



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE SENATE

VOTES AND PROCEEDINGS

SPECIAL SITTING

THURSDAY, AUGUST 31, 2023 AT 9.30 AM

1. The Senate assembled at thirty Minutes past Nine O'clock.
2. The proceedings were opened with Prayer said by the Speaker.
3. **QUORUM IN THE SENATE**

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 after the expiry of ten minutes;

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

4. **COMMUNICATIONS FROM THE CHAIR**

The Speaker conveyed the following Communications from the Chair: -

a) On convening of a Special Sitting of the Senate pursuant to Standing Order 33

“Honourable Senators,

I welcome you to these Special Sittings of the Senate. The sittings are a follow up to the one held on Tuesday, 29th August, 2023, so as to conclude on urgent legislative business.

On the request of the Senate Majority Leader vide letter Ref. No. SEN/ML/009/CORR, dated 25th August, 2023, and with the support of the requisite number of Senators, I appointed today, Thursday, 31st August, 2023, as a day for Special Sittings of the Senate to begin at 9:30 a.m. and at 2:30 p.m. The appointment was made vide *Gazette Notice No. 11580* dated 29th August, 2023.

In the *Gazette Notice*, I indicated that the business to be transacted at the Special Sittings shall be the following –

- (i) Consideration of the Climate Change (Amendment) Bill (National Assembly Bills, No. 42 of 2023); and
- (ii) Consideration of a Motion on the alteration of the Senate Calendar for the Second Session.

Honourable Senators,

At the morning sitting, the Senate will consider the Climate Change (Amendment) Bill (National Assembly Bills, No. 42 of 2023) at the Second Reading stage. The Senate will also receive the report of the Standing Committee on Land, Environment and Natural Resources on the Bill, and a Notice of Motion for the alteration of the Senate Calendar will be given. The business scheduled for the afternoon sitting will be consideration of the said Bill at the Committee of the Whole and Third Reading stages, as well as debate on the Motion for the alteration of the Senate Calendar.

In accordance with Standing Order 33 (5), the business specified in the *Gazette Notice* referred to above and as outlined in the Order Papers, shall be the only business before the Senate during the Special Sittings, following which the Senate shall stand adjourned until the date specified in the Senate Calendar.

I thank you.”

b) On the Africa Climate Summit 2023

“Honourable Senators,

The inaugural Africa Climate Summit is scheduled to take place in Nairobi, Kenya, from 4th to 6th September, 2023, at the Kenyatta International Convention Centre. This event, monumental in its nature, is spearheaded by the Government of Kenya through the efforts of His Excellency President William Ruto, PhD., CGH., and co-convened in partnership with the African Union Commission, the Global Centre on Adaptation and the African Development Bank.

The Summit represents an unparalleled opportunity for African countries to address the challenges posed by climate change. The Summit will explore the following six thematic areas that have been identified to combat climate change for tangible solutions and actions –

- (i) climate finance;

- (ii) mitigation and green growth;
- (iii) climate adaptation and resilience;
- (iv) loss and damage;
- (v) climate-vulnerable groups; and
- (vi) research innovation and technology.

Honourable Senators,

During the Pan-African Parliament's Summit on Climate Policy and Equity, which was held in Midrand, South Africa, on 17th May 2023, His Excellency President William Ruto emphasised on the need for an African climate summit that provides an opportunity to underscore and forge consensus on the modalities of unlocking Africa's vast potential to give a positive impact on the climate change agenda. Further, a summit that rallies the world to tap on the numerous opportunities that Africa presents towards global net-zero carbon emission.

The role of parliaments and parliamentarians in this pursuit cannot be overstated. Parliaments and Parliamentarians play crucial legislative, oversight and budget making and approval roles, which are essential in policy development and implementation and ensure government accountability and effectiveness. Parliaments also link vital knowledge with constituents, facilitating need-based and effective climate action. At the international level, legislators can work with their counterparts to build synergies and coordinated approaches at the negotiation stage for shared regional interests.

Honourable Senators,

Consequently, a Parliamentary Dialogue has been slated in the programme of the Africa Climate Summit on Monday, 4th September, 2023, from 2:30 pm to 3: 30 pm at the conference venue. Another full-day Dialogue is scheduled on Wednesday, 6th September 2023, at the National Assembly Chamber. The two Dialogues will bring together Parliamentarians from across Africa to deliberate on the role of legislatures in achieving the outcomes of the Summit. The Dialogue will culminate in a Communiqué which will serve as a landmark document outlining the commitments of African legislatures to actionable climate governance.

Honourable Senators,

I extend an invitation to all Honourable Senators to attend and participate in the Parliamentary Dialogue. Your attendance and contribution will signify the commitment of the Parliament of Kenya to taking decisive climate action.

I thank you.”

5. **PAPERS**

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

Report of the Standing Committee on Land, Environment and Natural Resources, on the Climate Change (Amendment) Bill (National Assembly Bills No. 42 of 2023).

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

6. **NOTICE OF MOTION – ALTERATION OF THE SENATE CALENDAR**

(The Senate Majority Leader)

THAT, notwithstanding the Resolutions of the Senate made on 16th February, 2023 (approval of the Senate Calendar), on 29th March, 2023 and on 27th June, 2023 (alteration of the Senate Calendar), pursuant to Standing Order 32 (4), the Senate resolves to further alter its Calendar (Regular Sessions) for the Second Session, 2023, in respect of Part V, to resume from recess on Tuesday, 12th September, 2023.

7. **THE CLIMATE CHANGE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 42 OF 2023)**

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Climate Change (Amendment) Bill (National Assembly Bills No. 42 Of 2023) be now read a Second Time.

(The Senate Majority Leader)

Debate arising;

And there being no other Senator wishing to contribute;

Mover replied;

The Senate proceeded to a Division;

The Deputy Speaker directed that electronic voting be taken pursuant to Standing Order 86(2) and that the Division bell be rung for five minutes;

Upon the expiry of five minutes, the Deputy Speaker directed that the doors be locked and the bars be drawn and asked Senators to log-in for electronic voting;

The Deputy Speaker put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;

Before the results of the Division were announced and pursuant to Standing Order 86 (5), the Deputy Speaker allowed three (3) Senators to record their votes verbally.

Thereupon, the Senators recorded their votes as **“Yes”**: -

1. Sen. Omar Sheikh Mariam, MP – on behalf of the Mandera County Delegation
2. Sen. Tobiko Peris Pesi – on behalf of Kajiado County Delegation
3. Sen. Ogola Beatrice Akinyi – on behalf of Homabay County Delegation

The results of the Division were as follows: -

AYES – 28

NOES - 1

ABSTENTION – 0

AYES

1. Sen. Abas Sheikh Mohamed, MP
2. Sen. Adan Dullo Fatuma, MP
3. Sen. Cherarkey Samson Kiprotich, MP
4. Sen. Cheruiyot Aaron Kipkirui, MP
5. Sen. Chute Mohamed Said, MP
6. Sen. Ogola Beatrice Akinyi, MP – voted on behalf of Homabay County Delegation
7. Sen. Kamau Joseph Githuku, MP
8. Sen. Kathuri Murungi, MP
9. Sen. Khalwale Boni, MP
10. Sen. Kipkiror William Cheptumo, MP
11. Sen. Kisang William Kipkemoi, MP
12. Sen. Lomenen James Ekomwa, MP
13. Sen. Mandago Jackson Kiplagat, MP
14. Sen. Muhia John Methu, MP
15. Sen. Mundigi Alexander Munyi, MP
16. Sen. Mungatana Danson Buya, MP
17. Sen. Murango James Kamau, MP
18. Sen. Muthama Agnes Kavindu, MP
19. Sen. Mwaruma Johnes Mwashushe, MP
20. Sen. Nderitu John Kinyua, MP
21. Sen. Nyutu Joe, MP
22. Sen. Oketch Eddy Gicheru, MP
23. Sen. Omar Sheikh Marriam, MP – voted verbally on behalf of Mandera County Delegation
24. Sen. Tobiko Peris Pesi, MP – voted verbally on behalf of Kajiado County Delegation
25. Sen. Sigei Wakili Hillary, MP
26. Sen. Thangwa Paul Karungo, MP
27. Sen. Wafula David Wakoli, MP
28. Sen. Wamatinga Wahome, MP

NOES

1. Sen. Okoiti Andrew Omtatah, MP

Question, agreed to;

Bill read a Second Time and committed to the Committee of the Whole tomorrow.

And there being no other business in the Order Paper, and pursuant to Standing Order 34 (2A), the Deputy Speaker adjourned the Senate at twenty-two minutes past One O'clock, without Question put.

8. **SENATE ROSE** - at twenty- two minutes past One O'clock.

MEMORANDUM

*The Speaker will take the Chair on
Thursday, August 31, 2023 at 2.30 p.m.*

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