Date: 12\textsuperscript{th} September 2017

The Speaker of the National Assembly: Hon. Justin Muturi

Contribution she made on: Chaired the Session

Date: 12\textsuperscript{th} September 2017

The Speaker of the Senate: Hon. Kenneth Lusaka

Contribution she made on: Chaired the Session

Date: 28\textsuperscript{th} September 2017

Member of Parliament: (Sen.) (Prof.) Margaret Kamar

Contribution she made on: The Temporary Speaker
JOINT SITTING OF THE NATIONAL ASSEMBLY AND THE SENATE

Special Sitting of Parliament convened via Kenya Gazette Notices Nos. 8877 and 8878 of 8th September, 2017

Tuesday, 12th September, 2017

TWELFTH PARLIAMENT – FIRST SESSION

Arrival of His Excellency The President

[His Excellency the President (Hon. Kenyatta) escorted by the Speaker of the Senate (Hon. Lusaka) and the Speaker of the National Assembly (Hon. Muturi) entered the Chamber at fifteen minutes past three o'clock accompanied by the Maces of both Houses]

[His Excellency the President (Hon. Kenyatta) took the Chair of State]

(The National Anthem of Kenya and the Anthem of the East African Community were played)

(The two Maces were placed on the Table)

DATE: 12th September 2017

The Speaker of the National Assembly: Hon. Justin Muturi

Hon. Members, it is now time for us to be led in prayer by the spiritual leaders.

(Prayers were then said by the following spiritual leaders: Rt. (Rev.) Archbishop Jackson Ole Sapit, Bishop Alfred Rotich, Rashid Ali Omar and Mr. Simon Peter Letabanyi Lekarikei)

CONVOCATION

CONVENING OF JOINT SITTING OF PARLIAMENT FOR THE PRESIDENTIAL ADDRESS PURSUANT TO ARTICLE 132 OF THE CONSTITUTION

DATE: 12th September 2017

The Speaker of the Senate: Hon. Lusaka

Your Excellency, Hon. Uhuru Kenyatta, President of the Republic of Kenya and Commander-in-Chief of the Kenya Defence Forces, the Rt. Hon. Speaker of the National Assembly, Hon.
Justin Muturi and Hon. Members of Parliament, Article 132(1)(a) of the Constitution of Kenya requires the President to address the opening of each newly elected Parliament. By a letter dated 8th September, 2017, the President notified the Speakers of Parliament of his intention to address the newly elected Parliament on Tuesday, 12th September, 2017 in the National Assembly Chamber, Parliament Building at 2.30 p.m. Accordingly, pursuant to Article 132(1)(a) of the Constitution and further pursuant to Standing Order No.21(1) of the Senate, vide Gazette Notice No.8878, which was published in a special issue of the Kenya Gazette on 8th September 2017, I gave notice of this Joint Sitting to all Senators. This Joint Sitting is therefore properly convened.

I thank you.

DATE: 12th September 2017

The Speaker of the National Assembly: Hon. Justin Muturi

Your Excellency, Hon. Uhuru Kenyatta, President of the Republic of Kenya and Commander-in-Chief of the Kenya Defence Forces, the Speaker of the Senate, Hon. Kenneth Lusaka and Hon. Members of Parliament, I wish to confirm that Article 132(1)(a) of the Constitution of Kenya requires the President to address the opening of each newly elected Parliament. In this regard, pursuant to the said Article of the Constitution and further pursuant to Standing Order No.21(1) of the National Assembly Standing Order by Gazette Notice No.8877 which was published in a special issue of the Kenya Gazette on 8th September 2017, I gave notice of this Joint Sitting to all Members of the National Assembly. Accordingly, this Joint Sitting is properly convened.

(Applause)

Consequently, it is now my singular honour and privilege to invite His Excellency the President of the Republic of Kenya to address this opening of the newly elected Twelfth Parliament.

(Applause)

PRESIDENTIAL ADDRESS

Hon. Members, let me begin by apologising because I have a cold, mnisamehe.

Hon. Speakers and hon. Members of the National Assembly and the Senate, first and foremost, I take this opportunity to thank God for the gift of a great country filled with the bounty that we need, as well as continued peace. I also thank all Kenyans for expressing in a very mature and patient manner their sovereign will during the just concluded general elections. Millions of voters stood in long queues, in the sun and rain, some hungry and thirsty, in their quest to express their democratic choice. I offer to you, all hon. Members, my heartfelt congratulations on being elected to Parliament.

Hon. Speakers and hon. Members, by our Constitution and traditions, you represent the sovereign will and aspirations of millions of Kenyans. I wish all of you every success in fulfilling your important national duty in the next five years. I urge you to never forget that
we are here representing the Kenyan people who have an urgent need for governance that delivers to them peace, security and prosperity. I also take this opportunity to celebrate the women of Kenya who continue to demonstrate leadership throughout the country. Three women were elected governors while others won positions as Senators, Members of the National Assembly and Members of County Assemblies. One of our women who is handicapped also managed to secure the seat of Women Representative in Kajiado County. Congratulations!

(Appause)

Today, I am proud as a Kenyan, of the gains that we have made in promoting inclusion of women into elected office. I am proud because I have great confidence in Kenya’s women and deep faith in their capacities and capabilities. However, we must still recognise that as important as these gains are, we must accept that we still have much more work to do to increase their participation in national leadership. Let me also salute the very large number of young people who have come to elected office. I am very glad that the Kenyan people are also willing to give our youth opportunities to offer leadership. Young women and men elected to Parliament and other offices have a special responsibility to represent the aspirations of the majority who are the youth; aspirations for employment opportunities and better service delivery by both the national and county governments.

(Appause)

Hon. Members, let me also take this opportunity to thank the hon. Members of the Eleventh Parliament who made their mark on our country’s history. They will forever be remembered for the way they steered and entrenched devolution in our country. Within a relatively short time, we, as a nation, were able to adopt and execute a devolution process that elsewhere in the world has taken a much longer period of time. This historic achievement was made possible by the constant productive consultations and collaboration between the Legislature and the Executive. Our Tenth Parliament delivered a new Constitution. The Eleventh Parliament implemented that Constitution and entrenched devolution as an institutional framework for driving our development agenda as a nation.

Hon. Members, the Twelfth Parliament has been sworn into office at an important constitutional moment that requires all of us to uphold the supremacy of the Constitution and its institutions. However, this does not mean always having it your way. As you well know, we still have to undertake a fresh presidential election following the verdict of the Supreme Court. Even though I strongly disagreed with that decision, I accepted it because of my respect for our Constitution and its institutions.

(Appause)

I have previously demonstrated this fidelity to the best interests of the Kenyan people as happened when I conceded the loss of an election in 2002. You will also recall that I heeded the summons from a foreign court even though I knew I was answering trumped up charges.

(Appause)

You, in turn, as hon. Members of Parliament, must be steadfast in protecting our Constitution as a critical base for assuring our people sustained peace, security and
prosperity. As a country, we spent more than two decades crafting a new constitutional order that maps our State organs and processes and thus provides certainty and predictability to our national life.

In our current circumstances, the elections that we held on 8th August, 2017; the swearing-in of governors, Members of the Senate and the National Assembly as well as our county assemblies - the verdict of the Supreme Court, the call for fresh elections on 17th October, 2017, with all these in mind, my address to you this afternoon, it must be clear that the set term of a President is embedded until a new one is sworn in.

(Applause)

All of these were part of our laid down constitutional processes. So, therefore, hon. Members and fellow Kenyans, no matter the political noises that are often loudest during elections, I want to assure every single Kenyan and the world that every arm of Government is in place and operational. Let no one, for a single moment, envision that there is a void. There is no lacuna; Kenya is progressing along the path drawn for it by our Constitution.

Hon. Members, at this juncture, I would like to make it abundantly clear that my Government will not tolerate anyone intent on disrupting our hard won peace and stability. Under no circumstances must Kenyans ever allow our free competitive processes to become a threat to the peace and security of our nation. In our region and indeed, in many parts of the world, history is littered with broken and miserable countries which failed to draw the distinction between vibrant democratic competition and destructive division. Whereas we shall continue to encourage vibrant democratic competition, we shall not allow destructive division.

(Applause)

In this regard, I urge all political leaders to avoid engaging in divisive and destructive politics that have no place in a modern Kenya. On my part I know that my most serious obligation is to sustain and protect the peace and security of all our people without exception.

We are now headed into a fresh presidential election that our electoral commission has scheduled for the 17th October, 2017. The Kenyan people will again affirm their choice of who they want to serve as their President. Let me say that this is not a choice between two individuals. Most importantly, it is the transfer of the people’s sovereign will to an office that is the symbol of national unity, that protects our security and is key to delivering development and prosperity.

Kenyans will line up again on 17th of October, 2017. The marks that millions of voters will make on the ballot paper will represent far more than the desires of politicians. As Kenyans did on 8th August, 2017, they will vote for different candidates. However, almost every single man and woman in Kenya will be using the vote to seek the same things; a better livelihood, access to good healthcare, a more promising future for their children, decent jobs for all those willing to work and security for all.

It must be understood that the marked ballots represent more than technology, more than computer systems or even where papers were printed. The mark is the choice of a sovereign people. Their choice is sacred and must never again be frustrated or ignored.
Hon. Members, as we move forward during this momentous time, you, as newly elected leaders, must firmly take up your place in the governing of this great nation. Your promises to the electorate were turned into a solemn oath last week in which you swore, to bear true faith and allegiance to the people and the Republic of Kenya and that you would obey, respect, uphold, preserve, protect and defend the Constitution of the Republic of Kenya; and that you would faithfully and conscientiously discharge the duties of a Member of Parliament.

Hon. Members, in the coming days, you will be called upon to be true to that oath; I urge you to do your duty. It is the same oath that I made when I became President and Commander-in-Chief. Kenyans expect us to understand the weight of responsibility in living up to our oath and having wisdom and clarity as we carry out our duties.

It is, indeed, no accident that the first two Articles of the Constitution declare that the sovereignty of the people is exercised through their elected representatives and that Parliament represents the diversity of the nation. These words represent the hard sacrifices and hopes of generations of Kenyans who fought to earn the right to govern themselves and to freely choose their representatives.

That history places a profound responsibility on the Members of this House to “protect this Constitution and promote the democratic governance of the Republic.”

Hon. Members, the separation of powers of the three arms of Government is a critical constitutional principle in protecting the liberty of the people. However, given the complexity of the public issues, the three arms of Government as well as constitutional commissions have to handle; they must work together willingly even as they respect each other’s functional independence.

Equally important, the three arms are supposed to be free from intimidation or control by any foreign or domestic actors and any special interest groups.

Every Kenyan official who serves in these arms of Government and commissions must be constantly on the lookout for any actions that undermine their independence. They should understand that undertaking the sacred task that the Kenyan people have given them requires that they constantly remember and affirm, in word and deed, that the people of Kenya are sovereign.

Hon. Members, no technicality, no conference, no process, no power or no influence should ever stand in the way of that sovereign will. The Kenyan people expect every arm and institution of Government to work together for them. Parliament directly represents the people and it is you, hon. Members, who must constantly remind all of us about the needs and aspirations of the people who sent you here.

Hon. Speakers and Members, our country is at a defining moment during which we are called upon to rise to our wisest, our most generous and most honest. Every Member of this august House represents the full and beautiful diversity of our nation.

From Mombasa to Malaba, from Namanga to Moyale we may speak different languages, worship differently and live in different parts of the country, but we must accept that we are one people; children of Kenya. The success of our nation is the love that each and every one
of our people has for this country. Yes, we must all love Kenya and Kenya must always come first.

Hon Members, this august House must stand for that unity and must rise to the promises we have made to the people of this great nation. Nothing can come second to that.

Finally, hon. Speakers and Members, let me once again emphasize that we must work together to serve our people. We must understand that the future prosperity, peace and security of our beloved nation is firmly but safely in our hands.

May God bless the Twelfth Parliament. As you start your work, you can count on my 110 per cent support. I thank you and wish you God’s blessings.

May God bless this great nation of Kenya.

(Applause)

ADJOURNMENT

DATE: 12th September 2017

The Speaker of the Senate: Hon. Kenneth Lusaka

Hon Members, please be upstanding. Your Excellency the President, Rt. hon. Speaker of the National Assembly, hon. Members, we have come to the conclusion of the business of the day and it is now time to adjourn.

The Senate stands adjourned until tomorrow, Wednesday 13th September, 2017 at 2.30 p.m. at the Senate Chamber.

DATE: 12th September 2017

The Speaker of the National Assembly: Hon. Justin Muturi

Hon. Members, I wish to thank His Excellency the President for his Address to Parliament and the nation at large. It is now my singular pleasure to invite His Excellency the President, the Deputy President, hon. Members, Cabinet Secretaries and all invited guests to a reception at the Parliament court hereafter.

Hon Members, you are requested to remain upstanding until the President’s procession, including the religious leaders have left the Chamber.

Hon Members of the National Assembly, the National Assembly stands adjourned until tomorrow, Wednesday 13th of September, at 9.30 a.m.

DEPARTURE OF HIS EXCELLENCY THE PRESIDENT

(Hon. Members rose in their places while His Excellency the President left the Chamber)

Parliament rose at 3.55 p.m.
Papers Laid

DATE: 13th September 2017

The Speaker of the Senate: Hon. Kenneth Makelo Lusaka

Contribution He Made On: Election of Deputy Speaker

Hon. Senators, I take this opportunity to welcome you to this sitting of the Senate today and remind you that the legislative agenda ahead of us is vast and heavy. However, I am confident that as we have just prayed a short while ago, the Almighty God will help us to treat and consider all matters that shall come under our deliberations in a manner that will advance the prosperity and welfare of those whose interests He has committed to our charge. I have no doubt that each one of you, hon. Senators, is equal to the noble task to which you have been called.

I would also like to bring to your attention that the election of the Deputy Speaker of the Senate shall be held tomorrow, 14th September 2017. This is following Gazette Notice No.8882 which was given by the Clerk of the Senate on 11th September, 2017 pursuant to Article 106 of the Constitution of Kenya and Standing Order No.13 of the Senate Standing Orders.

Hon. Senators, kindly note that interested candidates have up to 4.00 p.m. today, Wednesday, 13th September 2017, to collect nomination papers from the Office of the Clerk of the Senate. Additionally, as indicated in the Gazette Notice, completed nomination papers together with the Curriculum Vitae (CV) of each candidate should be returned to the Office of the Clerk of the Senate not later than 5.00 p.m. today.

Hon. Senators, as I conclude, regarding the business of the Senate today, we shall proceed as per the Order Paper. I now ask the Clerk of the Senate to read the next order.

I thank you.

DATE: 13th September 2017

Member of Parliament: Sen. Adul Dullo Fatuma

Contribution She Made On: Limitation of Debate on Adjournment Motion

Thank you, Mr. Speaker, Sir. I stand to second this Procedural Motion. I wish to congratulate my colleagues who were elected to this August House. Secondly, I wish to congratulate you for being elected to this House as the Speaker of the Senate.
I believe that we left a lot of pending Bills and matters in the last Session that we need to pick up in this particular Session. I hope and believe that Members are up to the task. We should be able to pick up the pending matters so that we facilitate our operations as Senators and also ensure that devolution is up and running.

Without much ado, I second.

(Question proposed)

(Question put and agreed to)

DATE: 13th September 2017

Member of Parliament: Sen. Mary Seneta

Contribution She Made On: Thanks for the President Address

Mr. Speaker, Sir, before I comment on the President’s Speech, I want to take this opportunity to congratulate you and my colleagues for being elected to represent the people of Kenya in this House. I would also want to take this opportunity to thank the people of Kenya from different counties for giving us an opportunity to represent them. I would also want to thank them for giving us an opportunity, through our parties, to represent them through the special seats. I want to thank the people of Kajiado County for voting for Jubilee party in large numbers. That has given me a chance, through the Jubilee party and the President, to represent the people Kajiado County. For my other colleagues who have been given a chance by their parties, through nominations, if it were not for Kenyans we could not have gotten a chance to represent the special interest groups.

Let me also take this opportunity to thank the people of Kenya for developing faith in women leadership. They elected three women governors and three Senators. I would like to urge them to show the best leadership, so that the number of elected women may increase in the general election of 2022.

Mr. Speaker, Sir, Kenyans are expecting more from our women Governors. I want to request them to perform to their best with the help of the Senate and other institutions so that they can also encourage more women to be elected so as to get the numbers in both the National Assembly and the Senate.

I want to commend His Excellency the President for assuring Kenyans that there is a Government in place. The people out there may think that there is no Government in place because of the way we talk as politicians. I thank the President for defending the
Constitution because it is very clear that we do not have a vacuum in the office of the President. The President came to address Parliament so that it can continue its business just like the other three arms of Government. This is a very big step towards assuring Kenyans that we are continuing with our business even if we have a repeat of the presidential election.

Mr. Speaker, Sir, the President also took a step to assure Kenyans that there is security in the country. I thank him for reminding our political leaders that they must perform and assure Kenyans that there is security. Apart from a few of the areas like what I have heard the Senator from Turkana saying, there might be some issues which the government is going to address. We have security in Kenya. The President did well to assure Kenyans that there is security.

Secondly, I was impressed that the President assured Kenyans that we are ready to defend the Constitution. Kenyans struggled to pass this Constitution and it is good for all of us in the political divide to know that there is a Constitution that most Kenyans voted for and we must protect it.

I urge the National Super Alliance (NASA) Coalition to always remember that there is a Constitution in Kenya that is unifying us. We are the ones who passed this Constitution and we must protect it whether you are in power or not. Whether this Constitution today favors my party or not, it is meant to protect all Kenyans.

Thirdly, I was impressed that the President urged all other institutions to perform their duties well and take care of the needs of Kenyans. In our political gatherings, he always reminded us that we were elected by Kenyans to defend their interest.

This was a timely Address and it has given a greenlight to that common mwananchi who maybe have been thinking that it is time to politic again and, therefore, there is nothing else that is going on in Kenya. It is high time, as Kenyans, to also differentiate that there is that particular day where you go to the ballot and elect leaders and there is time to go back and do other development so that we can develop as a country.

I also want to appreciate Kenyans this time round because we have shown maturity in our democracy. This is because after the general election, they went back to their businesses. I think they are ready to come out and elect their President on 17th October 2017 and then go back to their businesses. The President’s Address was encouraging, mostly to all Kenyans and even our investors because they have been assured about their security and that of their businesses.

Thank you, Mr. Speaker, Sir, for giving me this opportunity to also contribute to the Motion on the Presidential Address.
Thank you, Mr. Speaker Sir. I want to join the others in congratulating you and also all the leaders who have been elected, especially the women. They are our role models. We congratulate those who are in this House and those who have been elected to the position of governors and any other important position to serve our country. I also take this opportunity to thank God for giving each one of us opportunity to serve Kenya; our beloved country. I would like also to congratulate both men and women who struggled very hard and became Senators. It is because of your numbers that many of us are here as nominated Senators.

As I acknowledge and commend the great speech that we received from our President, it was my first time to attend official opening of Parliament. I was greatly touched by the soberness and the way the President was well composed and the great speech that he offered. His speech was all inclusive in terms of gender, regional balance and even going further in mentioning the different representation that we have in this country. It was a speech that really encouraged me as I join this House.

One thing that I picked is paragraph 23 that has already been quoted. It says:

“In this regard, I urge all political leaders to avoid engaging in divisive and destructive politics that have no place in modern Kenya.”

Mr. Speaker, Sir, this really encouraged me because we know how much we have suffered in the past. Many of us know what Kenya went through in 2007/200. None of us would want us to go back to that route. We, as politicians, are the people who guide others on the ground.

Somebody said that politics is the art of looking for trouble, finding it everywhere, diagnosing it incorrectly and applying the wrong remedies. That is what many of our politicians, especially our colleagues on the other side are doing. Our attention is taken to different things. Every day we have a new thing or trouble to deal with. It is high time Kenyans focused on what is ahead of us. My request to all politicians, especially the respectable Members in this House, is to take our positions seriously and serve our country in the best possible way.

Finally, 17th October 2017 is not far. As we go on the ground to campaign and do other things, we must guide our people. As you know, our people are very sensitive and they need guidance. Let us guide them and be their stewards. If we pass the wrong message, it is very
easy for us to set this country on fire. We cannot afford to do so. We need to vote wisely. My request to Kenyans at this time is; let us vote wisely. As you can see, on 8th August, 2017, we elected leaders. On this side of the House, you can see the seriousness in their job. Yesterday we were in the National Assembly for the official opening of Parliament. Today we are here debating this speech. We are not wasting our resources. Kenyans have trusted us with the responsibility to deliver.

As a Christian and a strong believer, I cannot sit home, waste people’s time and expect to be paid. It is good for us all to know that we are stewards. We are stewards of all the resources that God has given us and of the people that God have put in our hands.

So, let us earn even the salaries that we will earn in the right way. Let us work for it. Let us give Kenya what it deserves. Let us think of the counties that we represent here. As the common *mwananchi*, that poor woman who voted for you is waiting for you to deliberate. You are the voice of the voiceless. Let us not waste our time in hotels discussing things, but come here and make decisions that will help Kenya to prosper.

**DATE: 13th September 2017**

**Member of Parliament: Sen. Kihika Susan**

**Contribution She Made On: Thanks for the President Address**

Thank you,

Mr. Speaker, Sir. Before I make my comments as far as the President’s Speech yesterday, let me first of all begin by congratulating you for being elected the Speaker of the Senate. I also want to congratulate my colleagues who have been elected to the Senate. I also take this opportunity, being my maiden speech, to congratulate the people of Kenya for getting out there to exercise their civic duty, their democratic rights and for voting on August 8th, 2017. I also take this opportunity to thank the wonderful people of Nakuru County for their overwhelming support in voting me in as their Senator. I take this opportunity to let them know that as long as I am the Senator for Nakuru, I will work very hard to make sure that their voices and indeed the voices of Kenyans are heard, loud and clear.

As I now make my brief comments on the speech by His Excellency the President that he presented yesterday, first I thank him for that wonderful speech. When I watched him speak and also as I very diligently go through the speech, I am amazed by his level of soberness in the sense that given what he is facing; given what he has just gone through in the last two weeks. I am speaking about a sitting President who was voted for overwhelmingly, defeating
his closest rival by more than 1.4 million votes, yet his win was taken away, not because it was ruled that there was fraud, corruption or that he did not indeed get those votes, but because of some technicality. I was amazed by the humility that was shown by my President.

Mr. Speaker, Sir, I would also wish to comment as well on the fact that as we look across to the other side of the aisle, I notice that our other colleagues have decided to boycott the sitting, claiming that the opening was an illegality. I would wish to very briefly respond to that and draw their attention to Article 142(1) of the Constitution of Kenya, on the term of office of the President, which states:-

“That the President shall hold office for a term beginning on the date on which the President was sworn in and ending when the person next elected President in accordance with Article 136 (2)(a) is sworn in.”

They cannot talk from both sides of their mouths; they cannot have their cake and eat it. They cannot celebrate the ruling of the Supreme Court which nullified the Presidential election, therefore ruling that the election never happened as far as the Presidency is concerned, and then coming in here to say that he is, indeed not sitting as President, given the powers he was given in 2013. So, if the election as far as the Presidency was cancelled, then he is in office because of the election of 2013. That is why he was legally able to come and open Parliament, which is within his rights. You also cannot claim under Article 134 that he is just in the Presidency temporarily, because as I stated earlier, that election was nullified.

Mr. Speaker, Sir, having said all that, I also believe that it is within their rights to continue to boycott; we would hope at some point they can join us so that they can represent their people and those that voted for them. But, ultimately, if they feel the need to stay out as long as they need to, then that is okay too. We do have the numbers; we do have the quorum and we will continue to represent those that elected us. We will continue to work for them because we know and we believe that it is immoral to continue drawing salaries and benefits while you do not put it in a day’s work.

Mr. Speaker, Sir, I would also wish to register my great disappointment with the Judiciary arm of Government in our country. I was very disappointed that the Judiciary – and let us talk here about the Supreme Court – were absent during the opening of Parliament. If the Chief Justice was away, then his Deputy could not have been too busy to make time to come in and be part of such a great event that only comes around once every five years. It makes one wonder whether they are reading from the same script as the NASA coalition. If they stayed away because they did not believe that it was a legal opening or there was an illegality like the folks across the aisle believe, then we are in trouble.
I would hate to infer much, but it is disheartening that at that level, even though the Chief Justice was away, the Deputy Chief Justice and the other judges could not find time to be present during such an important function in the country.

I thank the President for his Speech which talked about peace and unifying this country. That is why I am in awe of his humility. I cringe to think what would have happened had it been his opponent in office when the presidential results were nullified.

We saw what happened during some of their nominations; when they did not go right.

We have seen some parts of the country burn up. The President was able to come out immediately the Supreme Court gave its ruling and asked Kenyans to be peaceful, patient and wait to reconfirm them in office on 17th October, 2017.

I also take this opportunity to thank Kenyans for being peace-loving people. As much as they voted on the morning of 8th August, 2017 to elect their leaders – they elected President Uhuru Muigai Kenyatta as the President - their democratic right has been taken away on a technicality. They are still ready to brave the heat, rain and whatever conditions including hunger, on 17th October, 2017 and reaffirm that what they exercised on the 8th August, 2017 has not changed; it will not change. They will vote back President Uhuru as the President.

Mr. Speaker, Sir, I take this opportunity to ask the other coalition that as we speak about being patriotic Kenyans, we must exercise that not just in word but our actions. We have respected the Supreme Court ruling even though we have vehemently disagreed with it. So, I ask our colleagues on the other side that as we continue to respect that ruling of the Supreme Court and prepare for the repeat elections on 17th October, 2017 they need to stop moving goalposts. They need to stop demanding that if some commissioners are not removed from office the IEBC will not conduct elections or there will be no elections. I ask that we become patriotic and respect the will of the people this time round. We should stop moving goalposts and accept whatever the outcome of October, 2017 election will be.

I also want to thank His Excellency President Uhuru Muigai Kenyatta for always walking his talk. The Jubilee party was committed to make sure that more women are elected to leadership positions. Because they walked the talk, they were able to get three women elected as governors. My two colleagues and I were elected as Senators and many other women were elected as Members of the National Assembly and Members of the County Assemblies. That would not have been possible without the support that the party gave us.

As much that we have been able to get here - there were no elected women governors and Senators - we still have a long way to go as the President stated, but we appreciate the party and his leadership for this far that we have come. We appreciate the President and his deputy for believing in women leadership and giving us leadership positions in this House. I take this opportunity to thank them for believing and allowing me to become the Senate
Majority Chief Whip and my sister, Sen. Fatuma, to become the Deputy Senate Majority Leader. I also thank them for what is coming to Sen. (Prof.) Kamar. I thank the party for walking the talk.

I am also excited to see the youthful Members of parliament and Members of County Assembly (MCAs) who have been elected from our party. I am grateful that as a country, we are moving forward and believing in women leadership and youth. We have also seen how well nominations have worked and that is why I hope in this term we will come up with legislation regarding the two-thirds gender rule. In my county, for example the current elected Woman Representative was a nominated Senator in this House in the last Parliament. The current elected Member of the National Assembly for Gilgil was also a nominated Senator in this House in the last Parliament. We also have our sisters here who have been nominated as Senators. I want to encourage you that following that path, the sky is the limit. So, as we continue to ensure that we get the gains for women, I hope this time we will realise the necessary legislation for the two-thirds gender rule to be achieved.

I also want to take note of the legislation that was done by the previous Senate.

The Senate accomplished a lot. Having served as the former Speaker of Nakuru County Assembly, I saw how much the Senate supported the counties in protecting and promoting devolved governments. So, I am hopeful that in this current Senate, we shall work very hard to strengthen devolution frameworks for effective and efficient service delivery to our people in the counties. I am excited to be in this Senate and hopeful that it will be a more vibrant House. The tag of ‘nyumba ya wazee’ was a bit hard to overcome as we campaigned to get elected to the Senate. Everybody wondered why we would want to go to ‘nyumba ya wazee,” but I am glad to hear that it is in a very positive way. I look forward to working very hard and I am sure everybody does and become the House that will provide very good and effective leadership in this country.

Again, I take this opportunity to thank the President for his wonderful speech.

Thank you, Mr. Speaker,

DATE: 13th September 2017

Member of Parliament: Sen. Nyamunga

Contribution She Made On: Thanks for the President Address

Thank you Mr. Speaker, Sir, for giving me this opportunity.

First of all, I want to thank the lord God almighty for giving us this opportunity to be in this House. It is the doing of God that we are here today.
Secondly, I would like to thank the people of Kisumu County. In the last Parliament, I had an opportunity to serve as a Women Rep for Kisumu County but this time I am a nominated Senator. I want to thank the people of Kisumu and the ODM party.

Thirdly, I would like to congratulate our Speaker. He has been given a very good and heavy responsibility to be the Speaker of this House. It is my prayer that the Speaker knows and will make sure all of us belong to him. We are his and he is going to be nonpartisan in carrying out the responsibility in this House.

It is good that in this House we are not very many like the National Assembly and so it gives us opportunity to deliberate and to debate on different issues that are affecting Kenya. It is very important that we note that we are here to protect devolution. For a long time, many parts of the country have been left out in terms of development. All of us know that, previously, if you were not politically correct, you would not get any development coming to your area.

Since most people from NASA or ODM we have been the watch dogs of Kenyans to make sure that things are done well, we did not have a lot of opportunity to have our areas developed but with devolution, the sky is the limit.

It is important to know how we carry out our responsibility as Members of the Senate. Senate is not a House of “Wazees” as simply put. It is a place where we should make sure that the country is run in a proper way and proper manner. We should make sure that devolution works. Devolution is one of the products of the new Constitution and I want to thank all the people who took part in making sure that we have a new Constitution because without the new Constitution, we would not be here today and we would not be representing our county governments.

Our Speaker happens to be a former Governor, he knows the challenges at the county levels and he knows many things that should be corrected so that the county governments can run well.

In the first Senate - I am sorry to say - most Senators were very sorry that they were Senators. Most of them wished that they were Governors and that made the work difficult for Governors because a lot of times, they were just witch hunting.

Now that we are here, I believe all of us came here wanting to be Senators and not Governors so that we have the opportunity to help the Governors for devolution to be realized. If devolution works the way it should, I do not think we will care who the President of Kenya is because we would have devolved a lot of resources for people at the county level and made sure that all the citizens are taken care of. People should get water, good health and proper infrastructure that is needed at the county levels.

Therefore, it will not matter who the President is.
It is unfortunate that two things have not been fought in this nation. First of all, the issue of corruption. If we take corruption from the national government and take it to the counties, I am telling you, my brothers and sisters, we will not achieve anything. Sitting here, our priority is to make sure that we kill tribalism and corruption. Those two; we must kill them and I wish I could be the President of this country. I do not think it would take me much time to kill tribalism and corruption.

When the President was coming on board, people thought that this was a young government coming from the State House that is the best person to deal with tribalism and corruption. But in the last Government, that is where we saw corruption live. If you are going to continue like this in the 12th Parliament or Government, we are not serious as Kenyans. We must make sure that what is for the people is for the people and what is ours is ours. The national and county governments must work properly for us to achieve our purpose.

I have heard many comments on the just concluded elections. I am surprised that people speak as if they do not know the truth. You know how bungled the last election was; from the sub county, that is MCAs to the Presidency. There was a figure of 54 percent running across to over 170 Members of Parliament (MPs). That alone should signal to Kenyans that something went wrong. The vote difference between the two major presidential candidates was 1.4 million votes. That was a second pointer that something went wrong.

It is unfortunate that we can sit here and pretend that nothing went wrong: That, elections were done well and that IEBC did what they were supposed to do. There was a lot of manipulation. We all know that. If we want to take Kenya forward, let us be very serious with what we are doing. We will have a repeat of the elections but we cannot have it with the same IEBC officials who participated in the anomalies that we witnessed.

We will not take that. I believe Kenyans know that we must do the right thing. We will give the Government or Jubilee time to make sure that they do not interfere with elections and the IEBC. They are the same people who said that the IEBC should be independent yet they are the same people who are manipulating it. It is known. We are not pretending. If you look at the way the President reacted on Saturday after the court ruled on Friday, it was such a shame that a Head of State of a country like Kenya, in the 21st Century can speak and be very abusive to an independent institution like the Judiciary. You want to tell us that it was right; that, the President is trying to unite Kenya? Let us stop pretending and be very serious. If the IEBC remains the way it is, there will be no elections. We must make corrections. There are people who should not be there. We all know them. In their presence, it will be a challenge for anybody to go to the elections because we will come out with the same results.
Last time, the Jubilee Government was going round saying that they will have a big gap at 54 per cent. That is exactly what we saw. This time, they are saying it will be 62 per cent. We want to see if that 62 per cent is what they are planning to attain.

(An Hon. Senator spoke off record)

You are saying 70 per cent. Please; address the Chair. You are also saying 62 percent. So, you have come with 62 per cent. The other time it was 54 per cent yet you want us to go to the elections again? We cannot! It is not possible. You know it and we know it, too. We will be serious with whatever we do. Kenya is bigger than all of us. We should love each other as members of the same nation. If you go outside and meet a Kenyan, you do not even ask them where he or she comes from, you tell them, “you are from Kenya, wow that is great” and you start speaking to them. We do not want a situation where we are enemies amongst ourselves. We must develop Kenya and make sure that institutions work well. We must make sure that the three independent arms of Government work well.

Mr. Speaker, Sir, I urge you to ensure that the two Houses work harmoniously. It will depend on the two of you, especially you, to move this House forward. We want to get the rightful position. Whatever we deliberate upon should be taken seriously. If it is a money Bill, as they put it, they say it must go to the National Assembly. I was a Member of that House. However, you should not gag most of the Bills that will be coming forward. We should be serious so that we give Kenyans the best. As we sit in this House and deliberate on various issues, let us remember that we are Kenyans. We may differ on principle but most importantly, we should remain one people and one nation.

Finally, Mr. Speaker, Sir, I thank you for this opportunity to make my maiden speech.

**ADJOURNMENT**

The Speaker (Hon. Lusaka): Hon. Senators, it is now 6.30 p.m. and time to adjourn the House. The Senate, therefore, stands adjourned until tomorrow, Thursday 14th September, 2017, at 2.30 p.m.

The Senate rose at 6.30 p.m.
COMMUNICATION FROM THE CHAIR

DATE: 14th September 2017

The Speaker of the Senate: Hon. Kenneth Lusaka

Contribution He Made On: Procedure to be Followed in Electing the Deputy Speaker

Hon. Senators, you will recall my communication to you on 31st August, 2017, in which I informed you that the election of the Deputy Speaker of the Senate would not be undertaken on that day because it was not practicable to proceed with the election. You will also recall that I deferred the exercise to a future time when it would be practicable.

Hon. Senators, you will further recall that in deferring the election of the Deputy Speaker, I relied on Standing Order No.13(1), which provides that:

“As soon as practicable after the election of a Speaker following a general election, a deputy speaker shall be elected.”

As I explained, it was not practicable then because all candidates who had been duly nominated for the position had withdrawn their respective candidatures. I wish to inform you that now all processes leading to the election of a Deputy Speaker of the Senate are complete and it is now practicable to proceed with the exercise.

Hon. Senators, Standing Order No.13 (4) provides that:-

“The procedure for electing a Deputy Speaker shall, with the necessary modifications, be the same as that prescribed for the election of the Speaker.”

It, therefore, follows that as in the case of election of Speaker, a number of activities had to be undertaken as required by the Senate Standing Orders. I will now detail each such activity and the manner in which the Senate Standing Orders have been complied with.

First, Standing Order 5(1), as read together with Standing Order No. 13 (4), requires the Clerk, by notice in the Gazette, to notify and invite interested persons to submit their nomination papers for election to the Office of the Deputy Speaker of the Senate. I would like to inform you that, vide Gazette Notice No. 8882 dated 11th September, 2017, the Clerk of the Senate notified and invited persons to submit their nomination papers for election to the office of the Deputy Speaker of the Senate.

Second, Hon. Senators, Standing Order No.5 (4) requires that:-
“The Clerk shall maintain a register in which shall be shown the date and time when each candidate’s nomination papers were received—”

I hereby confirm that the Clerk of the Senate has maintained a register in accordance with the requirements of Standing Order No.5 (4).

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

“Immediately upon the close of the nomination period provided for in paragraph (2), the Clerk shall:

(a) publicise and make available to all Senators, a list showing all qualified candidates; and,

(b) make available to all Senators, copies of the Curriculum Vitae of the qualified candidates.”

Hon. Senators, I hereby confirm that a list showing all qualified candidates was publicised and made available to all Senators. I further confirm that the Clerk made available to all Senators copies of the curriculum vitae of the qualified candidates.

Hon. Senators, for the position of Deputy Speaker of the Senate, two candidates were validly nominated as at the close of the nomination period, namely:-

1. Sen. (Prof.) Kithure Kindiki; and,


Hon. Senators, pursuant to Standing Order No. (8), a candidate may withdraw his or her candidature after the close of the nomination period and before a ballot is started.

In this regard, no one has withdrawn his or her candidature.

Hon. Senators, in accordance with Standing Order No.6 (1), the election of the Deputy Speaker shall be by secret ballot. We shall now proceed to the ballot for the election of the Deputy Speaker.

Mr. Clerk, I will ask you, according to Standing Order No.6 (2), to provide the ballot box.

(The ballot box was displayed empty and unlocked)

I now direct that the ballot box is emptied and displayed to the Senate. I think that has been done.

I further direct that the ballot box be locked in the presence of Senators and the ballot box kept in the full view of the Senators.

(The ballot box was locked and kept in the full view of Senators)
Hon. Senators, Standing Order No.6 (3) requires that:-

“The Clerk shall issue, in the order prescribed in Standing Order 3(2), not more than one ballot paper to each Senator who comes to the Table to obtain it and each Senator who wishes to vote shall proceed to a booth or designated area provided by the Clerk for that purpose and located next to and within reasonable distance of the ballot box and shall while there, mark the ballot paper by placing a mark in the space opposite the name of the candidate for whom the Senator wishes to vote, fold the marked ballot paper before leaving the booth and place the folded ballot paper in the ballot box.”

Pursuant to this Standing Order, I now direct that the ballot paper be issued to each Senator who comes to the Table to obtain it. To facilitate this process, the Clerk shall call the name of each Senator, following which the Senator shall come to the Table to obtain a ballot paper. Each Senator shall then proceed to either of the two polling booths, which are clearly marked and located on my right and left, in order to mark and fold the ballot paper. The Senator shall then place the marked ballot paper in the ballot box. We shall now commence the voting process.

(The ballot papers were issued to the Senators and they proceeded to vote)

DATE: 14th September 2017

The Speaker of the Senate: Hon. Kenneth Lusaka

Contribution He Made On: Procedure to be Followed in Electing the Deputy Speaker

Hon Senators, Standing Order No. 6(6) provides that:-

“When it appears to the Clerk that all Senators who are present and who wish to vote have placed their ballot papers in the ballot box, the Clerk shall unlock the box, examine the ballot papers and, having rejected those ballot papers that are unmarked or spoilt, report the result of the ballot; and no Senator who has not already recorded his or her vote shall be entitled to do so after the Clerk has unlocked the ballot box”. Pursuant to this Standing Order, it therefore appears to me that the Senators who are present and wish to vote have placed their papers in the ballot box. I now direct that the box be unlocked and each ballot paper examined.


(The Clerks-at-the-Table opened the ballot box and proceeded to count the votes)
The Speaker of the Senate: Hon. Kenneth Lusaka

Contribution He Made On: Procedure to be Followed in Electing the Deputy Speaker

Hon. Senators, we are now through with the counting and tallying exercise. Pursuant to Standing Orders No. 6(6) I now proceed to announce the results of the ballot as follows:

<table>
<thead>
<tr>
<th>NAME</th>
<th>VOTES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sen. (Prof.) Kindiki Kithure</td>
<td>38</td>
</tr>
<tr>
<td>Sen. Ledama Olekina</td>
<td>17</td>
</tr>
<tr>
<td>Spoilt Votes</td>
<td>0</td>
</tr>
<tr>
<td>Absent</td>
<td>12</td>
</tr>
<tr>
<td>Total</td>
<td>55</td>
</tr>
</tbody>
</table>

The threshold is supposed to be 45 votes, which has not been met. Therefore, we shall take a second vote in accordance with Standing Order No.7. Let the ballot box be emptied, displayed and locked, so that we can go to the second round of voting.

(The ballot box was emptied, displayed and locked)

(The Senators proceeded to a second round of voting)

The Speaker of the Senate: Hon. Kenneth Lusaka

Contribution He Made On: Procedure to be Followed in Electing the Deputy Speaker

Order Members. I now direct that we start the counting. In the meantime, let us have the agents of the two candidates

(The Clerks-at-the-Table opened the ballot box and proceeded to count the votes)

Order, hon. Senators! Standing Order No.7 (4) provides that:-

“The candidate who receives the highest number of votes in the fresh election shall be declared elected as Speaker.”

The results of the second round of voting are as follows:-

<table>
<thead>
<tr>
<th>NAME</th>
<th>VOTES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sen. (Prof.) Kindiki Kithure</td>
<td>38</td>
</tr>
</tbody>
</table>
Sen. Ledama Olekina 17
Spoilt votes 0
Absent 12
Total 55

(Applause)

Hon. Senators, pursuant to Standing Order No.7 (4) that I have just quoted, I now wish to declare Sen. (Prof.) Kindiki Kithure the duly elected Deputy Speaker.

(The Speaker accordingly declared Prof. Kindiki Kithure elected Deputy Speaker of the Senate)

(Applause)

Hon. Senators, we have come to the conclusion of the exercise of electing the Deputy Speaker, but before I instruct that the Deputy Speaker-elect be invited here for swearing in, I need to give directions regarding the custody of the ballot papers.

DATE: 14th September 2017

The Speaker of the Senate: Hon. Kenneth Lusaka

Contribution He Made On: Custody of Ballot Papers

Hon. Senators, Standing Order No.10 requires that:-

“Immediately the results are declared, all the ballot papers used in the election of a Speaker shall be packed and sealed in the presence of the Senate and kept in the custody of the Clerk for a period of six months and shall thereafter be destroyed.”

This provision also applies to the election of the Deputy Speaker.

(The ballot papers were collected and sealed)

I now wish to invite the Deputy Speaker-elect to come and take the oath.

(Prof. Kindiki Kithure was escorted by Sen. Murkomen and Sen. Kihika)

(On arrival, the Speaker thereupon administered the Oath of Allegiance to the Deputy Speaker-elect, Prof. Kindiki Kithure)

(Applause)
DATE: 14th September 2017

Member of Senate: Sen. (Prof.) Margaret Kamar

Contribution She Made On: Approval of The County Governments’ Cash Disbursement Schedule For Fy2017/2018

Mr. Speaker, Sir, I thank you for giving me the opportunity to support this Motion. This being my Maiden speech, may I start by congratulating you for being elected the Speaker of this august House. May I also take this opportunity to congratulate the Deputy Speaker, Sen. (Prof.) Kindiki, and the leadership of the House. I am fortunate that Sen. (Prof.) Kindiki was a member of staff when I was in Moi University, while the Senate Majority Leader was my student.

Mr. Speaker, Sir, I also congratulate my colleagues who won after a grueling campaign during the rainy season. I believe that with this opportunity we have been given to be Senators in the second Senate of this country, we will move this nation further. We have a team that will move mountains. I support this Motion to approve the county governments’ cash disbursement Schedule for one reason. During our campaigns we promised our counties that we would serve as per Article 96 of the Constitution that gives the Senate the mandate to represent counties and serve to protect their interests. Our presence in this House is a clear manifestation of the fact that we must protect the interests of our counties. This disbursement is already late because of the changes in the program of the nation, particularly the elections. It is very important that we disburse this money as soon as possible.

As we were campaigning, I came across buildings that were incomplete, for instance, polytechnics. Citizens are demanding to have them completed. Polytechnics have been outlined and given an allocation. It is, therefore, important that we release the money to the counties as fast as possible.

In addition, we came across other pending agenda owing to delay in disbursement of the money. I, therefore, strongly support this Motion. I hope that the money will reach the counties as fast as possible.

Mr. Speaker, Sir, with those few remarks, I beg to support.

DATE: 14th September 2017

Member of Parliament: Sen. Haji Farhiya Ali

Contribution She Made On: Approval of The County Governments’ Cash Disbursement Schedule For Fy2017/2018
Thank you, Mr. Speaker, Sir. This being my maiden speech, I wish to congratulate you for such an emphatic win to be the Speaker of this honourable House. I also wish to congratulate Sen. (Prof.) Kindiki for being elected as your deputy. Sen. (Prof.) Kindiki was my sister’s professor and so, I also know him because of that.

This is a very important process because just like everybody else has said, we have an important role in this country to ensure that counties deliver and are also accountable to their people.

I support this Motion but I also have a small request. Since some of us are new in the Senate, could somebody take us through the schedule so that we own this process when passing this Motion? However, I appreciate that it is important for us to expedite this process so that people in the counties can get services.

Thank you.

DIVISION

ROLL CALL VOTING

(Question, that the Senate approves the County Government Cash Disbursement Schedule for Fiscal Year 2017/18 laid on the Table of the House on Thursday, 14th September, 2017, put and the Senate proceeded to vote by county delegations)

AYES: Sen. Adan, Isiolo County; Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. (Eng.) Hargura, Marsabit County; Sen. Iman, Garissa County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Kang’ata, Murang’a County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. Langat, Bomet County; Sen. Lelegwe, Samburu County; Sen. Linturi, Meru County; Sen. Loitiptip, Lamu County; Sen. (Eng.) Mahamud, Mandera County; Sen. (Dr.) Mbito, Trans-Nzoia County; Sen. Moi, Baringo County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mwangi, Nyandarua County; Sen. Poghisio, West Pokot County; Sen. Sakaja, Nairobi County; Sen. Seneta, Kajiado County; Sen. Wamatangi, Kiambu County and Sen. Wario, Tana River County.

NOES: Nil

DATE: 14th September 2017

The Speaker of the Senate: Hon. Kenneth Lusaka

Contribution He Made On: Voting Outcome

Hon. Senators, the results of the Division are as follows:

AYES: 24

NOES: 0
ABSTENTIONS: 0

The “Ayes” have it.

(Question carried by 24 votes to 0)

DATE: 14th September 2017

Member of Parliament: Sen. Halake

Contribution She Made On: Motion for Adjournment Under Standing Orders 28-31

Thank you very much, Senate Majority Leader. Since, I have not had a chance to congratulate my party, KANU, for nominating me, I would also like to thank my party chairman and Sen. Poghisio for being re-elected which in turn earned me the Senate seat.

Congratulations are in order to Sen. Prof Kindiki, the House Speaker and all the women and other Senators.

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

(Questions proposed)

DATE: 14th September 2017

Member of Parliament: Sen. (Prof.) Margaret Kamar

Contribution She Made On: Motion for Adjournment Under Standing Orders 28-31

Mr. Speaker, Sir, I thank you for giving me an opportunity to support this Motion of Adjournment. Before I make my remarks, I thank the people of Uasin Gishu County for giving me the opportunity to be their second Senator. I also thank the two counties that gave us two women Senators; Nakuru and Isiolo counties.

This is history in the making. We appreciate. It then means that we do not only have nominated women in this House but we have elected women as well who will vote on their own rights.

I support this Motion of Adjournment because of the importance of capacity building. I have been humbled as a professor over time that you do not know until you are taught. I appeal to our colleagues on the other side whom we are told that they are watching us on television that they should come for this capacity building. It is very important that we move together as a House. If we do not get capacity building at the same time, we will still have people dragging behind.
We heard a lot of stories out there before we came to this Senate, that this is a House of elders where there are no rules. That should be a thing of the past. We believe that those of our colleagues who have come back should be leading the rest. We are ready to follow. Mr. Speaker, Sir, we should all speak from the same page. Let us all understand the role of Senators and the relationship between Senators and county assemblies. I have been doing capacity building in the last four years. I believe that it is only capacity building that will build relationships between Senators and governors and a working relationship between Senators and MCAs. As the President said the other day, this country needs nothing but development. For us to do that, we must build our capacity and humble ourselves to know that we do not know until we are told.

DATE: 14th September 2017

Member of Parliament: Sen. (Dr.) Milgo Alice Chepkorir

Contribution She Made On: Motion for Adjournment Under Standing Orders 28-31

Thank you, Mr. Speaker, Sir. Since this is my maiden speech, I take this opportunity to congratulate you and your deputy together with all the elected leaders in this House for the great jobs that you have been given. I have faith that with your leadership and guidance, this House will move to greater heights of prosperity.

I stand to support this Motion especially being a new Member in this House. I am even worried that most of the senior leaders in the opposition are absent. They should be here to share their experiences with us so that together we move on as a unit. My colleague, Sen. Mwaura was worried as a nominated Senator that he did not take part in the elections. However, I congratulate all the nominated leaders. Without them, I am sure Sen. Mwaura would not be here.

I support the Motion of Adjournment because I have been wondering how we can fit in the various areas. I have been moving around and asking myself how I can fit into the various areas. I am sure at the end of that induction, I will come back a very well-trained Senator.

Thank you.

ADJOURNMENT

The Speaker (Hon. Lusaka): Hon. Senators, it is now time to adjourn the House.
The Senate, therefore, stands adjourned until Tuesday 26th September, 2017, at 2.30 p.m.
The Senate rose at 6.30 p.m.
DATE: 26th September 2017

Member of Parliament: Sen. (Prof.) Margaret Kamar

Contribution She Made On: Thanks for the Presidential Address

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 26th 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 26th 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.

DATE: 26th September 2017

Member of Parliament: Sen. Beth Wambui Mugo

Contribution She Made On: Thanks for the Presidential Address

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 overemphasise 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 we re-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.

DATE: 26th September 2017

Member of Parliament: Sen. Halake Abshiro Soka

Contribution She Made On: Thanks for the Presidential Address

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 Re-election 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---

**DATE: 26th September 2017**

**Member of Parliament: Sen. Halake Abshiro Soka**

**Contribution She Made On: Thanks for the Presidential Address**

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.

**DATE: 26th September 2017**

**Member of Parliament: Sen. (Dr) Milgo Alice Chepkorir**

**Contribution She Made On: Thanks for the Presidential Address**

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.

DATE: 26th September 2017

Member of Parliament: Sen. Omanga Millicent

Contribution She Made On: Thanks for the Presidential Address

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 boychild.

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.
DATE: 26th September 2017

Member of Parliament: Sen. Gona Christine Zawadi

Contribution She Made On: Thanks for the Presidential Address

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.
DATE: 26th September 2017

Member of Parliament: Sen. Iman Falhada Dekow

Contribution She Made On: Thanks for the Presidential Address

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.

ADJOURNMENT

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

The Senate rose at 5.20 p.m.

Papers Laid

DATE: 28th September 2017

Member of Parliament: Sen. (Dr) Milgo

Contribution She Made On: The Election Laws (Amendment) Bill – First Reading

Thank you Mr. Temporary Speaker, Sir. I rise to support the Motion on the select Committee on Election Laws (Amendment) Bill No. 3 of 2017. This is based on three or four major reasons. First, when I was coming to this House this afternoon, I realized that the people in this city were not able to move around freely. This is because they were worried that they could be easily hurt or attacked. What was going on in the city is a product of the nullified election. I want to say that the nullification of election that took place in Kenya was the first in Africa and the third in the world. This shocked everyone because the people of Kenya voted on 8th August, 2017 and they spoke well. They chose their right leaders. However, it was quite absurd that a process could bring nullification of such a choice. When we oppose a Committee that is going to ensure such nullification does not take place in future, I think, we are causing Kenya some problem---

DATE: 28th September 2017

Member of Parliament: Sen. Dullo

Contribution She Made On: The Election Laws (Amendment) Bill – First Reading
On a point of order, Mr. Temporary Speaker, Sir. Looking at the time, we have utilised about one-and-half hours. There is a lot of interest. With you indulgence, I will request that you reduce the time to five minutes for each Member.

DATE: 28th September 2017

Member of Parliament: Sen. (Dr.) Milgo

Contribution She Made On: The Election Laws (Amendment) Bill – First Reading

Thank you very much, Mr. Temporary Speaker, Sir, this Committee will ensure that in future we are not going to face such a challenge as the one that we have just experienced recently. The IEBC right now are supposed to put in place a very water tight system. They cannot do that without any. This Senate Committee will ensure that in future, our election procedures will not bring about the annulment of elections. Over time, if it were not for amendment of laws, a Senator like me would not be in this House. It is out of this amendment that even affirmative action was put in place. In the past, the registration of voters was a really contentious issue. Somebody would use and manipulate it to his or her own advantage. Right now, the registration of voters is quite streamlined because of an amendment of our laws. Furthermore, the five Senators that I am seeing here are very seasoned politicians. I am sure in the time they have been given, they will come up with the best amendments to see us through the forthcoming presidential election so that we can have a peaceful country. I support.

DATE: 28th September 2017

Member of Parliament: Sen. Halake

Contribution She Made On: The Election Laws (Amendment) Bill – First Reading

Thank you, Mr. Temporary Speaker, Sir. I rise to support this Motion. First, I would like to state that laws and regulations are not an end in themselves. They should be serving the purpose for which they were enacted.
DATE: 28th September 2017

Member of Parliament: Sen. Sylvia Kasanga

Contribution She Made On: The Election Laws (Amendment) Bill – First Reading

My microphone is not working. My name is Sen. Kasanga Silvia. I am not sure what my fellow Senator is referring to. I am in an African outfit. I do not know what the issue is all about.

DATE: 28th September 2017

Member of Parliament: Sen. Halake

Contribution She Made On: The Election Laws (Amendment) Bill – First Reading

Thank you, Mr. Temporary Speaker, Sir, please, allow me to continue. I rise to support this Motion and congratulate Sen. Dullo for taking her time to ensure that the very rules for which a legitimate presidential election was nullified – for lack of what was called simplicity, accountability, credibility and verifiability - are put in place.

As I mentioned earlier on, rules, laws and policies are not an end in themselves. They should serve the object for which they were enacted, both in form, substance in spirit and in the letter. Rules and laws should have a continuous improvement element to them because no rule, law or policy is perfect. Sen. Dullo took her time to study the form and substance of the laws that govern our elections and identify key areas of lacunas that we faced and continue to face as a country. Perhaps this will not be the last time this House will be debating similar amendments for this or even other laws.

I have looked and read each section of the election related Act 2011 and each of the amendments that have been introduced. For example, the amendment to Section (29), Section 6 (9) of the Election Act 2011 and all the subsequent amendments have improved the ambiguity and the mischief for people to manipulate or curtail the process.

Bearing in mind that laws, regulations and policies are to serve higher purpose for which they are conceived, it is important for us to do the right thing. Each and every one of these amendments will contribute greatly towards improving our electoral laws and make sure there is accountability, verifiability and credibility in our elections.

There is also no doubt that reforms are required as articulated by the Supreme Court Judges in their ruling when they nullified the presidential election. Who is best suited to do this than elected Members of Parliament to whom the power of the people has been delegated and whose job it is to do this? It is our job as elected Members of Parliament in both Houses to legislate and to put in place systems and processes that serve the people of this country. What Sen. Dullo has done is take this mandate that is given to her and ensure that she has contributed to these amendments and to make our laws better.
Regarding persons who have been listed as Committee Members, there is need for further consultation. I am impressed by the list of Senators who have been proposed to be in the Committee, for instance, Rev. Naomi Waqo who will bring religious ideals as well as integrity as per Chapter Six of the Constitution on Leadership and Integrity. I cannot think of better legislators in terms of experience, leadership and integrity as per our Constitution, for instance, Sen. Sakaja, Sen. Dullo, Sen. Cheruiyot and Sen. Wamatangi. Therefore, I support this Motion for its form and substance, objectivity and for allowing us to use the statutory tools that we have in hand to exercise the sovereign powers that have been delegated to us. Mr. Temporary Speaker, Sir, with those remarks, I beg to support this Motion.

DATE: 28th September 2017

Member of Parliament: Sen. (Rev) Naomi Waqo

Contribution She Made On: The Election Laws (Amendment) Bill – First Reading

Thank you Mr. Temporary Speaker, Sir. I stand to support this Motion. Before I go far, I want to appreciate the effort of the sponsor, Sen. Dullo, for thinking and being a visionary leader. The situation that we are in today deserves that and calls for that quick action. As I stand, I am not just standing because I am in the list – and I appreciate the people who considered my name – I feel I will learn a lot from the other experts who were here before me and whose work I really respect and I admire. However, as you all rightly said, I come from my background as a religious leader. I will look at what is ahead of us, pray about it and also be guided by the scripture.

We are in a very unique situation and majority of Kenyans are confused and not sure of what tomorrow holds for us. It is during times like this that we all need to play our roles with a lot of dignity and save the situation we are in. Outside there, many are asking whether we really have leaders who are leading this country. Do we have people who are thinking ahead of time to save this country?”

Yes, the situation we are in is not good but we have the opportunity to turn things round. Experience is a good teacher and we have learnt from our experience after the elections and all that has taken place.

I support this, mainly because of the following few reasons: As you know, according to statistics, 38.5 per cent of Kenyans are illiterate. It is even worse when you think of north eastern Kenya where the percentage of illiteracy is 87.1 per cent. When we introduced the electronic transmission system and other technology that we introduced during the last election, many of our people suffered in different ways. I was there that morning when we were voting and many old people were struggling because their thumbs could not be sensed by the machine. We had to tell them to wash their hands and warm themselves. Mothers really struggled. Some of them were shivering and I wondered why we were going through that entire process. Due to that, we can only be
helped by the proposal that has been put before us in order to save Kenya from the challenges that may be ahead of us. There may be people who may take advantage of the loopholes that are there in the electronic transmission.
I am not surprised if our colleagues on the other side of the opposition will not support us because for the last one year, there is nothing much they have supported in this nation. We need to go for this, approve and accept so that we can save this country.
Manual transmission is---

DATE: 28th September 2017

Member of Parliament: Sen. (Rev) Naomi Waqo

Contribution She Made On: The Election Laws (Amendment) Bill – First Reading

Mr. Temporary Speaker, Sir, it is the same that has given birth to what we now call electronic transmission. In the church, we say that we are guided by three things: Reason, tradition and scripture and for our purpose here, I suggest that we be guided by reason, tradition and the Constitution, which we have been given the mandate to amend from time to time.
I support.

DATE: 28th September 2017

Member of Parliament: Sen. Mary Seneta

Contribution She Made On: The Election Laws (Amendment) Bill – First Reading

Mr. Temporary Speaker, Sir, thank you for also giving me a chance to support the amendments by my colleague - our sister. I thank her for having brought this important Bill to this House. I want to congratulate her for having thought hard and especially at a time like this when we need to put measures in place to see how we can correct what has already cost Kenyans billions of money and time.
I congratulate Members who have been appointed to the select Committee and assure Kenyans that these are men and women of integrity and knowledge, and are equal to the task. They will make sure that they have perused through the amendments to the election laws and will come up with amendments that will help this country move forward. In the same breath, I wish to urge the other political divide of this House to also respect the independence of this House. They should forward the names of their Members to also sit in that Committee and contribute to the amendments on the election laws which can go a long way in correcting what they thought was a mess in the election that was done on 8th of August, 2017.
At the same time, we should also respect Parliament just the way we respect the
Supreme Court of Kenya because of their independence. They have even made a ruling that we were not happy with but had to respect the independence they have in our new Constitution. They should, therefore, respect Parliament which is the House of rules. We cannot conduct parliamentary business on the roadside or in the media. I have seen my senior colleagues in the media talking about laws that are supposed to be discussed in this House. They are discussing it all over. I think this is the right place to correct whatever anomalies were in the August election.

At the same time, I also support these amendments especially the election offences which will cure the conduct of our presiding and returning officers who will be given the responsibility to oversee the election process. Last time some of them colluded with some aspirants to refuse to sign documents which are very important for the process of election and that is why we are where we are today in Kenya.

By giving a definition of penalties to be given to these---

DATE: 28th September 2017

Member of Parliament: Sen. Judith Pareno

Contribution She Made On: The Election Laws (Amendment) Bill – First Reading

Mr. Temporary Speaker, Sir, is it in order for the Member to keep talking about NASA instead of contributing towards the Motion that he has moved? He is busy talking about NASA, what it said and stones instead of contributing to the Motion that is on the Floor of the House. I seek your guidance on that.

DATE: 28th September 2017

Member of Parliament: Sen. Judith Pareno

Contribution She Made On: The Election Laws (Amendment) Bill – First Reading

Mr. Temporary Speaker, Sir, is it in order for the Member, despite you guiding him that he substantiates, to go ahead to talk about the same thing without giving substantiation? We want to hear him substantiate and tell us under what circumstances he came to learn about this or who NASA sent to go and negotiate for them to keep quiet. Please substantiate.

DATE: 28th September 2017

Member of Parliament: Sen. Judith Pareno

Contribution She Made On: Point of Order: Failure by Sen. Pareno to Substantiate Allegations Made in the House
Mr. Temporary Speaker, Sir, I take the business of this House seriously and I also take time to consider what I say before I say it. I was able to download what I referred to from the IEBC records because I am using their records. I only managed to get them this afternoon showing what I talked about; polling stations in Narok County and specifically I had referred to Nituyupake Polling station in Narok North with 507 registered voters but 5,527 voters are the ones who cast their vote.

Mr. Temporary Speaker, Sir, having downloaded this document and being a lawyer, I have written a letter to IEBC to certify these documents as properly coming from their own data which I downloaded. I am seeking for indulgence because I want it to go on record as truthful, that you allow me to provide a certified copy by none other than the IEBC. I do not want to give you documents that are not certified. I am willing to do that in the next sitting as far as IEBC can certify the documents but I have copies showing what I talked about and that is what I was saying; that they are very irregular and should not be entertained in this country.

Mr. Temporary Speaker, Sir, indulge me to give certified copies but I have the downloads that show what I have already done. I have written a letter which I expect to be responded to so that these documents can be certified as proper records.

DATE: 28th September 2017

Member of Parliament: Sen. Mary Seneta

Contribution She Made On: Point of Order: Failure by Sen. Pareno to Substantiate Allegations Made in the House

Mr. Temporary Speaker, Sir, I seek your directive on whether we should just accept any download which is not certified or have Form 34As and 34Bs which were also filled on that particular ---

(An hon senator spoke off record)

I am on the Floor. I also request that we get the original forms that were filled by the Presiding Officers because some of these downloads which our colleagues in NASA presented in court were doctored by some conmen whom they colluded with to produce results that are not real.

DATE: 28th September 2017

Member of Parliament: Sen. Judith Pareno

Contribution She Made On: Point of Order: Failure by Sen. Pareno to Substantiate Allegations Made in the House

Mr. Temporary Speaker, Sir, at any one moment I did not mention any presidential candidate in my submissions yesterday. I would like you to refer to the HANSARD. I think they are only dreaming about the figures that they allude I attached to the President. I did not mention the name of the President. I only talked about polling stations that have more votes than the
number of registered voters. I said that there is one polling station that had about 500 – I did not have the figures then. I had left the document somewhere. I talked about more votes than the registered voters. I did not at any one moment attribute a certain number to any presidential candidate.

Mr. Temporary Speaker, Sir, I request you to refer to the HANSARD. May I respond to what they have said?

DATE: 28th September 2017

Member of Parliament: Sen. Judith Pareno

Contribution She Made On: Point of Order: Failure by Sen. Pareno to Substantiate Allegations Made in the House

Mr. Temporary Speaker, Sir, I am law abiding. I know that I must prove my allegations. I am satisfied with your ruling that I can come back to this House with my certified documents proving that at Naituyupaki Primary School, there were more votes cast than the number of registered voters. I will substantiate that. Earlier I indicated that I have written a letter to have authenticated documents. At the moment I have the print-out which has to be certified by the IEBC. Once certified I will come to this House and prove my point. For now, I withdraw those statements. I apologise for not having the documents but of course there is another day for me to have them.

I thank you, Mr. Temporary Speaker, Sir.

DATE: 28th September 2017

Member of Parliament: Sen. Beth Mugo

Contribution She Made On: Adjournment of The Senate Pursuant To The Approved Calendar for the 2017 Session

Thank you Mr. Temporary Speaker, Sir. I wish to second this Motion and support it strongly. I thank the Senate Majority Leader for moving this Motion. We, definitely, need to go back to the source, which is the people who sent us to this House.

Especially now with the very high political temperatures, the people out there must be wondering what their leaders are thinking. Particularly, I have very close friends out there and respect them a lot. I am sure your voters want to hear what you are thinking.

As I support this Motion, I wish to urge the Hon. Senators that as we go for recess, let us please bring the temperatures down. Our people look up to us for guidance and we are capable of bringing the temperatures down. Think of the children out there and the youth. Today the university students were demonstrating. They are taking a leaf from their seniors who they have seen demonstrating. We have to tell our young people that this is not the way to go. The way to go is to reason together, debate, talk and obey rules and laws.
I also want to commend the Joint Select Committee. We look forward to having the Members from the other side, so that they can sit together and reason. This is a House for debate and that is why we are here. We now have an opportunity to look at the electoral laws which were passed in haste. Now that we have very many lawyers in this House, I am sure they will give their input.

When we look at the judgment, there is nothing that the Judges said to blame the commissioners or members of staff of the IEBC. They talked about the processes and irregularities. Maybe there were gaps in the law and that needs to be relooked at. There could not be a better time than this for the Joint Select Committee to do that. Let us not put a blanket on these amendments. Let us look at each one of them and see the value in each one of them.

I was elected quite a few times in Dagoreti and know that one of the rules is recount. You do not just repeat an election. I was actually horrified and surprised when I heard that the elections should be repeated even before recounting the votes. The judges showed that nobody complained about the polling itself. That was supposed to be clear and straight. Nobody was denied an opportunity to vote and put the ballot papers in the debe. So, we can only take what was in the debe as the correct position. That is why the electoral law provided that, first, we should have a recount. This did not happen. It is only right to seal that loophole with a law.

The others were of course the processes which involve the law. I do not think we should be afraid to look at the law. Some of the laws were passed very late in the day during the 11th Parliament. Also there were many cases that went to court. So, it is not late to tidy the election laws. After being told to repeat the election, we should find out whether the law is right. Is there something we should do about this? It would be different if we were changing fundamental areas.

This is really streamlining, for example, the transmission process that had a problem. I remember in the 11th Parliament we had a long discussion here about transmission and electronic transmission carried the day. Then there was a provision for a manual alternative. I do not know why the manual option was never used in this case. It is because there was so much pressure on using electronic transmission.

If electronic transmission did not work very well, because that is where there were so many question of opening the servers and others, will it hurt if we do it the other way round, which is manual and then backing it up electronically? I want to urge the Joint Select Committee from both sides not to approach this issue emotionally but with a view to help this country to move forward. We are doing a lot of disservice to ourselves.

Kenya is considered one of the best countries to invest in. What are we doing to our investors by attacking one company after another, as I have seen the leader of NASA, whom I respect do? We must put our country first as Kenyans and ourselves second because we will not live forever. It is not a matter of life and death that one must be President or Senator. We must also think about the people we want to lead the country.
If we tear the country into pieces, where will it leave our children? Whom will we lead? A few may fly out of this country and live out there, but the majority of ordinary Kenyans will not be able to do so. Let us consider even the Kenyans who cannot go and live abroad.

Let us look at this issue with a human heart, caring about every Kenyan and not just ourselves. Let us also now follow the rule of law. I have heard each side claiming that they are doing that for the Constitution and they are blaming each other. We can interpret the Constitution how each one wants but if we are honest to ourselves, I think we can really see who is following the Constitution and who is not; who has decided to take the law into their hands and who has not.

As we go on recess, I would appeal to each one of us, as leaders and the presidential candidates, particularly the leader of the Opposition, to tone down and bring down the temperatures so that we can save our country from the brink of violence. We do not want to see a repeat of 2007/2008 post-election violence in Kenya. I hope The International Criminal Court (ICC) is keenly watching to see who is promoting violence now and going against the rule of law. This is because they picked the wrong people and let the one person who promoted division in the country at that time with one tribe against forty two. Now we have added other tribes and I have lost the count. We are going the same route that promoted the fighting. We are demonizing some people such as Chiloba and the others, even those who have not done anything to warrant being put on the cross.

All the people in the Independent Electoral and Boundaries Commission should be left alone to run the election as the Judiciary ordered. They did not say minus this one or that one. Who is it that has an extra-judgment somewhere and knows who did what? This will cause unnecessary animosity. Let us avoid sentiments of tribalism and animosity so that we all become Kenyans and keep peace in this our beloved country.

I beg to second.

(Question proposed)

DATE: 28th September 2017

Member of Parliament: Sen. Judith Pareno

Contribution She Made On: Adjournment of The Senate Pursuant To The Approved Calendar for the 2017 Session

Mr. Temporary Speaker, Sir, I wish to personally oppose that we should adjourn this House. We just came in the other day. We were sworn in, we went for induction for a whole week
and have just come in for two days. We have not even learnt the ropes of this House as to how we are supposed to conduct ourselves as Senators. You did a very good induction which will assist us to perform our duties well but before we even start to practice, the House is adjourned.

I oppose this strongly. What is the reason for adjournment? I have heard the elaborate support by Sen. Mugo and all she has hinted at is that we are adjourning so that we have the select Committee from what I understood. I stand to be corrected. Sen. Murkomen said we are going so that NASA can go to their campaigns so that we can--- but the gist of it is that this House is being adjourned so that we give time to the Select Committee to go and mutilate the election laws, the very Constitution that is the basis of this nation.

Mr. Temporary Speaker, Sir, I have looked at the proposed amendments to the election law and I realise that the powers of the Chairperson of IEBC will be reduced. That is my understanding and I stand to be corrected. However, we will have reduced the powers of the Chairman of the IEBC. That is my understanding of the proposals that are being made.

The second proposal is to reduce the quorum of IEBC and any three of them can now do anything. The other amendment that is being proposed is to use the manual way as a back-up for our elections when we had embraced the electronic way to avoid things that happened even in 2007 and it was proposed by the Kriegler Commission that we go electronic. That is why this House is going on recess. We are going to remove the footprints that will show us how to get free and fair elections. If this House is adjourning not to go and do a service that is anchored in the Constitution to protect the laws that we have passed and the supremacy of the Constitution, to reduce the quorum of bodies that have been created and quorum given by the Constitution, then I shudder that I would not myself want to participate in that process. I am happy that we have honourable Senators who have been proposed to go and sit in that Committee to do those things that they are proposing to do.

Hon. Senators, Kenya belongs to all of us, and the Constitution was done by Kenyans. We ask you to go sit down and do what is expected by Kenyans lest you will be judged harshly by history.

Finally, Sen. Mugo has talked about violence. None of us would want to see even an iota of violence in this country. We want justice for the people of Kenya. We want free and fair treatment of each one of us. Be assured that during this recess, towards whatever election date that will come, for us, we need reforms and not violence. We will go ahead. We have been talking about peaceful demonstrations for reforms. We are not talking about violence and we shall not participate in any way. The welfare of this country is in the hands of those that area going to look into those laws.

I beg to oppose.
DATE: 28th September 2017

Member of Parliament: Sen. Mary Seneta

Contribution She Made On: Adjournment of The Senate Pursuant To The Approved Calendar for the 2017 Session

Thank you, Mr. Temporary Speaker, Sir. I also want to support this Motion and urge my colleagues that as we go back to our counties, we should preach peace and unity and also show a good example to our young people. I am also wishing them all the best as they go to their counties for the one week recess.

ADJOURNMENT

Hon. Senators, it is now 6.30 p.m., the time to adjourn the House. The Senate, therefore, stands adjourned until Tuesday, 10th October, 2017, at 2.30 p.m.

The Senate rose at 6.30 p.m.