

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

**Tuesday, 26<sup>th</sup> September, 2017**

*The House met at the Senate Chamber,  
Parliament Buildings, at 2.30 p.m.*

*[The Speaker (Hon. Lusaka) in the Chair]*

### PRAYER

### PAPERS LAID

#### ANNUAL REPORTS OF VARIOUS CONSTITUTIONAL COMMISSIONS AND COUNTY GOVERNMENTS

**The Senate Majority Leader** (Sen. Murkomen): Mr. Speaker, Sir, I beg to lay the following Papers on the Table of the Senate, today 26<sup>th</sup> September, 2017:

1. The Annual Report and Financial Statement of the Office of the Controller of Budget for 2015/2016;
2. The Annual Report of the Salaries and Remuneration Commission for 2015/2016;
3. The Annual Report and Financial Statement of the Judicial Service Commission for 2015/2016;
4. The Annual Report of the Commission on Administrative Justice for 2016
5. The Annual Report and Financial Statement of the County Assembly of Taita Taveta Revolving Car Loan Scheme Fund for the 15 Months for the Period Ended 30<sup>th</sup> June, 2015;
6. The Report of the Controller of Budget on the County Governments' Budget Implementation Review for the Period of Nine Months for the Financial Year 2016/2017;
7. The Report of the Participatory Budgeting Workshop for Counties Held at the Kenya School of Government from 29<sup>th</sup> to 30<sup>th</sup> October, 2015;
8. The Annual Corporate Report for the Office of the Auditor-General for the Period 2012 – 2016; and
9. The Bi-annual Report for the Commission on Administrative Justice for the Period July to December, 2016.

*(Sen. Murkomen laid the documents on the Table)*

**MOTION**

## THANKS FOR THE PRESIDENTIAL ADDRESS

THAT, pursuant to the provisions of Standing Order 24 (6), the Thanks of the Senate be recorded for the exposition of public policy contained in the Address of the President during the Opening of the 12<sup>th</sup> Parliament delivered on Tuesday, 12<sup>th</sup> September, 2017.

*(Sen. Murkomen on 13.9.2016)*

*(Resumption of debate interrupted on 13.9.2017)*

**The Senator for Mandera County** (Sen. (Eng.) Mahamud Mohamed Maalim):  
Mr. Speaker, Sir, thank you for giving me the chance to contribute to this Motion on the Address of the President of the Republic of Kenya. From the outset, let me thank the people of Mandera County for electing me as their Senator. Previously in the last two Parliaments, I was elected as the Member of Parliament for Mandera West and now they have elevated me to the position of Senator. I thank them for putting their trust in me to represent them in this Senate.

I also congratulate you for having been elected the Speaker of the Senate. I knew you for a long time. We were civil servants together; we come a long way as friends and I am now happy to be together with you here in this Senate where you are my Speaker. Congratulations! In the same vein, I also congratulate your Deputy for having been elected the Deputy Speaker of the Senate. I also congratulate all the Senators who have been elected; some for the second time and some for the first time, to represent their people in this Senate. I hope and pray that we shall work together and give meaning to the trust that the people of Kenya have put in us.

Mr. Speaker, Sir, coming back to the speech of the President, the Kenyan people went out in their millions to elect their leaders on 8<sup>th</sup> August, 2017 and made a decision. I congratulate Kenyans for having been very peaceful during that election and having made their choice through the ballot and electing their leaders. I think what has happened, of course, this time the election of the President was challenged in the Supreme Court in line with our Constitution. We are all aware of what happened and the nullification of the election of the President and now we are going back to the polls again.

While accepting the verdict itself, of course, as said by our leaders with reservations, we have no alternative but to accept and move forward. Now, we have the next election ahead of us on 26<sup>th</sup> October, 2017. I hope that Kenyans will come out again in their millions and elect their President. I would like to urge our leaders and politicians to respect the spirit of our Constitution and our laws. The only way that we can elect our leaders is through the ballot and not street demonstrations or any other means. As leaders, we must give our people leadership in the sense that we ask them to obey the laws and stick to the laid down constitutional provisions and the laws of this country. If we cannot respect the laws ourselves, the common mwananchi will be at a loss.

The Speech by the President dwelt at length on the need to have proper leadership in this country, uphold our Constitution and support our people to reach their

development goals. That is what we are supposed to do. Unlike other speeches which were made before in the other Parliaments; which talked about the agenda of the Government before the Houses, this one dwelt a lot on cohesion and unification of our people so that we can move forward and live and work for the prosperity and the good of our people. Kenya is bigger than all of us. We should not just be thinking about ourselves but about Kenya and the foundation that we are setting for this country.

I think Kenyans have done very well so far, right from Independence but with a lot of challenges. However, we gave ourselves a Constitution in 2010. That Constitution is unique in the region that we are. We also had the opportunity to show the rest of the world that we have faith in our Constitution and institutions and because of that, an election of the President was nullified and we accepted.

Going forward, I urge us - we owe it to ourselves - that this country must not be put on the wrong footing. If you look at what is happening in this country, one is actually worried that we might be having some dark days ahead of us, but God forbid. I ask all our leaders to come to their senses and let us go to the 26<sup>th</sup> October, 2017 elections with confidence so that Kenyans will again decide who their leaders will be and that whoever is elected should be the President of this country. The acrimony and confusion that we have in this country today is not necessary.

With those few remarks, I beg to support and I thank you. *Asante sana*. Sorry for that mix of language.

**Sen. (Eng.) Maina:** Mr. Speaker, Sir, thank you. I wish to comment on the President's Speech which was read to us. From the outset, I support the President's sentiments in his Speech.

Kenya is a Republic and a unitary State. This was determined long ago. Even the elections that we hold, we do so with the same objectives that were set by our forefathers. Kenya held elections, issues came up and now we are where we are; we are going to hold other elections. I wish to appeal to all the leaders in this country that we must ensure that this country remains one. We must remain one knowing that as the Bible says, we are shepherds of the people that we lead.

We must ensure that as we are going through this period, first of all, we must abide by the Constitution and the rule of law. We must also ensure that we do not raise temperatures of Kenyans the way it is happening. Let me caution everybody that any responsible leader has that duty. The President's Speech dwelt on the principles of keeping this nation together and following the rule of law. These are the principles that we as leaders are all expected to follow.

Having said that, we are also a growing democracy and again as leaders, it is upon us to ensure that we lead this country, keep it as one and ensure that as we mature into democracy – which we have already attained to a very high level – we remain one people and Kenya remains one country.

Mr. Speaker, Sir, let us not forget that people are looking up to the Government to overcome the challenges in their lives today. Kenya is a developing country and there are many objectives which have not yet been achieved. There is need for development in most areas. We have a cardinal duty to ensure that all Kenyans attain the essentials of living. These are the sentiments that the President kept on drawing our attention to. These things are not going to be possible until we, the leaders, put our selfish interests aside. We should always remember that we are one people and all in need of basic needs.

I must point out that the Government has done a lot in the last few years. We have seen tremendous development. As the President emphasized, we must remain focused and know that our main duty, as the leaders of this nation, is to ensure that Kenya develops uninterrupted. An election is a one-day affair. We need to reassess ourselves. Even as we seek to ascend to power, we should put the rights of the ordinary *mwananchi* first before anything else.

Mr. Speaker, Sir, we are people divided by diversity. However, in that diversity lies the strength of our people and the potential of this country to spring forward. It will, therefore, be wrong for leaders to take advantage of the diversity and divide our people further. Therefore, I fully support the sentiments expressed by the President. It is our duty as parliamentarians to support the Government in its objectives which we believe in. We have common objectives for Kenya, even for our brothers on the other side, which we should strive to meet.

We shall have elections at a time when our children should be sitting for national examinations. We must be extremely sensitive and careful to ensure that none of our leaders, through utterances or actions, does anything that could disrupt the rights of the innocent children. The majority of Kenyans want peace. That is what the President kept drawing our attention to in his speech.

Mr. Speaker, Sir, finally, I would like to remind all of us that our security is dealing with the threat of foreign insurgence. Therefore, when we create an atmosphere in the country that divides our people, we will be doing great damage. We will have failed as leaders.

Let us all reflect on the President's speech, the objectives that brought us to this House and the people who put their trust in us. We should define our actions accordingly. The justice that we will be seeking as a people is found in our society. Therefore, as we seek justice, we should be focused on the objectives of our people.

Mr. Speaker, Sir, I wish to state once more that I support the President's speech. Let us all remain as one people. I call upon my brothers on the other side to reflect and know that we have one President. At all times, the President remains the pride and symbol of the sovereignty of this country. We should accord him and his institution due respect.

Thank you very much.

**The Senator for Wajir County** (Sen. (Dr.) Ali Abdullahi Ibrahim): Mr. Speaker, Sir, I stand to support the President's speech. I also wish to thank the people of Wajir County for electing me as their Senator. Some of us have served in previous Parliaments and also spent some time out. Therefore, Members should not take the opportunity to sit in this House for granted. We are elected to represent the people who elected us. Therefore, it is unfortunate if there are Members who do not want to participate and talk about the issues of their constituents and the country at large. I would advise those of us who are newly elected to the Senate not to take the privilege for granted. The people on the ground are very harsh. If you do not do what is expected of you, they will get rid of you. You will have no one to complain to thereafter.

I wish to thank the President for talking about security and peace in this country and the need for our people to be one. Elections are usually problematic; there are those for and those against. That is what democracy is all about. However, it is not possible to always get what you want from an election. Others succeed while others fail. Whenever

one fails and does not concede always, it is unfair to other contenders and the country at large.

Mr. Speaker, Sir, there have been a lot of problems for so many years in the countries surrounding us. Somalia, for instance, has been in turmoil from the 1990s. I, therefore, urge Kenyans to be tolerant of one another and respect one another. Elections are very divisive and problematic. If we do not respect one another and do what is good for this country, we could get ourselves into a lot of trouble. Some of us do not want to end up as refugees. However, given the way some people are behaving in this country, it looks like they might create problems for all of us. I urge everyone to be tolerant.

The presidential results were annulled and the President agreed to go for a second round of elections. He was magnanimous because such things do not happen in many African countries. We would have been in a lot of trouble now as a result of that. I hope that we shall all go for a peaceful election on the 26<sup>th</sup> of October. If we talk of no elections at this stage, we will land ourselves in problems. There were chaos yesterday and today in this town. Our economy is going down the drain. Where are we headed to if we continue in this direction?

Mr. Speaker, Sir, let us not look at the people who want to benefit from the election. We should look at Kenya; the Wanjiku, Amina and Halima who do not know what is happening and the reason people are fighting for power. While some people are fighting for their survival and thinking about what they will eat tomorrow, others are fighting over who is mightier or stronger. That is not good for this country.

I wish to caution my colleagues from both sides, who are fond of going to the Press to incite Kenyans. That is very sad because it will not help anyone. It is unfortunate if anyone thinks otherwise. We can all see what is happening to our stock exchange. Some of us who had some money there have lost everything. Those who have large amounts of money are the ones who are left with something. Please do not make us poorer; we are already poor. Whatever little we had has gone down the drain, yet we are still being pushed to the end. Let us not mess up this country. Let us not joke about peace and stability.

I was out of Parliament for 10 years and did not lose anything literally. However, if I had decided to fight in the constituency that I served, and lead people to fight one another, what would have happened? Do you want us to go the President Museveni way? If these issues that are happening today continue, we will then go that way. How will that help Kenya? I do not think that it will help anybody.

I saw President Mugabe attack somebody at the United Nations General Assembly (UNGA) but he cannot even walk. People want President Uhuru Kenyatta to become a dictator for the next 30 or 40 years like President Mugabe and that will not help our brothers on the other side. I urge all Kenyans to respect one another and to think of the poor mothers.

Today, there have been demonstrations and some innocent people have suffered because they were been beaten up for wanting to eject somebody out of his office yet there are procedures that provide for the same. For the sake of this country and for everybody else, I wish to urge everyone to be patient with one another and pray for peace in this country as we go for the repeat presidential elections.

**The Speaker** (Hon. Lusaka): Thank you, Senator. Sen. Kamar Margaret Jepkoech.

**The Senator for Uasin Gishu County** (Sen. (Prof.) Kamar Margaret Jepkoech): Thank you, Mr. Speaker, Sir, for giving me this opportunity to join my colleagues in registering our appreciation and thanks to the His Excellency the President for the exposition of public policy contained in the Address he made in Parliament during the Joint Sitting of Parliament.

Mr. Speaker, Sir, His Excellency the President started by noting that the peace that we enjoy today is God given. I would like to join him in thanking God for the peace that we have enjoyed as a country and pray that the peace continues even as we humble ourselves before him.

In his Address, His Excellency the President reminded us of our representative roles. As a Senate, according to Article 96, we are the representatives of the counties. As Senators, we are here to protect the interests of the counties and their governments. This is a very huge task that has been put on our backs. I want to urge my colleagues, Senators, that the role of representation is a very important role. Having chosen to be Senators, it is important to ask ourselves whom we have represented well and whom we are under-representing. We need to look at our constituents well, classify them and be sure that we represent the whole county because the county is composed of majorities and minorities, youths and adults, men and women and people with disabilities.

As representatives of the county, we must take stock of whom we have and who we are representing. This is extremely important because as we look at the interests of the counties, we have budgets that we pass through the Division of Revenue Bill between the county and the national Government. When we have released funding to the counties, we must make sure that we cover everybody. I say this knowing that the new Constitution was meant to cure a number of things. It was meant to cure inequalities in treatment and services. In fact, there is a Fund that we all know called the Equalisation Fund. This Fund is meant to bring those who are left behind to the levels where other Kenyans are.

It is important that as we look at the counties, we make sure that nobody within the county has been left behind. We have counties that are not within the special group that receive the Equalisation Fund and yet they are less equal than others within the county. It is important to make sure that no one is left behind because devolution is meant to place each and every Kenyan at the level that we are representing.

As representatives of the people, I dare say that the Senate, in my view, is the equalizer and it will balance the development of this country and bring everybody to appreciate the developments of the Government. For this reason, I would like to congratulate all the Senators who were elected to this House and to encourage them to ensure that the second Senate has more impact than the first Senate.

Mr. Speaker, Sir, I appreciate that when His Excellency the President gave his Address, he celebrated women because I am one of them. In celebrating the women, he recognized the three women governors. I also congratulate them and thank the people of Kirinyaga County, the people of Kitui County and the people of Bomet County for electing the three wonderful and powerful women governors that we have today. I would also like to recognize the people of Isiolo County for electing a woman Senator. I want to recognize the people of Nakuru County for electing a woman Senator. I would also like to recognize, with a lot of appreciation, the wonderful people of Uasin Gishu County, for recognizing my efforts in the past and for giving me a chance to be their Senator. I want to thank all these counties for doing something different and for making Kenya

progressive because the presence of both genders in the development of this country will make a big difference.

Mr. Speaker, Sir, it is very important to note that women and men naturally think differently and develop the country differently. So, the presence of both women and men is very important. I will forever be grateful that the people of Uasin Gishu gave me a chance to be in this House and to show the different agenda that women can raise which may not be as important for our male colleagues.

Mr. Speaker, Sir, we have youth and People with Disabilities (PWDs) in this House. This again, as recognized by His Excellency the President, is something that is extremely important because it brings together the different groups of people in our counties that need proper representation. I would like to recognize their presence and their winning elections because it is very important that we have all sectors and kinds of populations represented in this House. I believe that this will be a House with a difference and there will be a complete turnaround when it comes to development of our counties because of the presence of these people.

I was quite impressed when we went for the induction workshop. I thank you, Mr. Speaker, Sir, the Clerk and the secretariat for organizing such a wonderful induction programme. When we were in the induction programme, I was exposed to the kind of people that have been elected to this Senate. These are the kind of people that will not only move but will run and change the agenda of this country. The contributions that we had there were powerful and our Senators showed themselves to be women and men of passion as far as serving the people is concerned. That is why we are here; we are here to serve the people. We have chosen to be public servants and we shall deliver. I believe that my colleagues are in for it.

Mr. Speaker, Sir, His Excellency the President stressed the issue of upholding the supremacy of our Constitution and he used his own self as an example which I thought to be wonderful. We have a Constitution that we must obey, which we passed for ourselves. We have agreed how we will be governed; we have even agreed further how we will conduct our elections.

One thing that I really congratulate the President for is that immediately after The Supreme Court passed their resolutions, he hit the ground campaigning. This was to show Kenyans that he really believed in the Constitution, he is peace loving and he was ready to move on. Despite the fact that he was not happy with the results, he moved on. This is something that we all must recognize. The President has become a great example to everyone in this House and for the nation. It is important that we recognize that with the Constitution, we shall obey. More importantly, he urged that we avoid divisive politics.

Mr. Speaker, Sir, it is up to us, as individual leaders, to ensure that we leave the country in peace the way we got it for our children, grandchildren and great grandchildren. I would, therefore, like to urge my colleagues that even as we campaign for the 26<sup>th</sup> October, 2017 Presidential Elections, we should never use language that divides the people. We should never use ethnic, religious or class division. This country will remain beyond 26<sup>th</sup> October, 2017. It is for that reason that I join my colleagues in supporting this Motion that endorses the Address that was made by His Excellency the President.

With those remarks, I support.

**The Nominated Senator** (Sen. Beth Wambui Mugo): Thank you, Mr. Speaker, Sir, for allowing me to contribute to this Motion and to thank His Excellency the President for his Speech on the State of the Nation and the exposition of Government policy during the Joint Sitting of Parliament.

I thank him for his humble presentation even though it came at a difficult time for him because we all know what had happened a few days before but he held on to peace, togetherness and he showed the nation that the country is more important than one person or the results of an election. I want to believe that is the reason the country has moved forward and for that, I thank him.

Mr. Speaker, Sir, many Members have talked about peace. We cannot over-emphasise the importance of peace as contained in the President's Address. We know that without peace in this country, all is lost. No development can happen, people cannot live in peace, children cannot go to school and everything comes to a stand-still like we have seen it happen in some of our neighbouring countries. We have seen people moving out of their countries because of lack of peace. Peace is so important and, indeed, it is not negotiable.

That is why we, as leaders of this country, must always be conscious of what we say, do and, probably, ask ourselves whether it brings peace or conflict. The people we lead look up to us. Therefore, for leaders in high positions, especially those with large followers, a lot more is expected of them. This is because other people might want to copy them and think that is the way to go.

I want to caution the leadership, particularly those who have been going around beating war drums that it is absolutely necessary to consider people of this country. It is really showing bad leadership when they behave in that manner. Sometimes I wonder how they would lead this country if given State mantle to do so.

Mr. Speaker, Sir, I want to address myself to a few issues that have happened in this country. Recently we saw a group of Christian women who were attending a peace meeting in one of the hotels in Kisumu. They were attacked by youth who accused them of selling their identity cards. Is this what we are encouraging the young people to do? Could it be this is what they are learning from their leadership? The leaders have something to think about the youth and what examples we are setting for them. It is sad that I did not hear the main leadership in that area condemning the attack on the Christian women. These are mothers. Where are our values as a country?

I want also to condemn in the strongest words possible *Mheshimiwa* - I do not know whether to call him so or not - the Member of Parliament for Embakasi for abusing the First Lady of this country. It was sad to hear him say that the President was born by a dog. What kind of language is this? What are we teaching our children? Where have the manners gone to? I would have expected to hear the leadership of the National Super Alliance (NASA) coalition come out strongly and condemn this young man and ask him to apologise. I saw him saying he has nothing to apologise for.

I thank Hon. Passaris for apologising to Mama Ngina. It is really unthinkable. We used to be told by our parents that when you walk and meet an elderly person, you step aside for them to pass. This could be the grandmother to Hon. Babu Owino. The President is a father figure to him. This Hon. Owino is the age of the President's children. Where are we leading our country to?



I would have expected the hon. former Prime Minister to condemn the utterances by this young man and advise him on how to behave. Could it be that is what he is encouraging when he goes on top of vehicles and says the kind of things we hear on his campaign trail? I would like to urge our leaders that we teach our children good manners. Where is this country heading to? What are our children hearing in schools? It is very disturbing.

I hope that this young Member of Parliament will rethink his words and apologise. Of course, he is copying what also has been said before. We heard the kind of abuse before from Hon. Millie Odhiambo and nothing happened to her. In fact, she was glorified. After that, you would see her in the company of the mighty.

It is just like when you hear children abuse a grown-up, they used to say, “*Ametumwa*.” He or she has been sent. Could we take it that maybe these people have been sent to abuse leaders in this country? If that is the case then, that is not leadership at all. That is not a person who should aspire to be a leader of this nation. We must teach our children good manners. We must be a respectable country. People out there are wondering what is happening here. We are a greatly respected nation in this world. Let us not spoil our good name.

Mr. Speaker, Sir, we have seen what is happening to our economy. We know Kenya’s economy is growing. However, we would like to see it grow more. This can only happen if there is peace in this county. Investors will only invest in a peaceful environment. Tourists want to come to Kenya. The other day Diani Beach was voted the best in the world. Why do we want to pour water on all these accolades which God has given us by the kind of words we are uttering and the way we are making our country look bad in the eyes of the international community? Let us all agree to live in peace.

Mr. Speaker, Sir, the President accepted to go back to elections, although for all intents and purposes, we all know he had won the election because it is the votes that count more than anything else. Since there was no problem with the voting, voter identification and counting, let us go to the *debes* and see what is inside.

We are told the problem came with the transmission. I was surprised to hear the Senate Minority Leader say that if we insist on opening the *debes*, they will insist on the opening of the IEBC servers. What do the servers have to do with the votes which are in the *debes*? That is a sign that the Opposition Principals do not want us to know the truth about who won the election or to open the *debes*. We should be honest with ourselves. There will always be winners and losers in an election. However, that should not make a country lose respect because of what we say and do after that.

I want to urge my colleagues on the other side to come back to the House and debate. This House is for debate. The debate should not be out there. I hope that the International Criminal Court (ICC) is listening and; they should know that they charged the wrong people the other time. They should know who the real architect of the 2007/2008 violence in this country was. We all have children in this country. We live in one country called Kenya. I do not think many people can relocate their families out of this country if chaos erupted. Let us keep Kenya safe for everybody. We, as leaders, must take control of happenings in this country. We must preach peace and condemn violence from any quarter in this country. That way, we will save our country.

As a Senator, I am very proud to be in the middle of these ladies who have been elected Senators and governors. I remember many women driving to Arusha to argue our

case that Hon. Kamar be nominated to the East Africa Legislative Assembly (EALA) after the National Assembly had nominated all men. There was no woman to represent Kenya in EALA. We were fighting for one or two women. I am proud to see women in this House, the National Assembly and the County Assemblies. The struggle for women representation is not over because we have not attained 50 per cent.

So, I urge the women of Kenya – especially the young women leaders who have now come on board – to put all effort to reach out to the younger women so that we can have many more women leaders. I still believe that women leadership and youth leadership is what is going to make a difference in our country; women leaders are the ones who can bring true development. That is why I want to agree with the President and support his words when he congratulated the women who were elected.

I also want to challenge the parties; that they must also promote women in their strongholds. We expect to see a lot of women elected in Jubilee and Orange Democratic Movement (ODM) strongholds where, if they are supported, they will definitely get in because these are strong parties. But what happens? A lot of women are mainly in parties where it is very difficult to compete because the men take all the seats which are available there.

So, I am sure that our brothers have now fully accepted women leadership. I believe that come the next elections, we will not be singing about three women in the Senate or three women governors; but we should have over 50 percent women legislators like Rwanda has done so that we have real equity.

Thank you, Mr. Speaker, Sir. I support.

**The Nominated Senator** (Sen. Halake Abshiro Soka): Thank you, Mr. Speaker, Sir. Once again, congratulations on your election. I also want to congratulate the Deputy Speaker and all the Senators who are sitting here today. I am very proud to be in this House and I am standing up in support of the President's Speech. The President's speech, for me, was profound for its simplicity and for its focus on the key strategic areas for our country. The President spoke to what is core in our country starting with the sanctity and supremacy of our constitution, which he did not just speak about but he demonstrated in action.

Immediately after the ruling of the Supreme Court, our President hit the campaign trail. That is humility in leadership and success because I am convinced, of course like most of us here, that the President won the elections. However, despite the fact that a constitutional institution ruled differently, he obeyed the ruling and upheld the supremacy of these institutions as well. So, I am very proud of just that fact, which is a demonstration of humility and respect to our constitution and our institutions. This really spoke volumes for our children and the entire world; that Kenya is a country which respects itself and its institutions.

Secondly, Mr. Speaker, Sir, what was very profound is the fact that our President laid out key strategic areas of peace and security in the country. He also laid out key strategic actions for those key areas. Sen. Mugo has just explained to us and I do not want to belabor it, because it felt like – I cannot say that she stole my words; I am the one who is stealing her thoughts – but she spoke to the peace and prosperity of our country. What is very sad is the fact that in this House, we have empty seats on the other side because people have chosen the path that is disruptive to that peace and security. Politics of mayhem have no place in modern civilizations. They should be here in this House

debating and using the constitutional and statutory tools that are available to make our country great. But, of course, the choice is theirs and we respect their choice.

That said, the fact that in his first speech for his second term, the President chose to speak about these strategic areas for our country; areas of peace and security, which was profound. This is something that makes me proud as a Kenyan; that we have somebody who understands strategy and governance of a nation. With him we can go far. I know that in the recent past, Kenya has been rated as a middle income country; but the sky is the limit with that kind of leadership. For that reason, I am very proud as a Kenyan and as a Jubilee affiliated party member.

Mr. Speaker, Sir, the third thing that was really profound in the President's speech is his focus and support of diversity and inclusiveness in the governance and in the economy of our country. He spoke to the issue of the youth and women, the identities of which I bear. Therefore, I support and I am proud that my President spoke to those identities and everybody else that shares those identities was very proud of that speech. Bear in mind that this country's population is largely youth and women. Half of the population or slightly more is women while 65 to 70 per cent is youth. If those two constituencies are added up, you can imagine that this is the whole country.

The fact that he prioritized these constituencies in his first speech is really profound and amazing because it elevated the issues of women and youth, not just to some token and activities downstream, but to key strategic areas of focus for our country. By doing so, he has put it way up there with peace, security and other key strategic areas of focus for our country. If there is one President who has elevated women and the youth, it is our President, because it is the first thing that he spoke to as the President-elect.

The fourth issue that I would like to mention is about the nullification of the reelection of President Uhuru Kenyatta by the Supreme Court. I am saddened as a Kenyan. The reason why I did not contribute in the initial debate is because I was waiting for the full ruling of the Supreme Court. I thought that there may be just something credible that we might find in the ruling; something that, perhaps, we could say well, as much as we had the numbers, perhaps this is significant for nullifying a presidential election. I have read the ruling from cover to cover and I have not seen that. I have read the dissenting voices and the majority ruling, but I have not seen anything beyond rules that should have nullified a presidential election.

Rules, of course are useful – I am not rubbishing rules – however, in complex systems such as an election of a president, rules are useful as standard operating procedures; but so must be the judgment. Unfortunately, we chose just rules in a complex system such as that one. Just based on that alone; the fact that something was not signed or something was not transmitted in the right way, we nullified a presidential election. It is very sad.

But, again, because my President accepted and had the humility to go back and ask the people to affirm the re-election, we as his foot soldiers and his elected Members have no choice but to go back to the people and say, "please reaffirm that." Today, we have strategized around how we are going to make sure that every form is filled, that every water mark is there and everything will be done by the book. However, it was sad for me to think that the will of the people or the legitimate choice of the people could be overturned by something such as a rule.

Again, rules are useful; they are good as standard operating procedures, but the fact that judgment for such a complex exercise did not carry the day was sad for me. But with that said, we shall go back and we shall prevail.

On the issue of women, I would like to congratulate all the women that have been elected---

**The Speaker** (Hon. Lusaka): Sen. Peter Okello, I can see on the console you are requesting to raise a point of order. Are you sure you want to execute that or it is a mistake?

**Sen. Okello:** The Senator is doing her maiden speech, I request to have the Floor after her.

**The Speaker** (Hon. Lusaka): Fair enough. Proceed Sen. Halake.

**The Nominated Senator** (Sen. Halake Abshiro Soka): Thank you, Mr. Speaker Sir. I have no doubt that my county is on the right track. We should be willing to condemn in the strongest terms possible politics of mayhem and obnoxious language that abuses people based on a non-agenda or nothing at all, for example, Hon. Babu Owino who abused the President's mother. That was unacceptable. It has no place in modern civilization. It has no place for anybody called *Mheshimiwa* who is supposed to represent people in a constituency in this country. It was shameful and we condemn it.

The President's Speech upheld the Constitution, the youth and women. It provided a key strategic direction that is a change maker to our economy, governance and prosperity. There is no prosperity without peace. Kenyans do not want handouts and politicking forever. They want to be left to do their work and that is exactly the policy President Uhuru Kenyatta is laying out for us as a key strategic direction for our country. The rest is up to us to cascade them and break them down to what we do on a daily basis in order to achieve prosperity and peace in our country. We should not let a handful of people come in the way of that peace and, therefore, in the way of prosperity.

With those few reflections, I support my President's speech. I am proud of it because it is taking us in the right direction.

Thank you.

**The Speaker** (Hon. Lusaka): Thank you, Sen. Halake for your good articulation. Sen. Langat Christopher.

**The Senator for Bomet County** (Sen. (Dr.) Langat Christopher Andrew): Thank you, Mr. Speaker Sir. I believe that what has been said should be echoed. The President's Speech was spiritual. Our President is God fearing. I thank him for that. Any nation that does not have leaders who are God fearing has no future. I believe that most achievements are as a result of having a leader who is God fearing.

Our President in his Speech showed mindfulness. He acknowledged the long suffering of the electorate who stood in long queues for many hours to vote for us. He was grateful and mindful of them. His Speech shows a lot of humility and great leadership.

I thank the President for being gender sensitive. For ladies, you are very lucky you have a President who is gender sensitive and appreciative of the growth of women in world politics. I want to tell the ladies who have been nominated that the ones who have been elected came in as result of performance. If you perform your duties well in various places, people will elect you. Kenyans are intelligent these days.

I want to quote what Peter Track said in his book 2005:

“What will determine success of leadership in the 21<sup>st</sup> Century is performance.”

So, our performance will greatly determine our coming back to this House. I encourage all of us to perform. Our duty as Senators is simple; to represent people and to legislate which is a challenge to our friends in the minority coalition who do not come to the House and when they do, they appear technically. That shows they are not devoted and committed to their electorate.

Our President is patriotic. In his Speech, he advised all of us to attend to our major duties so that we represent the people who elected us. If it were another person, they could have taken advantage of not officially opening Parliament so that we campaign for them. I remember during our meeting in State House, he told us to continue serving the people who elected us, and that it is only when he goes to our county for campaigns that we can join him. That is unlike our friends in the minority coalition who want to be accompanied by people who are supposed to be with us here working for our electorate. So, our President loves this country.

The President appreciated the history of our Constitution. He appreciated the Tenth Parliament for having given birth to the current Constitution without forgetting the Eleventh Parliament for implementing it. He gave us a challenge on that count which is a great challenge to the Twelfth Parliament that all of us should continue perfecting the institution of Parliament.

He was optimistic to make sure that our country is not left in limbo. In his Speech he assured all Kenyans that there is no lacuna in the country and every institution will run normally. That is a plus for the President. I congratulate him for that. He is a team builder; he called upon all of us including those in the minority coalition to be united when it comes to matters affecting our people. He advised us not to be divided by political aspirations and inclinations. He appealed to all of us to be one. We were one in Naivasha. How I wish that the Naivasha oneness was extended to this House.

For our friends in the minority coalition, I want to believe now that our President accepted and respected the ruling by the Supreme Court, I do not think it is wise to waste time to engage Kenyans in unnecessary demonstrations. I wish that demonstrations happen only when there is a stubborn person. But there is no stubbornness in the Independent Electoral and Boundaries Commission (IEBC) and the Government. So, I do not think demonstrations, whether peaceful or violent, are necessary at this point in time. As politicians, we should give Kenyans time to run their businesses normally.

I want to concur concomitantly with other speakers who have said that we should demand an apology from Hon. Babu Owino for being abusive. He is still a young man who needs all of us. Abusing the mother of our President is by extension abusing the founding father of this nation and the country because the President is not only a person but an institution and a representation of national unity. As a politician, I would say that he lost morals by abusing any member of such a family.

As somebody said, I think *Mheshimiwa* Raila would have been the first one to give direction to Hon. Babu Owino. He should have condemned it the way Hon. Passaris did. Someone once said that when you see a dog barking and messing around, find out who the owner is. He could be supporting such behaviour while mutilating the future of such a young politician. He should give him the right direction.

Mr. Speaker, Sir, the speech by the President was excellent, educative, spiritual and patriotic. Therefore I support it. I thank you.

**Sen. Ndwiga:** Mr. Speaker, Sir, thank you for giving me this opportunity to join my colleagues in supporting the Motion regarding the address by the President. The address by the President was delivered in a manner that portrayed him as a leader of a country, never mind that we are in conflict and at the moment we are almost torn apart between the political divide. The President said that he did not accept the ruling of the Supreme Court but because he was leading from the front, he was going to show Kenyans that this is a country that believes in the rule of law. He hit the ground running immediately thereafter, to start his campaigns.

I wish to urge my friends from the other side of this House to demonstrate the same maturity. It saddens me because most of our colleagues on the other side were serving Parliament and together we were at the fore-front in campaigning for this Constitution. It saddens me when I see them abuse this Constitution, the same thing that we fought so hard for; that caused this country so many lives.

Mr. Speaker, Sir, as I walked on the streets today from State House, I saw young men who were being used to demonstrate against an issue that is a non-issue. Rules are made in Parliament and if you are not satisfied with any rule, you should come to Parliament and change the law. You do not have to go to the streets and misbehave.

When we crafted this Constitution, Kenya had very many problems at that time. This Constitution created three very distinct institutions which are the Executive, the Legislature and the Judiciary. When we are not satisfied with an issue in this country, we know where to run. If you are not happy you go to the Judiciary. If you are not satisfied that the Judiciary is performing, you should come to Parliament and amend the laws because that is what the Constitution says.

Mr. Speaker, Sir, I wish to thank the President for leading this country from the front and demonstrating that he is a true leader of this country. We enjoy a lot of peace in this country. Therefore we should thank God because we have peace. Peace is not threatened by animals or other objects but by the citizens of a country and that is what we are saying.

I urge Members of the Opposition to reconsider whatever they are doing, go back to the people and look for votes and get elected. I understand what they are doing because I have been through that journey with them. Whatever they are doing are acts of desperation because they know very well that they did not win the elections. They also know very well that even if there is a repeat election, they will not win.

I can say this with a lot of confidence because we have done all that juggling with them in the past. For 10 years we were out there trying to organise street demonstrations and such sort of things just to satisfy ourselves. It is sad that today we have responsible leaders who every weekend are out there holding meetings just to excite themselves and nothing else yet they know that that does not profit themselves, the country and nobody. That is extremely sad.

Mr. Speaker, Sir, in his speech, the President lauded the women for being elected, something which I support and I have always supported that. Even as we support our women because we must, we have forgotten something else. The reason why we have the likes of Hon. Babu Owino is because we forgot there was a boy-child. As Parliament and all the other leaders, we must focus on the boy-child; otherwise, we will not have peace. Yes; we love our women and encourage their elevation. We even would love to move

from one-third rule to 50 per cent but we should not forget that the danger out there is not the woman but the boy-child who has been neglected to our peril.

Mr. Speaker, Sir, if you walk out there today, you will not see any young ladies matching to the Independent Electoral and Boundaries Commission (IEBC) offices but young men. You will not hear young women – unfortunately we had that in the previous Parliament – misbehaving like Hon. Babu Owino. They are all cultured because we focused on the girl-child, which was good. It is time we refocused as a nation because we have a problem. Unless we admit that we have this problem, we will--- Perhaps even some of the MPs demonstrating in the streets today would be focused on the growth and development of the boy-child. Therefore, I seriously support the speech by the President.

Mr. Speaker, Sir, the focus of this new Constitution was devolution. All Kenyans have since noticed that devolution has changed the way we live, never mind that we still have many challenges in our counties. We are here to shape the destiny of our counties and also the behaviour of the people manning the counties.

We need to support devolution. In this regard, I want to join my colleagues in thanking you for the wonderful retreat that we had last week. The few days that we spent in Naivasha helped us understand what devolution is all about. We also need to understand our responsibilities as Senators. Therefore, we look forward to our colleagues coming back to this House so that we can move the agenda of this country together.

With those few remarks, I beg to support the Motion.

**The Speaker** (Hon. Lusaka): Thank you, Sen. Ndwiga.

Yes, Sen. (Dr.) Milgo Alice Chepkorir.

**The Nominated Senator** (Sen. (Dr.) Milgo Alice Chepkorir): Thank you, Mr. Speaker, Sir. First, I wish to thank you and the entire team that organised the induction retreat at Naivasha. The choice of venue and facilitators were excellent. I am in this House right now as an informed member. We interacted during the induction and I was encouraged to know that Sen. Dullo and even the President started their political careers as nominated members. Therefore, the sky is not even the limit if one works hard.

Coming to the President's Speech, I concur with my colleagues that it was a well thought-out and researched speech. I was encouraged particularly when the President celebrated women in leadership. I was very excited when he said that he will continue to support women in their leadership endeavours. At this particular juncture, I want to congratulate all the elected women leaders; the three Senators here, the three women governors, the Members of the National Assembly and Members of the County Assemblies (MCAs). I want to challenge them to raise the bar by working hard to put their various counties a notch higher, so that they can demonstrate to the world that given a chance, women can do what men can do even better.

The President also talked about the important role that Members of Parliament have. He referred to the Tenth and Eleventh Parliaments and underscored the fact that they were able to deliver and implement the great Constitution that brought devolution which is cherished worldwide. In this regard, I want to thank our President for ensuring the execution of devolution, notwithstanding the fact that there were many teething problems at the beginning. At the same time, he was facing the International Criminal Court (ICC) charges. This was a big challenge and the Eleventh Parliament will be remembered when history is written.

I want to address the National Super Alliance (NASA) leadership because most seats on the other side of the House have remained unoccupied. Let me inform them that they missed a very critical time during the opening session. Their decision to miss sittings and instead participate in demonstrations is affecting the country. As things stand now, there are demonstrations all over. While the President accepted the verdict of the court and agreed to participate in a repeat election, the NASA leaders are not committed. I do not know whether they still remember what happened in 2007. People not only lost property but also their lives. As things stand, a number of investors have closed shop and many people have lost jobs as a result.

Every time we go to our various counties we are asked whether we have got the power to talk to the NASA leadership to tone down a bit. I want to encourage them to sober up and even to talk to some of their leaders. It is disappointing that Hon. Babu Owino, born of a woman, could abuse the former First Lady. He needs to apologies for that.

I know the Jubilee Party won by a landslide and will still win in the repeat election. That is why the NASA leadership has been shifting goal posts every time. When they demand for one thing and achieve it, they push for another. It is even absurd that the Kenya Certificate of Secondary Education (KCSE) examinations were pushed ahead because of their demands. It will go down in the books of history that very important examinations were pushed ahead because of the NASA leadership.

Even after that was accepted, they are still demanding that some members of the Independent Electoral and Boundaries Commission (IEBC) should be sent away. They should give people a break. I support my colleagues in telling them that they should come to this House so that we can debate and change the rules guiding elections, so that in the future we shall have peace in this country.

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Lusaka): Thank you, Sen. (Dr.) Milgo.

Yes, Sen. Omanga.

**The Nominated Senator** (Sen. Omanga Millicent): Thank you, Mr. Speaker, Sir, for giving me this opportunity to make my Maiden speech and contribute to this Motion. First, I want to congratulate you and your deputy on being elected as the Speaker and Deputy Speaker of this honourable House. I also want to thank my political party, Jubilee, for giving me this opportunity to be in this honourable House and serve as a Nominated Senator from Nairobi. I also want to congratulate my fellow Senators, both the elected and nominated.

The President, in his Speech, reiterated the supremacy of the Constitution. He vowed to protect it and showed this by accepting the ruling of the Supreme Court. Therefore, the independence of the Supreme Court is guaranteed.

He also emphasized the need for us to love each other and the country despite our diversity. He noted that diversity is well represented both in the National Assembly and the Senate. The President also noted the great steps taken by women in leadership. I want to congratulate the Jubilee Coalition for giving women a level playing ground. It is only in Jubilee Coalition where we have three women elected as Senators and two women elected as Governors.

The President also noted the election of young people to leadership positions. This shows that Kenyans are willing to give the youth an opportunity. I am embarrassed



to be a youth at this point in time when hon. Babu Owino did what he did. I am also embarrassed to have been in the same university, the University of Nairobi, with him. It is unfortunate. I will echo what the Senator for Embu County said about the boy-child. As the legislature and women of this country, we have to look at the boy-child. We have concentrated and paid so much attention to the girl-child that we have forgotten the boy-child.

The President also emphasized on the work in Parliament. He said that Parliament has to constantly remind the executive what the aspirations of the Kenyan people are. He emphasized that the Members of Parliament should bear the true allegiance to the people of Kenya. They should respect and uphold the Constitution.

With those few remarks, I support.

**The Speaker** (Hon. Lusaka): Thank you, Sen. Omanga. Could we hear from Sen. Okello?

**The Senator for Migori County** (Sen. Okello Ben. Oluoch): Thank you Mr. Speaker, Sir. I hope I am audible. This being my maiden speech, I would like to start by congratulating you on your election as the second Speaker of the Senate. I wish you good health and strength as you serve this House without fear or favour.

I would also like to thank the Almighty God for allowing me to be a Member of this great House, which is considered to be the 'upper' House. I want to thank the people of Migori County for bestowing this honour on me. I promise that I will ask about the resources allocated to Migori County because this is the House where that takes place. I also want to thank my party for giving me this opportunity to serve the country as the Senator for Migori County.

Regarding the President's Address, I will slightly differ with my colleagues. This is because his words were good but he did not mean them. I say so because he reassured the country that he will defend the Constitution of Kenya but he openly attacks the Judiciary in his other activities. He even referred to the Supreme Court judges as *wakora*. During the dispute on presidential elections, the President asked NASA leadership to head to court if they were not happy with the outcome. I do not know the kind of outcome that he expected from the court. Attacking the Judiciary undermines the independence of the Judiciary. I would like to ask everyone to respect the independence of our institutions.

I also want to talk about the demonstrations. You can see that this side of the House is not full. This is because a number of NASA Members were scattered with bullets and teargas when they went to demonstrate yet it is their democratic right. They ran away helter skelter. My knee got injured and I was limping when I came here. The police should read Article 37 of the Constitution which gives people the right to picket and demonstrate if they are not happy with anything. I do not see the reason as to why we were scattered and tear-gassed. We have no reason not to come to the House because we represent our people who elected us. Demonstrations are a constitutional right. It is allowed for us to express ourselves when we are not happy.

We talk of peace which was part of the President's speech. I am not happy when insults are thrown all over even with the top leadership. We are now condemning hon. Babu Owino while we forget what hon. Moses Kuria does every day. We should not be selective. We should be fair. As Kenyans, we need to appreciate and understand the diversity of our cultures. In Luo, we name people after some wild animals. You must

have heard of people called *Ondiek* which is a hyena. I do not think that a Luo would feel bad if called so. Hon. Babu's case is a matter of not understanding and appreciating our diverse cultures.

Some top leaders refer to Hon. Raila Odinga as *mganga* every day and that includes yesterday. In Luo, being called a witch is a very bad insult and nobody has complained about that. Hon. Raila is a top leader in this country. If we want peace, we should be prepared to respect everyone. We should not be discriminative in condemning people. The Kisii, who are my neighbours, lynch witches. If hon. Raila were to be a witch and a Kisii, he would have been lynched. As leaders, we should lead by example and show good example to the young people. We should maintain peace in this country. Let us mean what we say.

**The Speaker** (Hon. Lusaka): Thank you, Sen. Okello. Could we hear from Sen. Prengei?

**The Nominated Senator** (Sen. Prengei): Thank you Mr. Speaker, Sir, for giving me this opportunity to give my maiden speech. I would like to congratulate you and the Deputy Speaker on your election. I would also like to congratulate all the elected and nominated honourable Members in this House. I want to join my colleagues in thanking my political party, Jubilee, for giving me the opportunity to represent the youth in this House. It is a great honour and I thank the Jubilee administration.

Regarding the President's Address, I would like to echo him by recognizing the number of youth who came to both Houses of Parliament. It was enormous. It is a sign that Kenyans have started believing in the youth of this country. They have now begun to appreciate that the youth have leadership skills.

Mr. Speaker, Sir, with regard to the President's speech, His Excellency the President gave us an opportunity to appreciate the diverse nature of this country. According to him, Kenyans irrespective of their gender, culture or any other consideration have equal opportunities in his Government.

As we prepare for the re-election of the President, he urged us to maintain peace and order in this country. This is a very important element. We, as Kenyans, must maintain peace at all times. We should avoid use of abusive language. On that note, I want to condemn the abusive language attributed to my fellow youth, Hon. Paul Ongili Owino. I encourage him to apologise to the head of State and be a good representative of the youth of this country. The young people of this country are looking up to him. Therefore, he should set a good example by apologising to His Excellency the President and practise good leadership.

As I conclude, I want to urge all Kenyans to maintain peace as we go for the repeat election. I urge Kenyans to come out in large numbers so that we elect a President who will lead us in the next five years.

I support.

**The Speaker** (Hon. Lusaka): Thank you, Sen. Victor. Let us hear from Sen. Gona Christine Zawadi.

**The Nominated Senator** (Sen. Gona Christine Zawadi): Thank you, Mr. Speaker, Sir, for giving me this opportunity to make my maiden speech and to also contribute to the President's speech. First, I congratulate His Excellency the President for taking his time to address the joint sitting of the Senate and the National Assembly. As a new Senator, I felt the warm welcome from the President's address.

I also congratulate you, Mr. Speaker, for being elected as the Speaker of the Senate in the Twelfth Parliament. I am sure beyond reasonable doubt that you will lead us with all wisdom and experience without fear and favour. I wish you success.

I was able to decipher a few things from the President's speech. His Excellency the President emphasized on the importance of peace in Kenya; he categorically insisted that the Government will not tolerate anyone's intent on disrupting our hard won peace and stability. He urged all political leaders to avoid engaging in divisive and distractive politics, unfortunately, something our competitors in the National Super Alliance (NASA) do.

Mr. Speaker, Sir, I wish to echo my President's words and call upon our fellow opponents in NASA to tame their brigadiers who are fond of spreading hate speech and urge them to preach peace. We, as leaders of this country, have the power to either incite or calm our followers. I particularly congratulate my President for being a peace ambassador.

I also took note that His Excellency the President put emphasis on cohesion and unity among the different arms of the Government and tasked us to ensure we, among the different arms of the Government, uphold the supremacy of the constitution and its institutions.

His Excellency the President emphasized that given the complexity of the public issues, the three arms of Government and the Constitutional commissions must work together for the good of the citizens of this country. They should respect each other's functional independence. This is a call on all the Senators to work together for the betterment of our peoples' lives regardless of their political affiliations. Let us work together in unity.

He was categorical when he said all arms of the Government are fully operational. Even though we, us Jubilee supporters, felt that there was some ping-pong in the Supreme Court ruling, we respect it as a sign of upholding its mandate to Kenyans. For that reason, let us all treat His Excellency the President with respect because he is Kenya's President by law.

I support.

**The Speaker** (Hon. Lusaka): Thank you so much, Sen. Gona.

**The Senator for Tana River County** (Sen. Wario Golich Juma): Asante, Bw. Spika. Nachukua nafasi hii kuwashukuru watu wa Tana River County kwa kunichagua kama Seneta wao. Pia ningependa kuwapongeza Maseneta wenzangu waliochaguliwa na walioteuliwa. Ninakupongeza wewe na naibu wako kwa kuchaguliwa kuongoza Seneti hii. Mwisho, ninaipongeza Kamati tekelezi ya Bunge hili kubwa iliochaguliwa.

Bw. Spika, nikichangia Hotuba ya Rais wa Kenya ningependa kuunga mkono na kumpongeza juu ya kielelezo chake cha amani, umoja na uwiano. Si vizuri kwetu kama viongozi kugawagawanya Wakenya katika misingi ya kikabila, dini au vyama. Wakati huu ambao tunaelekea uchaguzi wa pili wa Rais inapasa watu wetu wote wahubiri amani ili nchi yetu iendelee.

Nchi ya Kenya ni kubwa kuliko mtu mmoja. Kwa sababu hiyo sisi sote tusimame pamoja tuweze kuhimiza watu wetu waishi kwa amani ili nchi yetu ipige hatua za kimaendeleo na tufanye yaliyo mbele yetu kwa amani. Nawasihi wenzangu tuendelee kuhubiri injili ya amani vile Rais alivyoangazia katika hotuba yake. Mwito wangu kwa Wakenya ni tupendane, tushirikiane na tukumbatiane ili tuweze kuelekea mbele kama

vile Mhe. Rais alivyosema katika hotuba yake. Kupingana kwetu kusiwagawanye watu wetu na kuweka uhasama kati yao. Hii itatuzuia tusifikie malengo ambayo tunayakusudia.

Bw. Spika, ulimi ni kitu nyepesi ambacho kinaweza kuwaweka watu vibaya. Wale wanaotumia ulimi wao vibaya utawaweka katika hali ya aibu. Sisi ni Waafrika; tuna mila, desturi na mwelekeo. Waafrika hawapaswi kuwatukana wazee au viongozi vile alivyotamka Mheshimiwa Babu Owino. Aliwatusi viongozi hasa aliyekuwa mama wa taifa. Tungependa aombe msamaha kwa sababu hiyo inaonyesha nchi yetu kwamba viongozi waliochaguliwa wana maneno ambayo yanaweza kutufanya tuyumbeyumbe.

Bw. Spika, hotuba ya Rais ilikuwa ya busara na nia njema kwa Wakenya wote. Wale walio kwa mrengo ule mwingine wanaojitafutia Rais wao wanaweza kufanya hivyo kwa sababu hii ni nchi ya demokrasia ambayo tunafurahia kwa wakati huu. Haifai kutumiwa vibaya kama vile tulivyoshuhudia leo; watu wako barabarani wakiandamana. Vijana wanatumiwa vibaya. Rais wa Kenya amekubali turudie uchaguzi. Uchuguzi huo unafaa uwe wa amani lakini vile inavyobainika, wanatuonyesha ya kwamba wanaweza kupiga kelele barabarani, waabiri magari na hiyo haituonyeshi picha nzuri.

Bw. Spika, kwa hakika naunga mkono hotuba ya Rais ambayo ni ya busara na nia njema.

**The Nominated Senator** (Sen. Iman Falhada Dekow): Mr. Speaker, Sir, this is my maiden speech. First, may I take this opportunity to thank God for this privilege. I also profoundly thank my party, Jubilee and its leadership for nominating me to this Twelfth Parliament. I congratulate you and your Deputy Speaker for your election as the second Speaker and Deputy Speaker of the Senate, respectively.

Mr. Speaker, Sir, I join the President in support of his wonderful speech that envisioned and captured the true picture, current state and political situation of our country. It is not a secret anymore that our country is at crossroads. We, therefore, must provide the necessary leadership.

As a woman, I am privileged to be part of a Government that recognizes and applauds the achievement of women in the recently concluded General Elections, especially women from of my community whereby one is judged as a woman. I thank my party for nominating me to this House.

I also join the President in congratulating the women who were elected to various positions. I assure His Excellency the President that he has a strong partner and my full support in all agenda that his Government puts forward to promote, empower and include women and youth towards a prosperous futures for all of us.

Mr. Speaker, Sir, devolution has brought services closer to our communities. Lives have been changed for the better for many of our rural people, especially for those who understood the concept of devolution right from the beginning. There are a few missteps and many false starts for most of the counties. It is my prayer that the second county government will learn from the mistakes of the pioneer county government and meet the needs of our electorate. As the Senate, we will support and protect devolution within the confines of our Constitutional responsibly. I am glad to hear the Government's commitment to make devolution a success story.

It is my humble prayer and submission to all the hon. Members on both sides of this House to adopt a bipartisan approach to help the Government deliver devolution successfully.

Mr. Speaker, Sir, our Constitution is a product of long struggles for freedoms and respect for the law. As a representative of the electorate, it is incumbent on all of us to set the right example. Regardless of the political inclination we subscribe to, we must respect independent institutions and all other arms of Government in exercise of their constitutional mandate.

Having said that, independent institutions and other arms of Government must exercise their powers and privileges responsibly. Judicial activism and subverting the democratic will and free choice of the people as witnessed in the recent Supreme Court judgement is a moral stain and an affront on our democratic ideals. Judges who wish to make political statements must not abuse the sanctity of their sacred benches but, instead, vacate their comfortable privilege; protective benches, join the political arena and be free to make their political statements. Judicial creativity can plunge this peaceful country to the brink of precipice.

Mr. Speaker, Sir, as His Excellency the President reminded us, the result of divisive politics and its detrimental effect of our society is there for us to see. It is our responsibility to hold this country and safely keep it for the next generation.

I thank you Mr. Speaker, Sir.

**Sen. Mwangi:** Mr. Speaker, Sir, I thank you for giving me this opportunity to contribute in this House. First and foremost, I thank the people of Nyandarua County for electing me as their Senator.

I would like to contribute on the speech made by the President in exposition of public policy. It was good, wonderful and well thought out. It can be used to develop this country. There are many things that we should do to develop our country. We should not go by political squabbling. I am disappointed that a young man in Parliament by the name of hon. Babu Owino can abuse people the age of his grandparents. It is imperative that when one is elected as a leader to the National Assembly or the Senate, he or she should grow up. He should not abuse his elders.

Mr. Speaker, Sir, we have many problems in this country. However, I am witnessing a different scenario. Those in the Opposition have taken it upon themselves to act as if they are heading the Government, in this case the Executive. They have said that elections are not supposed to be held. I would like to inform them that it is not their time to lead this country. Their time will come. They are not the Independent Electoral and Boundaries Commission (IEBC) officials. They should not say that some officials in the IEBC should be removed for elections to be held because they are not part of that organisation.

We should be having a more serious agenda. We have a high level of unemployment in this country and we should start thinking of how to build industries so as to accommodate those who have no jobs. It is incumbent upon us to ensure that unemployed Kenyans get employment. We cannot do this when we are on the streets; we can only do this when we are sober and we have a clear mind of what we want. We should apply sobriety so that we can think about this country, development-wise, in a way that we can be creating employment and building industries so that this country can be like South Korea or Singapore.

Way back in 1982, Kenya was at the same level with South Korea, Singapore and Malaysia. But what is it that we are seeing today? We are seeing a country called Kenya that has been left behind. This is because we spend most of our time in politics; politics

that is not defined and has no direction just to be heard that we are talking, instead of thinking about building our country.

In the Second World War in China, people were eating snakes and grass because of poverty. But now, China is the second best economy in the world. I would like to see a Kenya that is developing like China, Malaysia and South Korea. I would not like to see a country of politics from day one of elections to the last day when we are going to the other election. We should mature and know that talking too much does not help. We should sit down, think, plan our country and implement what we have planned so that we can have a good country for our children. Our children need us to leave for them a good legacy; not a legacy which is always having political squabbles. We should mature from that.

Mr. Speaker, Sir, our Judges are becoming political activists, as seen in the recent judgment that was made at the Supreme Court. The judgment that was made of annulling the presidential elections is a judgement that even a ten-year old should not make. These judges should be serious! We lost Kshs.10 billion because of somebody who did not want to listen to the voice of the people; somebody who is partisan and who thinks that there are some people who should not lead this country. This is a person who, in his mind, knows the President he wants and thinks that we should all abide by what he wants.

We need constitutional changes at this moment in time because if this country goes on like this, it will go to the dogs. We need to have responsible people in senior positions. If we are going to have a Chief Justice who is not responsible, we are going to have war in this country. In the event of this country going to war, there is nobody who is not going to suffer, including the Judges who are making the judgement; including senior politicians who are making noise and telling people to go to the streets. Everybody is going to suffer.

There was a problem in Rwanda where so many people died. We do not want that situation to be repeated in Kenya because it will take us backwards instead of going forward. We want responsible citizenry. That is why when a person is appointed in a big office in the Government; he should not think that, that office is his. He should know that, that office is for the people of Kenya and he should act responsibly.

Mr. Speaker, Sir, there are some articles in the Constitution which are really not working for the people of Kenya. When we say that we want to make or amend the Constitution and that we want a weak President, what do we really mean? We either elect a President who is going to control the country, give him adequate powers to run this country or we do not change the Constitution at all! It is high time that we brought our brains together and thought of how we are going to amend this Constitution because failure to do that; we are going to have a problem in this country.

Mr. Speaker, Sir, we are almost facing a constitutional crisis. If we go for the repeat elections, elect a President, then somebody appeals to the Supreme Court and we get the same decision, Kenyans are not going to be that patient! The opposition should also know that those in Government are not restraining themselves because they are cowards; they are not cowards! They are only doing so, so that we can have a peaceful country for ourselves and for our children in posterity. If they continue behaving the way they are behaving, the other Kenyans are going to be impatient and they may even come to a situation where they are going to regret why they are doing. This is because if there are problems, those problems will be for all of us.

Mr. Speaker, Sir, it is incumbent upon the leadership of this country, including those elected, to ensure that Kenya goes forward and we do not go backwards. It is incumbent upon us to ensure that the standards of education go higher than they are today. It is incumbent upon us to improve our agriculture and build industries which our children are going to depend on. But instead of doing that, we have chosen the path of abusing each other. I would not imagine a young boy of the age of Hon. Babu Owino can abuse his own grandparents. He should be in Parliament thinking of more serious issues that can improve or develop this country.

We should have a way of disciplining those who have gone amok like Hon. Babu Owino. We should also have a way of disciplining party leaders who are not living up to the standards of our country; party leaders who think that they are in the Executive when they are not and who are giving us ultimatums that they will not go for elections. I challenge them not to go for elections because they know the consequences. A President will emerge after that election and they should also know that we will not wait for them to be ready so that Kenya can hold elections.

I support this Motion.

**The Speaker** (Hon. Lusaka): Since I do not see any other Senator I call upon the Mover to reply.

**Sen. Dullo:** Mr. Speaker, Sir, I wish to take this opportunity to respond. I thank the Members who have contributed to this President's Speech. It was really powerful and we have learnt and shared a lot of experiences.

Secondly, we are a democratic country with a lot of democratic space that we have been given by the relevant legislations which I think is really important for us to respect. If we go by what is happening today in the country, we are going to let our country go to the dogs. We should not allow that to happen.

This is because for Jubilee party we have given in a lot in the sense that we have accepted the ruling of the Supreme Court of Kenya. We have moved on. A negotiation is about give and take. However, what our colleagues in NASA are doing is unacceptable because they are making demands day after day. You have to reason because there is no way that you must be given this so that you go for election. If they do not want to go for elections, for us in Jubilee we are ready. We have put all our structures in place and Kenya is not a stateless country. They need to know that.

Kenyans need our service like yesterday. We have done almost two months after election. We need to reason as leaders so that we can do what is important. I think as Jubilee we are ready for 26<sup>th</sup> October. Those who are not ready should resign today, not even tomorrow.

Thank you.

*(Question put and agreed to)*

## PROCEDURAL MOTION

ELECTION OF SENATORS TO PRESIDE  
OVER THE HOUSE

**Sen. (Prof.) Kindiki:** Mr. Speaker, Sir, I would like your indulgence to move a short Procedural Motion which is not part of today's Order Paper but for housekeeping purposes.

I am rising on Standing Order No. 15 and 17 and Article 107 of the Constitution. If you allow me, I will read out Article 107(1) (c) of the Constitution which provides that:

“In the absence of the Speaker and the Deputy Speaker, another Member of the House elected by the House presides.”

Similarly, Standing Order No. 15 provides that the Speaker shall preside at any sitting of the Senate but in the absence of the Speaker, the Deputy Speaker shall preside and in the absence of the Deputy Speaker, pursuant to Article 107(1) (c) of the Constitution, another Senator elected by the Senate for that purpose shall preside.

Standing Order No. 17 provides that:

“There shall be panel to be known as the Speaker's Panel which shall comprise four Senators to be known respectively as the First, Second, Third and Fourth Panellist, who shall be entitled to exercise all the powers vested in the Chairperson of Committees of the Whole.”

The upshot of this Procedural Motion is to allow this House to identify at least two Senators who can help in the interim period with the running of the affairs of the House.

Mr. Speaker, Sir, this is because we are still waiting for the political parties represented in this House to nominate Members of the Speaker's Panel and, in accordance with our Standing Orders, those nominations have to be processed through the Senate Business Committee and through the whole House, which takes time.

The information I have is that parties are still consulting on their nominees. Given the prevailing political circumstances in the country, such consultations are likely to take a little longer than would have been necessary. Because of that reason, and because also not only our Standing Orders but even the Constitution itself anticipates a situation where there will be need for other Senators, other than the Speaker and the Deputy Speaker, helping in the running of the House, this Motion seeks to enable us as a House to identify one or two colleagues who can hold brief in the interim and be able to relieve both yourself and the Deputy Speaker as need may be.

Mr. Speaker, Sir, should you be out of town, for example, for a State function or official duties because the Speaker of the House as the head of this institution will be called upon to perform other functions outside this House, it is not humanly possible for the Deputy Speaker to sit there all the time from 2.30p.m. to 6.30 p.m.

Similarly, when the Deputy Speaker is not in the House, it is not practical for the Speaker to be the only one sitting there from 2.30p.m. to 6.30p.m. Because of those practicalities, it is only prudent that we move a Motion to elect two colleagues.

I beg to move the following Motion:-

THAT, pursuant to Standing Order No.15 of the Senate Standing Order and Article 107(1) (c) of the Constitution, the Senate elects Senator (Prof.) Margaret Kamar and Senator Irungu Kang'ata to preside over sittings of the Senate at any time when both the Speaker and the Deputy Speaker are absent for the period pending the election of the Speaker's Panel pursuant to Standing Order No. 17.



Mr. Speaker, Sir, I have already explained my Motion in my introductory remarks. We need at least two colleagues. We would have wanted ideally to have one colleague from the Majority side and another from the Minority side. However, because of the prevailing political situation it has not been possible to secure a colleague from the Minority side.

As the mover of this Motion I attempted to approach one or two Members and they were all very scared because they are supposed to be demonstrating in town. They are not supposed to be here according to their party. They took off as soon as I embarked on that journey. I am happy my brother Sen. Kang'ata has gone to cover the House from the other side since the two Senators who were here disappeared because they went to demonstrate in town.

Be that as it may, the House must continue because when there is quorum and when Senators are present, it is immaterial of the political party balance. That question only comes up in specific issues which are spelt out in in the Standing Orders. I see no reason why the business of the House should not continue.

If you allow me, I will say that Sen. (Prof.) Kamar is a distinguished daughter of Kenya who has served in various capacities in this country as Minister for Higher Education, Member of Parliament for Eldoret East and on the Speaker's Panel in the National Assembly in the previous Parliament. I do not think there would be a more qualified person to help us in the interim period as we wait for the nomination of the Panel.

Mr. Speaker, Sir, I consulted Sen. (Prof.) Kamar and she is more than happy to do this national duty. She is a person I have tremendous respect for as a professional and a strong woman leader in this country. I am sure all the young women leaders in this House and elsewhere have a tutor in Sen. (Prof.) Kamar. We taught at the university at the same time, although she was higher in the hierarchy of the university. She was a Deputy Vice Chancellor and at that time I had just started my teaching career at the School of Law. That is life; sometimes you get to meet people in a different context later.

Sen. Irungu Kang'ata, the Senator for Murang'a County, is equally a good, vocal and articulate lawyer. He is now doing his second term in Parliament, although he served his first term in the National Assembly. Therefore, he is not new to the proceedings of this House. He was also my student at the University of Nairobi and I can assure you that he is a person of great intelligence. When he is not doing politics, he is actually a very serious legislator. Politics is not done in the Chamber but out there. I like the way he balances politics and his responsibilities in the House as a legislator.

Mr. Speaker, Sir, without much ado, I request my colleagues to support this Motion so that both Sen. (Prof.) Kamar and Sen. Kang'ata, the Senators for Uasin Gishu and Murang'a counties, respectively, can help in relieving the Speaker and the Deputy Speaker until, through the Standing Orders and the political party machinery, we are able to get substantive Members of the Speaker's Panel.

I beg to move and request Sen. Iman to second this Motion.

**Sen. Iman:** Thank you, Mr. Speaker, Sir. I second the Motion regarding the two representatives who will Chair when you are away since you are a human being and not a robot.

I beg to second.

*(Question proposed)*

**The Senate Majority Leader** (Sen. Murkomen): Mr. Speaker, Sir, I would like to make it clear that I support this Motion. First, I wish to congratulate the Deputy Speaker and Senator for Tharaka-Nithi County, Sen. (Prof.) Kindiki, for eloquently moving this Motion. I did not know that there would come a time when the former Majority Leader would be called 'Speaker.' I long for the day he will be in the Chair. I wish you could give him two or three minutes today to Chair, so that we can harass him a little bit.

I say this with tremendous respect, knowing that this was the right thing to do because the Office of the Speaker and chairing this House is a very important job. However, it is taxing and tiring. One person cannot be in the Chair for four hours continuously every day. There has to be recognition that even with the Speaker and the Deputy Speaker, there is need for other Members in the House who can serve in the Speaker's Panel.

I am glad that we have chosen Sen. (Prof.) Kamar and my friend, Sen. Kang'ata, who has changed over time. I joined the University of Nairobi on 15<sup>th</sup> October, 2000 and in less than one month, this man had led us to strike. So, I sympathise with the National Super Alliance (NASA) people when I see them in the streets. Sen. Kang'ata picked us from Parklands Campus when we were still new and took us to the main campus. We even came up to the gate of this Parliament and so many things happened.

Sen. Kang'ata was the Vice Chairman of the Students Organization of Nairobi University (SONU) at that point in time and this led to his expulsion. He might not have given his story, but soon thereafter he became a councillor somewhere in Murang'a. He served as the vice chairman of the county council and became a 'big' man. He used to pass by Parklands Campus in county council vehicles to greet those of us who had remained there.

Mr. Speaker, Sir, Sen. Kang'ata first took us to Murang'a to visit prisons and the things he was doing in Murang'a. Then when the National Rainbow Coalition (NARC) came to power, this man was rescued. That is how he became a junior lawyer than I; otherwise he was ahead of me. He has earned his position over time. He defeated my friend, the former Deputy Speaker, to win the Senate seat because he had become an underground movement of some sort in terms of engaging with the common *mwananchi* in Murang'a.

Although he defeated my friend, he befits to sit in the same seat where his predecessor did, although it will be for a few minutes every day for the remaining few weeks. I, therefore, believe that he will make a tremendous contribution. He has contributed in the legal profession as a member of the bar. He is famous for many cases, including those that involved the former Deputy Chief Justice, among others. In all these stories, I am saying that he is a qualified legislator to sit where you are sitting temporarily, although he cannot measure to your standards.

Therefore, I support his candidature to sit on the Speaker's Panel for the short period he is going to be there. For sure, this is one Member who will not be there for too long because he is our Deputy Whip. He already holds a substantive position in the majority side. However, for the period he is going to contribute from that side, it will be worth to ensure that the business of the House goes on.

Mr. Speaker, Sir, Sen. (Prof.) Kamar is our teacher and mentor. I have worked with her before I came here. She used to engage me in constitutional matters. Besides, she used to take me to her constituency to train people when she was a respectable Cabinet Minister; a job she did exceptionally well in her portfolio.

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

**The Speaker** (Hon. Lusaka): What is your point of order, Sen. Omanga?

**Sen. Omanga:** Is our able Leader of Majority in order to intimidate Sen. Kang'ata from Murang'a by saying that he does not measure up?

**The Speaker** (Hon. Lusaka): That is not a valid point of order. The said Senator is smiling broadly.

Proceed the Leader of Majority.

**The Senate Majority Leader** (Sen. Murkomen): Precisely, Mr. Speaker Sir, when I was talking, he was nodding. He was very happy. It is impossible to intimidate Sen. Kang'ata. From the things he has done in this country, you cannot intimidate him. By virtue of the things I had narrated before, he is beyond intimidation.

Mr. Speaker, Sir, how I interacted with Prof. Kamar is that she used to engage me to go and speak to groups of women. We went with her round her constituency. I have not had a chance to discuss this with her but I can say it is from here that she gave me a chance to do civic education in her constituency prior and after the passing of the 2010 Constitution. We were with her on the "yes" side in a region that was predominantly "no". It was not easy to courageously stand for the support of this Constitution.

I am, therefore, proud that a person who gave me a chance to learn a lot from her and her constituents is now a Member of this House. Senators who were in the 11<sup>th</sup> Parliament know that she was a resource person and several times, she appeared before the Senators in Committees and workshops and she made tremendous contributions. She was elected overwhelmingly as a Senator. She is among the only three women in this House who have been elected, being the first women since independence to serve in the Senate of Kenya. The post independent Senate did not have women Senators. This is the first Senate in the 12<sup>th</sup> Parliament. Forever, the name of Sen. (Prof.) Margaret Kamar is inscribed in the books of History as having been among those women who broke the glass ceiling to open up ways for other women to come and serve in Parliament.

Without ranking Sen. (Prof.) Kamar with Sen. Kang'ata, she also qualifies, exceptionally so, to sit on the Speaker's Panel and moderate the House. Her experience in the 10<sup>th</sup> Parliament in the same capacity will give her an opportunity to continue doing the work she did before. She is one person we will look up to in this House when there is any issue we want to consult on. Being a Kalenjin Professor, she is among the few women who can be called professors in my community. She is a trailblazer in many ways and I believe she has the capacity and the qualifications to be there. So, ---

**Sen. (Prof) Kindiki:** On a point of order Mr. Speaker, Sir.

**The Speaker** (Hon. Lusaka): What is your point of Order, Sen. (Prof) Kindiki?

**Sen. (Prof) Kindiki:** I am sorry to interrupt the Leader of Majority, my successor. You know, I should respect him.

Is the Leader of Majority in order to insinuate that Professor Margaret Kamar, one of the most distinguished Kenyan Professors, who became a professor at a young age after doing an impeccable academic journey in Kenya and Canada; that she is a "Kalenjin" Professor? Is the Member in Order?

**The Senate Majority Leader** (Sen. Murkomen): Mr. Speaker, Sir, Professor Kamar, most likely, - research is still being done - must be the first world Professor of Kalenjin descent. What I meant is that as a community, she is also a trailblazer, a person we look up to and an inspiration to so many young women in this country and in the world. Therefore, with all those beautiful words I have had to say about the lady and the gentleman, I support the Motion.

*(Sen. Orengo walked into the Chamber)*

As you can see, the Senior counsel James Orengo, Senator No. 2, has arrived. He is yet to make his first speech in the 12<sup>th</sup> Parliament. He would have helped us if he would have been elected to the Speakers Panel. I am saying so because they have a moratorium. If anybody would challenge that fact that he has never stepped in the House, he will come up with evidence and say; “Sen. Murkomen even discussed me.” If anyone would want to be mischievous’, he could say he has not attended the Senate sittings eight times.

I think we are doing the right thing because the business of this House must move forward, tomorrow and the day after, we have serious business. We must continue to support the work of this House. I want to ask my colleagues, jointly and severally, that we support the election of the two Members in this Motion so that they can assist the Speaker and the Deputy Speaker in the discharge of the work of the Speakers Panel.

With those many remarks, I support.

*(Question put and agreed to)*

### ADJOURNMENT

**The Speaker** (Hon. Lusaka): Hon. Senators, having concluded the business of the day, the House stands adjourned until tomorrow, Wednesday 27<sup>th</sup> September, 2017, at 2.30 p.m.

The Senate rose at 5.20 p.m.