



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE SENATE

VOTES AND PROCEEDINGS

THURSDAY, SEPTEMBER 21, 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 Speaker.
3. **QUORUM IN THE HOUSE**

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 before the expiry of ten minutes;

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

4. **COMMUNICATION FROM THE CHAIR**

The Speaker conveyed the following Communications from the Chair: -

i. Visiting delegation from the Homa Bay County Assembly

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, a visiting delegation from the County Assembly of Homa Bay. The delegation comprises Members of the procedure and rules committee who are undergoing a training programme in the Centre for Parliamentary Studies and Training (CPST).

Honourable Senators,

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

1.	Hon. Julius Gaya	Speaker
2.	Hon. Samuel Oking Okomo	Deputy Speaker
3.	Hon. Erick Owidi	Member
4.	Hon. Nancy Anyango	Member
5.	Hon. Tom Joseph Ojwang'	Member
6.	Hon. Peter Nyakomita	Member
7.	Hon. Noah Billy Odhiambo	Member
8.	Hon. David Hamilton	Member
9.	Ms. Faith A. Apuko	Member
10.	Ms. Agnes Odongo	Committee Clerk
11.	Ms. Jael Boyani	Committee Clerk
12.	Ms. Claris Okongo'	Committee Clerk
13.	Ms. Wendy Winnie Opar	Legal Officer
14.	Mr. Santos Ouko	Hansard Officer
15.	Mr. Peter Akida	Serjeant-At-Arms
16.	Mr. Kennedy Ogola	Serjeant-At-Arms

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

I thank you.”

ii. 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 with their counterparts in the Senate.

Honourable Senators,

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

- | | | |
|----|--------------------------|------------------------------------|
| 1. | Ms. Florence Nakitto | Principal Publication Officer |
| 2. | Ms. Rebecca Bakyaita | Senior Assistant Editor of Hansard |
| 3. | Ms. Rose Inzikuru | Senior Assistant Editor of Hansard |
| 4. | Ms. Olive Yemima Eyotaru | Assistant Editor of Hansard |
| 5. | Ms. Caroline Amulen | Assistant Editor of Hansard |
| 6. | Mr. Ronald Elakas | Lithographer |
| 7. | Mr. Yusuf Muhindo | Assistant Editor of Hansard |

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

I thank you.”

iii. Visiting delegation from the Marsabit County Assembly

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker's Gallery this afternoon, a visiting delegation from the County Assembly of Marsabit. The delegation comprises two (2) Record Management Officers who are on a benchmarking visit with their counterparts in the Senate.

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 visit.

I thank you.”

iv. Visiting Students and Teachers from Murungaro Secondary School

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, visiting teachers and students from Murungaro Secondary School in Nyandarua County.

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 visit.

I thank you.

v. Visiting Students and Teachers from Upendo CDC School

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, visiting teachers and students from Upendo CDC Nairobi City County.

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 visit.

I thank you.”

vi. On ongoing Senate Internship Programme in the Senate

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, seven (7) young men and women who have been in the Senate for the last three (3) months undertaking an internship programme.

Honourable Senators,

The objective of this programme is to provide young people with firsthand experience in the legislative process and to expose them to the intricate world of public policy and public service. On behalf of the Senate, and on my own behalf, I wish them well during the program and in their future endeavors.

I thank you.”

5. PETITION

Pursuant to Standing Order 238 (2), the Chairperson, Standing Committee on Devolution and Intergovernmental Relations tabled before the Senate the Report of the Standing Committee on a Petition by Ms. Ann Gitau on behalf of Kajiado Municipality Clothes Market Traders, regarding the refurbishment and expansion of the Kajiado Municipality Market.

6. PAPER

The following Papers was laid on the Table of the Senate: -

- i. Report of the Standing Committee Devolution and Intergovernmental Relations on a Petition by Ms. Ann Gitau on behalf of Kajiado

Municipality Clothes Market Traders, regarding the refurbishment and expansion of the Kajiado Municipality Market.

(The Chairperson, Standing Committee on Devolution and Intergovernmental Relations)

- ii. Statement on the Business of the Senate for the week commencing Tuesday, 26th September, 2023.

(The Senate Majority Whip)

7. **QUESTIONS AND STATEMENTS**

STATEMENTS

a) Pursuant to Standing Order 52(1)

- i. Nominated Senator (Sen. Crystal Asige, MP) made a Statement on the judgment of the Employment and Labour Relations Court in Civil Appeal No. E130 of 2022, requiring the Registrar of Trade Unions to register the Kenyan Musicians' Union.

Thereon, the Senator highlighted that the right to unionize is a fundamental human right, recognized under both international and Kenyan law. The Senator emphasized that unions have historically played a crucial role in advocating for workers' rights, including better pay and improved working conditions.

The Senator outlined the unique challenges faced by musicians in the country and the absence of a dedicated union to represent their interests. She pointed out the success of similar unions in other countries, such as the United States and the United Kingdom, in setting industry standards and facilitating benefits for their members. The Senator argued that a union for musicians in Kenya could empower them to navigate the challenges of the digital age and create a more conducive environment for local talent to thrive.

The Senator stated that such empowerment initiatives would not only benefit musicians but also contribute significantly to the country's economy by generating employment opportunities in various related fields. The Senator concluded by urging fellow lawmakers to support legislative proposals related to musicians' rights and encouraged musicians to seize the opportunity to have their voices heard and interests protected through organized representation.

- ii. Nominated Senator (Sen. Crystal Asige, MP) made a Statement on the International Week of Deaf People and the International Day of Sign Languages.

The Senator highlighted the importance of the International Week of Deaf People and the International Day of Sign Languages, which was being observed between September 18th and 24th. She emphasized the need for reflection on the lives and inclusion of deaf individuals in society and discuss the prevalence of hearing loss in Kenya, suggesting that it may be higher than the global average.

The Senator outlined the themes of this year's International Week of Deaf People, which included recognizing the rights of deaf children, promoting inclusion and acknowledging the diversity of the global deaf community. She also stressed the significance of sign languages in securing the fundamental human rights of deaf individuals and called for the promotion of Kenyan Sign Language across the country.

The Senator emphasized on the pivotal role Kenyan Sign Language plays in the daily lives of the deaf, particularly in education. She concluded by calling for continued support for the Kenyan Sign Language Bill and advocating for greater recognition and celebration of sign languages to empower and uplift the deaf community.

- iii. Nominated Senator (Sen. Catherine Mumma, MP) made a Statement on the indigenous people in Kenya.

Thereupon, the Senator hiligte that Kenya was a country with diverse population composed of various tribal groups that have inhabited the region for a long time. She pointed that the Constitution recognized indigenous communities as part of marginalized groups, specifically defining them as those who maintain a traditional lifestyle based on a hunter-gatherer economy. The concept of indigenous people in Kenya has been employed in different constitutional articles, acknowledging the importance of indigenous languages, technologies, seeds, and knowledge.

Despite the recognition in the Constitution, the Senator alleged successive Kenyan Governments, have sent mixed signals about the commitment to address the plight of indigenous communities. This had been demonstrated by the lack of clear assignments of responsibilities to government departments to address the challenges of the said communities.

The Senator highlighted the need for a coherent and inclusive approach to address the plight of indigenous communities. In doing so, the Senator urged the Standing Committee on Justice, Legal Affairs and Human Rights to engage the Government on the matter of the official legal status of indigenous communities and to propose development initiatives to address them.

b) Pursuant to Standing Order 53(1)

- i.) Nominated Senator (Sen. Crystal Asige, MP) sought a statement from the Standing Committee on Education regarding the status of recognition of special needs education diploma programmes, by the Teachers Service Commission (TSC).
- ii.) Nominated Senator (Sen. Esther Okenyuri, MP) sought a statement from the Standing Committee on National Security, Defence and Foreign Relations concerning the drugging of revelers in entertainment spots.
- iii.) The Senator for Nandi County (Sen. Samson Cherarkey, MP) sought a statement from the Standing Committee on Education concerning the plight of Early Childhood Development Education (ECDE) teachers in Nandi County.
- iv.) The Senator for Nandi County (Sen. Samson Cherarkey, MP) sought a statement from the Standing Committee on Roads, Transportation and Housing regarding the sustainability of Kenya Airways.

c) Pursuant to Standing Order 57 (1)

The Senate Majority Whip issued a statement on the Business of the Senate for the week commencing Tuesday, 26th September, 2023.

8. MOTION - CONSIDERATION OF A NOMINEE FOR APPOINTMENT AS THE CHAIRPERSON OF THE BOARD OF DIRECTORS OF THE CENTRAL BANK OF KENYA

Order read;

Motion made and Question proposed;

THAT, the Senate adopts the Joint Report of the Departmental Committee on Finance and National Planning of the National Assembly and the Standing Committee on Finance and Budget of the Senate, on the vetting of Mr. Andrew Mukite Musangi for appointment as the Chairperson of the Board of Directors of the Central Bank of Kenya, laid on the Table of the Senate on Tuesday, 19th September, 2023, and that pursuant to section 11(2A) of the Central Bank of Kenya Act and section 8(1) of the Public Appointments (Parliamentary Approval) Act, 2011, the Senate approves the appointment of Mr. Andrew Mukite Musangi to the position of Chairperson of the Board of the Central Bank of Kenya.

*(The Chairperson, Standing Committee on Finance and Budget –
20.09.2023)*

Debate interrupted on Wednesday, 20th September, 2023 resumed;

And there being no other Senator wishing to contribute;

Mover Replied;

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

Question put and agreed to.

RESOLVED ACCORDINGLY

THAT, the Senate adopts the Joint Report of the Departmental Committee on Finance and National Planning of the National Assembly and the Standing Committee on Finance and Budget of the Senate, on the vetting of Mr. Andrew Mukite Musangi for appointment as the Chairperson of the Board of Directors of the Central Bank of Kenya, laid on the Table of the Senate on Tuesday, 19th September, 2023, and that pursuant to section 11(2A) of the Central Bank of Kenya Act and section 8(1) of the Public Appointments (Parliamentary Approval) Act, 2011, the Senate approves the appointment of Mr. Andrew Mukite Musangi to the position of Chairperson of the Board of the Central Bank of Kenya.

9. **MOTION – ADJOURNMENT OF THE SENATE PURSUANT TO STANDING ORDER 35 (1)**

Rising on a Point of Order pursuant to Standing Order 35 (1), the Senate Majority Whip sought leave to move “That, the Senate do now adjourn” to discuss urgent emerging matters including the upcoming sittings of the Senate in Turkana County.

And the Speaker acceding to the claim;

Motion made and Question proposed;

THAT, the Senate do now adjourn.

(The Senate Majority Whip)

And there being no Senator wishing to contribute;

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

Question put and agreed to.

And the time being eleven minutes past Five O'clock, the Speaker adjourned the Senate without Question put, pursuant to the Standing Orders.

10. SENATE ROSE – at eleven minutes past Five O'clock.

MEMORANDUM

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

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