader

Honourable Senators,

In honour of our departed colleague, I request that in the usual tradition we all stand and observe a moment of silence.

May the soul of the Late Hon. Kulow Maalim Hassan rest in Jannah.”

## 5. **PAPERS LAID**

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

- i.) Report of the Standing Committee on Agriculture, Livestock and Fisheries on the consideration of the Mung Bean Bill, (Senate Bills No. 13 of 2022)

*(Sen. Wahome Wamatinga, MP on behalf of the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)*

- ii.) Report of the Standing Committee on Labour and Social Welfare on the consideration of the Employment (Amendment) Bill, (Senate Bills No. 11 of 2022)

*(The Chairperson, Standing Committee on Labor and Social Welfare)*

- iii.) The business of the Senate for the week commencing Tuesday, 11<sup>th</sup> April, 2023.

*(The Senate Majority Leader)*

**6. NOTICES OF MOTION****i.) INTEGRATION OF ETHNIC MINORITIES AND MARGINALIZED COMMUNITIES IN KENYA**

(Sen. William Cheptumo, MP)

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: -

1. Initiate measures to identify and address the specific needs and challenges faced by ethnic minorities and marginalized communities in Kenya; and
2. 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.

**ii.) DECLARATION OF CATTLE RUSTLING AS A NATIONAL DISASTER & ESTABLISHMENT OF A SPECIAL FUND FOR VICTIMS**

(Sen. William Cheptumo, MP)

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.

## 7. **STATEMENTS**

### **a) Pursuant to Standing Order 53(1)**

- (i) Nominated Senator (Sen. Esther Okenyuri, MP) sought a Statement from the Standing Committee on Justice, Legal Affairs and Human Rights regarding the lack of a National Design and Framework for Civic Education in Kenya.
- (ii) The Senator for West Pokot County (Sen. Julius Murgor, MP) sought a Statement from the Standing Committee on Land, Environment and Natural Resources concerning the grabbing of land belonging to Kanyarkwat Group Ranch in West Pokot County.
- (iii) The Senator for Wajir County (Sen. Abass Mohamed, MP) sought a Statement from the Standing Committee on Finance and Budget regarding the status of the Pending Bills in Wajir County Government.

**b) Pursuant to Standing Order 56(1)(b)**

The Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights made a Statement on activities of the Committee for the period October, 2022 to 29<sup>th</sup> March, 2023.

**c) Pursuant to Standing Order 57(1)**

The Senate Majority Leader issued a Statement on the business of the Senate for the week commencing Tuesday, 11<sup>th</sup> April, 2023.

**8. THE NATURAL RESOURCES (BENEFIT SHARING) BILL (SENATE BILLS NO. 6 OF 2022)**

(Sen. Danson Mungatana, MP)

*(Second Reading)*

*(Resumption of debate interrupted on Thursday, 9<sup>th</sup> March, 2023)*

*(Division)*

Order deferred.

**9. THE COUNTY VOCATIONAL EDUCATION AND TRAINING BILL (SENATE BILLS NO. 3 OF 2022)**

(Sen. Moses Kajwang', MP)

*(Second Reading)*

*(Resumption of debate interrupted on Wednesday, 29<sup>th</sup> March, 2023)*

*(Division)*

Order deferred.

**10. COMMITTEE OF THE WHOLE  
THE PARLIAMENTARY POWERS AND PRIVILEGES (AMENDMENT) BILL  
(SENATE BILLS NO. 5 OF 2022)**

(Sen. Danson Mungatana, MP)

Order deferred.

**11. THE PRESERVATION OF HUMAN DIGNITY AND ENFORCEMENT OF  
ECONOMIC AND SOCIAL RIGHTS BILL (SENATE BILLS NO. 7 OF 2022)**

Order read;

Motion made and Question proposed;

That the Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill (Senate Bills No. 7 of 2022) be now Read a Second time.

*(Sen. Danson Mungatana, MP – 23.03.2023)*

Debate interrupted on Thursday, 23<sup>rd</sup> March, 2023 resumed;

12. **QUORUM OF THE SENATE**

Raising a Point of Order pursuant to Standing Order 41, the Senator for Machakos County (Sen. Agnes Kavindu, MP) drew the attention of the Temporary Speaker (Sen. Hillary Wakili Sigei, MP) to the fact that there was no quorum in the House;

And the Temporary Speaker (Sen. Hillary Wakili Sigei, MP) having counted the Senators present and confirmed that there was no quorum in the House, ordered the quorum Bell to be rung for five minutes;

And there being no Quorum after the expiry of five minutes, the Temporary Speaker (Sen. Hillary Wakili Sigei, MP) adjourned the Senate at one minute past Five O'clock pursuant to Standing Order 40(2), without Question put.

13. **SENATE ROSE** – at one minute past Five O'clock.

**MEMORANDUM**

*The Speaker will take the Chair on  
Tuesday, April 11, 2023 at 2:30 p.m.*

--x--