COMMUNICATION FROM THE CLERK OF THE SENATE

TWELFTH PARLIAMENT – FIRST SITTING

(Convened by notification vide Legal Notice No. 220 of 2017)

WELCOME TO HON. SENATORS AND NOTIFICATION OF PLACE
AND TIME OF FIRST SITTING OF THE SENATE

The Clerk of the Senate (Mr. Nyegenye): Hon. Senators, it is my pleasure and
privilege to welcome you to this first sitting of the Senate. I take this opportunity to
congratulate you all on your election to the Senate.

Hon. Senators, Senate Standing Order No.3 (1) (a) provides as follows:-
“On the first sitting of a new Senate pursuant to the President’s notification under
Article 126(2) of the Constitution, the Clerk shall-(a) read the notification of the President as published in the Gazette.

Hon. Senators, pursuant to this provision of the Standing Orders, I now proceed to
read the notification of the President. It is as follows:-

“LEGAL NOTICE No.220

THE CONSTITUTION OF KENYA
FIRST SITTING OF THE SENATE
I paraphrase:-
“In EXERCISE of the powers conferred by Article 126(2) of the Constitution of Kenya, His Excellency the President and Commander-in Chief of the Kenya Defence Forces appoints that the first sitting of the Senate shall be held at the Main Parliament Buildings in the Senate Chamber, Nairobi, on Thursday, 31st August, 2017, at 9.00 a.m.”
Hon. Senators, the Legal Notice is dated 23rd August, 2017, and is signed by His Excellency the President.

PAPERS LAID
DATE: 31st August 2017
The Clerk of the National Assembly: Mr. Nyegenye
Contribution He Made On: Communication from the Chair

- First sitting of the Senate
- Lays list of gazetted Senators
- Welcome Address
- Administration of Oath of Allegiance
- Election of the Speaker

DATE: 31st August 2017
The Clerk of the National Assembly: Mr. Nyegenye
Contribution He Made On: Election of the Speaker

Hon. Senators, I have a Communication to make on the procedure that shall be followed in electing the Speaker.
Hon. Senators, having undertaken the business of the Administration of Oath or Affirmation of Office to Senators we now proceed to the next business which is the election of the Speaker of the Senate.
(Several hon. Senators stood up in their places)
Hon. Senators on your feet, kindly resume your seats.
(Hon. Senators who were standing resumed their seats)
Hon. Senators, Standing Order No.4 (1) provides:-
“A Speaker shall be elected when the Senate first meets after a General Election and before the Senate proceeds with the dispatch of any other business, except the Administration of the Oath or Affirmation of Office to Senators present.”

Pursuant to the Standing Orders, a number of activities were required for the election of the Speaker before this first sitting. I will proceed to detail each such activity and the manner in which we have complied with the Standing Orders.

Firstly, Standing Order No.5 (1) requires:

“Upon the President notifying the place and date for the first sitting of a new Senate pursuant to Article 126(2) of the Constitution, the Clerk shall, by notice in the Gazette, notify that fact and invite interested persons to submit their nomination papers for election to the office of the Speaker.”

Hon. Senators, vide Gazette notice No. 8242 dated 24th of August, 2017, the Clerk of the Senate invited persons to submit nomination papers for election the office of the Speaker.

Secondly, Standing Order No.5 (4) requires that:

“The Clerk shall maintain a register in which shall be shown the date and time when each candidate’s nomination papers were received and shall ascertain that every such candidate for election to the office of Speaker is qualified to be elected as such under Article 106 of the Constitution.”

I wish to confirm that a register has been maintained in accordance with the requirements of this Standing Order.

Thirdly, hon. Senators, Standing Order No.5 (5) requires that:

“Immediately upon the close of the nomination period provided for in paragraph (2), the Clerk shall-
(a) Publicise and make available to all Senators, a list showing all qualified candidates; and
(b) Make available to all Senators, copies of the curriculum vitae of the qualified candidates.”

Hon. Senators, I wish to confirm that a list showing all qualified candidates was publicised and made available to all Senators. I further confirm that I made available to all Senators copies of the curriculum vitae of the qualified candidates. For the position of Speaker of the Senate, the following candidates were validly nominated as at the close of the nomination period:-

1. David Ekwee Ethuro
2. Farah Maalim
3. James Ondicho Gesami (Dr.)
4. Kenneth Makelo Lusaka
5. Paul Gichuhe Ribathi
6. Rameshchandra Govind Gorasia
7. Wilfred Machage (Dr.)
Hon. Senators, Standing Order No.(8) states that a candidate may withdraw his or her candidature after the close of the nomination period and before a ballot is started. In this regard, I wish to draw the attention of hon. Senators that yesterday at 5.16 p.m. Dr. Wilfred Machage, by notice to the Clerk of the Senate, withdrew his candidature for the position of Speaker and his name will accordingly not appear on the ballot paper.

Hon. Senators, Standing Order No. 6(1) provides that the election of the Speaker shall be by secret ballot.

We shall now proceed to the ballot for the election of the Speaker. Standing Order No.6 (2) states:-

“The Clerk shall, at the commencement of the each ballot, cause the ballot box, empty and unlocked, to be displayed to the Senate and shall, in the presence of the Senate, lock the box, which shall thereafter be kept in the full view of the Senate until the conclusion of the ballot.”

Hon. Senators, I now direct that the ballot box, empty and unlocked, be displayed to the Senate.

(The Serjeant-at-Arms displayed the ballot box, empty and opened)

DATE: 31st August 2017

Member of Parliament: Hon. Sen. Seneta

Contribution she made on: Clarification on Eligibility of a Speaker Candidature in light of Chapter Six of the Constitution.

Thank you, Mr. Clerk. I stand to seek a clarification from my colleague who raised this issue. I served in the National Assembly in the Eleventh Parliament. This is a House of rules and order. We have the Standing Orders that guide every business that is transacted here. For example, Standing Order Nos.(4) and (5) on the Election of the Speaker and the Deputy Speaker stipulates the procedures to be followed. Therefore, reading these Standing Orders – and I believe the newly elected Senators who have just joined us, have also read them - there is no indication that the candidates vying for these positions needed to present clearance from those other institutions.

I also want to comment on the issue of the independent constitutional institutions in our country. If a candidate is accused of misconduct or misappropriation of funds from an institution he was serving, then the court should issue on order on how to handle him. Therefore, we should stick with our Standing Orders as they are now. If there is need for us to change the Standing Orders - which I believe we have the power to do so – then before the presentation of the nomination papers, a candidate should be asked to clear himself or herself with those other constitutional institutions.

I beg to stop here.
DATE: 31st August 2017

The Clerk of the National Assembly: Mr. Nyegenye

Contribution He Made On: Election of the Speaker - (Clarification on Eligibility of a Speaker Candidature in light of Chapter Six of the Constitution)

I rule in your favour in that point of order because I have the report which you have referred to. It was laid on the Table of the House and the appropriate signatures had been appended. I think that disposes of that particular aspect of the matter.

Hon Senators, the business before us is of tremendous importance. The point of order raised by Sen. Orengo is one that is of critical importance; it goes to the heart of the order in which we had commenced. We have begun the process for the election the Speaker. The point of order raised by Sen. Orengo is a question of eligibility of a candidate or candidates in light of Chapter Six of the Constitution on Leadership and Integrity. However, the question that Sen. Orengo has asked is whether the Clerk, in this case the presiding officer for the purpose of the election, is satisfied that the persons who have been put forward for elections, have been nominated and will, therefore, appear on the ballot paper, are eligible in terms of Chapter Six on Leadership and Integrity.

It is instructive to note that this Chapter applies equally to State officers. It is not different in respect of a Member of Parliament (MP), other State officers or constitutional office holders; it applies equally. That is an important point that we need to observe.

Sen. (Prof.) Kithure Kindiki, as I have it, has urged that the matter is governed by the Constitution and that because there are specific provisions of the Constitution, we need to proceed by those. A matter of eligibility or ineligibility would need to be exhausted in the judicial process and a person be held to be ineligible only on account of having been convicted and even so, exhausted the process of appeal.

Sen. Mutula Kilonzo Jnr. has drawn our attention to a report in which certain recommendations were made. I think I will spend a minute or so, on that position just to bring to the attention of this Senate the nature and significance of the report which Sen. Mutula Kilonzo Jnr. has drawn the attention of the Chair to.

This was a report of the Senate Standing Committee on Finance, Commerce and Budget on a Petition by residents of Bungoma County. The manner of disposal of a petition is provided for under our Standing Orders, specifically Standing Order No.226 which provides that every Petition presented or reported stands committed to the relevant Standing Committee which is why it was committed to them. They are required in not more than 60 days from the reading of the prayer to respond to the petitioner by way of a report addressed to the petitioner(s) and laid on the Table of the Senate, and no debate on or in relation to the report shall be allowed but the Speaker may allow comments or observations in relation to the Petition for not more than 30 minutes.
It is therefore important to understand that a report on a petition is not adopted by the House. So, the insinuation that this report was adopted by the Senate is not correct. The Senate does not adopt reports on petitions. Reports on petitions are addressed to petitioners and only observations are made thereon. So, we do not have a report adopted by the Senate in the terms that were stipulated.

Sen. Linturi referred us to Article 50; basically that there ought to be due process and that no person be condemned without having exhausted the process. We were similarly urged by Sen. Mwaura on the matter of fair administrative action.

According to Sen. Murkomen on the matter of the qualifications being stipulated and that if specific stipulations such as a requirement for certain clearances were required, nothing would have been easier than to provide so specifically and also the matter of presumption of innocence.

Sen. Seneta talked about the issue of procedure and the independent institutions.

Hon. Senators, taking one thing with another, the provisions on the election of the Speaker and the qualification thereon are set out at Article 106 of the Constitution which provides as follows:

“(1) There shall be—
(a) a Speaker for each House of Parliament, who shall be elected by that House in accordance with the Standing Orders, from among persons who are qualified to be elected as members of Parliament but are not such members;”

Therefore, in determining the eligibility of a person to vie for Speaker we have recourse to eligibility to vie as a Member of Parliament (MP). There are institutions which are responsible for determining eligibility for one to vie as an MP. Therefore, in this case, the Office of the Clerk had recourse to the Independent Electoral and Boundaries Commission (IEBC) asking whether all the persons who had presented themselves for nomination were eligible to vie as MPs. The body with the infrastructure and were vital to make a determination of eligibility under our Constitution for one to vie as an MP is the IEBC. We had recourse to them, and their response in respect of each of the persons who is listed on the ballot was that they are eligible to vie as MPs. Indeed, some of them vied for the position of MP.

Every person would readily agree that it is not a requirement that prior to putting yourself forward for election for the position of Speaker or for that matter any other, that there be no allegation that has ever been made against you.

(Applause)

That allegation must rise to the point where it has been determined by legitimate bodies and that a final determination has been made. We do not find that there is such a determination in respect of any of the candidates. We are advised by the IEBC in that manner. Accordingly, I must make the determination that, and in specific answer to Sen. Orengo, we ascertained that each of these persons was eligible in term of the Constitution and the Standing Orders and, therefore, I make a determination that we will proceed.
Serjeant-at-Arms let us resume where we were at. We were at the point at which the ballot box is empty and displayed. So, please display it again. It has been out of view. *(The Serjeant-at-Arms displayed the ballot box, empty and opened)*

I now direct that the ballot box be locked. Proceed to lock the ballot box. *(The Serjeant-at-Arms locked the ballot box)*

Hon. Senators, as the ballot box is being locked, I wish to draw your attention to Standing Order No. 6(3) which provides that the Clerk shall issue not more than one ballot paper to each Senator who comes to the Table to obtain it, and each Senator who wishes to vote shall proceed to a booth or designated area provided by the Clerk for that purpose and located next to and within reasonable distance of the ballot box, and shall while there mark the ballot paper by placing a mark in the space opposite the name of the candidate for whom the Senator wishes to vote, fold the marked ballot paper before leaving the booth or area and place the folded ballot paper in the ballot box.

Hon. Senators, so, I will call out the names, you will come to the Table, we will issue with a ballot paper, you will proceed to the booth and while there mark the ballot paper and fold it while there and proceed to the ballot box and cast your vote.

I request that any cameras do not zoom in on the candidate as they make their choice. It is a secret ballot. It would be a serious breach of the privileges of the House and the secret ballot required under the rules.

The polling booths are on either side. So, hon. Senators on the left side of the Chair will proceed to the booth nearest to them and those on the right side of the Chair will proceed to the booth nearest to them.

I now direct that a ballot paper be issued to each Senator who comes to the Table to obtain it. To facilitate this process the name of each Senator will be called out following which you will come to the table on my extreme left and obtain a ballot paper.

Each Senator will then proceed to either of the two polling booths which are clearly marked. I think we have gone through that.

**DATE: 31st August 2017**

**The Clerk of the National Assembly: Mr. Nyegenye**

**Contribution He Made On: Election of the Speaker**

Hon. Senators, let us try to make this process a lot faster than the swearing in process. We commend you for your patience while we were undertaking the swearing in process. You do not need to go back to the Bar. Just walk to the booth, vote and resume your seat. The ballot has security features, serial numbers and it is stamped.

**DATE: 31st August 2017**

**The Clerk of the National Assembly: Mr. Nyegenye**
Contribution He Made On: Election of the Speaker

Hon. Senators, before we proceed, the rules provide that if in the course of marking the ballot a mistake is made, a substitute ballot paper may be issued, but I would need to draw attention.

Sen. Olekina Ledama requests to be issued with a substitute ballot paper. So in accordance with the rules, this is to be provided upon return of the first ballot paper. Please, return it. We should destroy it.

Order, hon. Senators. Let me direct that the ballot which is spoilt be destroyed. Please, issue another ballot paper.

(The spoilt ballot paper was returned and destroyed)

(A substitute ballot paper was issued to Sen. Olekina Ledama and he proceeded to vote)

(Hon. Senators proceeded to vote)

DATE: 31st August 2017

The Clerk of the National Assembly: Mr. Nyegenye

Contribution He Made On: Election of the Speaker

Hon. Senators, shall we resume our seats? The last ballot has been cast. We are ready to proceed to the counting.

Hon. Senators, from our records, each and every Senator, that is 67 of you present, has collected a ballot paper and voted. Therefore, there is no occasion to avail an opportunity for any other Senator. All Senators have voted.

According to Standing Order No. 6(6), when it appears to the Clerk that all Senators who were present and who wish to vote have placed their ballot papers in the ballot box, the Clerk shall cause to be unlocked the box, examine the ballot papers and having rejected those ballot papers that are unmarked or spoilt, report the result of the ballot and no Senator who has not already recorded his or her vote shall be entitled to do so after the Clerk has unlocked the box.

Pursuant to these Standing Orders, hon. Senators, it does appear to me that every Senator who is present and wishes to vote has done so. Therefore, pursuant to Standing Order 6(6) I direct now that the ballot box is unlocked so that each ballot paper be examined.

Before we do so, I would like to invite in respect of every candidate if there is an agent who wishes to be present to witness the counting. I will just call out the candidates and if there is an agent or Senator who is willing to be the agent please come to the front on either side
and we will allow you the opportunity to witness the counting. As a matter of democratic practice, it is useful to have a Senator volunteer to witness but if there is no one, we cannot compel him or her.

Sen. (Dr.) Mboto wishes to be the agent for David Ekwee Ethuro. Sen. Faki volunteers to be the agent for Rameshchandra Govind Gorassia; Sen. Omanga will be the agent for Lusaka Kenneth Makelo; Sen. Kabaka will be the agent for Hon. Maalim Farah; Sen. Mwaruma will be the agent for Dr. Ondicho James Gesami and Sen. Linturi will be the agent for Ribathi Paul Gichuki.

I now direct that the ballot box be unlocked and the agents witness the process.

(The Clerks- at- the-Table opened the Ballot Box)

The ballot box has been opened and the ballot papers are here. We will begin counting. The papers should be displayed to all the agents and placed aside.

(The Clerks- at- the-Table proceeded to count the votes)

(Several Senators stood up on their feet)

DATE: 31st August 2017

The Clerk of the National Assembly: Mr. Nyegenye

Contribution He Made On: Election of the Speaker

Hon. Senators, unless you are an agent, please, resume your seats.

The Clerk is required to determine if the intention is clear in respective of each ballot that is marked. For the agents, is this contested?

(The Clerk of the Senate (Mr. Nyegenye) consulted the agents)

I will declare this ballot as spoilt in so far as the mark traverses two candidates.

Hon. Senators, we are now through with the counting and tallying. We are indebted to the agents who have witnessed the exercise.

I proceed now to announce the results as follows:

<table>
<thead>
<tr>
<th>NAME</th>
<th>VOTES</th>
</tr>
</thead>
<tbody>
<tr>
<td>David Ekwee Ethuro</td>
<td>2</td>
</tr>
<tr>
<td>Rameshchandra Govind Gorassia</td>
<td>0</td>
</tr>
<tr>
<td>Kenneth Makelo Lusaka</td>
<td>40</td>
</tr>
<tr>
<td>Farah Maalim</td>
<td>23</td>
</tr>
<tr>
<td>James Ondicho Gesami (Dr.)</td>
<td>0</td>
</tr>
<tr>
<td>Paul Gichuke Ribathi.</td>
<td>1</td>
</tr>
<tr>
<td>Spoilt Vote</td>
<td>1</td>
</tr>
<tr>
<td>Total votes cast</td>
<td>67</td>
</tr>
</tbody>
</table>
Hon. Senators, Standing Order No.7 (1) provides that: “A person shall not be elected as Speaker unless supported in a ballot by the votes of two-thirds of all the Senators.”
That is, unless supported by the votes of 45 Senators.
Hon. Senators, it is clear from this result that none of the candidates met the threshold of 45 votes required under Standing Order No. 7(1) to secure an outright first round win. That takes us into the remit of Standing Order No. 7(2) which provides that if no candidate is supported by the votes of two-thirds of all the Senators, as has happened, a fresh election shall be held and, in that election, the only candidates shall be:- a) The candidate or candidates who receive the highest number of votes in the ballot referred to in paragraph (1) in this case, Lusaka Kenneth Makelo.
b) The candidate or candidates who in that ballot received the next highest number of votes, in this case, Farah Maalim.
Before we proceed to fresh election which we will shortly, I will ask that the ballot papers for the first ballot be packed, sealed and placed in the custody of the Clerk in terms of Standing Order No.10. Please pack them and place them in a receptacle which you shall seal.
(The ballot papers were collected and sealed)
Hon. Senators, as I have communicated, we will proceed to a second ballot. Let us try to expedite the process. Under the rules, in this second ballot as you are aware, the candidate who secures the higher number of votes will be declared to be duly elected. We will proceed in the same manner, the box is going to be displayed.
(The Serjeant-at-Arms displayed the ballot box, empty and opened it)
May I indicate that for the avoidance of doubt, for the second ballot, the paper is pink in colour. It is different from the one used in the first ballot. Please seal the ballot box, then we will begin to call out the names.
(The Serjeant-at-Arms locked the ballot box)
Hon. Senators, the second ballot begins now.
(The ballot papers were issued to the Senators and they proceeded to vote)

DATE: 31st August 2017

The Clerk of the National Assembly: Mr. Nyegenye

Contribution He Made On: Election of the Speaker

Order Senators, there is a spoilt ballot of Sen. Ben Oluo. I order that it be destroyed and another one issued. Please issue another ballot.
(The spoilt ballot paper was destroyed)
DATE: 31st August 2017

The Clerk of the National Assembly: Mr. Nyegenye

Contribution He Made On: Election of the Speaker

Order, hon. Senators, the last ballot has been cast; we are ready to proceed with the counting. Sen. Omanga and Sen. Wario Juma, please resume your seats. We would like to proceed to counting.

(Sen. Omanga and Sen. Wario resumed their seats)

DATE: 31st August 2017

The Clerk of the National Assembly: Mr. Nyegenye

Contribution He Made On: Election of the Speaker

Hon. Senators, our record show that 67 Senators have voted. Each and every Senator was present and has voted. In the same manner as we did for the first ballot, we will invite agents in respect of the two candidates. Sen. Irungu Kang’ata is the agent for Hon. Lusaka Kenneth Makelo and Sen. Ledana Olekina is the agent for Hon. Farah Maalim.

(Sen. Kang’ata and Sen. Olekina approached the Dispatch Box)

DATE: 31st August 2017

The Clerk of the National Assembly: Mr. Nyegenye

Contribution He Made On: Election of the Speaker

Shall we then proceed to unlock the boxes and pour out the contents? Shall we commence the counting in the same manner as we did the last time?
DATE: 31st August 2017

The Clerk of the National Assembly: Mr. Nyegenye

Contribution He Made On: Election of the Speaker

Hon. Senators, first, let me thank the agents who have assisted us with the second ballot. I draw your attention to Standing Order No.7(4) which requires that in the second ballot, the candidate who receives the highest number of votes be declared to have been elected as the Speaker of the Senate.

(Sen. Githiomi entered the chamber.)

Sen. Githiomi, you may take your seat.

In accordance with Standing Order No.7, the results for the fresh election we held are as follows. The votes cast were 67; there were no spoilt votes.

<table>
<thead>
<tr>
<th>NAME</th>
<th>VOTES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kenneth Makelo Lusaka</td>
<td>42</td>
</tr>
<tr>
<td>Farah Maalim</td>
<td>25</td>
</tr>
</tbody>
</table>

Hon. Senators, pursuant to Standing Order No. 7(4), I now declare Lusaka Kenneth Makelo to be the duly elected as the Speaker of the Senate.

(The Clerk accordingly declared Hon. Lusaka Kenneth Makelo elected Speaker of the Senate)

(Applause)

In this regard, we have come to the conclusion of the exercise of electing the Speaker. In accordance with the requirements of Standing Order No.10, we will pack and seal the ballots for safe custody.

(The ballot papers were collected and sealed)

I now direct the Serjeant-at-Arms to proceed with dispatch, search and find the said candidate, Hon. Kenneth Makelo Lusaka and bring him forthwith to the Chamber.

(The Clerk accordingly directed the Serjeant-at-Arms to search for the said Hon. Kenneth Makelo Lusaka and bring him to the Chamber)
(On arrival of Hon. Lusaka in the Chamber, he was escorted to the Chair by Sen. (Prof) Kindiki and Sen. Murkomen)

(On arrival at the Chair, the Clerk thereupon administered the Oath of Allegiance to the Speaker-elect, Hon. Lusaka)

(The Speaker, Hon. Lusaka, then took the Chair, and the Mace, which before lay under the Table, was placed upon the Table)

(Applause)

COMMUNICATION FROM THE HOUSE

DATE: 31st August 2017

The Speaker of the Senate: Hon. Kenneth Makelo Lusaka

Contribution He Made On: Submission of Mr. Speaker to the Will of the House

Hon. Senators, distinguished guests, ladies and gentlemen; I am humbled and overwhelmed by the great honour and privilege you have bestowed upon me by electing me as your Speaker of the Second Senate of the Republic of Kenya under the Constitution of Kenya 2010. The immense confidence and trust that you have placed on me today profoundly humbles and makes me proud at the same time.

I, therefore, accept with humility and pledge that I shall perform to my utmost ability the constitutional responsibilities and duties of the office of the Speaker of the Senate for the next five years with diligence and appropriate tact.

(Applause)

Allow me with great pleasure to congratulate and salute all of you, the new Senators of the second Senate after a well fought battle in the just ended general elections. Kenyans have now reposed their faith in your capable hands and it is doubtless that they have high expectations on you.
I also wish to recognise my worthy opponents, Rt. Hon. Ekwee Ethuro, Hon. Farah Maalim, Hon. (Dr.) James Gesame, Mr. Rameshchandra Gorasia and Mr. Paul Ribathi for the valiant, mature and well fought competition. We have ably demonstrated that we can compete democratically and without rancor in a dignified race.

Please, feel free to consult with me and my officers at any opportune time. I also extend congratulations to our sister House, the National Assembly, and wish them every success as we begin the national duty of jointly steering our beloved country to greater heights.

I cannot forget our governors, county assembly speakers, Members of County Assemblies (MCAs); I wish them all the best. Kenyans from all walks of life deserve a huge pat on the back for demonstrating to the entire world that we have a mature and vibrant democracy following the peaceful general elections.

Fellow Senators and dear Kenyans, permit me at this juncture to pay my singular special tribute to my predecessor, the Rt. Hon. David Ekwee Ethuro. He ably presided over the resurrected Senate in perhaps the most difficult times in our country’s history and, indeed, it was the first Senate under the current 2010 Constitution.

The first Senate was sailing in unchartered waters. None of the political leadership and Senators had a clear idea what their tasks entailed. They had to learn how to swim by swimming. It was trial and error at first. However, the Speaker and his leadership team, guided by unity of purpose and the will to actualise devolution, initiated work systems, spearheaded a series of retreats, workshops and seminars that rapidly crafted the framework of transacting and administering the Senate.

As the political head, he oversaw an efficient system of service delivery by the Senate officers. He served as an executive member of the International Parliamentary Union (IPU) and as the President of the Forum of the Parliaments of member states of the International Conference of the Great Lake Region. His handling of chamber proceedings will be hard to emulate.

As a renowned American writer and political commentator, Walter Lipmann, wrote, and I quote: “The final taste of a leader is that he leaves behind in other men and women the conviction and the will to carry on.”

Rt. Hon. Ethuro, we salute and honour you.

(Applause)

Lastly but not the least, I appreciate and laud the Clerk of the Senate and his team for making the appropriate preparation for this momentous occasion. Hon Senators, historically, the first Senate was established in 1963 and functioned until 1966 when it was dissolved and its Members joined the National Assembly. Close to five decades later, the second Senate was inaugurated in March, 2013 as established in the Constitution of Kenya 2010 primarily to oversee the implementation of the devolved system of governance.
Devolution as an overall development model was meant to ensure balanced, equitable and just development in all regions of Kenya. I can submit without fear of contradiction that so far it is working, and I am talking as somebody who has come from there.

I wish to welcome and associate myself with the positive spirit exhibited and pronouncements made by the new governors to change their strategy of engagement and work more closely with the Senate, the National Assembly and the national Government.

In addition, their pledge and commitment to intensify the fight against corruption in their respective governments is highly commendable. This will usher in a new dawn towards exercising responsible and accountable public funds management in our devolved units and in our common efforts to deepen and strengthen devolution.

Fellow hon. Senators, the critical question is: What next for our Senate? How do we expand on the achievements of the first Senate? Fundamentally, the Senate must continue to play its constitutional mandate and role more vigorously. Just to reiterate and remind ourselves, hon. Senators, the primary mandate of the Senate is to represent the counties and protect the interest of the counties and hence successful implementation of the devolution process.

Hon. Senators, what has been achieved so far is commendable, but we must not rest on our laurels. We must build on the foundation created and make it even better. We must initiate and enact more devolution compliant Bills since our predecessors have identified a number of grey areas in our devolved system of governance. The Senate is duly bound to be more sensitive to the dictates and aspirations of the ordinary mwananchi. We will speak on out on any subject under the sun so long as it affects Kenyans. We will adopt a proactive approach and strive to make the Senate to be a friend of all Kenyans and let the Senate be their sanctuary in times of distress. Let the Senate be a beacon of sobriety and hope for Kenyans of all ages.

On a light note, let me say that the Second Senate is no longer nyumba ya wazee. The second Senate under the Constitution of Kenya 2010 will strive to reach out and harmoniously work with the national Government. The so-called supremacy wars must be a thing of the past. That is how tangible and progressive milestones will be realised by our bicameral Parliament. The Holy Bible says that a divided house falls.

Fellow hon. Senators, I call upon you to adopt and nurture the bipartisan and collegial relationship approaches that will transform and invigorate the Senate to embrace the various political interests represented in the 12th Parliament and ensure they find their rightful place.

Under the new Senate leadership, we will endeavour to ensure that the Senate work strategically will be reviewed and if necessary, revised to embrace emerging trends of effective legislative work systems; that Senators perform their constitutional and leadership responsibilities through systems that are predictable and adequately facilitated to enable them deliver efficiently and quality services.

Programs and activities of the Senate are guided by the need to respond to key priorities of the counties as well as the many challenges they have to face up to. We will initiate and strengthen internal collaborative linkages, deepen existing partnerships and engagement
between the Senate, national and county government departments and agencies, regional and international development partners as well as non-state actors to work closely and harmoniously with the devolution family.

We will strive to strengthen the capabilities of the Senators and their secretariats so that they constantly update their skills and expertise and ensure they acquire requisite parliamentary exposure to enable them handle complex and new frontiers of legislative and public affairs. We will also endeavor to be responsive and attune to emerging situations and reignite the manner in which traditional legislative services are offered.

Fellow Kenyans, elections come and go. Kenya must remain. It is now time to put behind our political rivalries and together focus on building the new Kenya that we will all desire. Let us jealously protect and guard devolution and our beloved country. Let us nurture in the way a parent nurtures a newborn. We do not have another Kenya to run to.

Let us forge ahead and be guided by the unity of purpose. As leaders, let us be the rock upon which Kenyans find refuge and solace. I personally would not accept this seat if it was meant to polarize Kenyans.

Hon. Senators, in conclusion, on my part, I promise that under my stewardship, my pledge and commitment to the people is to be a faithful servant and diligently discharge my duties. Finally, as one Canadian broadcaster and play writer, Lister Sinclair, once wrote:

“A frightened captain makes a frightened crew.”

I shall respect and uphold the rule of the law, legality and nurture the culture of constitutionalism. I shall protect and defend the Constitution of the Republic of Kenya and always safeguard the mandate and role of the Senate.

Thank you so much for electing me.

(Appause)

DATE: 31st August 2017

The Speaker of the Senate: Hon. Kenneth Makelo Lusaka

Contribution He Made On: Election of Deputy Speaker

Hon. Senators, Standing Order No. 13(1) provides that:

“As soon as practicable after the election of a Speaker following a General Election, a Deputy Speaker shall be elected.”

Standing Order No. 13(4) further provides that:

“The procedure for electing a Deputy Speaker shall, with necessary modifications, be the same as that prescribed for the election of the Speaker.”
Hon. Senators, for the position of the Deputy Speaker, the following candidates in alphabetical order were validly nominated as at the close of the nomination period:
1. Irungu Kang’ata
2. Johnson Arthur Sakaja
3. Kimani Wamatangi Paul
4. Susan Kihika

Pursuant to Standing Order No.8, a candidate may withdraw his/her candidature before a ballot is cast. In this regard, I wish to bring to your attention that on Tuesday, 29th August 2017, Johnson Arthur Sakaja, by notice to the Clerk, withdrew the candidature for the position of Deputy Speaker of the Senate. Similarly, yesterday Wednesday the 30th August 2017, the other three candidates namely, Irungu Kang’ata, Kimani Wamatangi Paul and Susan Kihika by respective notices to the Clerk, withdrew their candidature for the position of the Deputy Speaker of the Senate.

Arising from the withdrawal of candidature by all of the four candidates who had been duly nominated, we now have no candidate for the position of Deputy Speaker.

Hon. Senators, Standing Order No.13 (1), provides that:-

“As soon as practical after the election of a Speaker following a General Election, a Deputy Speaker shall be elected.”

Accordingly, we now do not have any candidate for the position of the Deputy Speaker hence it is not practical to proceed with the election. Consequently, I shall defer the exercise to a future time when it will be practical to carry out the exercise.

I thank you.

(The election of the Deputy Speaker was deferred)

(Applause)

(The Speaker (Hon. Lusaka) consulted with the Clerk of the Senate (Mr. Nyegenye))

Hon. Senators, before we adjourn, I would like to invite all Senators and their guests to refreshments outside at the tents on your right as you leave the Chamber.

DATE: 31st August 2017

The Speaker of the Senate: Hon. Kenneth Makelo Lusaka

Contribution He Made On: Notification of Opening of Parliament

We have come to the conclusion of business today. Standing Order No. 21(1) Provides that:

“The President shall address the opening of the each newly elected Parliament.”
The date of the opening of Parliament shall be determined after consultations between the two Speakers of Parliament and the Executive.

ADJOURNMENT

The Speaker (Hon. Lusaka): Hon. Senators, there being no other business, the Senate now stands adjourned until such a date as shall be notified as a date set opening of Parliament.
The Senate rose at 2.35 p.m.