



*Approved for
tabling SNA
13/9/23*

FARLIAMENT
OF KENYA
LIBRARY

PARLIAMENT OF KENYA
THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT (SECOND SESSION)

PUBLIC DEBT AND PRIVATIZATION COMMITTEE

REPORT ON THE CONSIDERATION OF THE PROPOSED AMENDMENTS BY
THE SENATE TO THE PUBLIC FINANCE MANAGEMENT (AMENDMENT)
BILL (NATIONAL ASSEMBLY BILL NO. 16) OF 2023

SEPTEMBER 2023

THE NATIONAL ASSEMBLY PAPER NO. 1412	
DATE: 14 SEP 2023 Thursday	
TABLED BY:	Chair, Public Debt & Privatization Hon. Abdi Shume, MP
CLERK-AT-THE-TABLE:	Roy chobet

TABLE OF CONTENTS	
<u>ANNEXURES</u>	2
<i><u>CHAIRPERSON'S FOREWORD</u></i>	3
<u>ACKNOWLEDGEMENTS</u>	4
<u>PREFACE</u>	5
<u>Establishment and Mandate of the Committee</u>	5
<u>Membership of the Committee</u>	5
<u>Committee Secretariat</u>	6
<u>Parliamentary Budget Office</u>	6
1. <u>Introduction</u>	7
2. <u>The Public Finance Management (Amendment) Bill (National Assembly Bill No. 16) of 2023</u>	7
3. <u>Overview of the proposed amendments by the Senate</u>	7
4. <u>Committee Observations</u>	8
5. <u>Committee Recommendation</u>	9
<u>ANNEXES</u>	10

ANNEXURES

Annex 1	Adoption Schedule
Annex 2	Report Adoption Minutes
Annex 3	Committee Resolution on Senate Amendments
Annex 4	Message from the Senate

CHAIRPERSON'S FOREWORD

This report provides the proceedings of the Public Debt and Privatization Committee on its consideration of the proposed amendments by the Senate to the Public Finance Management (Amendment) Bill (National Assembly Bill No. 16) of 2023. The Bill was passed with amendments by the National Assembly on 27th June 2023 and thereafter conveyed to the Senate in accordance with the provisions of National Assembly Standing Order 142.

The overall objective of the PFM Amendment Bill was to amend the PFM Act No. 18 of 2012, in order to adjust the framework for monitoring public debt and borrowing, and to align the Act with the provisions of the Constitution relating to the definition of public debt, financial obligation, and amend the debt limit to a debt threshold.

On 29th August 2023, the Senate considered the Bill a passed by the National Assembly and passed it with amendments. According to the message, the Senate had proposed amendments to Clause Six (6) of the Bill with the overall aim of including the Senate in the oversight role of national government borrowing.

In the consideration of the Bill, the Committee noted and appreciated the important role that the Houses of Parliament play in legislation, at times acting in unison. The Committee noted that the primary amendments by the Senate had the effect of having both Houses consider and approve any reports where the National Government exceeds the set debt thresholds.

However, the Committee observed that the oversight role of these the National Government on matters of public financial management is the preserve of the National Assembly as per Article 95 of the Constitution. Thus, any reporting requirement imposed in the Bill for the National Treasury to comply with the debt thresholds should be considered and approved by the National Assembly. This, according to the Committee, will reduce conflict where the two Houses may give conflicting resolutions, and equally reduce bureaucracy in the matter of assessing the operational debt thresholds.

The rejection of the amendments proposed by the senate therefore, is based on the need to ensure that any amendments to the PFM Act, 2012, does not introduce additional layers of bureaucracy in National Government borrowing, during a period when public stock of debt and related cost and risks are high.

Key Recommendations

The Committee having considered the Message from the Senate, recommends that, apart from amendments for correcting cross referencing errors, all other amendments proposed by therein, be rejected and that the Bill be referred to a Mediation Committee subject to National Assembly Standing Orders 148 & 149, and Articles 112 & 113 of the Constitution.

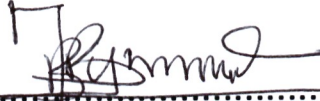
ACKNOWLEDGEMENTS

The Committee extends its gratitude to the Office of the Speaker and the Office of the Clerk of the National Assembly for the support extended in fulfilling its mandate of reviewing the proposed Amendments by the Senate to the Public Finance Management (Amendment) Bill (National Assembly Bill No. 16) of 2023.

The Committee would like to thank the Parliamentary Budget Office for the extensive technical assistance provided and for the finalization of this report.

It is therefore my pleasant undertaking, on behalf of the Public Debt and Privatization Committee, to table this report to this House and recommend it for adoption.

SIGNED



.....
HON. DR. MAKALI MULU, MP.
VICE-CHAIRPERSON, PUBLIC DEBT & PRIVATIZATION COMMITTEE

12 / 9 / 2023

.....
DATE

PREFACE

Establishment and Mandate of the Committee

The powers of each House of Parliament to establish committees and to make Standing Orders for the orderly conduct of its proceedings, are provided for under Article 124 of the Constitution of Kenya, 2010. For critical oversight over matters relating to public debt and debt guarantees, public-private partnerships, and privatization of national assets, standing order 207A establishes the Public Debt and Privatization Committee with specific mandates among which are to:

- i. Oversight of public debt and guarantees, pursuant to Article 214 of the Constitution
- ii. Examine matters relating to debt guarantees by the National government;
- iii. Oversight Consolidated Fund Services excluding audited accounts;
- iv. Examine reports on the status of the economy in respect of the public debt;
- v. Oversight of public-private partnership programs by the national government in respect to the public debt; and
- vi. Oversight privatization of national assets

Membership of the Committee

The Public Debt and Privatization Committee as currently constituted, comprises the following Members of Parliament: -

CHAIRPERSON

Hon. Abdi Shurie, M.P.
Balambala Constituency
Jubilee Party

VICE-CHAIRPERSON

Hon. (Dr.) Makali Mulu, M.P.
Kitui Central Constituency
Wiper Party

Hon. Junet, Mohamed S.N. CBS. M.P
Suna East Constituency
ODM Party

Hon. Mohamed, Abdikadir Hussein, M.P
Lagdera Constituency
ODM Party

Hon. Omboko Milemba M.P
Emuhaya Constituency
ANC Party

Hon. (CPA) Suleka, H. Harun. M.P
Nominated Member of Parliament
UDM Party

Hon. (Dr.) Irene Kasalu M.P
Kitui County
Wiper Party

Hon. Chege Njuguna M.P
Kandara Constituency
UDA Party

Hon. Kwenya, Thuku Zachary, M.P
Kinangop Constituency

Hon. Abdi Ali Abdi, M.P
Ijara Constituency

Jubilee Party

Hon. Kipkoros, Joseph Makilap M.P
Baringo North Constituency
UDA Party

Hon. Aden Daud, EBS, M.P
Wajir East Constituency
Jubilee Party

Hon. (Dr.) Daniel Manduku, M.P
Nyaribari Masaba Constituency
ODM Party

NAP-K

Hon. Letipila, Dominic Eli, M.P
Samburu North Constituency
UDA Party

Hon. Kirwa, Abraham Kipsang, M.P
Mosop Constituency
UDA Party

Committee Secretariat

In the preparation of this report, the Committee was facilitated by the following officers:

Mr. Chacha Machage
Fiscal Analyst I/ Lead Clerk

Mr. Job Mugalavai
Fiscal Analyst III/ Clerk Assistant

Ms. Fridah Ngari
Media Relations Officer III

Mr. Eugene Luteshi
Audio Officer III

Ms. Yasmin Hassan
Assistant Serjeant-at-Arms

Ms. Florence Mbuthi
Protocol Officer III

Mr. Sidney Lugaga
Senior Legal Counsel

Parliamentary Budget Office

The Committee also received technical support from the following Fiscal Analysts:

Dr. Martin Masinde
Director, Parliamentary Budget Office (PBO)

Mr. Robert Nyaga
Deputy Director, Parliamentary Budget Office

Ms. Julie Mwithiga
Fiscal Analyst I

1. Introduction

- 1.1. On 29th August 2023, the National Assembly received a message from the Senate (No. 017 of 2023), seeking concurrence of the National Assembly on the amendments by the Senate during the passage of the Public Finance Management (Amendment) Bill (National Assembly Bill No. 16) of 2023. Upon receipt, the message was submitted to the Public Debt and Privatization Committee pursuant to Standing Order 41-6(c), for consideration and reporting to the House.

2. The Public Finance Management (Amendment) Bill (National Assembly Bill No. 16) of 2023

- 2.1. The Public Finance Management (Amendment) Bill (National Assembly Bill No. 16) was published on 4th May 2023 and read for the first time on 6th June 2023, and thereafter referred to the Public Debt and Privatization Committee for consideration subject to the National Assembly Standing Order 207A, and for reporting to the House.
- 2.2. The overall objective of the PFM Amendment Bill was to amend the PFM Act No. 18 of 2012, in order to adjust the framework for monitoring public debt and borrowing, and to align the Act with the provisions of the Constitution relating to the definition of public debt, financial obligations, amend the debt limit, provide provisions for the Cabinet Secretary in charge of the National Treasury to provide an explanation to Parliament in the case public debt exceeds the debt threshold.
- 2.3. The Public Debt and Privatization Committee embarked on the review of the Bill after undertaking public participation which included placing adverts on the Daily Nation Newspaper and the Standard Newspaper on 8th June 2023. In the review of the Bill, the Committee proposed amendments designed to ensure the proposed debt threshold is consistent with Kenya's fiscal consolidation path. These amendments are as contained in its report that was adopted by the National Assembly on 27th June 2023.

3. Overview of the proposed amendments by the Senate

- 3.1. As per the message from the Senate, amendments are proposed to Clause Six (6) of the PFM Amendment Bill. The amendments, in general, seek to; 1) include the Senate in the oversight process of the implementation of the debt threshold and 2) ensure that any breach of the debt limit will require the approval of both Houses. As such, this will require that the reports will be submitted to both Houses and that any resolutions pertaining to the measures to comply with the threshold, shall be approved by both Houses.

4. Committee Observations

The consideration of the amendments proposed by the Senate are as follows (these are also contained in Annex 3 of this report):

4.1. Proposed amendments to Clause 6(2B) by the Senate

- 4.1.1. Amendments to Clause 6(2B) seeks that ‘Notwithstanding subsection (2A), the National Government may, in exceptional circumstances and with approval of Parliament, exceed the threshold set under that subsection (2B) by not more than five percent’

Committee Observation:

The amendment seeks a provision that any circumstance whereby the National Government borrowing exceeds the set debt threshold, should require approval by both Houses. The Committee did not agree with this proposal on account that the borrowing referred to under the PFM Act, 2012 is that of the National Government of which the National Assembly has mandate over as per Article 95¹ of the Constitution.

4.2. Proposed amendments to Clause 6 (2C), (2D) and 2(E) by the Senate

- 4.2.1. Amends Clause 6(2D) and (2E) relate to the submission of the report by the Cabinet Secretary on the debt status and borrowing undertaken by the National Government to both Houses by 30th of April of every year.

Committee observations:

- i. The Report, referenced contained under (2D) and (2E) relate to information on borrowing for financing of the National Government Budget, in line with Article 221² of the Constitution. The Committee therefore disagreed with the amendment.
- ii. The proposal to amend Clause 6 of the Bill in paragraph (b), in the proposed (2C) by deleting the expression "(2C)" appearing immediately after the words "subsections (2A) and" and substituting therefore with the expression "(2B)". These were acceptable to the Committee to the extent it addresses an error in cross referencing by deleting the expression "(2C)" and correctly replacing it the expression "(2B)". The Committee disagreed with this amendment.

4.3. Proposed amendments to Clause 6(2F) by the Senate

- 4.3.1. Amends Clause 6(2F) relates to the approval and adoption of a resolution by either House with regards to the report on borrowing undertaken by the National Government.

Committee observations:

- 4.3.2. The committee disagreed with the proposal on account of:

- i. The reporting and resolutions have a significant impact on fiscal operations and financial management of the National Government, especially when the resolutions relate to borrowing and affect part of financing of the National government budget.

¹ Article 95 stipulates on the role of the National Assembly. Article 96 stipulates on the role of the Senate.

² Article 221 stipulates on the Budget Estimates and the Annual Appropriations Bill.

- As such, the role of reviewing and consideration of the budget, is solely under the purview of the National Assembly pursuant to Articles 95 and 221 of the Constitution;
- ii. This proposal introduces a new layer of bureaucracy in the approval borrowing which could affect the smooth implementation of the National Government, and;
 - iii. Furthermore, consideration of the report by both Houses could lead to conflicting resolutions on the matter of concern without any mechanism for resolution of such a disagreement.

5. Committee Recommendation

The Committee having considered the Message from the Senate, recommends that, apart from amendments for correcting cross referencing errors, all other amendments proposed by therein, be rejected and that the Bill be referred to a Mediation Committee subject to National Assembly Standing Orders 148 & 149, and Articles 112 & 113 of the Constitution.

SIGNED

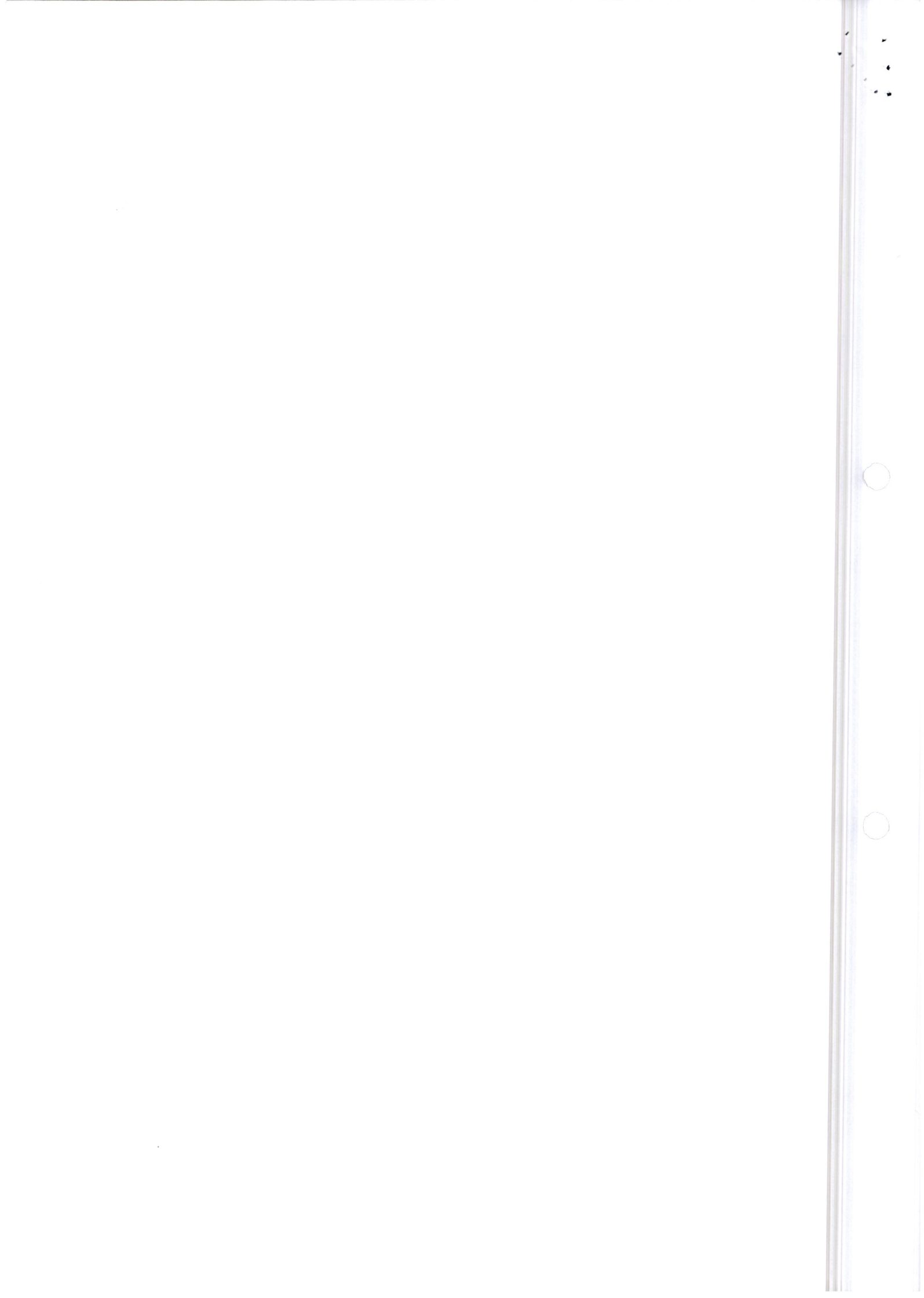


HON. DR. MAKALI MULU, MP.
VICE-CHAIRPERSON, PUBLIC DEBT & PRIVATIZATION COMMITTEE

12/9/2023.

DATE

ANNEXES






REPUBLIC OF KENYA
13TH PARLIAMENT
NATIONAL ASSEMBLY – SECOND SESSION - 2023




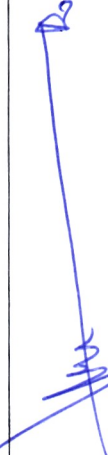


PUBLIC DEBT AND PRIVATIZATION COMMITTEE MEMBERS.

ADOPTION SCHEDULE

REPORT ON THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 16 OF 2023.)

DATE...17/9/23.....TIME...11:00 AM.....SITTING6th..... VENUE...PARLIAMENT BUILDINGS.....

No.	NAME	SIGNATURE
1.	The. Hon. Abdi Shurie, M.P – Chairperson	
2.	The. Hon. (Dr). Makali Mulu, M.P. – Vice-Chairperson	
3.	The. Hon. Junet Mohamed S. N. CBS, M.P.	
4.	The. Hon. (Dr). Irene Kasalu, M.P.	<u>IMK</u>

No.	NAME	SIGNATURE
5.	The. Hon. Omboko Milemba , M.P.	
6.	The. Hon. Kwenya, Thuku Zachary, M.P.	
7.	The. Hon. Kipkoros, Joseph Makilap, M.P.	
8	The. Hon. Aden Daud, EBS. M.P	
9.	The. Hon. (Dr) Daniel Manduku, M.P.	
10.	The. Hon. Mohamed, Abdikadir Hussein, M.P	
11.	The. Hon. Suleka H. Harun, M.P.	
12.	The. Hon. Chege Njuguna, M.P.	
13.	The. Hon. Abdi, Abdi Ali, M.P.	
14	The. Hon. Letipila, Dominic Eli, M.P.	

No.	NAME	SIGNATURE
15	The. Hon. Kirwa, Abraham Kipsang, M.P.	

Committee Clerk *CHACHA MACHARIA*

Date *12/9/2023* Signature *[Signature]*





REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY

13TH PARLIAMENT – (SECOND SESSION)

MINUTES OF THE 61ST SITTING OF THE SELECT COMMITTEE ON PUBLIC DEBT AND PRIVATIZATION, HELD ON 12TH SEPTEMBER, 2023, AT 11.30 AM, AT THE CONTINENTAL HOUSE 5TH FLOOR CONFERENCE ROOM, PARLIAMENT BUILDINGS

MEMBERS OF PARLIAMENT PRESENT.

1. **Hon. (Dr.) Makali Mulu M.P.** – Committee Vice-Chairperson
2. Hon. Omboko Milemba, M.P
3. Hon. (Dr.) Irene Kasalu, M.P
4. Hon. Kwenya, Thuku Zachary, M.P
5. Hon. (Dr.) Daniel Manduku, M.P
6. Hon. Aden Daud, EBS. M.P
7. Hon. CPA. Suleka H. Harun, M.P
8. Hon. Mohamed, Abdikadir Hussein, M.P

MEMBERS OF PARLIAMENT ABSENT WITH APOLOGY

1. **Hon. Abdi Shurie, M.P.** – Committee Chairperson
2. Hon. Junet, Mohamed S.N, CBS. M.P
3. Hon. Kirwa, Abraham Kipsang, M.P
4. Hon. Joseph Makilap, M.P
5. Hon. Chege Njuguna, M.P
6. Hon. Letipila, Dominic Eli, M.P
7. Hon. Abdi Ali Abdi, M.P

THE COMMITTEE SECRETARIAT

1. Mr. Robert Nyaga - Deputy Director, Parliamentary Budget Office
2. Mr. Chacha Machage - Lead Clerk/Fiscal Analyst I
3. Mr. Job Mugalavai - Clerk Assistant / Fiscal Analyst III
4. Ms. Julie Mwithiga - Fiscal Analyst I
5. Mr. Sydney Lugaga -Senior Legal Counsel
6. Ms. Florence Mbuthi - Protocol Officer III
7. Ms. Merceline Kerubo - Audio Officer III
8. Mr. Said Wako - Sergeant at Arms

MIN/NO.NA/PDPC/2023/61.1: PRELIMINARIES

The Chairperson of the session Hon (Dr) Makali Mulu, MP. Called the meeting to order at 11.00. a.m. and requested Hon. Aden Daud, M.P, to lead the committee in opening prayers. Afterwards, the Chairperson invited the Committee members and the secretariat to introduce themselves. He then welcomed the Secretariat to present the draft report for consideration.

MIN/NO.NA/PDPC/2023/61.2: CONSIDERATION OF THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL, (NATIONAL ASSEMBLY BILLS NO.16 OF 2023).

The committee reviewed the report and adopted it as follows:

1.1. Proposed amendments to Clause 6(2B) by the Senate

- 1.1.1. Amendments to Clause 6(2B) seeks that ‘Notwithstanding subsection (2A), the National Government may, in exceptional circumstances and with approval of Parliament, exceed the threshold set under that subsection (2B) by not more than five percent’

Committee Observation:

The amendment seeks a provision that any circumstance whereby the National Government borrowing exceeds the set debt threshold, should require approval by both Houses. The Committee did not agree with this proposal on account that the borrowing referred to under the PFM Act, 2012 is that of the National Government of which the National Assembly has mandate over as per Article 95 of the Constitution.

1.2. Proposed amendments to Clause 6 (2C), (2D) and 2(E) by the Senate

- 1.2.1. Amends Clause 6(2D) and (2E) relate to the submission of the report by the Cabinet Secretary on the debt status and borrowing undertaken by the National Government to both Houses by 30th of April of every year.

Committee observations:

- i. The Report, referenced contained under (2D) and (2E) relate to information on borrowing for financing of the National Government Budget, in line with Article 221 of the Constitution. The Committee therefore disagreed with the amendment.
- ii. The proposal to amend Clause 6 of the Bill in paragraph (b), in the proposed (2C) by deleting the expression "(2C)" appearing immediately after the words "subsections (2A) and" and substituting therefore with the expression "(2B)". These were acceptable to the Committee to the extent it addresses an error in cross referencing by deleting the expression "(2C)" and correctly replacing it the expression "(2B)". The Committee disagreed with this amendment.

1.3. Proposed amendments to Clause 6(2F) by the Senate

1.3.1. Amends Clause 6(2F) relates to the approval and adoption of a resolution by either House with regards to the report on borrowing undertaken by the National Government.

Committee observations:

1.3.2. The committee disagreed with the proposal on account of:

- i. The reporting and resolutions have a significant impact on fiscal operations and financial management of the National Government, especially when the resolutions relate to borrowing and affect part of financing of the National government budget. As such, the role of reviewing and consideration of the budget, is solely under the purview of the National Assembly pursuant to Articles 95 and 221 of the Constitution;
- ii. This proposal introduces a new layer of bureaucracy in the approval borrowing which could affect the smooth implementation of the National Government, and;
- iii. Furthermore, consideration of the report by both Houses could lead to conflicting resolutions on the matter of concern without any mechanism for resolution of such a disagreement.

2. Committee Recommendation

The Committee having considered the Message from the Senate, recommends that, apart from amendments for correcting cross referencing errors, all other amendments proposed by therein, be rejected and that the Bill be referred to a Mediation Committee subject to National Assembly Standing Orders 148 & 149, and Articles 112 & 113 of the Constitution.

MIN/NO.NA/PDPC/2023/61.3. ADOPTION OF THE REPORT

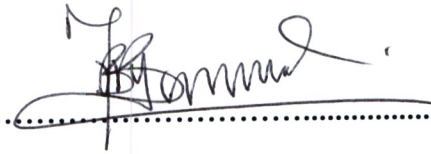
- 3. The report on Public Finance Management bill (National Assembly Bills No. 16 2023) was adopted by the Committee having been proposed by Hon. Suleka H. Harun, M.P and seconded by Hon. Kwenya Thuku Zachary, M.P.
- 9. Minutes of the 61st sitting held on 12th September 2023 at 11.00am at Parliament Buildings were confirmed as a true recording of the proceedings having been proposed by Hon. Omboko Milemba, M.P and seconded by Hon. Mohamed, Abdikadir Hussein, M.P

MIN/NO.NA/PDPC/2023/61.4 ADJOURNMENT

There being no other business, the meeting was adjourned at 1.30 P.M. The next meeting will be communicated in due course.

DATE..... 12 / 9 / 2023

SIGNED.....

A handwritten signature in black ink, appearing to read 'Makali Mulu', is written over a horizontal dotted line. The signature is cursive and includes a large initial 'M'.

HON. MAKALI MULU, MP
(VICE- CHAIRPERSON, PUBLIC DEBT & PRIVATIZATION COMMITTEE)

Annex Three

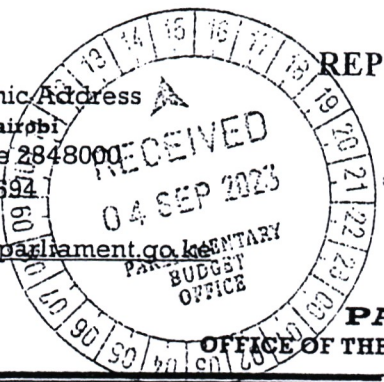
The following amendments to the Public Finance Management (Amendment) Bill 2023 (National Assembly Bills No. 16 of 2023) were passed by the Senate on Tuesday, 29th August, 2023 as highlighted in the matrix below:

CLAUSE 6 (Amendment of section 50 of No. 18 of 2012.)	COMMITTEE STAGE AMENDMENTS BY THE PUBLIC DEBT AND PRIVATIZATION COMMITTEE	AMENDMENTS FROM THE SENATE	IMPLICATION	COMMITTEE RESOLUTION
1. 2B	(2B) Notwithstanding subsection (2A), the national government may, in exceptional circumstances, exceed the threshold set under that subsection by not more than five percent.	in the proposed new subsection (2B) by inserting the words "and with the approval of Parliament" immediately after the words "in exceptional circumstances";	(2B) Notwithstanding subsection (2A), the national government may, in exceptional circumstances and with the approval of Parliament , exceed the threshold set under that subsection by not more than five percent.	Reject proposed Amendment
2. 2C	(2C) The Cabinet Secretary shall, not later than five years from the date of the coming into force of subsections (2A) and (2C), take measures to ensure that borrowing by the national government complies with the threshold prescribed in subsection (2A).	in the proposed (2C) delete the expression "(2C)" appearing immediately after the words "subsections (2A) and" and substituting therefor the expression "(2B)";	(2C) The Cabinet Secretary shall, not later than five years from the date of the coming into force of subsections (2A) and (2B), take measures to ensure that borrowing by the national government complies with the threshold prescribed in subsection (2A)	Accept correction of cross-referencing error
3. 2D	(2D) The Cabinet Secretary shall submit to the National Assembly, by the 30th April in every year, a report on the debt status and the borrowing undertaken by the national government, indicating the exceptional circumstances, if	by deleting the proposed new subsection (2D) and substituting therefor the following new subsection- (2D) The Cabinet Secretary shall submit to the National Assembly and the Senate by the 30th April in	(2D) The Cabinet Secretary shall submit to the National Assembly and the Senate by the 30th April in every year, a report on the debt status and the borrowing undertaken by the national government, indicating the exceptional	i. Accept correction of cross-referencing error ii. Reject insertion of

CLAUSE 6 (Amendment of section 50 of No. 18 of 2012.)	COMMITTEE STAGE AMENDMENTS BY THE PUBLIC DEBT AND PRIVATIZATION COMMITTEE	AMENDMENTS FROM THE SENATE	IMPLICATION	COMMITTEE RESOLUTION
	any, provided for in subsection (2C).	every year, a report on the debt status and the borrowing undertaken by the national government, indicating the exceptional circumstances, if any, provided for in subsection (2B)	circumstances, if any, provided for in subsection (2B)	“and the Senate”
4. 2E	(2E) The committee in the National Assembly responsible for matters relating to public debt shall consider the report submitted under subsection (2D), and shall table its report and its recommendations thereon in the National Assembly for consideration.	by deleting the proposed new subsection (2E) and substituting therefor the following new subsection- (2E) The committee in the respective House of Parliament responsible for matters relating to public debt shall consider the report submitted under subsection (2D), and shall table its report and its recommendations thereon in the respective House for consideration.	(2E) The committee in the respective House of Parliament responsible for matters relating to public debt shall consider the report submitted under subsection (2D), and shall table its report and its recommendations thereon in the respective House for consideration.	Reject proposed Amendment
5. 2F	(2F) The National Assembly shall discuss the report tabled under subsection (2E), and may pass a resolution to adopt it with or without amendments.	in the proposed new subsection (2F) by inserting the words "and the Senate" immediately after the words "The National Assembly	(2F) The National Assembly and the Senate shall discuss the report tabled under subsection (2E), and may pass a resolution to adopt it with or without amendments.	Reject proposed Amendment



Telegraphic Address
'Bunge', Nairobi
Telephone 2848000
Fax: 2243694
E-mail:
csenate@parliament.go.ke



REPUBLIC OF KENYA



Clerk's Chambers
The Senate
Parliament Buildings
P. O. Box 41842 -00100
Nairobi, Kenya

PARLIAMENT
OFFICE OF THE CLERK OF THE SENATE

REF: SEN/L&P/MSG.2023/ (17)

Mr. Samuel J. Njoroge,
Clerk of the National Assembly,
Parliament Buildings,
NAIROBI.

Dear *Mr. Clerk,*

**RE: PASSAGE OF THE PUBLIC FINANCE MANAGEMENT (AMENDMENT)
BILL (NATIONAL ASSEMBLY BILLS NO. 16 OF 2023)**

The above matter refers.

The Senate, on Tuesday, 29th August, 2023, passed the Public Finance Management (Amendment) Bill (National Assembly Bills No. 16 of 2023) **with amendments.**

Pursuant to Article 110 (4) of the Constitution and the provisions of Standing Orders 46 (2) and 164 (c) of the Senate, I hereby forward to you a Message from the Speaker of the Senate, seeking the concurrence of the National Assembly to the amendments.

I also attach copies of the Votes and Proceedings, the Hansard and the Order Paper of the sitting of the day.

Yours truly,

**J.M. NYEGENYE, CBS,
CLERK OF THE SENATE/ SECRETARY,
PARLIAMENTARY SERVICE COMMISSION.**

Encls.



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT - (SECOND SESSION)

THE SENATE

MESSAGES

MESSAGE TO THE NATIONAL ASSEMBLY

No.017 of 2023

SUBJECT: PASSAGE OF THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 16 OF 2023)


PURSUANT to Article 110 (4) of the Constitution and the provisions of Standing Orders 46 (1) and 164 (c) of the Senate, I hereby convey the following Message from the Senate -

WHEREAS the Public Finance Management (Amendment) Bill (National Assembly Bill No. 16 of 2023) was published vide Kenya Gazette Supplement No. 62 of 4th May, 2023 to amend the Public Finance Management Act No. 18 of 2012 to operationalize the Public Debt and Borrowing with regard to a framework for monitoring the level of public debt to align it with the provisions of Article 214(2) of the Constitution;

AND WHEREAS the National Assembly considered the Bill in all stages and passed it on Tuesday, 27th June, 2023 with amendments and forwarded the Bill to the Senate for consideration;

AND WHEREAS the Senate considered and passed the said Bill, on Tuesday, 29th August, 2023 with amendments to clause 6 in the form attached hereto;

NOW THEREFORE, in accordance with the provisions of Article 112 (1) (b) of the Constitution and Standing Orders 46 (1) and 164 (c) of the Senate, I hereby convey the said decision of the Senate to the National Assembly and seek concurrence of the National Assembly to the Senate amendment.


RT. HON. AMASON JEFFAH KINGI, EGH, MP
SPEAKER OF THE SENATE

29th August, 2023

REPUBLIC OF KENYA

Telegraphic Address
'Bunge', Nairobi
Telephone 2848000
Fax: 2243694
E-mail:
csenate@parliament.go.ke



Clerk's Chambers
The Senate
Parliament Buildings
P. O. Box 41842 -00100
Nairobi, Kenya

PARLIAMENT
OFFICE OF THE CLERK OF THE SENATE

SENATE AMENDMENTS TO THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL, 2023 (NATIONAL ASSEMBLY BILLS NO. 16 OF 2023)

The following amendments to the **Public Finance Management (Amendment) Bill, 2023 (National Assembly Bills No. 16 of 2023)** were passed by the Senate on Tuesday, 29th August, 2023-

CLAUSE 6

THAT clause 6 of the Bill be amended in paragraph (b) -

- (a) in the proposed new subsection (2B) by inserting the words "and with the approval of Parliament" immediately after the words "in exceptional circumstances";
- (b) in the proposed (2C) delete the expression "(2C)" appearing immediately after the words "subsections (2A) and" and substituting therefor the expression "(2B)";
- (c) by deleting the proposed new subsection (2D) and substituting therefor the following new subsection-

(2D) The Cabinet Secretary shall submit to the National Assembly and the Senate by the 30th April in every year, a report on the debt status and the borrowing undertaken by the national government, indicating the exceptional circumstances, if any, provided for in subsection (2B).

- (d) by deleting the proposed new subsection (2E) and substituting therefor the following new subsection-

(2E) The committee in the respective House of Parliament responsible for matters relating to public debt shall consider the report submitted under subsection (2D), and shall table its report and its recommendations thereon in the respective House for consideration.

- (e) in the proposed new subsection (2F) by inserting the words "and the Senate" immediately after the words "The National Assembly".

A handwritten signature in black ink, appearing to read 'J.M. Nyegenye'.

J.M. NYEGENYE, CBS,
CLERK OF THE SENATE/ SECRETARY,
PARLIAMENTARY SERVICE COMMISSION.
29th August, 2023



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE SENATE

ORDER PAPER

SPECIAL SITTING

TUESDAY, AUGUST 29, 2023 AT 9.30 AM

PRAYER

1. Administration of Oath
2. Communication from the Chair
3. Messages (as listed in the Appendix)
4. Petitions
5. Papers
6. Notices of Motion (as listed in the Appendix)
7. Questions and Statements
8. *****THE CLIMATE CHANGE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 42 OF 2023)**
(The Senate Majority Leader)

(First Reading)

9. *****THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 16 OF 2023)**
(The Senate Majority Leader)

(Second Reading)

*(Resumption of debate interrupted on Tuesday, 8th August, 2023)
(Division)*

10. **COMMITTEE OF THE WHOLE**
*****THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 16 OF 2023)**
(The Senate Majority Leader)

...../Motion

11. MOTION - ESTABLISHMENT OF THE NATIONAL DIALOGUE COMMITTEE

(The Senate Majority Leader and the Senate Minority Leader)

AWARE THAT Article 1(1) of the Constitution provides that all sovereign power belongs to the people of Kenya and shall be exercised only in accordance with the Constitution;

FURTHER AWARE that Article 1(2) of the Constitution provides that the people of Kenya may exercise their sovereign power either directly or through their democratically elected representatives;

CONSCIOUS that Article 10 of the Constitution espouses the national values and principles of governance, which include the rule of law, democracy and participation of the people;

FURTHER CONSCIOUS that Article 94 of the Constitution provides that Parliament manifests the diversity of the nation, represents the will of the people, and exercises their sovereignty;

RECOGNISING that there is a need to embrace consultation, dialogue and consensus building as a way of resolving issues of concern to the people of Kenya;

COGNIZANT that despite the constitutional and legal reforms on the electoral processes and the electoral laws, after every election cycle there has been mistrust of electoral outcomes, leaving the country divided;

FURTHER COGNIZANT that efforts to enhance constitutionalism, the rule of law and respect for human rights need to be promoted;

AWARE that there have been previous calls and attempts at building consensus on issues of concern to the people of Kenya through bi-partisan engagements in Parliament;

APPRECIATING the need to establish an inclusive forum for dialogue, consultation and consensus building in seeking to promote the peace, stability and prosperity of the country;

ACKNOWLEDGING THAT the Majority Party in Parliament and the Minority Party in Parliament have agreed to embrace dialogue through the establishment of a *National Dialogue Committee* to recommend a way forward on issues of concern to the people of Kenya;

...../Motion

NOW, THEREFORE, the Houses of Parliament **RESOLVE AS FOLLOWS:-**

1. **THAT** the two Houses of Parliament establish a *National Dialogue Committee* consisting of ten (10) Members to represent the Kenya Kwanza Alliance ("**Kenya Kwanza**"), a coalition constituting the Majority Party of the Parliament of the Republic of Kenya and Azimio La Umoja One Kenya Coalition Party ("**Azimio**"), a coalition forming the Minority Party of the Parliament of the Republic of Kenya;
2. **THAT** each Coalition shall appoint five (5) Members to the *National Dialogue Committee*;
3. **THAT** the membership of the *National Dialogue Committee* shall be drawn from Parliament and outside Parliament;
4. **THAT** the *National Dialogue Committee* shall comprise the following Members to represent Kenya Kwanza:
 - 1) Hon. Kimani Ichung'wah (**Delegation Leader**);
 - 2) Gov. Cecily Mbarire (**Deputy Delegation Leader**);
 - 3) Hon. Sen. Aaron Cheruiyot;
 - 4) Hon. Hassan Omar Hassan; and
 - 5) Hon. Catherine Wambilianga.
5. **THAT** the *National Dialogue Committee* shall comprise the following Members to represent Azimio:
 - 1) H. E. Stephen Kalonzo Musyoka (**Delegation Leader**);
 - 2) Hon. Opiyo Wandayi (**Deputy Delegation Leader**);
 - 3) Hon. Amina Mnyazi;
 - 4) Hon. Eugene Wamalwa; and
 - 5) Hon. Sen. Okong'o Mogeni.
6. **THAT** the mandate of the *National Dialogue Committee* shall be to facilitate dialogue and consensus building and recommend appropriate constitutional, legal and policy reforms on issues of concern to the people of Kenya, to be framed by the *National Dialogue Committee*, in line with the Constitution and the laws of the Republic of Kenya and respecting the functional and institutional integrity of state organs.

...../Motion

THE HOUSES OF PARLIAMENT NOTES:-

7. **THAT** the Technical Teams representing Kenya Kwanza and Azimio shall support the *National Dialogue Committee*.
8. **THAT** the Technical Team representing Kenya Kwanza shall comprise the following persons:
 - (1) Dr. Muthomi Thiankolu;
 - (2) Dr. Linda Musumba;
 - (3) Dr Duncan Ojwang; and
 - (4) Nick Biketi.
9. **THAT** the Technical Team representing Azimio shall comprise the following persons:
 - (1) Hon. Jeremiah Kioni;
 - (2) Prof. Adams Oloo;
 - (3) Abubakar Zein Abubakar; and
 - (4) Lynn Ngugi.
10. **THAT** further the *National Dialogue Committee* shall be assisted by two (2) Officers designated as Communication Secretaries, one (1) of whom shall be appointed by the Leader of Majority Party and the other by the Leader of Minority Party.

THE HOUSES OF PARLIAMENT FURTHER RESOLVE:-

11. **THAT** the *National Dialogue Committee* shall formulate and adopt a Framework Agreement to guide the bi-partisan talks
12. **THAT** the *National Dialogue Committee* shall report to the Leadership of Kenya Kwanza and Azimio Coalitions within sixty (60) days and after that, submit its report to Parliament.
13. **THAT** in the execution of its mandate, the *National Dialogue Committee* may invite, engage with and consider submissions from stakeholders, collate views from the public and engage experts, professionals and other technical resource persons as necessary.
14. **THAT** the *National Dialogue Committee* shall determine its own rules of procedure.
15. **THAT** the Speakers and Clerks of both Houses of Parliament shall provide secretariat and any other necessary support to facilitate the work of the *National Dialogue Committee*.

...../Key

KEY

******- Denotes a Majority /Minority Party Bill**

*****- Denotes a National Assembly Bill**

****- Denotes a Committee Bill**

***- Denotes any other Bill**

-----**XXX**-----

...../Notice of Amendments

NOTICE OF AMENDMENTS

***THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL, 2023
(NATIONAL ASSEMBLY BILLS NO. 16 OF 2023)

(The Senate Majority Leader)

NOTICE is given that the Chairperson, Standing Committee on Finance and Budget, intends to move the following amendments to the Public Finance Management (Amendment) Bill, 2023 (National Assembly Bills No. 16 of 2023), at the Committee Stage-

CLAUSE 6

THAT clause 6 of the Bill be amended in paragraph (b) -

- (a) in the proposed new subsection (2B) by inserting the words "and with the approval of Parliament" immediately after the words "in exceptional circumstances";
- (b) in the proposed (2C) delete the expression "(2C)" appearing immediately after the words "subsections (2A) and" and substituting therefor the expression "(2B)";
- (c) by deleting the proposed new subsection (2D) and substituting therefor the following new subsection-

(2D) The Cabinet Secretary shall submit to the National Assembly and the Senate by the 30th April in every year, a report on the debt status and the borrowing undertaken by the national government, indicating the exceptional circumstances, if any, provided for in subsection (2B).

- (d) by deleting the proposed new subsection (2E) and substituting therefor the following new subsection-

(2E) The committee in the respective House of Parliament responsible for matters relating to public debt shall consider the report submitted under subsection (2D), and shall table its report and its recommendations thereon in the respective House for consideration.

- (c) in the proposed new subsection (2F) by inserting the words "and the Senate" immediately after the words "The National Assembly".

...../Appendix

APPENDIX

1. MESSAGES

- i) Message from His Excellency the President on the nomination of Mr. Andrew Mukite Musangi, for appointment to the position of Chairperson of the Board of Directors of the Central Bank of Kenya.
- ii) Message from the National Assembly on the passage, by the National Assembly of a resolution for establishment of the National Dialogue Committee.
- iii) Message from the National Assembly on the passage, by the National Assembly, of the Climate Change (Amendment) Bill (National Assembly Bills No. 42 of 2023).

(The Speaker of the Senate)

2. NOTICE OF MOTION - ESTABLISHMENT OF THE NATIONAL DIALOGUE COMMITTEE

(The Senate Majority Leader and the Senate Minority Leader)

AWARE THAT Article 1(1) of the Constitution provides that all sovereign power belongs to the people of Kenya and shall be exercised only in accordance with the Constitution;

FURTHER AWARE that Article 1(2) of the Constitution provides that the people of Kenya may exercise their sovereign power either directly or through their democratically elected representatives;

CONSCIOUS that Article 10 of the Constitution espouses the national values and principles of governance, which include the rule of law, democracy and participation of the people;

FURTHER CONSCIOUS that Article 94 of the Constitution provides that Parliament manifests the diversity of the nation, represents the will of the people, and exercises their sovereignty;

RECOGNISING that there is a need to embrace consultation, dialogue and consensus building as a way of resolving issues of concern to the people of Kenya;

COGNIZANT that despite the constitutional and legal reforms on the electoral processes and the electoral laws, after every election cycle there has been mistrust of electoral outcomes, leaving the country divided;

...../Appendix

FURTHER COGNIZANT that efforts to enhance constitutionalism, the rule of law and respect for human rights need to be promoted;

AWARE that there have been previous calls and attempts at building consensus on issues of concern to the people of Kenya through bi-partisan engagements in Parliament;

APPRECIATING the need to establish an inclusive forum for dialogue, consultation and consensus building in seeking to promote the peace, stability and prosperity of the country;

ACKNOWLEDGING THAT the Majority Party in Parliament and the Minority Party in Parliament have agreed to embrace dialogue through the establishment of a *National Dialogue Committee* to recommend a way forward on issues of concern to the people of Kenya;

NOW, THEREFORE, the Houses of Parliament **RESOLVE AS FOLLOWS:-**

1. **THAT** the two Houses of Parliament establish a *National Dialogue Committee* consisting of ten (10) Members to represent the Kenya Kwanza Alliance ("**Kenya Kwanza**"), a coalition constituting the Majority Party of the Parliament of the Republic of Kenya and Azimio La Umoja One Kenya Coalition Party ("**Azimio**"), a coalition forming the Minority Party of the Parliament of the Republic of Kenya;
2. **THAT** each Coalition shall appoint five (5) Members to the *National Dialogue Committee*;
3. **THAT** the membership of the *National Dialogue Committee* shall be drawn from Parliament and outside Parliament;
4. **THAT** the *National Dialogue Committee* shall comprise the following Members to represent Kenya Kwanza:
 - 1) Hon. Kimani Ichung'wah (**Delegation Leader**);
 - 2) Gov. Cecily Mbarire (**Deputy Delegation Leader**);
 - 3) Hon. Sen. Aaron Cheruiyot;
 - 4) Hon. Hassan Omar Hassan; and
 - 5) Hon. Catherine Wambilianga.
5. **THAT** the *National Dialogue Committee* shall comprise the following Members to represent Azimio:
 - 1) H. E. Stephen Kalonzo Musyoka (**Delegation Leader**);
 - 2) Hon. Opiyo Wandayi (**Deputy Delegation Leader**);

...../Appendix

- 3) Hon. Amina Mnyazi;
- 4) Hon. Eugene Wamalwa; and
- 5) Hon. Sen. Okong'o Mogeni.

6. THAT the mandate of the *National Dialogue Committee* shall be to facilitate dialogue and consensus building and recommend appropriate constitutional, legal and policy reforms on issues of concern to the people of Kenya, to be framed by the *National Dialogue Committee*, in line with the Constitution and the laws of the Republic of Kenya and respecting the functional and institutional integrity of state organs.

THE HOUSES OF PARLIAMENT NOTES:-

7. THAT the Technical Teams representing Kenya Kwanza and Azimio shall support the *National Dialogue Committee*.

8. THAT the Technical Team representing Kenya Kwanza shall comprise the following persons:

- (1) Dr. Muthomi Thiankolu;
- (2) Dr. Linda Musumba;
- (3) Dr Duncan Ojwang; and
- (4) Nick Biketi.

9. THAT the Technical Team representing Azimio shall comprise the following persons:

- (1) Hon. Jeremiah Kioni;
- (2) Prof. Adams Oloo;
- (3) Abubakar Zein Abubakar; and
- (4) Lynn Ngugi.

10. THAT further the *National Dialogue Committee* shall be assisted by two (2) Officers designated as Communication Secretaries, one (1) of whom shall be appointed by the Leader of Majority Party and the other by the Leader of Minority Party.

THE HOUSES OF PARLIAMENT FURTHER RESOLVE:-

11. THAT the *National Dialogue Committee* shall formulate and adopt a Framework Agreement to guide the bi-partisan talks

12. THAT the *National Dialogue Committee* shall report to the Leadership of Kenya Kwanza and Azimio Coalitions within sixty (60) days and after that, submit its report to Parliament.

...../Appendix

13. **THAT** in the execution of its mandate, the *National Dialogue Committee* may invite, engage with and consider submissions from stakeholders, collate views from the public and engage experts, professionals and other technical resource persons as necessary.
14. **THAT** the *National Dialogue Committee* shall determine its own rules of procedure.
15. **THAT** the Speakers and Clerks of both Houses of Parliament shall provide secretariat and any other necessary support to facilitate the work of the *National Dialogue Committee*.

(The Senate Majority Leader and the Senate Minority Leader)

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Tuesday, 29th August, 2023

Special Sitting

*(Convened via Kenya Gazette Notice
No.11081 of 24th August, 2023)*

*The House met at the Senate Chamber,
Parliament Buildings, at 9.30 a.m.*

[The Speaker (Hon. Kingi) in the Chair]

PRAYER

DETERMINATION OF QUORUM
AT COMMENCEMENT OF SITTING

The Speaker (Hon. Kingi): Clerk, do we have quorum?

(The Clerk-at-the-Table consulted with the Speaker)

Serjeant-at-arms, please ring the Quorum Bell for 10 minutes.

(Quorum Bell was rung)

The Speaker (Hon. Kingi): Serjeant-at-Arms, I am informed that we now have quorum. So, kindly stop the Bell.

Clerk, kindly proceed to call the first Order.

COMMUNICATION FROM THE CHAIR

CONVENING OF SPECIAL SITTING OF THE SENATE
TO TRANSACT URGENT BUSINESS

The Speaker (Hon. Kingi): Hon. Senators, I welcome you to this Special Sitting of the Senate. I regret to interrupt your recess, but this has been necessitated by urgent legislative business, which requires to be dispensed with.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

On the request of the Senate Majority Leader via a letter Reference No. Senator/MLS/06/S.S/O dated 24th August, 2023, and with the support of the requisite number of Senators, I appointed today, Tuesday, 29th, August, 2023, as a day for a Special Sitting of the Senate.

The appointment was made by Gazette Notice No.11081, dated 24th August, 2023. In the Gazette Notice, I indicated that the business to be transacted at this Special Sitting shall be as follows -

(1) Receipt of Messages including Message from His Excellency, the President on the nomination of Mr. Andrew Mukite Musangi for appointment to the position of Chairperson of the Board of Directors of the Central Bank of Kenya.

(2) Message from the National Assembly on the passage by the National Assembly of a resolution for the establishment of the National Dialogue Committee.

(3) Message from the National Assembly on the passage by the National Assembly of the Climate Change (Amendment) Bill (National Assembly Bills No.42 of 2023).

(4) Consideration of the Climate Change Amendment Bill (National Bills No. 42 of 2023).

(5) Consideration of the Public Finance Management (Amendment) Bills (National Assembly Bills No.16 of 2023) and finally,

(6) The consideration of the Motion on the Establishment of the National Dialogue Committee.

Hon. Senators in accordance with the Standing Order No.33(5), the business specified in the Gazette Notice referred to above, and as outlined in the Order Paper, shall be the only business before the Senate during the Special Sitting, following which the Senate shall stand adjourned until Tuesday, 5th September, 2023, at 2.30 P.M., in accordance with the Senate Calendar.

I thank you.

Next Order, Clerk.

MESSAGE FROM H.E THE PRESIDENT

NOMINATION OF MR. ANDREW MUKITE MUSANGI AS
CHAIRPERSON OF THE BOARD OF DIRECTORS OF THE CBK

(Sen. Lomenen stood at the Bar)

The Speaker (Hon. Kingi): Order, Sen. Lomenen! Hon. Senator!

(Sen. Lomenen walked into the Chamber and took his seat)

Hon. Senators, I wish to report to the Senate that pursuant to Standing Order No.47, I received a Message from His Excellency, the Hon. William Ruto, PhD, CGH, the President of the Republic of Kenya and Commander in Chief of the Kenya Defence

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

Forces on the nomination for appointment of Mr. Andrew Mukite Musangi to the position of Chairperson of the Board of Directors of the Central Bank of Kenya.

The Message was transmitted to the Senate via the letter Reference No.OP/CAB/26/4A Vol.2/38, dated 3rd August, 2023 by the Chief of Staff and Head of Public Service (PSC), Mr. Felix K. Kosgei, while the Senate was on recess and transmitted to Hon. Senators pursuant to Standing Order No.47(2) of the Senate Standing Orders.

I shall now report the Message to the Senate.

“You are most graciously notified that His Excellency Hon. William Somalia Ruto, PhD, CGH, President and Commander and Chief of the Kenya Defence Forces has on the recommendation of the Public Service Commission nominated a candidate for appointment as the Chairperson of the Board of Directors of the Central Bank of Kenya.

It is noted that Section 11(2) (a) of the Central Bank of Kenya Act, Cap.491 of the Laws of Kenya, settle the process of appointment of the Chairperson of the Central Bank of Kenya and it thus reads,

“The Chairperson shall be appointed by the President through a transparent and competitive process and with the approval of Parliament and shall hold office for a time of four years, but shall be eligible for reappointment for one further term.”

In that regard and in accordance with the procedure set out in Sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act No.33 of 2011, as read together with Sections 11(2) and 11(2)(a) of the Central Bank of Kenya Act, we submit to both Houses of Parliament the Presidential nomination of Mr. Andrew Mukite Musangi for appointment as the Chairperson of the Central Bank of Kenya.

To aid Parliament in its consideration and approval processes, we have the pleasure of forwarding herewith the Certificate of Presidential Nomination No.15 of 2023, together with the nominees' Curriculum Vitae and testimonials, and the report of the Public Service Commission on the recruitment of the nominee.

Hon. Senators, Section 3 of the Public Appointments (Parliamentary Approval) Act states that an appointment under the Constitution or another law for which the approval of Parliament is required shall not be made unless the appointment is approved or deemed to have been approved by Parliament in accordance with this Act.

Standing Order No.47(1) of the Senate Standing Orders provides that upon receipt of notification of nomination for appointments to a public office required to be approved by the Senate under the Constitution or any other legislation, the nomination shall stand committed to the relevant Standing Committee for consideration.

As was agreed and executed during previous approvals for nominations such as the position of the Governor of the Central Bank of Kenya, the Message from His Excellency the President, together with the Curriculum Vitae of the nominee, stands committed to the relevant Committee, in this case, the Standing Committee on Finance and Budget for approval hearing. The Committee will hold the approval hearing jointly with the Departmental Committee on Finance, Planning and Trade of the National Assembly, in accordance with the provisions of the Central Bank of Kenya Act and the Public Appointments (Parliamentary Approval) Act and the Standing Orders of the Houses of the Parliament.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

Section 8 of the same Act provides that -

“Unless otherwise provided in any law, a Committee shall consider a nomination and table its report in the relevant House for debate and decision within 14 days from the date on which the notification of nomination was given in accordance with Section 5.

At the conclusion of an approval hearing, the Committee shall prepare its report on the suitability of the candidate to be appointed to the office to which the candidate has been nominated, and shall include in the report, such recommendations as the Committee may consider necessary.”

In this regard, the period on the matter that is now before Parliament starts running upon the Speakers of the Houses of Parliament committing the name of the nominee to the relevant Committees in the Senate and in the National Assembly.

Standing Order No.230 (Joint Sittings of Corresponding Committees of the Senate and National Assembly) shall apply during the approval hearing.

I urge the Committees to expeditiously consider this matter and table a report thereon within the stipulated timelines.

Hon. Senators, you may walk in.

(Several Senators walked into the Chamber)

Hon. Senators, kindly take your seats. I have two more Messages to pass.

(Hon. Senators took their seats)

MESSAGES FROM THE NATIONAL ASSEMBLY

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

The Speaker (Hon. Kingi): Hon. Senators, I wish to report to the Senate that, pursuant to Standing Order Nos.46 (3) and (5), I received a Message from the Speaker of the National Assembly, while the Senate was on recess, regarding the passage of the Climate Change (Amendment) Bill, (National Assembly Bill No.42 of 2023). The Message, which is dated Thursday 24th August, 2023 was received on Friday, 25th August, 2023 in the Office of the Clerk of the Senate.

Pursuant to the Said Standing Order, I now report the Message.

“Pursuant to the provisions of Standing Order 41(1) and 142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly.

WHEREAS, the Climate Change (Amendment) Bill (National Assembly Bill No.42 of 2023) was published via Kenya Gazette Supplement No.127 of July 2023 as a Bill seeking to amend the Climate Change Act, 2016 to provide for the regulation of carbon markets in order to enhance response to climate change and provide mechanisms and measures to achieve low carbon climate resilient development;

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

AND WHEREAS the Climate Change (Amendment) Bill (National Assembly Bill No.42 of 2023) was passed by the National Assembly on Wednesday 23rd August, 2023 with amendments and in the form attached herewith;

NOW THEREFORE, in accordance with the provisions of Article 110 of the Constitution and Standing Orders No.41(1) and 142 of the National Assembly Standing Orders, I hereby convey the said decision of the National Assembly to the Senate.”

Hon. Senators, pursuant to Standing Order No.163 a Bill originating from the National Assembly is required to be proceeded in the manner as a Bill introduced in the Senate by way of First Reading.

In accordance with Standing Order No.144, I direct that at the appropriate time during this Sitting, the said Bill be read for the First Time.

RESOLUTION OF THE NATIONAL ASSEMBLY ON ESTABLISHMENT
OF THE NATIONAL DIALOGUE COMMITTEE

Hon. Senators, I also have another Message that I wish to pass to you.

I wish to report to the Senate that, pursuant to Standing Orders No.46 (3) and (5), I have received a Message from the Speaker of the National Assembly, while the Senate was on recess, regarding the establishment of the National Dialogue Committee, to facilitate dialogue and consensus building and recommend appropriate constitutional, legal and policy reforms on issues of concern to the people of Kenya.

Pursuant to the said Standing Order, I now report the Message -

PURSUANT to the provisions of Standing Order 41 (1) of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly -

“WHEREAS, on Tuesday, 15th August 2023, the Leader of the Majority Party and the Leader of the Minority Party jointly co-sponsored a Motion on Establishment of a National Dialogue Committee comprising of members and a technical team drawn from both the Kenya Kwanza Alliance “Kenya Kwanza”, a coalition constituting the Majority Party of the Parliament of the Republic of Kenya and Azimio la Umoja One Kenya Coalition Party “Azimio”, a coalition forming the Minority Party of the Parliament of the Republic of Kenya;

AND WHEREAS, the mandate of the National Dialogue Committee shall facilitate dialogue and consensus building and recommend appropriate constitutional, legal and policy reforms on issues of concern to the people of Kenya, to be framed by the Committee, in line with the Constitution and the laws of the Republic of Kenya, and respecting the functional and institutional integrity of state organs;

FURTHER WHEREAS on Wednesday, 16th August, 2023, the National Assembly considered and passed the said Resolution on the Establishment of the National Dialogue Committee in the form attached hereto;

NOW THEREFORE, in accordance with the provisions of Standing Orders 41 (1) of the National Assembly Standing Orders, I hereby convey the said decision of the National Assembly to the Senate for consideration.”

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

Hon. Senators, appreciating the importance of this matter, I directed that a Notice of Motion and Motion be scheduled in the Order Paper for this Special Sitting for consideration and adoption.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM TURKANA COUNTY ASSEMBLY

Finally, I would like to acknowledge the presence, in the Speaker's Gallery this morning, of a visiting delegation of Serjeant-at-Arms from Turkana County Assembly who are in the Senate for a benchmarking visit.

I request the delegation to stand, so that they may be acknowledged according to the Senate tradition.

The delegation comprises of the following officers-

1. Mr. James Sirite
2. Ms. Easther Akisi
3. Mr. Nicholas Ekai
4. Mr. Justus Ajore
5. Mr. Mathew Loporon
6. Mr. Leonard Lokwamor
7. Mr. Charles Lomokol
8. Mr. John Napas
9. Mr. Nicholas Nakapwan
10. Mr. Wilson Lokeris
11. Mr. Paul Ekipor
12. Mr. Dalmus Lochodo
13. Ms. Beatrice Aule
14. Mr. Andrew Abong
15. Ms. Celestine Akal
16. Ms. Sarah Akal
17. Ms. Esther Akal
18. Ms. Jane Nyanga
19. Ms. Lucy Loyelei

Hon. Senators, on behalf of the Senate and my own behalf, I extend a warm welcome and wish them a fruitful visit.

I will allow the Senator for Turkana, Sen. Lomenen, under one minute, to welcome the delegation from Turkana County.

Sen. Lomenen: Thank you, Mr. Speaker, Sir, for this golden opportunity. I welcome the Serjeant-at-Arms from Turkana County. For now, I will not refer to them as Serjeant-at-Arms, but my employers. I am here because of their votes. I congratulate them for visiting the Senate to learn and replicate best practices from here. I assure them that this is a wonderful House and we have great Serjeant-at-Arm who will train them.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

I thank them for travelling from the furthest corner of this nation. I pray to God to give them journey mercies on their way back. Since I have been allowed only one minute, I will see them outside the Chamber.

The Speaker (Hon. Kingi): Next Order, Clerk.

NOTICE OF MOTION

ESTABLISHMENT OF THE NATIONAL DIALOGUE COMMITTEE

The Senate Majority Leader (Hon. Cheruiyot): Mr. Speaker, Sir, I beg to give notice of the following Motion on the establishment of the National Dialogue Committee

AWARE THAT Article 1(1) of the Constitution provides that all sovereign power belongs to the people of Kenya and shall be exercised only in accordance with the Constitution;

FURTHER AWARE that Article 1(2) of the Constitution provides that the people of Kenya may exercise their sovereign power either directly or through their democratically elected representatives;

CONSCIOUS that Article 10 of the Constitution espouses the national values and principles of governance, which include the rule of law, democracy and participation of the people;

FURTHER CONSCIOUS that Article 94 of the Constitution provides that Parliament manifests the diversity of the nation, represents the will of the people, and exercises their sovereignty;

RECOGNISING that there is a need to embrace consultation, dialogue and consensus building as a way of resolving issues of concern to the people of Kenya;

COGNIZANT that despite the constitutional and legal reforms on the electoral processes and the electoral laws, after every election cycle there has been mistrust of electoral outcomes, leaving the country divided;

FURTHER COGNIZANT that efforts to enhance constitutionalism, the rule of law and respect for human rights need to be promoted;

AWARE that there have been previous calls and attempts at building consensus on issues of concern to the people of Kenya through bi-partisan engagements in Parliament;

APPRECIATING the need to establish an inclusive forum for dialogue, consultation and consensus building in seeking to promote the peace, stability and prosperity of the country;

ACKNOWLEDGING THAT the Majority Party in Parliament and the Minority Party in Parliament have agreed to embrace dialogue through the establishment of a National Dialogue Committee to recommend a way forward on issues of concern to the people of Kenya;

NOW, THEREFORE, the Houses of Parliament RESOLVE AS FOLLOWS: -

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

1. THAT the two Houses of Parliament establish a National Dialogue Committee consisting of ten (10) Members to represent the Kenya Kwanza Alliance ("Kenya Kwanza"), a coalition constituting the Majority Party of the Parliament of the Republic of Kenya and Azimio La Umoja One Kenya Coalition Party ("Azimio"), a coalition forming the Minority Party of the Parliament of the Republic of Kenya;

2. THAT each Coalition shall appoint five (5) Members to the National Dialogue Committee;

3. THAT the membership of the National Dialogue Committee shall be drawn from Parliament and outside Parliament;

4. THAT the National Dialogue Committee shall comprise the following Members to represent Kenya Kwanza:

(1) Hon. Kimani Ichung'wah (Delegation Leader);

(2) Gov. Cecily Mbarire (Deputy Delegation Leader);

(3) Sen. Aaron Cheruiyot;

(4) Sen. Hassan Omar Hassan; and

(5) Hon. Catherine Wambiliang'a.

5. THAT the National Dialogue Committee shall comprise the following Members to represent Azimio:

(1) H. E. Stephen Kalonzo Musyoka (Delegation Leader);

(2) Hon. Opiyo Wandayi (Deputy Delegation Leader);

(3) Hon. Amina Mnyazi;

(4) Hon. Eugene Wamalwa; and

(5) Sen. Okong'o Mogeni.

6. THAT the mandate of the National Dialogue Committee shall be to facilitate dialogue and consensus building and recommend appropriate constitutional, legal and policy reforms on issues of concern to the people of Kenya, to be framed by the National Dialogue Committee, in line with the Constitution and the laws of the Republic of Kenya and respecting the functional and institutional integrity of state organs.

THE HOUSES OF PARLIAMENT NOTE: -

7. THAT the Technical Teams representing Kenya Kwanza and Azimio shall support the National Dialogue Committee.

8. THAT the Technical Team representing Kenya Kwanza shall comprise the following persons:

(1) Dr. Muthomi Thiankolu;

(2) Dr. Linda Musumba;

(3) Dr. Duncan Ojwang; and

(4) Nick Biketi.

9. THAT the Technical Team representing Azimio shall comprise the following persons:

(1) Hon. Jeremiah Kioni;

- (2) Prof. Adams Oloo;
- (3) Abubakar Zein Abubakar; and
- (4) Lynn Ngugi.

10. THAT further the National Dialogue Committee shall be assisted by two (2) Officers designated as Communication Secretaries, one (1) of whom shall be appointed by the Leader of Majority Party and the other by the Leader of Minority Party.

THE HOUSES OF PARLIAMENT FURTHER RESOLVE: -

11. THAT the National Dialogue Committee shall formulate and adopt a Framework Agreement to guide the bi-partisan talks.

12. THAT the National Dialogue Committee shall report to the Leadership of Kenya Kwanza and Azimio Coalitions within sixty days and after that, submit its report to Parliament.

13. THAT in the execution of its mandate, the National Dialogue Committee may invite, engage with and consider submissions from stakeholders, collate views from the public and engage experts, professionals and other technical resource persons as necessary.

14. THAT the National Dialogue Committee shall determine its own rules of procedure.

15. THAT the Speakers and Clerks of both Houses of Parliament shall provide secretariat and any other necessary support to facilitate the work of the National Dialogue Committee.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Next Order.

(The Clerk consulted the Speaker)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM ST. BRIGID ACADEMY,
ELGEYO-MARAKWET COUNTY

The Speaker (Hon. Kingi): Hon. Senators, kindly take your seats. Before we proceed to the next Order, allow me to make the following Communication.

I would like to acknowledge the presence, in the Public Gallery this morning, of a visiting delegation from St. Brigid Academy, Elgeyo-Marakwet County. The Delegation consists of 56 pupils and 10 teachers. On behalf of the Senate and my own behalf, I welcome the Delegation and wish them a fruitful visit.

I will allow Sen. Kisang', under one minute, to say a word of welcome.

Sen. Kisang: Thank you Mr. Speaker, Sir. On behalf of the Senate, I take this opportunity to welcome St. Brigid Academy from Keiyo South, Elgeyo-Marakwet County to the Senate. This is one of our schools that does very well. Last year, their Kenya Certificate of Primary Education (KCPE) Mean Grade was 392.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

Welcome to the Senate. Congratulations and enjoy yourselves while you are here. Listen to our discussions. I believe some of you, in future, will be in this House and others in the National Assembly. Others will become governors and even presidents.

Thank you and *karibuni*.

I will see you shortly when you are out there.

BILL

First Reading

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

*(Order for First Reading read – Read the First
Time and ordered to be referred to the
relevant Senate Committee)*

The Speaker (Hon. Kingi): Next Order.

Hon. Senators, pursuant to Standing Order No.45(2), allow me to re-arrange the sequence of today's Order Paper.

We will proceed with Order No.11 and thereafter, come back to Order Nos. 9 and 10.

Clerk, proceed to call that Order, please.

MOTION

ESTABLISHMENT OF THE NATIONAL
DIALOGUE COMMITTEE

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I beg to move the following Motion-

AWARE THAT Article 1(1) of the Constitution provides that all sovereign power belongs to the people of Kenya and shall be exercised only in accordance with the Constitution;

FURTHER AWARE that Article 1(2) of the Constitution provides that the people of Kenya may exercise their sovereign power either directly or through their democratically elected representatives;

CONSCIOUS that Article 10 of the Constitution espouses the national values and principles of governance, which include the rule of law, democracy and participation of the people;

FURTHER CONSCIOUS that Article 94 of the Constitution provides that Parliament manifests the diversity of the Nation, represents the will of the people, and exercises their sovereignty;

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

RECOGNISING that there is a need to embrace consultation, dialogue and consensus-building as a way of resolving issues of concern to the people of Kenya;

COGNIZANT that despite the constitutional and legal reforms on the electoral processes and the electoral laws, after every election cycle there has been mistrust of electoral outcomes, leaving the country divided;

FURTHER COGNIZANT that efforts to enhance constitutionalism, the rule of law and respect for human rights need to be promoted;

AWARE that there have been previous calls and attempts at building consensus on issues of concern to the people of Kenya through bi-partisan engagements in Parliament;

APPRECIATING the need to establish an inclusive forum for dialogue, consultation and consensus-building in seeking to promote the peace, stability and prosperity of the country;

ACKNOWLEDGING THAT the Majority Party in Parliament and the Minority Party in Parliament have agreed to embrace dialogue through the establishment of a National Dialogue Committee to recommend a way forward on issues of concern to the people of Kenya;

NOW, THEREFORE, the Houses of Parliament RESOLVE AS FOLLOWS:-

1. THAT the two Houses of Parliament establish a National Dialogue Committee consisting of 10 Members to represent the Kenya Kwanza Alliance referred to as "Kenya Kwanza", a coalition constituting the Majority Party of the Parliament of the Republic of Kenya and Azimio La Umoja One Kenya Coalition Party (Azimio), a coalition forming the Minority Party of the Parliament of the Republic of Kenya;

2. THAT each Coalition shall appoint five Members to the National Dialogue Committee;

3. THAT the membership of the National Dialogue Committee shall be drawn from Parliament and outside Parliament;

4. THAT the National Dialogue Committee shall comprise the following Members to represent Kenya Kwanza:

- (1) Hon. Kimani Ichung'wah (Delegation Leader)
- (2) Gov. Cccily Mbarire (Deputy Delegation Leader)
- (3) Hon. Sen. Aaron Cheruiyot
- (4) Hon. Hassan Omar Hassan; and,
- (5) Hon. Catherine Wambilianga

5. THAT the National Dialogue Committee shall comprise the following Members to represent Azimio:

- (1) H.E. Stephen Kalonzo Musyoka (Delegation Leader)
- (2) Hon. Opiyo Wandayi (Deputy Delegation Leader)
- (3) Hon. Amina Mnyazi
- (4) Hon. Eugene Wamalwa; and,
- (5) Hon. Sen. Okong'o Omogeni

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

6. THAT the mandate of the National Dialogue Committee shall be to facilitate dialogue and consensus building and recommend appropriate constitutional, legal and policy reforms on issues of concern to the people of Kenya, to be framed by the National Dialogue Committee in line with the Constitution and the laws of the Republic of Kenya and respecting the functional and institutional integrity of State organs.

THE HOUSES OF PARLIAMENT NOTE:-

7. THAT the Technical Teams representing Kenya Kwanza and Azimio shall support the National Dialogue Committee.

8. THAT the Technical Team representing Kenya Kwanza shall comprise the following persons:

- (1) Dr. Muthomi Thiankolu
- (2) Dr. Linda Musumba
- (3) Dr Duncan Ojwang; and,
- (4) Nick Biketi

9. THAT the Technical Team representing Azimio shall comprise the following persons:

- (1) Hon. Jeremiah Kioni
- (2) Prof. Adams Oloo
- (3) Abubakar Zcin Abubakar; and,
- (4) Lynn Ngugi.

10. THAT further the National Dialogue Committee shall be assisted by two officers designated as Communication Secretaries, one of whom shall be appointed by the Leader of the Majority Party and the other by the Leader of the Minority Party.

THE HOUSES OF PARLIAMENT FURTHER RESOLVE :-

11. THAT, the National Dialogue Committee shall formulate and adopt a Framework Agreement to guide the bi-partisan talks.

12. THAT, the National Dialogue Committee shall report to the leadership of Kenya Kwanza and Azimio Coalitions within 60 days and after that, submit its report to Parliament.

13. THAT in the execution of its mandate, the National Dialogue Committee may invite, engage with and consider submissions from stakeholders, collate views from the public and engage experts, professionals and other technical resource persons as necessary.

14. THAT the National Dialogue Committee shall determine its own rules of procedure.

15. THAT the Speakers and Clerks of both Houses of Parliament shall provide the secretariat and any other necessary support to facilitate the work of the National Dialogue Committee.

Mr. Speaker, Sir, as you might be aware, our colleagues in the National Assembly passed this Motion last week. As a House, we ought to have passed it immediately soon after, so that we can begin our operations at the National Dialogue Committee.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

However, we are all aware that as a House we were on recess, but we felt that given the urgency and importance that this Committee and the sacred nature of the assignment that is before them, it would be unfair to us as a House if we carried on with our recess and wait until mid of September to come and pass this Motion. We would continue to carry on the long wrongly-held belief that Senate is a second thought. The Senate of the Republic of Kenya is not a second thought.

The people of Kenya bequeathed unto themselves this House and believe that it carries equal, if not even far more important powers, than that of the National Assembly, especially on matters that are of great national importance such as the one that is before us.

It is in light of this that I sought the concurrence of our colleagues including the leadership of the Minority side. We then signed on to have this Special Sitting and consider this particular matter alongside other urgent business that is before us today. However, of importance is we get to sit down and seek the endorsement of our colleagues from Parliament.

Mr. Speaker, Sir, you have heard me read from Article 1(2) of our Constitution that Parliament represents the diversity of our people. When we gather here, it is the gathering of all the 45 million Kenyans plus.

Since it was not possible to have all of us as the people of Kenya gather in one place at one particular time and location, therefore, Kenyans elect their representatives. On many occasions, they speak either directly as a people or indirectly through their representatives.

Through the donated power that these Members in this House carry, we are seeking the blessing of the people of Kenya to sit at a table and reason together. This is in follow for those of us that profess the Christian faith. We are urged many times in the Bible that our good Lord reminds us that when there are challenges, it is good to come, sit down and reason together.

Mr. Speaker, Sir, it is on that basis that we have had this opportunity to sit down and listen to one another. It does not mean that for all the things that are on the table, we shall eventually agree. However, at least there is nothing better than giving an ear to the person that holds a contrary view to whatever positions that you hold.

Mr. Speaker, Sir, that is how great democracies are built by learning the art and the discipline of listening to one another even when you do not agree. Nations have gone to war because people stopped talking to one another and they felt that the only important noise is the sound of guns and bombs. That is not the route we want to take as a country. Kenya has existed as a Republic for over 60 years. It is not because those who were in leadership at that time did not face challenges. They did but found ways of surmounting them by coming together and reasoning.

Mr. Speaker, Sir, in fact, I may be quite young and the truth of the matter is that I never saw the first President of this Republic; President Jomo Kenyatta. However, as a student in primary and high school before he retired, I saw through the leadership of President Moi, followed by President Mwai Kibaki. I had become an adult then. I also saw the leadership of President Uhuru Kenyatta who has just retired. We had the opportunity to serve in one political party.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

I recall that in each of those presidencies, there were moments when they sat back and reflected with colleagues across the Floor. In fact, back then, it was easy because Presidents were Members of Parliament (MPs). Therefore, they would dialogue easily sometimes, either through Motions such as this one presently, on the Floor of the House. Quite a number including yourself had the opportunity to serve.

I urge my colleagues respectfully; let us support this Motion and agree with the proposal to send our colleagues to listen to each other. Give them your blessings and share whatever thoughts. We know you have different opinions on many of these issues.

Mr. Speaker, Sir, I report to this House that in last week's meeting, we framed the issues and reduced the agenda of what our colleagues from the Minority side considered. They are issues worth conversing about together with issues from the Majority side. We have five key thematic areas, which we shall consider tomorrow at the Bomas of Kenya (BOK). Some are of constitutional and legislative nature and others are to do with policy. We shall sit down and agree. Where we are unable to agree for one reason or another, we shall come back and report to this House.

Our colleagues will have the opportunity to speak and share their thoughts and ways they feel the issues need to be resolved. I believe we are doing this in the best interest of the country. I know people have varied opinions about these issues. I assure my colleagues in the House because I know that initially when the agenda was listed, there was one particular issue that was quite key to Senators; the entrenchment of various funds into the Constitution. The Senate Oversight Fund did not feature.

I have an advance copy of the agenda for which we shall agree on tomorrow. Under that agenda item of entrenching funds into the Constitution, listed as number one is the Senate Oversight Fund, the National Government-Constituencies Development Fund (NG-CDF) and the National Government Affirmative Action Fund, alongside other outstanding constitutional matters. They include issues to do with electoral justice and related matters and the restructuring of the Independent Electoral Boundaries Commission (IEBC).

Mr. Speaker, Sir, we passed a law towards the end of the Second Session. Many people held different views about it. We know that there is an already established elections committee that is continuing with its work. However, nothing stops us. That matter is strongly under the purview of the MPs, which include Senators here. They are allowed to come back to the House and say, "wait a minute, this is the proposal that we gave for the seven Members of the Selection Panel, but perhaps, we hold a different view on how it needs to be done." Those powers together with many other issues that have been listed rest with this House.

Therefore, I have to be fair to my colleagues because I know we *gazetted* the morning sitting to transact this particular business and we still have other business before us. I do not intend to take longer than that. I wish to avail the opportunity, so that colleague Senators can also have a chance to comment on this matter and we conclude it.

I urge all of us in the House – both the Majority and Minority sides – to close ranks and give this team an opportunity to sit down and reflect on issues they consider important to the people of Kenya.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

Mr. Speaker, Sir, with those many remarks, I beg to move and request my counterpart, the Senate Minority Leader, Sen. Madzayo, to second this Motion.

The Senate Minority Leader (Sen. Madzayo): Asante, Bw. Spika---

(Sen. Cheruiyot and Sen. Kinyua spoke off record)

The Speaker (Hon. Kingi): Senate Majority Leader and Sen. Kinyua, kindly let the Senator be heard in silence.

The Senate Minority Leader (Sen. Madzayo): Bw. Spika, kwanza ninaunga mkono Hoja hii iliyoletwa na Kiongozi wa Walio Wengi. Katiba inatueleza kabisa kuwa mamlaka yote ya taifa hili yako katika mikono ya Wakenya. Kwa hivyo wao ndio wenyewe mamlaka. Sisi tuko hapa kama Bunge kutueleza yote ambayo Wakenya wanahitaji yatekelezwe katika Bunge hili la Seneti.

Mengi yamecmwa. Hata hivyo, Kipengele cha 94 cha Katiba kinasema wazi kwamba Wakenya watawakilishwa Bungeni na wale waliochagua. Tukiwa hapa, tunayo majukumu tofauti. Jukumu letu la kwanza ni kuona---

(Loud consultations)

Bw. Spika ningependa kusikizwa lakini kuna sauti nyingi zinazotoka upande huo mwingine.

The Speaker (Hon. Kingi): Hon. Senators, kindly let us hear the Senate Majority Leader in silence.

The Senate Minority Leader (Sen. Madzayo): Bw. Spika, tunajua kuna mazungumzo yanayoendelea. Ni lazima yalitishwe katika hili Bunge. Ni muhimu hayo mazungumzo yafaulu ili amani ipatikane nchini.

Kulingana na pande zote mbili; Upande wa Walio Wengi na wa Walio Wachache, tunajua wananchi wasio Wabunge walichaguliwa ili wasaidie ile timu ya Bunge. Timu ambayo tulichagua hapa inaongozwa na Wabunge wetu kutoka pande zote mbili. Hawa Wabunge wako na ujuzi na taaluma ya hali ya juu ya kuendesha mazungumzo haya. Vile vile, kuna *technical experts* ambao wanasaidia hilo kundi. Wao pia wako na taaluma ya juu.

Jambo tunalohitaji katika nchi hii ni amani. Bila amani hakuna nchi inayoweza kufaulu katika utendakazi, kuwa na maendeleo, uwiano na kuishi pamoja. Katika Hoja hii, tunasema mazungumzo haya yafanywe kwa njia mwafaka ili yafaulu. Tuko na imani kuwa waliochaguliwa watafaulu katika kujadiliana na kukubaliana na yale yatakayolita amani humu nchini.

Kule kwetu, tunasema majembe mawili yakiwa ndani ya gunia, lazima yagongane. Sio lazima watu wakubaliane na kila kitu katika mazungumzo yoyote. Mazungumzo haya ni ya muhimu sana.

Sio lazima watu wakubaliane kwa kila kitu. Lakini, wakikubaliana kwa mambo mengi zaidi, amani ipatikane na Wakenya waishi kwa upendo, watajua ya kwamba sisi sote ni Wakenya na lazima tushikilie Kenya tukiwa pamoja. Hilo litakuwa jambo muhimu.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

Bw. Spika, nia yetu ni kwamba mazungumzo haya yaweze kufaulu. Tuna imani na timu ambazo tumcziweka hapa mbele.

Bibilia inatuambia ya kwamba, pale watu wawili au watatu wako pamoja kuzungumza, ni lazima pawe na amani. Kwa hivyo, sisi tuko na imani na mazungumzo haya na vinara wote kutoka upande huu na ulc tuliowachagua. Kuna Viongozi wa Walio Wengi wakiongozwa na mhe. Ichung'wa, na Viongozi wa Walio Wachache wakiongozwa na Mhe. Kalonzo Musyoka. Kwa hivyo, mazungumzo haya yataleta matunda na hatimaye Kenya itaendelea mbele na kupata faida kubwa.

Bw. Spika, naunga mkono Mswada huu ili uweze kufaulu.

Asante sana.

The Speaker (Hon. Kingi): Yes, Sen. (Dr.) Lelegwe Ltumbesi, what is your point of order?

(Sen. (Dr.) Lelegwe spoke off record)

(Question proposed)

I will, therefore, proceed to call upon hon. Senators to make their contribution to this Motion. However, before I do so, Sen. (Dr.) Lelegwe Ltumbesi, what is your point of order?

PROCEDURAL MOTION

LIMITATION OF DEBATE ON THE MOTION ON ESTABLISHMENT OF THE NATIONAL DIALOGUE COMMITTEE

Sen. (Dr.) Lelegwe: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No. 111(1) and (2).

I beg to move the following Motion-

THAT, debate on the Motion on the establishment of the National Dialogue Committee be limited as follows-

(a) each Senator speaking be limited to not more than three minutes;

(b) debate on the Motion be limited to a maximum of 60 minutes, after which the Mover be called upon to reply.

The Speaker (Hon. Kingi): Hon. Senators, pursuant to that Motion, I will proceed to put the question.

(Question put and agreed to)

Three minutes for each Senator to contribute. We are going to take one hour to make our contributions to this Motion.

Proceed, Sen. Maanzo.

Sen. Maanzo: Thank you, Mr. Speaker, Sir, for giving me an opportunity to contribute to this very important Motion.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

The Constitution expects that as soon as an election is conducted, whoever takes the mantle leads the country to prosperity, peace, and unity. It anticipates a situation where we will work together as a nation for the success of the people of Kenya who elect us and who are sovereign. The new Constitution anticipates the elected leaders to be servants of the people.

Mr. Speaker, Sir, I therefore rise to support this initiative so that there may be dialogue. We agreed that after the Constitution of Kenya 2010---

(Sen. Wamatinga and Sen. Cheruiyot consulted loudly)

The Speaker (Hon. Kingi): Sen. Wamatinga and the Senate Majority Leader, kindly, let us give Sen. Maanzo an opportunity to be heard as he makes his contribution.

Sen. Maanzo: Thank you, Mr. Speaker, Sir. Dialogue is needed so that we can fill the gaps. As you have seen from the proposals of the two sides, the Majority and the Minority, there are gaps that were left out in the Constitution of Kenya 2010 and after 13 years, it is time for us to fill these gaps so that we can have a document which serves and unites the people of Kenya, and see the country grow into prosperity.

Mr. Speaker, Sir, I am aware of the debates that have been taking place in funerals, television shows, and within the public. Some people feel that these bipartisan talks could be against their region, tribe or against themselves. On the contrary, this is for the benefit of the country. It is not for the benefit of a religion or a tribe.

We want to build a strong Kenya for all Kenyans, not for one or two individuals. I like the way the Majority Side in the National Assembly has framed the issues. The matter went through the National Assembly. It is now before the Senate.

Once we prepare this, we have to avoid the pitfalls like what we went through before, when we tried to amend the Constitution, through the Executive, and not through a popular initiative. We, eventually, must find a way of making this a popular initiative.

As the Senate, we represent all 47 counties of the Republic, therefore, we should avoid what happened to the Building Bridges Initiative (BBI). Obviously, this is going the BBI way again. However, we must make sure it is a people-driven change, not an Executive or elected leaders-only-driven change.

Eventuality it must go back to the people for some of the issues to be framed. Some can be amended by Parliament and others can only come through a referendum.

I thank you, Mr. Speaker, Sir and I support.

The Speaker (Hon. Kingi): Sen. Orwoba, please, proceed.

Sen. Orwoba: Thank you, Mr. Speaker, Sir. I rise to support the Motion. I believe it is time that this country has a national dialogue. I agree that it is long overdue and that, incorporating the civil society is something that is much needed.

However, I have noted that it is written that the National Dialogue Committee will be there to facilitate dialogue, to build consensus, and to recommend appropriate constitutional, legal and policy reforms. When you look at the job description that this Committee has been given, it is squarely the exact same job description that we have for the National Cohesion and Integration Commission.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

So, the only thing that I would like to point out so that we are also not lying to Kenyans, is that we have legal frameworks to have these national dialogues. We have the National Cohesion and Integration Commission (NCIC). In the Senate and the National Assembly, we have a committee on National Cohesion and Equal Opportunity.

So, as much as I support this Motion, I have to say that we are being unfair to the President because the President has set out to put out austerity measures to ensure that we are not spending money that should not be spent yet we are here creating another entity when we could have used the NCIC. We could have used our joint committee between the National Assembly and the Senate to actually have the framework and the discussion. Those platforms have equal opportunities that we could have made effective.

Mr. Speaker, Sir, as legislators, as much as I support this Motion, we are being unfair to the taxpayers because I am sure this Committee is going to draw some sort of allowance. I am sure we are going to incur expenses on the same, and it is not fair to tell the taxpayers that we are going to pay the Commission and the committees, and now we are coming together to have a National Dialogue Committee, on top of all the legal frameworks that we have. However, I agree we need a national dialogue, therefore, I support this Motion.

The Speaker (Hon. Kingi): Sen. Oketch Gicheru, please, proceed.

Sen. Oketch Gicheru: I thank you, Mr. Speaker, Sir. At the very least, this National Dialogue Committee holds the promise of creating a---

(Technical hitch)

Sen. Oketch Gicheru: Mr. Speaker, Sir, it seems like Sen. Kinyua---

The Speaker (Hon. Kingi): Just proceed to make your contribution.

(Laughter)

The Speaker (Hon. Kingi): Your three minutes are almost up. Please, proceed.

Sen. Oketch Gicheru: Mr. Speaker, Sir, I will start now. I would like to say that at the very least, this particular National Dialogue Committee gives this country a promise of creating a very significant momentum with the aim of inclusively transforming the socio-political and economic conflict that has engulfed this country since post-election, particularly at the beginning of this year.

Mr. Speaker, Sir, it would therefore be extremely remiss of me to start commenting on this particular Motion without sincerely thanking His Excellency President Ruto, together with the former Rt. Hon. Prime Minister Raila Odinga, for the boldness they have exemplified to allow this country to have a dialogue and give dialogue a chance.

Indeed, Mr. Speaker, Sir, dialogue in the context of the circumstances we found ourselves in since the beginning of the year is the only useful way that we can ensure that we not only achieve the idea of sustainable peace in this country but also make sure that, as a country, we can mainstream some of the economic issues that we have been facing in the past few months.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

In fact, there is a time in this particular House when it was very difficult to become a Senator, and at the same time be conscious about a number of decisions and talk about them more consciously without being in a constant state of rage. That was because some of these issues that have been laid down from both sides of the House have been very weighty.

Mr. Speaker, Sir, I do know that the weight of those issues indeed goes to touch the Constitution. Therefore, as a nation, as we allow this team to go sit down and talk, I encourage this House to also keenly look at other mechanisms of being able to engage with the different parts of this conversation.

Some of the issues as has been said from the Azimio side around the audit of election results are contentious. That is touching on the Article 86 of the Constitution. If you go further, there is the Election Act 2011 and Section 44 is entirely dedicated to auditing of the elections.

The Independent Electoral and Boundaries Commission (IEBC) Act, section 11 is equally embedded on the audit of elections. The Economic rights is an entire issue in Article 43 of the Constitution. I know that the Majority Side has said they are trying to mainstream some of these issues.

If you further look at the issues around democratization, our entire Article 4 of the Constitution defines this country as a democracy. So, these are not just issues that need some institutional understanding but indeed, they are at the core of the issues of national dialogue.

We thank our leaders, both, Hon. Raila Amolo Odinga and President Ruto, for giving this country a chance to sit and have a consultation with itself.

(The microphone went off)

The Speaker (Hon. Kingi): Your time is up. I am sorry we had to switch you off manually.

Proceed, Sen. Kathuri.

Sen. Kathuri: Thank you, Mr. Speaker, Sir, for this chance to make my very brief comments on this Motion on the establishment of the National Dialogue Committee.

On the onset, you know, dialogue is a conversation between two or more people. That is according to a certain encyclopedia.

Mr. Speaker, Sir, I support this Motion, but one thing that is really giving us problems is how we came to the formulation of this Committee. You know before this group was composed, so many Kenyans are now dead. I do not know whether this Committee or dialogue will bring back Kenyans who are already dead. This is because the process the Minority Coalition used was to go to the streets to demonstrate and do very funny things so that they could push the President to accept this dialogue.

Mr. Speaker, Sir, as we debate this Motion, I am at a great loss because Kenyans have lost property and lives. However, I hope this will be the first and the last one.

I was at pains to hear my friend and colleague from Migori say that the elections were contentious. They were not contentious. If there was any contention, it was taken to

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

the Supreme Court which determined that the elections were free and fair and that President Ruto won squarely.

Mr. Speaker, Sir, you know, in Kenya, we are used to these bad politics of arm-twisting the Government when it is elected. Some of us actually have sacrificed a lot to be in this House today. I personally arrived in this country at 3:00 a.m. so that I could participate in this Motion.

I wanted to come and air my voice that this should not be the route to go as Kenya. I support the ten-member Committee. I am also happy that the dialogue has been brought to this Parliament. I was afraid that there might be some handshakes in the corner of the streets after this dialogue. I am happy that the report will find its way here so that we can either agree or disagree with it.

Thank you very much.

The Speaker (Hon. Kingi): Proceed, Sen. Wambua.

Sen. Wambua: Mr. Speaker, Sir, I thank you for this opportunity. I also join my colleagues in fully supporting the Constitution of the National Dialogue Team. I am happy that the National Dialogue team is constituted along the lines of national values and principles of governance.

I pray that at the end of their term, this team is going to come up with the resolutions that bind us together as a nation. People should not be afraid of talking. In fact, the minute you stop talking, then bad things begin to happen.

There is nothing to fear about dialogue. When there are disputes, whether those disputes arise from a contested election or they arise from issues of governance or cost of living, leaders have a duty of care to talk and find solutions to problems facing the people they lead.

Mr. Speaker, Sir, I personally take this initiative very seriously. As my neighbour, the Senator of Meru has said, he left his county very early in the morning to participate in this. I should be somewhere in Nakuru, taking my son back to school. However, I am here because this is important for this country and for national healing.

As I conclude, this team that is meeting to have this dialogue is building on a foundation that was laid by the first bipartisan team that yours truly was a member of. In this one, I am very happy that we have laid a firm foundation on which we will heal this country and move forward together as a nation.

I fully support.

The Speaker (Hon. Kingi): Proceed, Sen. Murango.

Sen. Murango: Asante sana, Mstahiki Spika, kwa kunipa fursa hii niweze kuchangia. Kwanza naunga mkono Hoja hii ambayo iliwasilishwa na Kiongozi wa Walio Wengi ya kwamba wale waliotculiwa waweze kuketi na kutafuta jawamu katika mazungumzo. Hata hivyo, tusiwe watu wa kutafuta vita ndipo tuanze kutafuta amani.

(Applause)

Hili ni jambo ambalo lingemalizwa kitambo. Ningeuliza watu waliomba kuwe na mazungumzo, wanapokwenda kuongea tusije kusikia kuwa kuna matata mengi yanatokea sehemu ile kwa sababu Waswahili husema mfungwa hachagui gereza. Kwa sababu

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

washachaguwa kwamba wanataka kuwa katika gereza la mazungumzo, kusiwe na utata wowote pale wanapozungumza.

Kama alivyosema Seneta wa Meru, iwe ni jambo la mwisho kwa sababu hakuna maana ya uchaguzi ikiwa hakuna mshindi. Vile vile, ni kama tukac sote tuteuliwe tuje hapa Seneti. Tukiendelea hivyo, hata mimi pia niliowashinda kule Kirinyaga watasema kuwe na mazungumzo. Wale walioshindwa ugavana watasema pia kuwe na mazungumzo.

Kwa hivyo, iwe ni mara ya mwisho kwamba tunafanya hili. Tukilifanya tumalize, kuwe na amani. Pia wanaongoza wasije kwa misingi na misimamo mikali. Waje na misimamo na kauli zitakazotolewa kwa ajili ya wananchi wa Kenya wala sio kwa ajili ya uongozi.

Asante sana, Mstahiki Spika.

The Speaker (Hon. Kingi): Proceed, Sen. Dullo.

Sen. Dullo: Thank you, Mr. Speaker, Sir. Sorry, I thought it was my turn.

The Speaker (Hon. Kingi): Proceed, Sen. Dullo.

Sen. Dullo: Mr. Speaker, Sir, I am supporting this Motion hoping that what is happening in this country is going to be resolved. Most of us have been in this country for long and in leadership positions as well; and after every five years, the same issues come up.

From what has happened before, I feel we do not get to the bottom of the problem. This is because, if we go for elections and someone gets defeated, they should accept defeat. We have seen these shenanigans of high cost of living and the Independent Electoral and Boundaries Commission (IEBC) year-in, year-out. What solutions are leaders bringing as far as the cost of living is concerned?

Mr. Speaker, Sir, I have seen what the Senate Majority Leader has enumerated as the Agenda for this Committee. For the record, I do not see a solution to the underlying problem because this is not a one-person issue but also, I know this is a one-person issue and this is not the way issues should be resolved. If you lost elections, you lost. Go and wait for five years and see whether you will get through in another election.

I hope that for the last time, this matter will be resolved. However, Kenyans are suffering and some have lost their lives. The high cost of living is still there and a solution should be made. I hope that this will be a solution but from the bottom of my heart, there is no solution to this problem. The same thing will be repeated in 2027 and I hope to be alive to see that.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Sen. Nyamu.

Sen. Nyamu: Thank you, Mr. Speaker, Sir, for giving me this opportunity to contribute to this Motion. First of all, I did not know that there are people out there whose work is to solely count how many times we speak in this Senate but since I am now aware, I will make sure to keep them busy.

The issue of having dialogue after every election cycle like my colleagues have said before me should be discouraged, considering we put a lot of resources into the election process but we have encouraged this kind of impunity. Every election cycle,

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

there are individuals who know that they can twist the process to get into government through the back door.

However, our Head of Government, President (Dr.) Ruto supports this dialogue. Further, one of the agenda for Kenya Kwanza in this dialogue is creating an official opposition office. I fully support it because we appreciate that Hon. Raila Odinga, the current person in question we are discussing today got a considerable number of votes. The issue of winner takes it all has been a thorn in the flesh in the Kenyan elections.

Mr. Speaker, Sir, in that matter, I support---

(Several Senators spoke off record)

The Speaker (Hon. Kingi): What is your point of order?

Sen. Nyamu: Mr. Speaker, Sir, protect me from the Senate Minority Leader.

The Speaker (Hon. Kingi): Take your seat, Sen. Nyamu. Senate Minority Leader, what is your point of order?

The Senate Minority Leader (Sen. Madzayo): Mheshimiwa Spika, ule mjadala uko hapa ni wa muhimu sana na wa kitaifa. Lakini, ni sawa yale matamshi aliyongea dadangu, Sen. Nyamu, ya kwamba hapa tunaongea juu ya Baba Raila Amolo Odinga? Ningetaka kujua kutoka kwake.

Kama si sawa, anaweza kuondoa maneno hayo na akaomba msamaha?

The Speaker (Hon. Kingi): It is okay, Sen. Minority Leader. Sen. Nyamu, the Motion before the Floor is on the National Dialogue Committee and it has nothing to do with Hon. Raila Odinga. We are not here to discuss his personality.

Sen. Nyamu: Mr. Speaker, Sir, I am guided. As I was saying before, the issue of winner takes it all in our elections has been a thorn in the flesh. If this dialogue is going to address this issue once and for all, I then support the creation of the official opposition so that we can keep the election loser legitimately, accountable and busy.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Sen. (Dr.) Oburu.

Sen. (Dr.) Oburu: Thank you, Mr. Speaker, Sir. I stand to support this Motion because talking and dialogue is always the way to go. This is not only in Kenya but all over the world.

Those who are saying there have been negotiations every elections cycle in Kenya were maybe born yesterday. However, I wish to tell them that since Independence, more than 60 years ago, elections have been there every five years and there has been no dialogue every five years. There was only dialogue when there was a problem.

(Applause)

Mr. Speaker, Sir, dialogue only comes when there is a problem. For those who do not know, it is through those dialogues that we have a new Constitution. This Constitution they say they support came because of dialogue and negotiations.

Some of the leadership of this country opposed this new Constitution saying that it was good but there were some provisions of this Constitution they did not like.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

Sen. Orwoba: On a point of order, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): What is your point of order, Sen. Orwoba. Sen. (Dr.) Oburu, take your seat.

Sen. Orwoba: On a point of order, Mr. Speaker, Sir. Just like Sen. Nyamu has been brought back to the topic of discussion, Sen. (Dr.) Oburu should be brought back to the topic of discussion as well. Today, we are talking about the national dialogue but he should not continue with that line of how some were born yesterday.

We know that he is the youth representative but we are not talking about that or who is older than who. Let him stick to the National Dialogue Committee conversation.

The Speaker (Hon. Kingi): Sen. (Dr.) Oburu, as you ooze wisdom, kindly do not belittle the younger ones and kindly proceed to make your comment.

Sen. (Dr.) Oburu: Thank you, Mr. Speaker, Sir. I am saying that there were people who opposed it because there were some few things that needed to be corrected and this national dialogue is giving them an opportunity to correct what they did not want in this Constitution.

I do not see how that is irrelevant because Sen. Orwoba opposed this dialogue. She said that she supported it but everything she said showed she was opposing it. When you want to oppose, just oppose and when you want to support, just support!

(Laughter)

There is no shame in supporting or opposing. Mr. Speaker, Sir, I will not continue further but I support this Motion.

The Speaker (Hon. Kingi): Sen. Mungatana.

Sen. Mungatana MGH: Mr. Speaker, Sir, I thank you for giving me the opportunity to make a brief contribution on this matter. Those of us who are students of history will recall---

(The Hon. Speaker (Hon. Kingi) consulted with Sen. Kinyua)

Mr. Speaker, Sir, I want to be protected from Sen. Kinyua.

The Speaker (Hon. Kingi): Sen. Kinyua, kindly have your seat.

(Laughter)

Sen. Mungatana: Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Proceed, Sen. Mungatana.

Sen. Mungatana: Mr. Speaker, Sir, those of us who are students of history will remember that the 1861 elections in America were very controversial.

Mr. Speaker, Sir, Abraham Lincoln was elected President with mainly the support of the North. The Southern States felt that they lost and they felt segregated. Before the President was sworn in, they went to hold a meeting in Montgomery, Alabama where they swore in a new President. 11 States formed the confederacy. That controversy

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

around the election of the President of the United States of America (USA) at that time brought about a civil war that lasted for four years and over 600,000 people died.

We are happy that in Kenya, it has not gone that way. People decided to speak before it deteriorated. Matters elections are very critical for the stability of the nation and we need to handle them with care. The critical thing I quote here is what President Lincoln said. He said that we must agree that the popular vote is not an absurdity. We must also settle the question that a minority that loses an election cannot at will decide to break a government that is formed by the Majority.

Let us discuss but let the principle prevail. If you lose an election, please go home. You have no right to break a Government because you lost an election. What Sen. Dullo has said is what happened many years ago and people are trying to reinvent it. Do not bring chaos because you lost an election. This whole dialogue is about that election. It has happened in the USA and it is being repeated word for word except we have not gone to civil war. We are asking people to have good manners. When you lose an election, do not bring problems to the country, go home.

The Speaker (Hon. Kingi): Sen. Githuku, please proceed.

Sen. Githuku: Asante, Bw. Spika. Ninaunganika na wenzangu kuunga mkono Hoja hii ambayo imewasilishwa na Kinara wa Walio Wengi katika Bunge hili la Seneti.

Sisi tunaposoma Amosi 3:3 inasema wawili wasipokubaliana, hawawezi kutembea pamoja.

Bw. Spika, ninaunga mkono Hoja hii ya kuwa na mazungumzo ya kitaifa ambayo italetta uwiano na kukomeza shida na matatizo yaliyoshuhudiwa katika Jamhuri yetu ya Kenya kwa muda wa siku ambazo kupita tangu tulipokuwa na uchaguzi wa mwaka 2022.

Tumeshuhudia vurugu, umwagikaji wa damu na uharibifu wa mali katika Jamhuri yetu ya Kenya. Ninalaani jambo ambalo kama kiongozi kwa sababu limesababisha hasara kubwa katika Jamhuri yetu ya Kenya tukikumba kwamba tulifanya *campaign* na tukapatia Wakenya ahadi ambazo tutaweza kutimiza. Ukiwa na mambo ya vurugu; umwagikaji wa damu na uharibifu wa mali, unakuta kwamba kiongozi aliyechaguliwa hawezi kuongoza nchi kwa njia inayostahili.

Bw. Spika, naunga jambo hili mkono kama ndilo jambo litakaloleta uwiano na amani katika Jamhuri yetu ya Kenya ili Wakenya waweze kufanyiwa kazi. Ninatoka Kaunti ya Lamu ambayo saa hii, imekumbwa na shida na matatizo mengi ya kiusalama. Hili ni jambo ambalo ningependa Serikali ilianganilie kwa kina. Kwa nini wananchi wangu wa Kaunti ya Lamu wanauliwa na kuchomewa nyumba kiholela na jamii fulani imekuwa *targeted* na watu ambao hawajulikani? Hilo ni jambo ambalo linaleta huzuni katika nchi yetu ya Kenya na Kaunti yangu ya Lamu.

Ningependa Serikali ione kwamba tunapoingia katika mambo ya mazungumzo ya kutafuta amani katika Jamhuri yetu ya Kenya---

(Sen. Githuku's microphone was switched off)

The Speaker (Hon. Kingi): Sen. Tabitha Keroche, please, proceed.

Sen. Tabitha Keroche: Thank you, Mr. Speaker, Sir, for giving me this opportunity. I rise to support this Motion.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

I congratulate His Excellency President, Dr. William Ruto, and the right Hon. Raila Amollo Odinga, the Opposition Leader, for agreeing to sit in this country, talk, unite and heal. I know our country is bleeding. We have gone through a two-year COVID-19 Pandemic and a very long election period and we need to recover.

His Excellency President William Ruto is leading this country to an economic transformation. You could see the relief the church and the business people had the minute he mentioned the dialogue. This is because everybody knows if we unite, talk and agree, our economy will recover. Our businesses have suffered. So many people at home were sacked. It is high time we talk, agree and move forward.

However, going forward, we hope seeing our people on the streets doing *maundamano* and destroying property will never happen again. I know the people who did the Constitution did it very well but there is one point that they left; the Office of the Official Opposition leader. It needs to be in place and put very well in black and white so that everybody knows if they lose an election, there is an office for them to oversee the Government of the day.

Mine is to say thank you. I congratulate His Excellency and the team that has been elected to ensure that we have the white smoke immediately after we get that talk. It is not just a talk, we must get the white smoke that the country has agreed to move forward and wait for another election in 2027 as we recover from the suffering of businesses and people.

The team that has been given the mandate should ensure that when they get out of that room, there will be peace in this country.

The Speaker (Hon. Kingi): Sen. Faki, please proceed.

Sen. Faki: Asante, Bw. Spika, kwa kunipa fursa kuchangia Hoja hii ya mjadala wa kitaifa. Najiunga na wenzangu kuwapongeza viongozi wa nchi na wa Azimio, Mheshimiwa 'Baba' Raila Amollo Odinga, kwa kuwiza kuwa na makubaliano kuhusiana na maswala haya.

Wakati kulitangazwa kwamba kutakuwa na mjadala wa kitaifa, nchi ilipumua, biashara zikafunguka na amani ikarudi katika nchi yetu ya Kenya. Kwa hivyo, ni masikitiko kwamba wenzetu hapa wanawiza kuzungumza kwamba ilikuwa haifai kwa viongozi hawa kuwa na mjadala.

Tukiangalia hata uhuru uliopatikana katika nchi hii, baadhi ya ndugu zetu walikufa lakini baada ya mazungumzo, kukapatikana mwafaka kule *Lancaster* na uhuru katika nchi yetu ya Kenya.

Bw. Spika, viongozi wote ambao wametawala nchi hii, wametawala kupitia maswala ya mjadala baina ya viongozi na wananchi.

Hakuna kiongozi ambaye alitangaza akacandisha nchi kwa njia ya kiimla. Walc ambao Waingereza wanawaita *dictators* ndio hawawizi kukubali kuzungumza baina ya wananchi katika nchi zao. Nchi yetu inaongozwa na demokrasia na Katiba yetu tuliipata kupitia mjadala katika Bomas of Kenya.

Kwa hivyo, Wakanya kuzungumza sio jambo geni. Jambo geni ni kwamba tuna Katiba mpya na polisi wanaendelea kuua wananchi kiholela. Hiyo ndiyo hofu ambayo sisi tuko nayo na inaanza kutoka kwa kinara wa nchi.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

Tuliona jana katika vyombo vya habari akitishia kupelka watu mbinguni. Yeye sio Yesu wala mtume. Sisi sote ni wananchi na binadamu wa Kenya. Iwapo kuna mambo yoyote ambayo yanatakiwa kuzungumzwa, yazungumzwe kwa njia ya mijadala

(Loud consultations)

The Speaker (Hon. Kingi): What is your point of order, Sen. Kinyua?

Sen. Kinyua: Bw. Spika, umewaambia Maseneta wenzangu wajaadili mambo ambayo yanahusu Hoja ya siku ya leo. Ni haki kudai kuwa kiongozi amesema kuwa atawapeleka watu mbinguni. Hakuna mtu anaycijua njia ya mbinguni. Hauwezi ukapeleka mtu mbinguni. Biblia inasema ya kwamba mtu anaycijua njia hiyo ni Baba wa Mbinguni pke yake. Hata yesu haijui.

The Speaker (Hon. Kingi): You have made your point, Sen. Kinyua.

Sen. Faki, kindly confine yourself---

Sen. Faki: Bw. Spika, mimi sijatoka nje ya Hoja. Ni jambo ambalo lilikuwa la adhiri na kila mtu aliona.

The Speaker (Hon. Kingi): Sen. Faki, I have directed you to confine yourself to the Motion before us.

Sen. Faki: Bw. Spika ndio ninasema ya kwamba mimi niko ndani ya Hoja ya leo---

The Speaker (Hon. Kingi): Kindly desist from taking that line of argument.

Sen. Faki: Bw. Spika, niko ndani ya Hoja na nitaendelea kubaki hapo.

Mwisho, ninasema ya kuwa hakuna soko lisilo na wendawazimu. Majadiliano yataendelea. Wale ambao wanasema ya kwamba hakuna, mwisho wataona ya kwamba yamekuwa na kikomo chake. Waswahili husema, "Haiwi, haiwi, mwisho huwa."

Pia walisema wakati mwingine, "Amani haiji ila kwa ncha ya upanga. Kwa hivyo, ninaunga mkono Hoja hii. Tuko tayari kufanya lolote ambalo linatajikana kama viongozi katika Bunge hili kuhakikisha ya kwamba---

(Sen. Faki's microphone went off)

The Speaker (Hon. Kingi): Okay. I did not know that some of us fear going to heaven.

(Laughter)

Sen. Veronica Maina, please, proceed.

Sen. Veronica Maina: Mr. Speaker, Sir, you should take judicial notice of the fact that there are many people who are afraid of facing their maker because of the things they have been doing down here.

(Applause)

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

Mr. Speaker, Sir, I thank you for the opportunity to contribute to this important Motion. I support the formation of the bipartisan Committee that is going to commence a national conversation in dialogue to discuss some of the issues that one side of the divide has felt that is ailing this nation.

Disputes must have a progressive resolution. I hesitate to use a Kikuyu saying that insinuates that a case involving people who are not wise, is never resolved easily. This is because once a solution is arrived at, one-side keeps on returning that same case for resolution of a dispute that has already been resolved.

It is important for this Committee to note and to take judicial notice of the fact that certain issues have been settled. Since the 2022 General Election, it has been one year. All the leaders who were voted in have been serving Kenyans from the date their term commenced, or since they were validly elected in an electoral process that was spearheaded by the Independent Electoral and Boundaries Commission (IEBC).

The IEBC conducted elections for all the parties that were involved. Members who are seated in this House, the National Assembly and the county assemblies were brought in using that electoral process.

Mr. Speaker, Sir, I would urge this Committee that has been brought forth to ensure that issues that have been constitutionally closed by the Supreme Court and by processes that cannot be reopened, are not brought back to the table for dispute resolutions. If they do so, these issues will never be resolved because they have already been dealt with.

The other issue is the cost of this process. If a party feels aggrieved and they want to discuss issues that are ailing the nation, it should be at their own cost. Could both sides of the divide take care of the cost of this process so Kenyans are not further burdened by another cost for talks that may be endless?

While I support the process of talks, it is in my honest view that these talks could have been dealt with---

(Sen. Veronica Maina's microphone went off)

The Speaker (Hon. Kingi): Sen. Mwaruma, please, proceed.

Sen. Mwaruma: Asante, Bw. Spika, kwa fursa hii uliyonipa kuchangia Hoja hii ya kuundwa kwa Kamati ya uwiano katika Jamhuri yetu ya Kenya.

Ninaunga mkono majina yote yaliyotolewa na upande wa walio wengi na upande wa walio wachache. Kamati hii ni ya mazungumzo ya kuleta uwiano na amani nchini Kenya. Swala la amani ni muhimu sana. Lakini kuwa na amani siyo ukosefu wa vita. Kunaweza kuwa na amani, lakini kuna watu walio na masononeko na manung'uniko mengi.

Wakati tulifanya uchaguzi na tukapata Mhc. Rais, kulikuwa na kesi ndogo. Upande wa Azimio ulisema ya kwamba kuna maswala fulani ambayo hawajakubaliana nayo katika uchaguzi. Tulienda mpaka Mahakama ya Upeo. Tuliheshimu matokeo kutoka kwa Mahakama ya Upeo lakini hatukuridhika. Tulisema ya kwamba kuna mambo machache ambayo yanafaa kufanyika baada ya uchaguzi.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

Jambo la kwanza ni kufungua *server*. Hii ni Kwa sababu katika uchaguzi, ni lazima tuangalie kama tulienda vizuri na tutafanya hivyo kwa kuaangalia *server*.

Taasisi ambazo zinatumia pesa huwa zinafanya uhasibu ambao ni jambo muhimu. Katika yale mazungumzo ni vyema ripoti itayokuja iaangalie ni vipi tutafungua ile *server*.

Jambo la pili ni kuhusu mfumuko wa bei ya bidhaa. Baada ya kufanya uchaguzi na tukawa na Serikali, hali ya maisha imckuwa ya juu na ghali muno. Lakini, Serikali inapandisha ushuru na---

The Speaker (Hon. Kingi): Sen. Mandago, what is your point of order?

Sen. Mandago: Bw. Spika, ninasikia Sen. Mwaruma akisema kama tutapata nafasi ya kufungua *server*. Ninafikiri Hoja mbele yetu siyo kuhusu kufunguliwa kwa *server*. Kwa maana wenye *server* walikuwa watu wa Azimio na ndio wenye kifunguo. Waende watafute mahali walikuwa wameacha kifunguo hicho ili wafungue *server* yao.

(Laughter)

The Speaker (Hon. Kingi): Sen. Mwaruma, just confine yourself to the Motion before us.

Sen. Mwaruma: Asante, Bw. Spika, kwa huo mwclekco. Lakini, katika maswala ambayo yako katika meza, kutoka kwa upande wa Azimio, moja ilikuwa ni kufanya uhasibu ama *audit* ya *server*. Kwa hivyo, nikitaja *server* ni kwa sababu swala moja ambalo liko katika majadiliano litakuwa ni kufungua *server*.

Mambo ya maandamano ni haki yetu kama Wakenya katika Ibara ya 37. Ninaona maandamano yakitokea hata katika Kaunti ya Uasin Gishu kwa sababu watu wanataka pesa zao ambazo walilipa kwenda ngámbo. Lazima hiyo *server* ifunguliwe tujue ni nini ambacho kilitokea.

The Speaker (Hon. Kingi): Sen. Methu, proceed.

(Loud consultations)

Order! Order Senators! May Sen. Methu be heard in silence.

Sen. Methu: Thank you, Mr. Speaker, Sir, for giving me this opportunity. I rise to support this Motion. Sen. (Dr.) Oburu has stated that we are supporting this Motion while opposing it. This is further from the truth. We are in support of this Motion. However, we are giving our reservations. We have our own reasons for this approach.

I support this Motion. The Senate Leaders of Majority and Minority has stated that despite the support to this Motion, it is fair to allow people to speak. There are certain questions we are addressing that cannot be handled by the 10-member dialogue committee.

It is my opinion that the best national dialogue happened on 9th August, 2022 where over 50 million Kenyans spoke to this issue and voted for His Excellency President William Ruto. There is nothing much that a 10-member committee can do on this resolute support by Kenyans. The final and apex of the elections dispute was at the Supreme Court of Kenya. There is nothing much that Hon. Kimani Ichung'wa and Hon.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

Kalonzo Musyoka can do to that fact. His Excellency President William Ruto will be our President. There is nothing that will change; whether you audit the server or not. This matter was rested on 9th August, 2022.

Secondly, people were on the streets demonstrating. This resulted to loss of life, destruction of private and public businesses. How will a national dialogue address these issues and reach out to the people who lost their beloved ones, sons, property and other losses to the country in general.

This behaviour of arm-twisting Government will persist. Sen. (Dr.) Oburu has stated that this is the first dialogue, but it is not. The only constant is the players. Every time there is an election and one person does not agree he lost it, he forces dialogue. It happened in 2008. He says that we are young. However, in 2008, we were alive and saw the national dialogue similar to which is also happening now. If we do not put an end to this circus that in every election, we have national dialogue so that we accommodate some people and their issues, then we shall have gotten it wrong.

[The Speaker (Hon. Kingi) left the Chair]

[The Deputy Speaker (Sen. Kathuri) in the Chair]

Finally, Mr. Deputy Speaker, Sir, we are taking the people of Kenya for a ride. I have looked at the agenda of the talks---

(Sen. Methu's microphone was switched off)

The Deputy Speaker (Sen. Kathuri): Sen. Chute, you have the Floor. Proceed and make your contributions in two minutes.

(Sen. Wamatinga consulted the Deputy Speaker)

Sen. Chute: Asante sana, Bw. Naibu Spika. Sen. Wamatinga ananizua. Nawashukuru Kiongozi wa walio wengi na wa walio wachache.

(Loud consultations)

Bw. Naibu Spika, siskizwi

The Deputy Speaker (Sen. Kathuri): Order, Hon. Members! Let Sen. Chute be heard in silence.

Sen. Chute: Bw. Naibu Spika, namshukuru Rais wetu na Baba Raila Odinga kwa kuwczesha mkutano huu. Kenya ni nchi iliyo na watu zaidi ya milioni 50 ambao tunaongoza. Wale wanaoongoza wamechaguliwa kutoka Kaunti kama wawakililishi wa wadi.

[The Deputy Speaker (Sen. Kathuri) left the Chair]

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

[The Speaker (Hon. Kingi) in the Chair]

(Loud consultations)

Karibu, Bw. Spika. Wale wanaongoza Wakenya zaidi ya milioni 50. Kuna kelele kutoka kila kona.

The Speaker (Hon. Kingi): Hon. Senators, kindly let us allow, Sen. Chute to make his contribution in silence.

Sen. Chute: Asante sana, Bw. Spika. Wakenya zaidi ya milioni 50 wamechagua wawakilishi kwenye Bunge za Kaunti, Bunge la Kitaifa na Seneti. Baada ya kupiga kura, upinzani na Srikali wanazozana. Wawakilishi kutoka Kenya Kwanza wanaenda kwa mazishi, arusi na mahali penye watu kuongea siasa ambayo haiwezi saidia nchi hii. Wanachama wa Azimio-One Kenya wanasema *server* ifunguliwe na kuwa chakula kina bei ghali ila walichangia chakula kuwa na bei ya juu.

Nashukuru sana kuwa watu waliochaguliwa kwenye hii Kamati ni waheshimiwa. Mwenyezi Mungu amewapa nafasi ya kuongoza watu. Tuwache kuongea kwa mazishi na arusi. Kuna Wabunge vijana kwenye Seneti na Bunge la Taifa, ambao hutaja jina la Rais Mstaafu Uhuru Kenyatta, wakitembea, wakilala na wakiamba. Pia hili linafanywa na Wabunge kutoka upande wa upinzani ambao huongea kuhusu Mhe. Rais William Ruto. Yeye apewe nafasi ya kujenga nchi hii.

Jambo la mwisho, majadiliano---

(Sen. Chute's microphone was switched off)

The Speaker (Hon. Kingi): Sen. Beth Syengo, proceed.

Sen. Beth Syengo: Thank you, Mr. Speaker, Sir, for giving me this opportunity. I stand to support this Motion. It is an important Motion because this country is bigger than anyone of us.

I want to thank the President and the former Prime Minister for agreeing to have this dialogue. I would like to remind those of us who are declaring the winners and losers of the last election that they are not the IEBC. Unless you want to tell us that there is no difference between United Democratic Alliance Party (UDA) and IEBC. We need peace in the country.

Sen. Orwoba: Point of order, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): What is your point of order, Sen. Orwoba?

Sen. Orwoba: Mr. Speaker, Sir, we are not doing justice to this Motion. The dialogue that we are supposed to have---

The Speaker (Hon. Kingi): Under what Standing Order are you on?

Sen. Orwoba: Mr. Speaker, Sir, the Standing Order on misleading the public and the House. It is Standing Order No.105.

(Sen. Oketch Gicheru spoke off record)

The Speaker (Hon. Kingi): Sen. Oketch Gicheru, you are not the Chair.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

Sen. Orwoba: Mr. Speaker, Sir, we are not doing justice to this House by invoking the IEBC and other names of independent institutions. We should stick to the matters in the Motion.

The Speaker (Hon. Kingi): Hon. Senators, we have been doing fine until this point.

Sen. Beth Syengo, kindly prosecute the Motion.

Sen. Beth Syengo: Thank you, Mr. Speaker, Sir. Dialogue is important since it resolves issues and results to peace. Whenever there is conflict, dispute and violence in a country, women and children suffer most. It is important to maintain peace in this country. When we speak of one person who after an election alleges rigging--- I would like to remind this House that it is the wearer of the shoe who knows where it pinches most. When one is denied his victory, it is him who knows what to say. Since the victory is his and has been snatched away from him.

Mr. Speaker, Sir, allow me to remind all of us that we should support this Motion because it is giving our country a way forward. We should trust the process and the people appointed to lead the dialogue. It is important that we support the Motion. We need to give this country a chance to heal and move forward in peace.

I would like to finish by saying that it is unfortunate---

Sen. Oketch Gicheru: On a point of order, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Sen. Oketch Gicheru, what is your point of order?

Sen. Oketch Gicheru: Mr. Speaker, Sir, I take this House very seriously and I rise under Standing Order No.121 which says -

“A Senator is disorderly if the Senator knowingly raises a false point of order.”

Sen. Orwoba rose in this House---

The Speaker (Hon. Kingi): Sen. Oketch Gicheru, take your seat. Just yield, please.

In the same breath, as you read the Standing Orders, you can only stand on a point of order to call to order a Senator who is contributing. As we speak, Sen. Beth Syengo is on her feet. Unless your point of order is directed to her, you are out of order,

Kindly proceed to conclude your contribution.

Sen. Beth Syengo: Thank you, Mr. Speaker, Sir. Finally, whenever there is any dispute or disagreement over any issue of national importance, it is important that the police are restrained. We cannot allow the police to continue butchering citizens of this country, then the leadership of this country stands to praise---

(Sen. Beth Syengo's microphone was switched off)

Sen. Kinyua: Asante, Bw. Spika, kwa kunipa fursa hii. Laiti tungelifuata filiosofia ya Nyayo ambayo inasema amani, upendo na umoja. Umoja ni nguvu, utengano ni udhaifu. Mazungumzo ni mazuri kwa maana sote tunaishi katika nchi yetu ya Kenya.

Mazungumzo haya yalianzishwa na Maseneta wercendi sana. Unakumbuka Seneta Wambua kutoka Kitui na Seneta Wakili ambao walianzisha haya mazungumzo. Msingi waliyoweka ni msingi ungetumiwa maana waliangazia shida tunazopitia katika Seneti hii. Hayo mazungumzo yangecendeleza maneno haya. Kitabu kitakatifu kinasema watu

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

wakitembea wakiwa wengi wanaweza kuenda mbali, lakini mtu akitembea pekee yake, ataenda haraka lakini atasulubiwa akiwa pekee yake.

Ni vizuri kukiwa na haya mazungumzo ili watu waweze kuzungumza. Mimi ni mfugaji. Najua kwamba ng'ombe akishambuliwa na simba, ni vizuri kufuata simba badala ya kupambana na nzi wanaofyonza damu ya yule ng'ombe aliyevamiwa. Sisi tunajua simba ni yupi, aliyeleta shida hizi. Juzi nimemskia akileta vitisho kuwa haya mazungumzo yakivurugwa, basi watu watarudi kuandamana.

Sisi tunakashifu haya mambo. Watu wanakuja kwa mazungumzo, tuna Mhc. Kalonzo Musyoka, Mhc. Ichungwa, Kiongozi wa Walio Wengi katika Sencti hii, tunayemuenzi na tunajua atafanya mambo ya busara katika haya mazungumzo. Lakini ikiwa baada ya sisi kusema tumekubaliana watu wawe na mazungumzo, kwa nini vitisho vinaanza kuwa watu wataenda maandamano. Kila mtu anajua shida zilizoko nchini na ni nani anayezileta. Sisi tulikubaliana na watu na wakasonga mbele. Uchaguzi ukafanywa na Mhc. Raisi, akatangazwa.

Sasa kuna vijisababu na visingizio kwamba haya mazungumzo yanaelekka kuanguka. Mhc. Mungatana na Mhc. Dullo wamegonga ndipo. Hakuna mahali imesemekana ya kwamba mshindi akishinda anapaswa kukaa chini aongee na walioshindwa.

(Sen. Kinyua's microphone was switched off)

The Speaker (Hon. Kingi): Sen. Shakila Abdalla, proceed.

Sen. Shakila Abdalla: Asante, Bw. Spika, kwa kunipa fursa hii kuchangia huu Hoja. Naunga mkono Hoja hii na nawapongeza viongozi kwa kukubaliana kukaa chini kuleta amani ili nchi ipone.

Mazungumzo ni muhimu sana lakini yanaweza kuharibiwa na wale ambao wako nje wanaochochea. Tunaomba, hususan sisi viongozi, tuache uchochezi. Tuache Kamati iliyochaguliwa ifanye kazi, ilite ripoti yao ili tuijadili na nchi ipone. Tukianza uchochezi kabla hata mazungumzo kuanza, sioni kama tutafika kokote na mazungumzo haya.

Tumcongca sana juu ya vitu kuharibiwa, watu kuuliwa. Ukweli ni kwamba wanaoenda maandamano hawana silaha. Polisi ndio wako na silaha. Wale polisi ambao walisababisha vifo wachukuliwe hatua na waliyouliwa wawe *compensated*. Wafidiye familia zilizopoteza wapendwa wao.

Tunaomba haya mazungumzo yalite natija kwa nchi. Isiwe ni yale mazungumzo ambayo yataaturudisha kwa ile *Building Bridges Initiative* (BBI) iliyofanyika *last time*. Tunaona mazungumzo haya yakienda kuwa BBI, sioni kama kutakuw na natija yeyote. Tunaomba yawe mazungumzo ambayo yataleta natija, kuponya nchi na kuleta umoja ili nchi iweze kuendelea mbele.

Asante, Bw. Spika.

The Speaker (Hon. Kingi): Sen. Munyi Mundigi, proceed.

Sen. Munyi Mundigi: Asante, Bw. Spika, kwa kunipa nafasi hii ili kuchangia juu ya mazungumzo yatakayoendelea na watu waliochaguliwa kutoka kwa upande wa walio wengi na upande wa walio wachache.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

Yangu ni machache. Itakuwa aibu sana kuwa baada ya miaka tano ya uchaguzi, walio wachache wakishindwa, waende kurusha mawe, kuuwa watu, kufanya mambo mabaya na kila wakati wanakuja kusema tusemezane.

Ingawa Biblia inasema watu wawili hawezi kutembea pamoja bila kuclwana, naunga mkono. Hata hivyo, 2027 tutaenda kwa uchaguzi. Nataka mjiandae tukutane pale. Haya mazungumzo yatakuwa ya mara ya mwisho. Pia mnakumbuka katika Biblia, yesu alikuwa anatembea na Judas na hakuridhika mpaka dakika ya mwisho. Mkifikiria mtakuwa kila wakati mnajifanya kama Judas, 2027 tutawatimua mbio na hamtarudia hivo mpaka tuwateme.

Jambo la pili, mnasema mambo ya kufungua *server*. Pia mmcongaa kuhusu mambo ya kuuu. Mengi mliyoyasema ni nyinyi mmeharibu. Hata mngculizwa, mvua haingenyesha. Niko na huzuni sana na nyinyi. Mrudi tusemezane, tusikie pamoja, Biblia iwe juu na tutembe safari moja kwa hiki kipindi cha miaka mitano.

Asante, Bw. Spika, naunga mkono, lakini sio ile ya Judas na Yesu.

The Speaker (Hon. Kingi): Hon. Senators, the one hour is long spent. I will, therefore, call upon the Mover to reply.

(Hon. Senators consulted loudly)

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I beg for your attention. I seek your indulgence because in replying, I have 15 minutes to do so, will I be in order to donate just three minutes to the three Senators?

The Speaker (Hon. Kingi): Sen. Cheptumo, proceed.

(Sen. Cheruiyot spoke off record)

Sen. Cheptumo: Thank you, Mr. Speaker, Sir, for donating those few minutes. This Motion intends to request the House to approve the National Dialogue Committee. I support the Motion.

Mr. Speaker, Sir, paragraph six of this Motion talks about the mandate of this Committee. I will be very brief because of my time. As we approve the establishment of the National Dialogue Committee and its mandate, we need to agree as a country and as a House that we should never justify violence as we discuss issues.

To me it appears that what is happening in the country today is that we want to use violence to justify conversation and dialogue. In 2007, this country almost collapsed. We used dialogue and there was the 'Nusu Mkate Government'. In 2017, we had the same situation and we got the "handshake". Again today, through violence, we have a conversation.

I appeal to the Committee to put rules or laws in place to make it clear that after you lose an election, you should not perpetuate violence so that again, you just fight to discuss and share Government. That is what is intended in this process.

Mr. Speaker, Sir, I support.

The Speaker (Hon. Kingi): Proceed, Sen. Joe Nyutu.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

Sen. Joe Nyutu: Thank you, Mr. Speaker, Sir for affording me this opportunity. I also rise to support this Motion.

Like those who have spoken before me have said, we might want to urge this National Dialogue Committee that will be formed, to only discuss matters affecting Kenyans and not any particular individual.

Mr. Speaker, Sir, dialogue is a good thing, but we may want to beseech all of us not to have dialogue only after elections. Dialogue should not be provoked through demonstrations and violence. We should be talking to one another as Kenyans, even when we do not have elections or have not come out of elections.

We must call out the hypocrisy from the Azimio side that only one election out of six, is problematic all the time. It cannot be that all the other five elections, apart from the presidential election, are okay. According to them, the presidential election is never okay and thus demonstrations have to happen and we are forced into a dialogue.

In conclusion, let this National Dialogue Committee not discuss anything else other than the issue affecting Kenyans and not the leaders in Azimio or whichever side.

Thank you, Mr. Speaker, Sir. I rest my case.

The Speaker (Hon. Kingi): Proceed, Sen. Wamatinga.

Sen. Wamatinga: Thank you, Mr. Speaker, Sir. I was a bit worried when you called the Mover to reply. In the morning, I set off from Nyeri County very early to come and contribute to this debate.

Mr. Speaker, Sir, all of us who are sitting in this House were elected. We know it is important to have a conversation. I wish to challenge us that now that we have agreed to embrace dialogue, moving forward, we wish to see the Minority side sitting, listening and fronting questions when Cabinet Secretaries come here.

It is quite unfortunate. I urge the team that has been chosen to lead this dialogue in the last paragraph of their report, to give us a formula that will ensure Kenyans will no longer die in the streets because somebody has lost an election. It is very deceptive. We know that the only genuine conversation is held every five years as envisioned by our Constitution.

It is unfair to Kenyans and the taxpayers in a country that is really struggling to make an economic recovery. Again, we have subjected them to paying additional cost for making 10 people to sit down.

I saw another list that had Sen. Wambua, who is a good debater and a committed Christian. That was better than having somebody like "Ms. Eunice Wamalwa" who you know does not even qualify.

(Laughter)

I recommend that we expunge the name of "Ms. Eunice Wamalwa" and replace with Sen. Wambua, who we know is committed to delivering this country.

As I sit down, I wish to say that it is important that we have the right people in the right table so that we move forward.

I support.

The Speaker (Hon. Kingi): Proceed, Sen. (Prof.) Kamar.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

Sen. (Prof.) Kamar: Thank you, Mr. Speaker, Sir, and the Senate Majority Leader for giving me the three minutes. I join my colleagues in supporting the formation of the dialogue team.

This is not the first time this has happened in this country. I think we are a country that is created for dialogue. There was the Inter-Parties Parliamentary Group (IPPG) during the Moi days. After the 2007 Elections where you and I were elected, there was a session that had to bring the country together.

We know very well that after the years of one-party system, Kenyans have not become a majority win. It is very important that we recognise that so that we know that we are a country with diversity. Therefore, it is very important that we embrace dialogue always.

Mr. Speaker, Sir, I support this knowing also that we have a Committee that should be proactive always; the Committee on National Cohesion, Equal Opportunity and Regional Integration. The National Assembly has a similar Committee. It is not right that when we perform our duties as an oversight body, that we do not converge to discuss these issues.

I think the reason we are now seeking another dialogue session, which is in and outside Parliament, is partly because our Committees are not being proactive. I challenge the Committees that they must be proactive. When an issue arises, they should converge and even allow public participation on an issue on a continuous basis.

Personally, I am happy that Parliament has been involved in this. For this reason, I would like to encourage you, Mr. Speaker, and the other Speaker that we become an oversight term even of the current dialogue. This is so that we do not lose track. Whenever we find the Committee is trying to lose track, we must discuss in this House and try to pull them together so that we complete in a better way.

I support.

The Speaker (Hon. Kingi): Proceed, Sen. Mandago.

Sen. Mandago: Thank you, Mr. Speaker, Sir. I rise to support the Motion of the formation of a National Dialogue Committee and adoption of the names that have been given.

However, I have a rider on the discussions that are going to happen. In this country, one of the things we must acknowledge and accept is that once elections have been done and there is a dispute; and the Supreme Court pronounces itself on the matter, then that matter should be considered rested.

One of the most important things this Committee should not do is to accept and set a precedence that when you lose elections, you can actually use violence to get back to discussions and be accommodated within Government. I do not think that is what our Constitution intended. We need to be progressive. Once you lose an election, accept the results. You can challenge or propose amendments or change of policies that would probably address some of the things that are required, without necessarily causing violence in the country.

I also urge those who are going to sit in that discussion, that the centre of discussion should be things that affect Kenyans. We, in Kenyan Kwanza had already proposed – I wish the Azimio side would have just graciously accepted our proposal –

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

that we create an official Opposition Leader position within Parliament. That was within our plan as Kenya Kwanza.

Mr. Speaker, Sir, after all these suffering, violence and loss of property and lives, finally the chicken has come home to roost. Azimio has now accepted that we need to create the position of official Opposition, which we proposed. We thought it is extremely important for those in the Opposition to also be heard in Parliament.

Mr. Speaker, Sir, it is extremely important that those in the opposition can also be heard in Parliament. As we conclude the dialogue, I urge those going to discuss, that the compensation of property destroyed must also be discussed in the agenda. I propose to those who are going to sit there that the funds should be sourced from political parties that were involved in those losses.

I support.

Sen. Abass: Mr. Speaker, Sir, I am actually disappointed because you are being very selective when giving a chance for Members to talk. I am really disappointed.

The Speaker (Hon. Kingi): Sen. Abass there is a dashboard.

Sen. Abass: My friend, it is not the first or second time. It has actually happened in this House. You are being selective---

The Speaker (Hon. Kingi): Sen. Abass proceed to make your contribution. I select who speaks.

Sen. Abass: We need help in this House before we even go to other places.

(Laughter)

The Speaker (Hon. Kingi): Sen. Cherarkey have a seat please.

(Sen. Cherarkey took his seat)

Sen. Abass, it is the duty of the Speaker to pick who to speak and that cannot be questioned.

Proceed.

Sen. Abass: Mr. Speaker, Sir, I support the Motion for the formation of the dialogue committee. This is the most appropriate time. This country has had a lot of problems in the past even today. As we proceed with the dialogue, I want to ask the committee Members to be very focused and they should listen to people outside the committee. The committee must cater to the interests of Kenyans first.

Leaders should allow the dialogue to continue without any interruption. We always hear the stories from the top leaders that these bipartisan meetings are an exercise in futility, which is a very unfortunate situation. It should not happen. We also hear statements that if it does not succeed, they are going back to the streets. This should not also happen. This country needs to heal, come together and move forward. Many Kenyans have died and lost their properties. Therefore, it is time we come back and focus together.

This country has a rule of law. The Constitution has allowed elections to take place. In every election cycle, we have problems. However, this should not happen again. The winner should accommodate all and the loser should accept the loss.

I thank you.

Sen. Wakili Sigei: Thank you, Mr. Speaker, Sir, for the opportunity. I rise to support the Motion that has been moved by the Senate Majority Leader and seconded by the Senate Minority Leader. When you speak about dialogue, we hear about peace, reconciliation, peace-making and conflict resolution. Far from the fact that we have got existing conflict, we are all aware that this country is ruled by law. It is a democratic State that people went for election in 2022 and a Government was put in place.

However, when we listen to the Motion that has been placed before us and the framework being set by the team that is expected to conduct the dialogue; we expect that this committee will confine itself to the issues, which are within its mandate.

I support the Motion in terms of institutionalizing the committee that shall speak to the issues raised by Kenyans. Remember, we previously had a committee that sat for a couple of weeks, leading to the current committee.

Mr. Speaker, Sir, listening to the Senate Majority Leader, the issues that will be a subject of discussion for this committee are limited to developing reforms, facilitating dialogue and bridging differences between these two political formations. This will ultimately allow the people of Kenya and the Government of the day to execute the mandate that was granted by the people in the election that was conducted in 2022.

I support this Motion with those reservations.

(Sen. Wakili Sigei's microphone went off)

The Speaker (Hon. Kingi): Hon. Senators, I have 15 more Senators who wish to contribute. We have long surpassed the one-hour mark. The Mover who was supposed to reply donated his reply time to the Senators who I have just allowed to make contribution. I will, therefore, allow the Mover to reply under one minute, because that is what is left of his time.

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Mr. Speaker, Sir. I want to thank my colleagues who have taken time to comment on this very important exercise. Many shades of opinions have been expressed on this issue that point to the task that is ahead of us. We will try our best as a team to move the country forward in this difficult time. I appreciate each and every Senator who has taken time to comment on this issue.

Your concerns have been noted. As we commence this exercise tomorrow; signing of the framework agreement, going through the agenda and beginning the difficult work of moving the country to close ranks and move forward as a nation, we will be guided by the wisdom of all the Senators that have spoken this afternoon.

I thank and appreciate you colleague Senators for the time that you took. To those that did not get an opportunity to speak my most sincere apologies. I am sure we shall find an opportunity again when we present the report before the House after 60 days; for them to comment and to speak on it.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

Mr. Speaker, Sir, with those very many remarks, I beg to reply.

I thank you.

The Speaker (Hon. Kingi): Hon. Senators, I now proceed to put the Question.

(Question put and agreed to)

BILL

Second Reading

THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILLS NO. 16 OF 2023)

(Sen. Cheruiyot on 8.8.2023)

(Resumption of debate interrupted on 8.8.2023)

(Division)

(Sen. Madzayo spoke off record)

(Sen. Cherarkey spoke off record)

The Speaker (Hon. Kingi): Order, Sen. Cherarkey.

(Sen. Cherarkey stood up in his place and spoke off record)

Sen. Cherarkey, kindly, I call you to order!

(Sen. Cherarkey spoke off record)

Sen. Cherarkey take your seat, I will handle that. Take your seat or I throw you out. I will handle your concerns.

Sen. Cherarkey: Mr. Speaker, Sir, he must apologise!

(Sen. Cherarkey spoke off record)

Sen. Cherarkey, take your seat. Serjeant-At-Arms---

(Sen. Oketch Gicheru stood up in his place)

Sen. Oketch Gicheru take your seat. Sen. Cherarkey, take your seat or I will order you to leave the chamber.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

(Sen. Cherarkey stood up in his place and spoke off record)

(Sen. Oketch Gicheru spoke off record)

Sen. Oketch Gicheru, the Chair is in control. Kindly keep your cool.

Sen. Cherarkey: He must apologise! *Hakuna watoto hapa!*

(Sen. Cherarkey stood up in his place and spoke off record)

Sen. Cherarkey, having prosecuted your concern, kindly take your seat. For the very last time, I am asking you to take your seat.

Sen. Cherarkey, you are out of order, kindly proceed to leave the Chamber.

Sen. Cherarkey: Mr. Speaker, Sir, I cannot be insulted and then you order the Serjeant-At-Arms to throw me out!

(Sen. Cherarkey spoke off record)

(Loud consultations)

The Speaker (Hon. Kingi): Serjeant-At-Arms, kindly escort the Member out of the Chamber. I order you to leave the Chamber for the remainder of today's sitting.

(Sen. Cherarkey spoke off record)

Serjeant-at-Arms, kindly use the necessary force under Standing Order No.126 to get the Senator out.

(Sen. Cherarkey was escorted out of the Chamber following the order of the Speaker)

(Loud consultations)

Order, hon. Senators.

Sen. Madzayo, your utterances are totally out of order. You cannot call a colleague a kid. All the Senators seated here are hon. Senators. Kindly proceed to withdraw that statement failure to which I will ask you to leave the Chamber. Withdraw and apologise.

The Senate Minority Leader (Sen. Madzayo): Asante Bw. Spika. *Nasikitika kwa matamshi niliyoyasema kwa ndugu yangu Sen. Cherarkey. Ni bahati mbaya na ninayaondoa. Asante sana.*

The Speaker (Hon. Kingi): Serjeant-At-Arms, kindly ring the Division bell for two minutes.

(The Division bell was rung)

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

The Speaker (Hon. Kingi): Serjeant-at-Arms, kindly proceed to close the doors and draw the bar.

(The doors were closed and bar drawn)

Hon. Senators, voting will be electronic. However, before we do that, kindly remove your cards from the unit.

Serjeant-at-Arms, kindly go around and pick cards that are in the delegates slots. If you are done with collecting the cards, kindly give me a signal.

We are now ready. Hon. Senators, kindly log into the delegate units and vote by pressing 'yes', 'no' or 'abstain'. Voting is hybrid. We will also allow those who have joined us online to also take part in the voting. Log back and proceed to vote. Voting starts now.

(Voting in progress)

Sen. Mariam Omar?

(Sen. Mariam approached the Clerk-at-the-Table and voted manually)

Hon. Senators, kindly take your seats so that we report the vote.
Hon. Senators, the vote for the Division is as follows-

DIVISION

ELECTRONIC VOTING

(Question, that the Public Finance Management (Amendment) Bill (National Assembly Bills No.16 of 2023) be now read a Second Time, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Cheptumo, Baringo County; Sen. Cheruiyot, Kericho County; Sen. Chesang, Trans Nzoia County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Gataya Mo Fire, Tharaka Nithi County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. Kathuri, Meru County; Sen. Kinyua, Laikipia County; Sen. Kisang, Elgeyo Marakwet; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomonen, Turkana County; Sen. Maanzo, Makueni County; Sen. Madzayo, Kilifi County; Sen. Mandago, Uasin Gishu County; Sen. Mariam Omar, Mandera County; Sen. Methu, Nyandarua County; Sen. Munyi Mundigi, Embu County; Sen. Mungatana, Tana River County; Sen. (Dr.) Murango, Kirinyaga County; Sen. Mwaruma, Taita Taveta County; Sen. (Dr.) Oburu, Siaya County; Sen. Oketch Gicheru, Migori County; Sen. Scki, Kajiado County; Sen. Tabitha Keroche, Nakuru County; Sen. Thang'wa, Kiambu

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County; Sen. Wambua, Kitui County; and, Sen. Wamatinga, Nyeri County.

NOES: Nil.

The Speaker (Hon. Kingi): Hon. Senators, the results are as follows-

AYES: 31

NOES: Nil

ABSTENTIONS: Nil

The "Ayes" have it.

(Question carried by 31 votes to Nil)

(The Bill was accordingly read a Second Time and committed to a Committee of the Whole today by leave of the House)

The Speaker (Hon. Kingi): Serjeant-At-Arms, kindly proceed to withdraw the bar and open the doors.

(The bar was withdrawn and doors opened)

Next Order.

COMMITTEE OF THE WHOLE

(Order for the Committee read)

[The Speaker (Hon. Kingi) left the Chair]

[The Temporary Chairperson (Sen. Wakili Sigei) in the Chair]

THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 16 OF 2023)

The Temporary Chairperson (Sen. Wakili Sigei): Hon. Senators, we are now considering the Public Finance Management (Amendment) Bill (National Assembly Bills No. 16 of 2023).

We have a few amendments. Hon. Senators, please remain in the Chamber because we will need to go to division. We will not take long.

Clauses 3, 4 and 5

(Question, that Clauses 3, 4 and 5 be part of the Bill, proposed)

Division will be at the end.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

Clause 6

The Temporary Chairperson (Sen. Wakili Sigci): I ask the Chairperson Standing Committee on Finance and Budget to move the amendment.

Sen. Tabitha Mutinda: Thank you, Mr. Temporary Chairperson, I beg to move - THAT, Clause 6 of the Bill be amended in paragraph (b) -

(a) in the proposed new subsection (2B) by inserting the words "and with the approval of Parliament" immediately after the words "in exceptional circumstances";

(b) in the proposed (2C) delete the expression "(2C)" appearing immediately after the words "subsections (2A) and" and substituting therefor the expression "(2B)";

(c) by deleting the proposed new subsection (2D) and substituting therefor the following new subsection-

(2D) The Cabinet Secretary shall submit to the National Assembly and the Senate by the 30th April in every year, a report on the debt status and the borrowing undertaken by the national government, indicating the exceptional circumstances, if any, provided for in subsection (2B).

(d) by deleting the proposed new subsection (2E) and substituting therefor the following new subsection-

(2E) The committee in the respective House of Parliament responsible for matters relating to public debt shall consider the report submitted under subsection (2D), and shall table its report and its recommendations thereon in the respective House for consideration.

(e) in the proposed new subsection (2F) by inserting the words "and the Senate" immediately after the words "The National Assembly".

Mr. Temporary Chairperson, Sir, as per our deliberations in the Committee, the Clause seeks an amendment indicating the issue that talks about the exceptional circumstances.

I would like to indicate that this is an issue that we sought advice from the Cabinet Secretary for National Treasury and Economic Planning with regard to the exceptional circumstances that will make the Cabinet Secretary effect and determine the percentage of the Gross Domestic Product (GDP). This was well expounded. That is why we seek the amendment to be done.

The other issue is on the National Assembly not being the only House; this is a bicameral Parliament.

(Loud consultations)

Mr. Temporary Deputy Chairman, Sir, can I be heard in silence?

The Temporary Chairperson (Sen. Wakili Sigci): Hon. Senators, Sen. (Dr.) Molegwa, kindly take your seats. Give Sen. Tabitha Mutinda time to prosecute the amendments.

Sen. Maanzo, resume your seat.

Sen. Tabitha Mutinda: Thank you, Mr. Temporary Chairperson, Sir. As a Committee, we also noted that this amendment was only in regards to the issue of the

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

debt status of the country. It was only to be discussed at the National Assembly, but our amendment proposes that the Senate be part of tabling of this report as far as the debt status of this country is concerned. So, both Houses shall be receiving these two reports on 30th April every year.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. Wakili Sigei): Division will be at the end.

Clause 2

(Question, that Clause 2 be part of the Bill, proposed)

Division will be at the end.

The Title and Clause 1

(Question, that the Title and Clause 1 be part of the Bill, proposed)

Division will be at the end.

Hon. Members, we are now getting into division. We will conduct electronic voting. I request you to be prepared.

There will be two questions in the Committee in this division. The first question is on Clause 6 and the second question is on clauses 3, 4, 5 and 6. The third one will be at the Third Reading.

Serjeant at arms, could you please ring the Bell for two minutes?

(The Division Bell was rung)

Proceed to close the door and draw the bar.

(The door was closed and the bar drawn)

Hon. Members, log out from the system and log in before voting starts. Serjeants-At-Arms, you may collect the unattended cards.

You may now log in. Voting starts now.

(Voting in progress)

Sen. Cheptumo and Sen. Mariam Omar, proceed to the dispatch box and vote.

Hon. Members, we now move to the next question, which is on all clauses.

I put the question that Clause 3, Clause 4, Clause 6(as amended), Clause 2, the Title and Clause 1 be part of the Bill.

Hon. Members, you may now proceed to vote on those questions. Voting starts now.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

Sen. Mariam Omar, proceed to get assisted to vote.

Hon. Senators, I will now proceed to announce the results of the Divisions.

DIVISION

ELECTRONIC VOTING

(Question, that Clause 6 be amended as proposed put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Cheptumo, Baringo County; Sen. Cheruiyot, Kericho County; Sen. Chesang, Trans Nzoia County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Gataya Mo Fire, Tharaka Nithi County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. Kathuri, Meru County; Sen. Kinyua, Laikipia County; Sen. Kisang, Elgeyo Marakwet; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. Maanzo, Makueni County; Sen. Madzayo, Kilifi County; Sen. Mandago, Uasin Gishu County; Sen. Mariam Omar, Mandera County; Sen. Methu, Nyandarua County; Sen. Munyi Mundigi, Embu County; Sen. Mungatana, Tana River County; Sen. (Dr.) Murango, Kirinyaga County; Sen. Mwaruma, Taita Taveta County; Sen. (Dr.) Oburu, Siaya County; Sen. Oketch Gicheru, Migori County; Sen. Seki, Kajiado County; Sen. Tabitha Keroche, Nakuru County; Sen. Thang'wa, Kiambu County; Sen. Wafula, Bungoma County; Sen. Wakili Sigci, Bomet County; Sen. Wambua, Kitui County; and, Sen. Wamatinga, Nyeri County.

NOES: Nil

The Temporary Chairperson (Sen. Wakili Sigci): Hon. Members, these are the results of Division for Clause 6-

AYES: 31

NOES: Nil

ABSENTIONS: Nil

The "Ayes" have it.

(Question carried by 31 votes to Nil)

DIVISION

ELECTRONIC VOTING

(Question, that Clause 3, 4, 5, 6 (as amended), Clause 2, the Title and Clause 1 be part of the Bill put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Cheptumo, Baringo County; Sen. Cheruiyot, Kericho County; Sen. Chesang, Trans Nzoia County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Gataya Mo Fire, Tharaka Nithi County; Sen. Githuku, Lamu County; Sen. Joe

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

Nyutu, Murang'a County; Sen. Kathuri, Meru County; Sen. Kinyua, Laikipia County; Sen. Kisang, Elgeyo Marakwet; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomcnen, Turkana County; Sen. Maanzo, Makueni County; Sen. Madzayo, Kilifi County; Sen. Mandago, Uasin Gishu County; Sen. Mariam Omar, Mandera County; Sen. Methu, Nyandarua County; Sen. Munyi Mundigi, Embu County; Sen. Mungatana, Tana River County; Sen. (Dr.) Murango, Kirinyaga County; Sen. Mwaruma, Taita Taveta County; Sen. (Dr.) Oburu, Siaya County; Sen. Oketch Gicheru, Migori County; Sen. Seki, Kajiado County; Sen. Tabitha Keroche, Nakuru County; Sen. Thang'wa, Kiambu County; Sen. Wafula, Bungoma County; Sen. Wakili Sigci, Bomot County; Sen. Wambua, Kitui County; and, Sen. Wamatinga, Nyeri County.

NOES: Nil.

The Temporary Chairperson (Sen. Wakili Sigci): Hon. Members, these are the results of the second Division-

AYES: 31

NOES: Nil

ABSENCES: Nil

The "Ayes" have it.

(Question carried by 31 votes to Nil)

The Temporary Chairperson (Sen. Wakili Sigci): Hon. Senators, I now call the Mover, Sen. Mutinda, to move the amendments. Sorry, to move the Report of the Committee.

Serjeant-At-Arms, hold on for a few minutes.

Sen. Mutinda: Mr. Temporary Chairman, Sir, I beg to Move that the Committee do report to the Senate its consideration of the Public Finance Management (Amendment) Bill, (National Assembly Bills No.16 of 2023) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The Bars were drawn and doors opened)

(The House resumed)

[The Deputy Speaker (Sen. Kathuri) in the Chair]

The Deputy Speaker (Sen. Kathuri): Hon. Members, we have one more vote to make. Chairperson?

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

REPORT AND CONSIDERATION OF REPORT

THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILLS NO.16 OF 2023)

Sen. Wakili Sigei: Thank you, Mr. Deputy Speaker, Sir. I beg to report that the Committee of the Whole has considered the Public Finance Management (Amendment) Bill, (National Assembly Bills No.16 of 2023) and seeks leave to sit again tomorrow.

Mr. Speaker, Sir, sorry, this is the wrong one.

The Deputy Speaker (Sen. Kathuri): Kindly, can you approach the Table?

(Sen. Wakili Sigei consulted with the Clerks-at-the-Table)

Sen. Wakili Sigei: Mr. Deputy Speaker, Sir, I withdraw my earlier report and I beg to report that the Committee of the Whole has considered the Public Finance Management (Amendment) Bill, (National Assembly Bills No.16 of 2023) and its approval thereof with amendments.

I thank you.

The Deputy Speaker (Sen. Kathuri): Very well. Mover?

Sen. Tabitha Mutinda: Mr. Deputy Speaker, Sir, I beg to Move that the House do agree with the Committee in the said report. I call Sen. Oketch Gicheru to second.

The Deputy Speaker (Sen. Kathuri): Is he aware that he is to second?

Sen. Tabitha Mutinda: Yes, he is, Mr. Deputy Speaker, Sir.

Sen. Oketch Gicheru: Mr. Deputy Speaker, Sir, as a proud member of the Committee on Finance and Budget, I second.

The Deputy Speaker (Sen. Kathuri): Thank you, Senator.

(Question proposed)

(Question put and agreed to)

The Deputy Speaker (Sen. Kathuri): Mover again?

Sen. Tabitha Mutinda: Mr. Deputy Speaker, Sir, I beg to move that the Public Finance Management (Amendment) Bill, (National Assembly Bills No.16 of 2023) be now read a Third Time.

I still ask Sen. Oketch Gicheru to second.

The Deputy Speaker (Sen. Kathuri): Sen. Oketch Gicheru, proceed.

Sen. Oketch Gicheru: Mr. Deputy Speaker, Sir, I second.

The Deputy Speaker (Sen. Kathuri): Thank you.

(Question proposed)

We have the last Division. Ring the quorum bell for one minute.

Please ring the division bell for one minute or for the shortest time possible.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

(The Division Bell was rung)

The Deputy Speaker (Sen. Kathuri): Let us set the system light for voting. Members, kindly proceed and vote.

Sen. Mariam Omar and Sen. Lomenen, please approach the Table.

(Voting in progress)

THIRD READING

THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILLS NO. 16 OF 2023)

DIVISION

ELECTRONIC VOTING

(Question, that the Public Finance Management (Amendment) Bill (National Assembly Bills No. 16 of 2023) be read a Third Time put, and the Senate proceed to vote by County Delegation)

AYES: Sen. Cheptumo, Baringo County; Sen. Cheruiyot, Kericho County; Sen. Chesang, Trans Nzoia County; Sen. Chute, Marsabit County; Sen. Dullo, Isiolo County; Sen. Gataya Mo Fire, Tharaka Nithi County; Sen. Githuku, Lamu County; Sen. Joe Nyutu, Murang'a County; Sen. Kathuri, Meru County; Sen. Kinyua, Laikipia County; Sen. Kisang, Elgeyo Marakwet; Sen. (Dr.) Lelegwe Ltumbesi, Samburu County; Sen. Lomenen, Turkana County; Sen. Maanzo, Makueni County; Sen. Madzayo, Kilifi County; Sen. Mandago, Uasin Gishu County; Sen. Mariam Omar, Mandera County; Sen. Methu, Nyandarua County; Sen. Munyi Mundigi, Embu County; Sen. Mungatana, Tana River County; Sen. (Dr.) Murango, Kirinyaga County; Sen. Mwaruma, Taita Taveta County; Sen. (Dr.) Oburu, Siaya County; Sen. Oketch Gicheru, Migori County; Sen. Seki, Kajiado County; Sen. Tabitha Keroche, Nakuru County; Sen. Thang'wa, Kiambu County; Sen. Wafula, Bungoma County; Sen. Wakili Sigei, Bomet County; Sen. Wambua, Kitui County; and, Sen. Wamatinga, Nyeri County.

NOES: Nil

The Deputy Speaker (Sen. Kathuri): Hon. Senators, these are the results of the Division-

AYES: 31

NOES: Nil

ABSENTIONS: Nil

The "Ayes" have it.

(Question carried by 31 votes to Nil)

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard Services, Senate.*

(The Bill was accordingly read a Third Time and passed)

The Deputy Speaker (Sen. Kathuri): Hon. Senators, I sincerely thank you for finding time to come to the Senate today. I know you are very busy in other areas of jurisdiction. Kindly open the doors.

(The bars were drawn and doors opened)

ADJOURNMENT

The Deputy Speaker (Sen. Kathuri): Hon. Senators, there being no other business on the Order Paper, the Senate stands adjourned until Tuesday 5th September, 2023 at 2.30 p.m.

The Senate rose at 12.55 p.m.