

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 26th September 2017

The House met at 2.30 p.m.

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

PRAYERS

PAPERS LAID

Hon. Speaker: Leader of the Majority Party.

Hon. A.B. Duale: Hon. Speaker, I beg to lay the following Papers on the Table of the House:

The Annual Report and Financial Statements of the Judicial Service Commission for the Financial Year 2015/2016.

Reports of the Auditor-General on the Financial Statements in respect of the following institutions for the year ended 30th June 2016 and the certificates therein:

The National Museums of Kenya

The Consolidated Bank of Kenya

The Occupational Therapy and Health Fund

The Water Resources Management Authority

The National Environment Management Authority

The Public Complaints Committee on Environment

The Office of the Attorney-General and the Department of Justice

The State Corporations Appeal Tribunal

The National Assembly, and

Egerton University.

The Reports of the Auditor-General on the Financial Statements in respect of the following constituencies for the year ended 30th June 2016 and the certificates therein. It is important that Members whose constituencies I will mention pick a copy of these audited reports from the Auditor General for them to see. The constituencies are:

1. Kikuyu
2. Rabai
3. Taveta
4. Kinango
5. Isiolo South
6. Mt. Elgon
7. Subukia
8. Baringo South
9. Jomvu, and
10. Kitui East.

Thank you.

Hon. Speaker: Next Order. Leader of the Majority Party.

NOTICES OF MOTIONS

RATIFICATION OF EAC PROTOCOL ON PRIVILEGES AND IMMUNITIES

Hon. A.B. Duale: I beg to give notices of the following Motions:

THAT, cognisant of the Report of the Select Committee on Regional Integration of the 11th Parliament on the ratification of the East African Community (EAC) Protocol on Privileges and Immunities and, pursuant to Section 8 of the Treaty Making and Ratification Act 2012; this House approves the ratification of the protocol to operationalise the East African Community (EAC) Protocol on Privileges and Immunities.

RATIFICATION OF PROTOCOL TO OPERATIONALISE THE JURISDICTION OF EACJ

THAT, cognisant of the Report of the Select Committee on Regional Integration of the 11th Parliament on the ratification of the Protocol to operationalise the extended jurisdiction of the East African Court of Justice and, pursuant to Section 8 of the Treaty Making and Ratification Act 2012, this House approves the ratification of the protocol to give effect to the extended jurisdiction of the East African Court of Justice (EACJ).

RATIFICATION OF NILE BASIN CO-OPERATIVE FRAMEWORK AGREEMENT

THAT, cognisant of the Report of the Select Committee on Regional Integration of the 11th Parliament on the ratification of the Nile Basin Co-operative Framework Agreement and, pursuant to Section 8 of the Treaty Making and Ratification Act 2012, this House approves the ratification of the Nile Basin Cooperative Framework Agreement.

ADOPTION OF SESSIONAL PAPER ON KENYA HEALTH POLICY

THAT, this House adopts Sessional Paper No. 1 of 2017 on the Kenya Health Policy for the period 2014 to 2030 from the Ministry of Health, laid on the Table of the House on Wednesday, 13th September 2017.

Hon. Speaker: Yes. Next Order!

NOTICE OF MOTION FOR ADJOURNMENT UNDER STANDING ORDER NO. 33

MATTERS RELATING TO THE OUTCOME OF THE 2017 GENERAL ELECTION

Hon. A.B. Duale: Hon. Speaker, I have my own Adjournment Motion. With your permission, I rise to give notice of Motion for the adjournment of the House to discuss urgent matters and issues relating to the 2017 General Election.

(Hon. Members stood up in their places)

Hon. Speaker: Hon. Members, you may take back your seats. I am sure Standing Order No. 33, after the induction last week, must be very fresh in our minds. No wonder everybody was upstanding in support of the proposed Notice of Motion.

I want to confirm that the Leader of the Majority Party submitted that written notification for the Motion within the required period of two hours before this Sitting. Indeed, as shown by the support, it is clear to me that it is an urgent matter of national importance. Therefore, I direct and order that the debate on the Motion will take place after the conclusion of the business appearing as Order No. 9 on the Order Paper. Debate will commence after the conclusion of business appearing as Order No. 9 on the Order Paper.

We may proceed.

MOTIONS

THANKS FOR THE PRESIDENTIAL ADDRESS

THAT, the thanks of the House be recorded for the exposition of public policy contained in the Address of the President delivered on Tuesday, September 12, 2017.

(Debate concluded on Thursday 14.9.2017)

(Question put and agreed to)

APPOINTMENT OF MEMBERS TO THE COMMITTEE ON SELECTION

THAT, pursuant to the provisions of Standing Order 172, this House approves the appointment of the following Members to the Committee on Selection in addition to those specified under paragraphs (a) and (b):

1. The Hon. Jimmy Angwenyi, MP.
2. The Hon. Benjamin Washiali, MP.

3. The Hon. Jude Njomo, MP.
4. The Hon. Naisula Lesuuda, MP.
5. The Hon. Khatib Mwashetani, MP.
6. The Hon. Ruweida Mohamed Obo, MP.
7. The Hon. David Pkosing, MP.
8. The Hon. David Ole Sankok, MP.
9. The Hon. William Chepkut, MP.
10. The Hon. Sophia Abdi Noor, MP.
11. The Hon. John Kiarie Waweru, MP.
12. The Hon. (Dr.) Korei Lemein, MP.

Hon. A.B. Duale: Following our Parliamentary Group Meeting, I want to indulge you that we step down this matter until when the House Business Committee (HBC) will feel it fit as Members of the Jubilee Coalition have a discussion on this matter. I really want to indulge you to step it down.

Hon. Speaker: Very well. Again, I wish to confirm that the Leader of the Majority Party had communicated to me that he would be requesting that the business appearing as Order No. 9 be stood down to such other date as the HBC, after consultations with its other colleagues, will decide. The business is, therefore, stepped down.

(Motion deferred)

Next Order! Like I had indicated, the Motion for Adjournment to discuss a matter of definite urgency and of national importance by the Leader of the Majority Party was to take place after conclusion of business appearing as Order No. 9. Having stood down that business, I call upon the Leader of the Majority Party to move his Motion.

MOTION FOR ADJOURNMENT UNDER STANDING ORDER NO. 33

MATTERS RELATING TO THE OUTCOME OF THE 2017 GENERAL ELECTION

Hon. A.B. Duale: Thank you, Hon. Speaker. I beg to move the following Motion:

THAT, pursuant to Standing Order 33(1), I seek leave of the House to move this Motion for Adjournment for the purpose of discussing an urgent matter relating to the outcome of the presidential vote in the 2017 General Election and other connected matters.

Article 95(2) of the Constitution mandates this House to deliberate and resolve issues of concern to the people of Kenya. Following the judgment of the Supreme Court, there has been a broad discourse in the country on the next election.

I urge you to stop Members of this august House from discussing the conduct of individual judicial officers and the Judiciary. That is not the intention of this Motion. However, they should discuss the way forward in as far as the 26th October repeat presidential election is concerned.

Hon. Speaker, the only means or way for us to discuss this, and the court was very categorical--- The Supreme Court made some very distinct categorical statements. One of them was that the Supreme Court in its wisdom invalidated the presidential election that was conducted on 8th August 2017. Two, in accordance with the Constitution, the Supreme Court asked and mandated the Independent Electoral and Boundaries Commission (IEBC) to conduct a

repeat election – not within 40 or 50 days, but within 60 days. The 60th day for this matter will be on 1st November, 2017. In following all that, there is an atmosphere that our colleagues will boycott the election.

Hon. Speaker, it is not the first time I am hearing of people wanting to boycott elections. In the year 2007, some of the candidates who stood against me boycotted elections, but I ended up being the Member of Parliament for Dujis then. The date is fast approaching for the fresh election. I can confirm to the country that our Jubilee Parliamentary Group Meeting this morning was more on training of our Members as chief agents and how to conduct the repeat presidential election. So, today, all of us as chief agents are going to be in charge of the whole team that will be in charge of that election.

Hon. Speaker, if you allow me, I want to refer to Article 140(3). It provides that a fresh election following the nullification by the Supreme Court of the election result shall be held within 60 days. That is a provision of the Constitution. In this regard, the Constitution makes it mandatory and clear that elections must be held within the prescribed timelines.

Hon. Speaker, I am a leader in this country – at least I am serving my third term. When I see leaders in this country saying there will be no election, I ask myself the same fundamental question the Deputy President always asks on television: When you say there will be no election, the question that comes next is: “As who?” Who are you? You are neither IEBC nor the Supreme Court. You are just like any other contestant or political party. The same people keep on lecturing us about impunity, violation of the Constitution and us taking Kenya back and yet, they are the ones who are taking us back. Let us be very candid today.

In the year 2007, the same gentleman lost to President Mwai Kibaki. Unfortunately, that time I was on the other side of the gentleman. However, I confess and I want to be on HANSARD today that we lost that election. I was a very senior member of Orange Democratic Movement (ODM) then. However, as that as it may be, that gentleman said for him to win the next election, we must remove the then Mr. Kivuitu-led Commission. This House was used as a rubberstamp to remove the late Mr. Kivuitu and his team through the National Accord arrangement and the Kriegler Commission. In the year 2013, the same gentleman again lost to a Commission in which he single-handedly appointed. I want to speak for the previous Chairman of IEBC, Mr. Isaak Hassan. When he lost in the year 2007, he went into a Coalition Government. He was an appointee of Raila Amollo Odinga. However, when he lost in the year 2013, he said for him to win in the year 2017, we must remove Mr. Isaack Hassan and his Commission. Again, through some Joint Committee led by Sen. James Orengo and Sen. Mutula Kilonzo Jnr--- I am sure the Members who were in the 11th Parliament and you as our Speaker were taken through a route by the same man and we said we must remove that Commission. We removed that Commission and brought the so-called technology to the Election Act. On 8th August 2017, the same gentleman again lost by 1.5 million votes. He now tells us that for him to win the repeat election, we must have another printer that will print the ballot boxes; that we must change the company that deals with the technology; that we must change Chiloba/Chebukati and the entire team.

Hon. Speaker, this gentleman knows that he does not have the numbers. Elections are won by numbers. And since he does not have a strategy according to the Deputy Speaker here who knows the guy because he was also rigged in the year 2007 ODM nominations, that is how he missed the 10th Parliament in favour of Z.K. Cheruiyot, he says the Constitution and IEBC Act are not perfect, men and women acting at our IEBC are not good unless he is declared the President of the Republic of Kenya. We want to tell him from the Floor of this House that those

of us who won in this election enough is enough – that Kenya can move. It is so absurd because he is used to joining governments seeking power through corners. He does not use the main highway. Once again, this man, with his cohorts, wants to interpret the Constitution to fit their own way.

Hon. Speaker, Article 142 of the Constitution provides that the President shall hold office until the next President is sworn in. As such, there exists no vacuum as to the leadership in this country and the President has all the powers in terms of Article 132. This must be heard from the august House. For those who think they can form the Government, the only way you can become the President of the Republic of Kenya is through the ballot. These people talked about succession and one bullet remaining. I think his bullet ended on 8th August. So, now he is carrying a gun which has no bullet. He talks about Kenyans. All Members sitting here are elected within the reading of Article 95 and represent people. So, when he talks about Kenyans, are we representing immigrants or squatters from Uganda or Tanzania? Let them know from this august House that there is no vacuum and Uhuru Kenyatta will leave State House only when another President is sworn.

With regard to IEBC, Article 249(2) of the Constitution provides that constitutional commissions including IEBC, are independent and not subject to the direction or control of any person or authority. Even the President of the Republic of Kenya cannot direct IEBC. Raila Odinga must know, he can play any shenanigan. He can take his supporters to Anniversary Towers. There is a court order issued by Justice Lenaola when he was a Judge of the High Court, when he was removing Commissioner Isaack Hassan from IEBC. Even our drivers, as Members of Parliament (MP), the staff of Parliament and everybody else, Mr. Chiloba included, are Kenyans. For them to be removed from office, due process of law must be adhered to.

The culture of mob justice, where you violate the Constitution thinking that you are the only man in Kenya, shall not be tolerated. We want to tell our friend that enough is enough. He should ask Musalia Mudavadi to apply to become the chair of IEBC when an opportunity arises next time. We, as the Jubilee Party, do not care who becomes the chair of IEBC. We do not care who prints the ballot papers. All we care is that on 26th October at 6.00 a.m., there should be ballot papers at polling stations and that Kenyans will queue to vote.

In this regard, we tell the IEBC to perform its functions as outlined in Article 88 of the Constitution without interference from any person. I want to speak to the representatives of the United Nations Development Programme (UNDP) and the person in charge of the United Nations (UN) offices in Nairobi, Madame Sahle; that, Kenya is not a banana republic. The only countries where the UN can conduct elections include Haiti and Liberia. The Public Finance Management Act (PFMA) and the public procurement law prohibits the IEBC from circumventing the law and using a UN body. Next week, we will have the Departmental Committee on Justice and Legal Affairs – which oversees the IEBC - the Director of Public Prosecutions (DPP), the Judiciary and many other independent institutions. Mr. Chebukati is a renowned lawyer. He should not go that route. That is unconstitutional. Any election conducted with proceeds or support from a UN body, within the context of the Kenyan Constitution, is illegal. He should not even contemplate doing so. He should not even wait for a letter from the National Treasury. He cannot dare go that route just because he wants to satisfy the egos and whims of a few power-hungry individuals.

I can go on and on the provisions of law. There exists no speck or figment of uncertainty on how the electoral process in this country should go on. James Buchanan, the 15th President of the USA said, “The ballot box is the surest arbiter of disputes among free men.” If Raila Odinga

and his cohorts are saying that they are victims and that their election was stolen, they have been given another opportunity to win the presidential election on 26th October. Why are they scared? A crazy man called David Ndii – he happens to be his consultant and strategist – one night said on television that leadership in this country will be achieved not through the ballot, but through the bullet. I am sure that the late Kivuitu is watching from his grave what Raila Odinga and his cohorts are doing. Isaack Hassan is a consultant. Just before the general elections of 8th August, he tweeted as follows: “As I have been given the send-off package by Parliament and the National Treasury, the numbers are not on Raila Odinga’s side.”

Hon. Speaker, we want our children, grandchildren and great grandchildren to live in a country where the principle of the rule of law is upheld. We do not want to live in a country where one man says that there will be no repeat presidential election. The people think that there will be elections. I can confirm that there will be a repeat presidential election on 26th October. I am going on HANSARD on that one. There are those who are dreaming that after 60 days, there will be a caretaker government in Kenya. In order for you to bring a caretaker government, or bring a transitional government, or to alter the structure of the Executive and the Legislature as provided for in the Constitution, Kenyans must go to a referendum. Therefore, Raila Odinga and his cohorts, before you think of a coalition Government, you must collect one million signatures from Kenyans and initiate a referendum.

Finally, as I said, the President is not under incumbency. Chief Justice Maraga said the elections were null and void, meaning that the presidential elections did not take place. Therefore, the President is not serving under incumbency. He can hire and fire. He will come into incumbency when the first vote is cast during the repeat presidential elections on 26th October 2017. As the Leader of the Majority Party, I feel that it is prudent that the Members of this august House discuss this matter.

I am ashamed, as the Member for Garissa Township. I cannot serve in a parliament where people call themselves “hon. Members” as they use all sorts of abusive language. Last night, I felt that I should retire from Parliament rather than be part of a leadership of a House where the likes of Babu Owino sit. It is very shameful. Despite our divergent views; despite our political differences; despite our ideological differences and despite our preference differences in terms of the candidates aspiring to ascend to the presidency, we must treat this country with some decorum and respect. You can abuse Uhuru Kenyatta, but he is the President of the Republic of Kenya. Your candidate will never become the president because he does not have the requisite numbers. You can abuse all of us in Jubilee, but will that take you to State House? I say: “No”

Some colleagues sitting in this House – not only Babu Owino – have slept in police cells because of their utterances. I think we can do better in the 12th Parliament. I ask colleagues from both sides of the political divide to have respect. Let us be role models to the people of this country.

With those many remarks, I beg to move my Adjournment Motion.

Hon. Speaker: Hon. Members, I had earlier on indicated that the Member for Bura would second. However, before Hon. Ali Wario takes to the microphone, let me make an announcement.

From the record, only 48 Members do not have request cards and most of them belong to the National Super Alliance (NASA) Coalition. The hon. Members who were in the previous Parliament know that no such coalition existed then. Therefore, it is good to familiarise yourselves with these names. There is something called NASA Coalition. It has been confirmed to me in writing by the Registrar of Political Parties that there is NASA Coalition. Most of the 48

Members without cards are from that coalition. I am making this announcement because I have been informed that most Members present here have their cards but, maybe, they have not been shown how to use them. I do not see any requests yet so many of you stood in your places.

(Loud consultations)

You cannot claim the machines are not working. I can now see very many requests. Therefore, Hon. Members, I want to encourage you to use your cards. You no longer have to rise in your places like you did the other week. Hon. Wario.

Hon. Ali Wario: Ahsante sana Mhe. Spika kwa kunipatia fursa hii. Kwanza kabisa, nasimama kuunga mkono Hoja ambayo imeletwa na Kiongozi wa Walio Wengi. Kifungu cha kwanza cha Katiba ya Kenya kinasema mamlaka ni ya mwananchi. Anaweza kuyatumia moja kwa moja ama kupitia kwa viongozi waliochaguliwa. Kifungu 95(2) cha Katiba ya Kenya kinasema Bunge itajadili chochote kinachomwathiri mwananchi wa Kenya.

Nataka kumpongeza Kiongozi wa Walio Wengi kwa sababu tangu uchaguzi uharamishwe tarehe moja ya mwezi wa tisa, kuna kila aina za habari hapa Kenya. Wengine wametishia eti nchi ya Kenya itavurugika karibuni. Kifungu 140 cha Katiba ya Kenya kinasema iwapo uchaguzi wa Rais utaharamishwa, basi kwa muda wa siku 60, uchaguzi mwingine ufanywe. Sasa babu ameanza yake. Akiamka leo, hataki Safran Morpho; kesho hamtaki Chebukati na kesho kutwa hamtaki Chiloba. Ajue kwamba siku ni 60. Wapende uwapendao na uchukie wale unaochukia lakini sheria imeamrisha, katika Kifungu 140 cha Katiba kwamba, marudio ya uchaguzi wa Rais ufanywe kwa muda wa siku 60. Sasa babu, kama hutaki Chiloba, ni lini tutatangaza hiyo nafasi yake, tupate majibu na tuajiri ili Tume Huru ya Uchaguzi na Mipaka (IEBC) iweze kufanya uchaguzi? Mbona leo unajitia chongo babu? Sheria ni sheria na iko wazi. Akipenda Ali Wario, ama akiichukia babu, sheria iko wazi. Kifungu 142 cha Katiba ya Kenya kinasema kuwa Rais akichagulia, anaanza kazi anapoapishwa na atatoka kwenye hiyo ofisi siku ile rais mwingine ataapishwa. Kwa hivyo kuna kuaapishwa kuwili kwa mjibu wa hicho Kifungu.

Kunao wale wanaoota kule nje na kusema kwamba watafanya maandamano, walete vurugu na kutumia mbinu zozote ili siku 60 zipite. Nia yao ni kuona Serikali ikigawanywa kuwa serikali ya nusu mkate. Ng'o! Kwa bahati mbaya kwao, Kifungu 142 cha Katiba kimeleta suluhu kwa hayo matatizo. Nimesoma Kifungu cha 168 cha Katiba ya Kenya ambacho kinaongea kuhusu wakati kuna malalamiko juu ya Jaji wa Mahakama Kuu. Sheria iko wazi kuhusu hili jambo. Hiki Kifungu kinatambua uhuru wa mahakama. Kimeweka kiwango fulani cha vurugu ndiposa mtu aweze kupeleka malalamishi. Lengo langu halihusiani na hayo. Yaliyotokea tuko na dukuduku nayo na tumekubali hukumu ya mahakama. Basi suluhisho ya hii dukuduku ni nini? Kifungu cha 88(4) kinaiielekeza IEBC kwamba kwa siku 60, irudie uchaguzi na wausimamie wao. Siku hizi babu anaamka asubuhi na kusema hataki watu na kampuni fulani, anawataka wengine wafutwe na kampuni fulani ziteuliwe. Sheria iko wazi. Siku ni 60 na wanaosimamia huo uchaguzi ni IEBC wala sio NASA ama babu.

Wengi wanataka kuichangia Hoja hii. Naiunga mkono na kumpongeza Kiongozi wa Walio Wengi kwa kuileta. Huko nje kuna vitisho vya kila aina. Ili tuondowe hivyo vitisho, IEBC ilete kura tarehe 26 ili tufunge hii hesabu na twende nyumbani. Maneno ya babu yametuchokesha kichwa.

Ahsante, Mhe. Spika.

Hon. Speaker: Hon. Members, remember this is a Motion for Adjournment. I will therefore, propose the Question.

(Question proposed)

For the new Members, this does not mean that the House rises.

(Laughter)

The Member for Kikuyu.

Hon. Ichung'wah: Thank you, Hon. Speaker for giving me this opportunity. I rise to support the Motion for Adjournment to discuss this matter of urgent national importance. When the Leader of the Majority Party was moving it, he alluded to the fact that there are those who are seeking to establish a Government other than the way it is stipulated in our Constitution. I wish to draw the attention of the House to Article 3 of our Constitution which states:

“Every person has an obligation to respect, uphold and defend the Constitution”.

That is what we seek to do today through this Motion: to defend and uphold this Constitution. Article 3(2) of the Constitution states:

“(2) Any attempt to establish a government otherwise than in compliance with this Constitution is unlawful.”

Many of us and, indeed, Kenyans at large can read through the lenses of what the honourable former Prime Minister and his cohorts in NASA are planning to do. It is quite clear that they intend to use violence and intimidation as a tool to stop the elections scheduled for 26th October, 2017 from happening. Thereafter, they would move to the Supreme Court to plead, under Article 81 and 140 of the Constitution, that the elections were not free and fair because they were riddled with violence and intimidation which they will have orchestrated before and during the election. Therefore, we must ask that all State agencies dealing with security must ensure that the country continues to be secure and that every Kenyan anywhere in this country is able to vote without intimidation and violence. I also must add that he who seeks equity must come with clean hands.

Therefore, I hope our friends at the Supreme Court, and in the Judiciary generally, are today not blind to what is happening. They shall not be blind to those who will come to seek equity in the petition they will seek to file after the 26th October repeat presidential election in order to nullify it in the pretext that there was violence. As it has been said by those who spoke before me, if it were possible under our laws, a Kenyan would go to court tomorrow and ask the court to initiate a process of ascertaining the senility of one particular old man. We cannot have a country where one person seeks to ascend to power through unconstitutional ways. The Leader of the Majority Party has alluded to the various means that he used in 2007. I want to remind the Leader of the Majority Party that even in 1982, the former Prime Minister sought, through a military coup attempt, to ascend to power but he failed. We all remember that following the 1997 elections, the former Prime Minister got into government through the infamous merger or “marriage” of the then National Democratic Party (NDP) and Kenya African National Union (KANU). You will remember the disaster that that particular political “marriage” caused to KANU. He abandoned his colleagues in the Opposition.

Let me also take this opportunity to advise our good friend and our fellow Christian, Hon. Kalonzo Musyoka. My friend, you will be abandoned at the eleventh hour should this guy find

an opportunity to get into Government. We must also make it clear that unlike those days, we cannot establish a government in any way other than that provided for in the Constitution. Such a move is prohibited under Article 3(2) of the Constitution. Therefore, we must as a House stand firm to uphold the Constitution. Let us ensure that the sanctity of the ballot and the vote-count following the end of the voting exercise, counts at the end of the day. I also take this opportunity to ask the House that should the time come when we will need to speak to the amendments that were alluded to by the Supreme Court – more so on expounding the provisions of Section 44(a) of the Elections Rules, 2007 on the use of a complementary system to transmit results and identify voters – this House rises to the occasion and ensures that we protect the sanctity of the ballot, so that Kenyans can vote without necessarily being held hostage by technicalities and all the other things that have been raised by the Supreme Court.

With those remarks, I support.

Hon. Speaker: Member for North Horr.

Hon. Ganya: Thank you, Hon. Speaker. I support the Motion as moved by the Leader of the Majority Party. As Parliament, we have a duty to deliberate on any issue of national importance and resolve it for the great good of this country. Invalidation of a presidential election is a matter of major significance to this country. As a result, as a House, we have a duty to resolve the much we can, or come up with a solution that will enable us to take this country forward.

It is imperative for this country to have the repeat presidential elections within 60 days as directed by the Supreme Court. The Supreme Court raised some issues, which are being addressed by the relevant institutions of this country. Those institutions have been mandated by our Constitution. The Independent Electoral and Boundaries Commission (IEBC), through its own administrative mechanisms is already looking into ways of tightening its processes to ensure that we have a fair and transparent repeat presidential election. Similarly, as a House, we are also seized of some of those issues. Hopefully, without anticipating debate we will, very soon, be looking at some amendments relating to the electoral laws of this country to see what we can do to ensure that we have fair and transparent elections in our country. Since the relevant institutions are working day and night to ensure that we have a fair and transparent repeat presidential election, the demonstrations and street protests being organised by NASA are not necessary. They will not be a solution to the problems. The sovereignty and the peace of this nation matter. The economy of this country matters a lot for the wellbeing of this nation. The life of each and every Kenyan matters. Therefore, as a House, we cannot allow Kenyans to use other means to ascend to the presidency of this country.

Let us call upon all Kenyans to cherish our Constitution and use what is provided for within our laws to resolve issues that are of concern, whether we are in the Opposition or the ruling party. Our Government has a duty to safeguard the lives and properties of this country's citizens. Any government worth its salt anywhere in the world must ensure that the lives and properties of its citizens in all corners of the country are protected. As a result, our Government has a duty to ensure that the lives and properties of Kenyans are fully protected.

It is also incumbent upon us, as Members of Parliament in both the Senate and the National Assembly, to move with speed – with the necessary efficiency and effectiveness – and amend the electoral law with a view to bringing clarity to the ambiguous provisions that have brought us to where we are today.

With those few remarks, I support the Motion.

Hon. Speaker: Just to remind hon. members again that this being a Motion under Standing Order No.33, every other Member contributing is entitled to a maximum of five minutes.

Hon. Soipan.

Hon. (Ms.) Tuya: Thank you, Hon. Speaker. I would like to begin by commending the Leader of the Majority Party, Hon. Duale, for bringing the Motion for Adjournment on this very important and critical issue that is of concern to Kenyans. In exercise of our responsibility as members of the National Assembly, this is an issue that we cannot ignore at this particular time when Kenyans have been subjected to unnecessary anxiety and uncertainty, occasioning Kenyans to unnecessary anguish and anxiety.

The matter at hand largely concerns the unprecedented ruling of our Supreme Court. I would like to join the many hon. members and Kenyans, led by His Excellency President Uhuru Kenyatta, in saying that even as a lawyer and a law-abiding citizen of Kenya, I do not agree with the ruling of the Supreme Court. However, in my standing as a law-abiding Kenyan, I respect the ruling. The Supreme Court, in its ruling, invalidated the presidential election of 8th August and ordered that we go back to the ballot within 60 days. To say that we must go back to the ballot within 60 days, as stipulated in our Constitution, is crystal clear to anybody. Like I have said, we respect that decision, but we have a very incessant process going on – and which I may call theatrics - which is what has generated a lot of anxiety amongst Kenyans. You hear members of the Opposition focusing on anticipated happenings after the 60 days. Why would they be concerning themselves with the period after the 60 days within which the repeat presidential election is schedule to take place? We can only imagine that these are people who have some undercut dealings. I can see our able Chair looking at me very sternly. When you talk of after 60 days, yet we are within the 60 days period within which we should conduct the election – and we have a date given by IEBC legally – then we must begin to question the motive and intention of the people who are talking about that extra-legal issues that we are not concerned with as Kenyans, as of now. Any law-abiding citizen and anybody who may want to consider themselves leaders of this country should concern themselves with a legal process which will give due sanctity to our elections - a process where a voter wakes up in the morning, goes to a polling station and decides the President or leader they want. As Members of the 12th Parliament, this is what we need to focus on. After voters have woken up, voted and decided on whom their leader should be, questions about technicalities, passwords and servers should be secondary to the decision that a Kenyan voter has already made.

I would like to speak to the issue which is being flaunted around with people insinuating that we have a temporary incumbency. A temporary incumbency of the President does not exist in Kenya right now. Anybody with a good and clear understanding of the Constitution knows that after the election of the President has been declared null and void, we are not waiting for anybody to be sworn in as President and, therefore, giving us a period of temporary incumbency. We have not held any elections as per the Supreme Court ruling. We have a President in place. We have 60 days within which to conduct elections. I wish to urge all Kenyans to make sure that when we go back to the ballot on 26th October, every Kenyan is given an opportunity to make their decision and we sanctify that process. There is a lot of need - even judging from the Supreme Court ruling - for us to make the necessary amendments to our electoral laws to make sure that we sanctify the decision of the Kenyan voter and not concern ourselves with technicalities which bring confusion and put into doubt a decision made by Kenyans to choose a leader of their choice.

I wish to support the Motion.

Hon. Speaker: Let us have the Member for Juja who has occupied the seat of the Leader of the Minority Party.

Hon. Waititu: Thank you, Hon. Speaker. It is good to be in this seat of the Leader of the Minority Party. The Chairman of the Orange Democratic Movement, Hon. Mbadi, is next to me.

What my fellow Members of Parliament have just said is true. We said in the 11th Parliament and now in the 12th Parliament that in this Parliament, we do not have the Opposition or any other names that they call themselves out there. We have the Minority and the Majority Parties. We are one and the same. We should be very careful when we talk about our country. In Juja Constituency - which is cosmopolitan - there are so many children who are not going to school due to lack of bursaries because they are from very poor families in the coffee farms and other places. Laws are made in this Parliament. That is what we want to follow. When you hear people outside Parliament talking about how they want this country to run yet that is not in the Kenyan laws that we have, we find that we are not moving this country to where it should be.

At the end of the 11th Parliament, we spoke about how we really need this country to be. My friend, Hon. Raila Amolo Odinga, has been running for the presidency since Independence. I do not say that it is wrong. He has his Members of Parliament who can amend or rectify the law through Parliament. There is nowhere else apart from this National Assembly where you can amend laws, not even in the Senate. You can only do it here in the National Assembly. When we go out there and show Kenyans that we are in two different countries, it does not bond well. I have listened to many Kenyans out there. We should be one team looking at what we should do for this country because of the children and future generations.

The Chairman here is my very good friend and knows that I know how to speak Luo and Luhya fluently. It does not matter what tribe you are from. The only thing that we can do is to unite this country so that in future, they can remember us and say that Kenya has unity. But now, we are saying that after 60 days, there will be no elections. These are words from people who do not even follow the Kenyan Constitution. I am happy because the Chairman will say it is true and that it is in the Constitution. Those are the people who want to run for the presidency. We know who they are this time round. There are two candidates. Let us face the people and move on so that this country can stand where it should be.

I am happy when I see Members seated here thinking about the future of this country. We are honourable members just because we are elected from each constituency. But after that, do we care about this country that God has given us? Are we there to make this country different from other African countries? Why are we fighting for things that cannot happen?

I will also talk about what is happening and how people are talking about it. A young boy whom I knew sometimes back and I know he got some bursary funds is now abusing people. You are an honourable Member of Parliament and you want to abuse a mother of a country who fought for the independence of this country and whose husband was jailed because of this country and you want to---

Hon. Speaker: Let us have the Member for Kitutu Chache North who is also the Deputy Leader of the Majority Party.

Hon. Angwenyi: Thank you, Hon. Speaker for giving me a chance to contribute to this important Motion.

First, I support the Motion as moved by the Leader of the Majority Party. We have been entrusted with the welfare of the people of Kenya as their representatives. We have failed in our role if we allow this country to degenerate into chaos. When I talk about that aspect of violence, I

am from a community which, if there was violence in this country, would suffer the most. We live in every corner of this country. We provide for ourselves. We do not depend on manna from heaven. We do not depend on handouts from the Government. We work for our livelihoods. Therefore, we are in every corner of this country. Last time when we had violence, many of our people were killed and lost their property. We will not allow our people to be killed again in this country even if it means we take up arms. We have the rule of law which the Opposition followed and petitioned the results of the last elections on 8th August.

A judgment was made which annulled that election. The second aspect of that judgment was that we must hold fresh elections within 60 days. Those elections will be conducted by the IEBC. I find it strange that our leaders in the Opposition can accept part of the judgment, but they do not want to accept the part which says we should hold elections which will be conducted by IEBC within 60 days. The same Supreme Court did not find any fault with any individual. There is no single individual they found culpable and yet, the people who were favoured in that judgment are now saying so-and-so should not be in the IEBC.

Hon. Speaker, the Opposition also said that we must respect independent entities in this country like the Judiciary, but they do not respect the IEBC as an independent institution. What are these double standards? The IEBC is the only institution in this country that can conduct elections. You cannot tell it when to hold elections so long it is within the law - which is within 60 days. The Opposition cannot say that we cannot have elections as if they are the ones to conduct them. When they say we cannot have elections, they are just telling us they will cause violence. I blame the Government for accepting those kinds of violent demands made against the people of Kenya. The other side is saying that they speak for the people of Kenya. Are we not the people of Kenya? We represent majority of people in Kenya. So, they can have their say and we must have our way which is to have elections on 26th October. If you do not want to participate, well and good! We do not have a law which forces you to vote in Kenya. We are not like Australia.

Before we conclude, I would like to ask this House to enact a law which will allow manual elections. If Germany can do it, who are we? If we seek assistance from Germany, we can do it. I suggest that this House embarks on enacting a law that allows manual elections.

Hon. Speaker: Member for Kajiado North.

Hon. Manje: Thank you, Hon. Speaker, for giving me this chance to contribute to this Motion. I have no doubt in my mind that President Uhuru Muigai Kenyatta won this election and that is common to many people. Even if we ignore the forms that were not signed, we could have given a margin of error of about 5 per cent and still conclude this was a fair election; 95 per cent confidence level. Therefore, I know there was a scheme to deny Kenyans the president they want. That is why when the Opposition side was preparing for elections, they said that the IEBC will tally and they will also do it; that the IEBC would announce the results and the Opposition would announce theirs. They knew they had a scheme. That is why they said they had a tallying centre so that they could get from the presiding officers correct and wrong forms that were not signed by the IEBC because they were expecting the same thing to happen.

The leader of the Opposition staged a coup and he thinks he has succeeded. It is very hard moving to the next stage of demonstration. He is trying to force constitutional disorder in this country. That is why he is calling for a demonstration every Tuesday. I want to tell him that this country is more important than him. He has been tolerated so much. At the end of the day, you will find that he is radicalising so many people. If you hear the way the young Member of Parliament talked to our President, you can see somebody who is radicalised. The other people

who are radicalised are Members of Parliament like Hon. Simba Arati and the Governor for Mombasa. We are giving them a very big room to keep on radicalising other Kenyans. At the end of the day, we will have a very bad country. He is acting like a terrorist in this country because some people will be killed in those kinds of demonstrations. Many people have been killed from the same movement. This is the right time to deal with the issue once and for all.

The Leader of the Majority Party explained to us that he was in ODM that time when they organised how to remove Mr. Kivuitu who was the Chairman of the Electoral Commission of Kenya (ECK). That was not enough. The person who became the Chair is Mr. Isaack Hassan. The person who wanted to be the chair was Mr. ole Kaparo but the leader of the Opposition preferred Isaack Hassan. He also put Mr. James Oswago to be the Chief Executive Officer (CEO) who was somebody from his area so that they could do *ukarabati* with elections. When they failed to do that, they were shown the door. I remember very well when we had a parliamentary group meeting in State House last year we all agreed that Hon. Raila Odinga is trying to move this country to the same crisis, but we allowed him to remove that Commission. Since he did not succeed in this election, he wants this Commission to go. We wonder where we are we heading to. I think he is requesting for something that is impossible. We set up this Commission about seven months ago. Because I was in the Public Accounts Committee (PAC) in the last Parliament, we called the current CEO of the IEBC and asked him the problems he was facing. One of the problems was inducting new commissioners when he was already preparing a major election. If you remove him as an experienced CEO and you are left with people who are not experienced, then the election will not be conducted in a fair manner. I think this is the right time we became hard also. If Members of Parliament from the Jubilee side also demonstrate and say we have to go with this Commission and have this election by 26th, that is the better way to go instead of keeping quiet throughout and then we lose a country.

Thank you very much. I support the Motion.

Hon. Speaker: Member for Igembe Central.

Hon. Kubai Iringo: Thank you, Hon. Speaker, for giving me this opportunity to contribute to this Motion. Let me start by thanking Hon. Duale for bringing this Adjournment Motion because it is something which is touching on the very nerve of our country, and especially the current situation which is there today. It is not making anything move. Even the old mothers in the rural areas know there is a problem in Kenya. They can feel it and tell something is wrong.

This is a House of rules. Likewise, this country has a Constitution which we must all respect. We have all sworn to defend it from the President to the common *mwananchi*. Therefore, we cannot let a few people take advantage of the same Constitution to bring anarchy in this country or to bring things to a standstill. I believe the Supreme Court is the highest law office in this country. The Constitution says when the Supreme Court has ruled on anything, we need to respect the same if you are the aggrieved or the complainant. Therefore, our President agreed with the Supreme Court ruling. I also expect his opponent to respect the same and give the Constitution time to do what it was supposed to do. The Supreme Court ruled that elections will be conducted within 60 days and before they are over, the same candidate is running up and down in the country demonstrating and calling upon people to do this and that. It does not augur well for the country. Give this Constitution a chance and forget sideshows and other things. In Meru, we say that when a boy is going to be circumcised, he does not choose the circumciser. So, if you are a candidate, you should not choose who will preside over the elections. There is a

body which brought in Mr. Chebukati and his team. The Constitution is the one that has put IEBC into place.

Why do you want to micro-manage the IEBC and yet you are a candidate yourself? What if the other candidate says the same thing? Are we going to take this country anywhere? We will be taking the country to the dogs. It is my humble request to our opponents... I used to be there but it was not very good and that is why I moved out. They never compromise and there is somebody there who feels that he is “a Mr. Know Everything”. If you are that kind of a person, yet this country is made up of 40 million people, then you are wrong. You should also give other people a chance to give their views. People should not just be following you because you are there; they should follow you because of your ideologies. They should also be respected because they also think.

Therefore, Hon. Speaker, I strongly support the Motion. Let our brothers and sisters in NASA not just follow their master blindly. This country does not belong to one person; it belongs to all of us. We are worried. We are not happy, but we will not let it go. I pray for peace to prevail in this country and those who think we will go otherwise are mistaken. They are wrong.

Thank you.

Hon. Speaker: Member for Kipkelion East.

Hon. Limo: Ahsante sana Mhe. Spika. Ningependa kumshukuru Kiongozi wa Walio Wengi Bungeni kwa kuleta hii Hoja ambayo ina maana sana. Kuhusu maneno ambayo yanaendelea nchini, haitakikani sisi Wabunge kujifanya hatujui ni nani analeta shida. Hii shida inajitokeza kwa sababu moja tu: mtu fulani hajashinda uchaguzi. Huyu mtu ni huyu jamaa ambaye alikuwa anaitwa *Agwambo* halafu akabadilisha sasa anaitwa Baba. Sijui ni baba bandia ama nini. Juzi amejibadilisha tena. Sasa anajiita Joshua. Sijui ni Joshua bandia pia ama nini. Baadaye tena amebadilika akawa ni kompyuta. Eti sijui yeye ni kifaranga. Nchi yetu haiwezi kuendeshwa kwa namna hiyo. Lazima wananchi wa Kenya wajue kwamba nchi ni yetu sisi sote. Nchi siyo ya mtu mmoja.

Mhe. Spika, kwa hivyo, kuitisha eti kompyuta ifunguliwe iangaliwe ndani, sisi Wabunge tusijifanye tunataka kubadilisha sheria nusu nusu. Tubadilishe sheria inayohusu uchaguzi wa Kenya. Tusijifanye eti kwamba tunapitisha sheria ya uchaguzi kuufanya uwe *digital* na hali sivyo. Maanake ukienda kupiga kura, kwanza unaguza mitambo ya kompyuta ili utambuliwe kama mpiga kura. Halafu unachukua karatasi ya kupigia kura kuandika kwa mkono wako na unaweka kura kwenye sanduku ukitumia mkono vile vile. Baada ya kupiga kura, unaambiwa eti kura yako inawekwa kwenye kompyuta ndiyo ipite hewani mpaka Bomas of Kenya. Tunataka tujaze hiyo fomu inaitwa 34B na tuilete moja kwa moja mpaka Bomas of Kenya, kisha tuhesabu kama tulivyokuwa tukifanya zamani. Tuache maneno ya kusema kompyuta. Hatujaenda kompyuta, Mhe. Spika. Tunataka tubadilishe sheria katika hili Bunge. Tusiibadilishe nusu. Tuibadilishe ili tuwe na uchaguzi wa maandishi hatimaye tulette kura mpaka Bomas of Kenya na tuzihesabu. Mambo ya kompyuta ipotee!

Nchi ya Ujerumani mbayo imejitawala kwa muda mrefu na iko mbele sana katika mambo ya kompyuta imesema haitaki uchaguzi unaohusiana na kompyuta. Katika Nchi ya Amerika, hivi juzi Rais Trump akishindana na Bi. Clinton, ilikuwa na shida ya kompyuta. Je, sisi ni nani? Je, tumekuwa watumwa wa huyu mtu anaitwa Raila? Sisi hatutaki hayo maneno. Tutengeneze sheria itakayookoa nchi hii. Wafanyabiashara ni wengi ambao wanangojea nchi irudi hali ya kawaida. Lakini kuna jamaa wanakimbia kwenye barabara wakisema eti fulani aondolewe kazi eti ndiyo washinde kura. Hiyo haiwezekani! Tunataka wananchi wafanye kazi kama kawaida.

Wananchi wa Kericho wanataka kulima, kuchuna majani chai na kuvuna mahindi. Wametuuliza ni maneno gani haya yanaendelea. Tunataka nchi irudie hali yake ya kawaida.

Kwa hivyo, tunataka kupiga kura na wananchi wote wanajua ni nani watampigia kura na wanajua ni nani walimpigia. Korti haikusema Uhuru Kenyatta hakushinda. Hakuna siku hata moja mahakama ilisema hivyo. Walisema karatasi fulani haikuwa imewekwa nambari fulani. Juzi tumesikia kuwa hizo karatasi zote zilikuwa sawa. Turudi kwa uchaguzi. Mambo ya mkate nusu hakuna. Hatuwezi kujifanya kwamba jamaa huyu anataka mkate nusu. Nataka kuwaambia wale wanaotembea na Raila Odinga; Mudavadi na Kalonzo, wajitayarisha. Raila Odinga aliitisha maandamano halafu baada ya siku moja, akasema hakuyaitisha. Anataka kwenda kando ndiyo wengine waingie shimoni wapelekwe Hague. Yeye ndiye atapelekwa Hague. Hawezi kupeleka mtu mwingine kama alivyompeleka William Ruto. Tunajua hayo na lazima tuseme. Tutafanya uchaguzi tarehe 26 mwezi wa kumi.

Ahsante, Mhe. Spika.

Hon. Speaker: Hon. Members, I just want to inform the House of something because I have seen some Members who have come in about 20 minutes ago trying to raise their eyebrows so that they can catch my eye. It is only the Leader of the Majority Party and the Leader of the Minority Party who have priority in speaking regardless of the time they arrive in the Chamber. You know that. You just have to look at Article 108 of the Constitution. This is not anything new.

Hon. John Mbadi, Leader of the Minority Party.

Hon. Ng'ongo: Thank you, Hon. Speaker. I am grateful in making my maiden speech as the Leader of the Minority Party in the 12th Parliament of the National Assembly.

I also want to make my contribution to this Motion that has been moved pursuant to Standing Order No.33 regarding a matter of national importance and which is urgent. I understand from the contributions that this House has seen it fit to discuss the last general election that took place on 8th August 2017.

I will not overemphasize the fact that Kenyans woke up very early in the morning to queue and vote on that particular day. Actually, they voted. Just before the voting day, this House, together with the Senate, formed a Joint Select Committee which deliberated on a number of amendments to be made to our electoral laws. Those amendments were supposed to cure the perennial problem that this county has been facing regarding rigged elections. We saw it fit to discuss the matter because we felt that for this country to move forward and enjoy peace, we need credible, transparent, accountable, verifiable and accurate elections that would stand the test of time.

Immediately the elections were conducted, as players in this election, we realised that they were not conducted properly. After the Returning Officer for the presidential elections announced the winner of the election, as NASA, we came out and disputed the result of the election very peacefully. We had reasons which we felt were strong enough to invalidate that election. Immediately we did that, the whole country, led by the President who was also the presidential candidate of Jubilee Party, advised NASA a number of times together with his deputy and, of course, they were joined by the choir that you know was led by Aden Duale, the Leader of the Majority Party in this House to go to court in the event that we were not satisfied. We took the challenge because we are law abiding and because we want progress for this country. We said before we even went to court that we would want to see a situation where there is no other rigged election in this country. That the last rigged election would be the one that was conducted on 8th August 2017. We went to court even though we were not so confident because

the history of Africa is that there is no country, not even one, not even South Africa that has witnessed a nullification of a presidential election outcome.

Hon. Speaker, we were even advised then that there are only three other countries in the world, before Kenya's Supreme Court ruling, that had their presidential elections nullified. Despite that, we respected the supreme law that we passed in 2010 and went to court and presented our evidence. Today, I hear that it is Raila Odinga who has brought people to where we are. It is not true. The truth is that it is the reelection of Uhuru Kenyatta that has brought us here. I know it is sometimes very difficult to accept. It is very difficult. Even when you lose your wife, when the body is still at the mortuary, you would not even know that your wife is dead. It is very painful. Some of us have gone through this. I urge my colleagues in the Jubilee Coalition to relax. I know what you feel but you are feeling exactly what we have been feeling for so many years. Elections have been rigged and our victory stolen a number of times. So, I ask you to relax. Anger will not help this country. It is the Supreme Court of the Republic of Kenya which made a determination. Raila Odinga does not sit in the Supreme Court. The Supreme Court is led by none other than Justice Maraga, and he has eminent judges on that Bench. If you look at all of them, including Justice Njoki Ndung'u, you get impressed. She is my friend. I have some reservations but because she is there, I respect her. The decision to nullify the presidential election of 8th August, 2017 was made by the Supreme Court. Instead of making noise, let us see how we can best utilise this opportunity. Kenya has been praised to be the only fourth country in the world to do this.

If you are confident that you won the presidential election on 8th August, what is this anger for? You will still win the election, but I ask you to wait. I know you are jittery because you lost this election. That is why you are jittery. I advise my colleagues who are thinking of taking us back to the manual system of voting that there is a reason as to why we left the manual system. Following the 2007 General Election, Justice Kriegler came to this country and after analysing our electoral system, it was decided that we need to go electronic. Let us not think backward. Do not take us back to the stone age period. We have left that period. We are moving forward.

I want to conclude because I can see that my time is almost up. Allow me to, at least, read Article 37 of the Constitution. It gives us an inalienable right to picket and to protest peacefully, which we have been doing. Nobody destroyed anyone's property today. It was the police who were violent. I ask President Uhuru Kenyatta to hold---

Hon. Speaker: I have chosen to ignore purported points of order by some hon. Members because in a Motion of this nature, only the Mover has 10 minutes. I wanted to remind the Clerks-at-the-Table that even the Leader of the Minority Party does not have more than five minutes. Any other Member speaking has five minutes. Surely, if somebody has only five minutes, with points of order, you will just interrupt his contribution. All that you want to say is that you disagree with what somebody else is saying and yet, you will have your opportunity to make your dissent heard. Please, let us allow people to say what they must say. Even if you feel like you would want to puke because of what they are saying, just hang on. Hold on! You will get your time to also say your bit so that the other person can also feel the same, if they will want to do something similar to puking or such like things, they can do so.

Member for Marakwet East.

Hon. Bowen: Thank you, Hon. Speaker, for giving me the opportunity to ventilate on this Motion by the Leader of the Majority Party. As a country, we are somehow in problems. We have a Constitution which is not even 10 years old. The Constitution has given Kenyans many

independent institutions, and other Government institutions, with some powers. The same Constitution, under Article 1, has given Kenyans their sovereignty, on the basis of which on 8th August, 2017, Kenyans went to the ballot and elected their leaders. All of us who are seated in this House went through the same process. Members of County Assemblies (MCAs), Members of Parliament and governors were chosen through the ballot. Our President was also chosen by Kenyans. President Kenyatta was elected by a majority of Kenyans. However, the same Constitution, under Article 40 has given the Supreme Court powers to look into the election process, following a petition challenging the election of a president. The Supreme Court nullified the presidential election. That was the right direction – that whenever anyone is aggrieved or is not contented with anything, he can go to court to contest.

As Members of the Jubilee Coalition, we said we did not agree with the Supreme Court ruling but, because we respect the Judiciary and the laws of this country, we respect the ruling. We are ready for the repeat presidential election that the IEBC has slated to take place on 26th October, 2017. It is surprising that the Leader of the Opposition, Raila Odinga, said that even if the national examinations are pushed forward, the candidates who are supposed to sit for national exams during the month of October will not die, as he argued for pushing forward the repeat election date to 23rd or 26th of October. After looking around, the IEBC gave 26th October as the date for the repeat presidential election. Again, the Opposition is saying they are not going to participate in the repeat presidential election. They are seeking for a caretaker government, which is not provided for in the Constitution. They are seeking violent protests on the streets. Yesterday, Mbadi and his group announced that they would have street demonstrations today. Consequently, so many parents did not take their children to school today because they were worried about their safety. They were not sure what would happen. Many parents whose children go to schools located in Nairobi's Kilimani area, and within the Central Business District (CBD) did not take their children to school. This is not the Kenya we want – where there are demonstrations everyday. Let us respect independent institutions. The Supreme Court nullified the win of President Kenyatta. There is no one who influenced them. The IEBC has fixed a date for the repeat election. We do not want to see any person, especially Members of Parliament of this House who were sworn in, and who were chosen by the people of Kenya, demonstrating on the streets. If you have an issue, go to court.

Lastly, it is very embarrassing for Hon. Babu Owino, whose mind, I believe is still in the university, having been there for over 10 years, to be seen on national television calling President Uhuru Kenyatta by that bad name. It is very unfortunate. As Members of Parliament, let us conduct ourselves with decorum. We are asking the security agencies across the country to deal with people who are violating the Constitution, including those who want to interfere with businesses.

Hon. Speaker: Hon. Members, when I sit here, you know me. When you see me checking down here, I mark the time when I see some of you making your way in. When you arrive and find others seated, it must be the case that those who come earlier must speak first.

Hon. Members, we just had the induction workshop last week. I want to encourage you to remember some of the few lessons that we learnt. Among other things, let us learn to refer to one another as honourable, the gracious lady, the right honourable gentleman, the ranking Member for this and that constituency, or the Member representing special interest. This is just to avoid these references to individual Members. It helps us to begin to appreciate one another because we are in a different forum.

We are going by the order of requests placed. Hon. Member for Kajiado South.

Hon. Katoo: Thank you, Hon. Speaker. First of all, I want to start by appreciating and congratulating my good friend, Hon. Mbadi, for having been appointed the Leader of Minority Party. You can see that it is a position of responsibility. You will agree with me that for the last 10 years he has been in this House, the contribution he has made today is very good - He is calm. He measures up to that position. I wish you well, Hon. Mbadi.

Hon. Speaker, on this Motion which I support very much, the immediate former President of the United States of America, His Excellency Barrack Obama said: "Wishing your Commander-in-Chief failure is being dishonest and disloyal to your country." We must realise that we have a country and a Commander-in-Chief at the moment. Each and every time there will be a Commander-in-Chief in this country, there would be no need of being dishonest or disloyal. That sums up all the arguments and the statements that have been given by leaders out there.

Article 249(2) of the Constitution talks of commissions and holders of independent offices. The Independent Electoral and Boundaries Commission (IEBC) is a commission and an independent office and that is why it is called so. Article 249(2) states that commissions and independent offices are only subject to the Constitution and that they are not subject to the direction or control of any organ or authority. If we want to uphold this Constitution as is stipulated in Article 249(3)... My good friends on the other side are celebrating the fact that the Constitution was defended by the decision of the Supreme Court - we should not try to control and gag commissions and independent offices but respect them.

As has been said by a previous speaker, the Supreme Court did not find any individual... There was a prayer by the Petitioners - which was dismissed - that those found criminally culpable be charged. The Supreme Court dismissed that prayer because it did not find anyone criminally liable to the alleged illegalities and irregularities. This is the first time an offence was committed, as said by the Supreme Court, but there was no offender. It was very clear that an offence was committed, but the Supreme Court could not find who committed the offence.

In respect of commissions and independent offices, this culture of forcing people out of offices as established by the Constitution must stop. Just imagine if demonstrations are held out there with the sole objective of ensuring that all Members of this august House resign and you know very well that you were democratically and constitutionally elected! I am very sure that you would all be united without party boundaries to defend your positions. Therefore, we should apply the same to other Kenyans holding independent and constitutional offices.

Hon. Speaker, matters of elections are very critical. We should discuss them with sobriety and with the sole purpose of uniting this country. We should not divide people the way others are doing by fronting the idea of secession. That is very wrong.

I want to plead with my colleagues that as we approach 26th October 2017 let us be sober, be united and allow Kenyans to exercise their constitutional rights.

Thank you, Hon. Speaker.

Hon. Speaker: Member for Saku.

Hon. Dido: Thank you, Hon. Speaker.

Hon. Speaker: Hon. Rasso, just a minute. As you will appreciate Hon. Members, I did indicate quite early that many of you had placed requests. The only way is to follow the requests. The issue of the left or the right of Hon. Speaker mainly applies when we have the other side arriving in good time. For example, the Member for Ugunja arrived five minutes to 4.00p.m. I am using that as an example because that is the time he arrived. It was 3.55p.m. I

normally take note of the time that most of you come in. There is no way, Hon. Opiyo, can speak before Hon. Wanyonyi who is seated next to him. He found him there.

Hon. Rasso, you will have an additional two minutes.

Hon. Dido: Thank you very much, Hon. Speaker.

I rise to support this Motion.

At the outset, I want to say that even the Supreme Court was never in doubt about who won the election of the President on 8th August 2017. Clearly, President Kenyatta got 8 million plus votes and Hon. Odinga got over 6 million votes. Therefore, what the Supreme Court had an issue with is the process. We just have to explain to our respective constituents, that is, Wanjiku, Mariam, Guyo and others, why the Kenyan election of the President on 8th August was invalidated.

The most important document in this House is the Constitution. It is what we swore by in this House. We cannot interpret or read the Constitution selectively in areas it does not favour us or just read the line that favours our argument. We must interpret or read the Constitution holistically so that our position as legislators to defend the will of our people who have sent us to this House is done.

Article 1(1) of the Constitution says:

“All sovereign power belongs to the people of Kenya and shall be exercised only in accordance with this Constitution”.

One of the ways to achieve this is through elections. If you aspire to go to a higher office then you should go for elections. If there are contentious issues particularly under Article 95, then we can call for a referendum. Article 38 talks about the Bill of Rights. You are allowed to picket and to petition. It does not state that if you want to petition the courts, you go to the courts, but when you want to remove the IEBC you go picket in their offices. If we look at the width and the breadth of what is happening, they are trying to remove people from their legally charged duties through unconstitutional means. It is what this House, in the fullness of time, must start to appreciate.

Under Article 140(3) of the Constitution, if the Supreme Court determines the election of the President to be invalid, a fresh election shall be held within 60 days after that determination. The Constitution further provides, under Article 142(1), that the President shall hold office for a term beginning on the date on which the President was sworn in and ending on when the person next elected President in accordance with Article 136(2) is sworn in.

Hon. Speaker: You have an extra two minutes; we took part of your time. Proceed.

Hon. Dido: Thank you, Hon. Speaker. Therefore, if you read Articles 140 and 142(1) together, they would clearly tell you that even if within 60 days a major calamity happens in Kenya and we are unable to undertake the elections, then it means President Kenyatta is validly elected and in office without any ambiguity or doubt.

Finally I want to talk about the IEBC calling on the United Nations (UN) to assist in the elections. Kenya is a sovereign state. A nation-state is defined by the boundary, leadership and its ability to engage in international obligations. If Kenya was unable to undertake that, it means Kenya is a failed state for that reason. Kenya is not a failed state for an external organ to be involved in our election. I think that, in itself, is unconstitutional, and this House must assert the position of IEBC to carry out election as an independent institution.

Finally, it is on the presidency. Under Article 131(1), the President is a unifying factor for this nation. Any individual attempting to undermine that office is undermining the Constitution.

Thank you, Hon. Speaker.

Hon. Speaker: The Member for Yatta.

Hon. Kilonzo: Thank you, Hon. Speaker. Allow me to talk as somebody who came here as an independent candidate and as a referee. I am neither with Jubilee nor necessarily with NASA, though I campaigned for them. I have not been included in the list of members in NASA although I do support NASA most of the time.

I want to put it this way: When you are out there and you are not in government, you talk very differently. When you join government, the language also changes. Therefore, my plea is to remind Members that we are Members of Parliament and not youth wingers of the political party leaders. It is upon us as Members of Parliament, where we feel the party leaders are not making the right decision for the interest of this country, to speak up. I have had the opportunity to watch both sides of the divide and I recall seeing the Jubilee team in State House being read the riot act. By the time they left State House, they were very gloomy. The last time I was in that government, it was an interaction between the President and Members of Parliament. Little did I know that this riot act is being read on both sides. On the NASA side, they were given a direction not to even step into the House. I am happy that Hon. Mbadi and his team have come.

Members of Parliament are politicians. The fact that you have been a party leader or the President does not mean these are your cronies who are supposed to follow you blindly. The challenge we have is that this country is divided. The reality is that it is so divided that it is so tribal. Even if one side won, they would be ruling almost like 50 per cent of the country. Therefore, we need to look at ourselves as politicians and bridge that gap. If I am in Jubilee, how can I convince the other side to believe in my course? If I am in NASA, what can I do to convince the other side?

I hear people saying elections cannot be held by the UN; that it is hypocritical and unconstitutional. Where were they when we went to the International Criminal Court (ICC) and this House rejected the local courts? If you are convinced you can win the election, it matters not who is in charge of elections. My plea is we have to think outside the box. We Members of Parliament, whether you are in NASA or Jubilee, we must convince the leaders. If you look at those *wazees*, they have had their time. What if we destroy the country? What if we went to a civil war? Therefore, it is upon us Members of Parliament to come to the middle ground and bring both sides to the table. What key issues are we talking about? We do not want a situation where we have elections and then we have no country.

I want to give you an example. I went to a funeral in my constituency and, as I said, I do market my cause; I was marketing NASA. After I left the funeral, the deputy governor went there. He spoke very well but made one blunder; he mentioned Uhuru—just mentioning. That was the end of the funeral. Is that the country we are talking of where you have a Head of State not recognised in certain parts of the country? If you are a friend of the President, you need to tell him the truth. Certain parts of this country are so hostile that they do not recognise him as the Head of State. If I had the opportunity to talk to him, I would tell him: Change your tack.

As Members of Parliament we have lowered our standards too low. *Tumekuwa watu wa matusi*. Whatever comes out of the mouth of a Member of Parliament is not honourable. And it is both sides of the political divide. All of a sudden, the more you abuse the other side, the more you become famous. It is shameful. There is nothing honourable about abusing the Head of State. I said it here. I remember during the swearing in of the 10th Parliament, one Member of Parliament, and Ababu Namwamba, refused to recognise the Head of State. What happened many years later? Is he not with the Head of State? Times and politics change. Do not abuse somebody in a way that in future you are sworn enemies. Remember times change.

We have a responsibility as politicians to stand up and defend our statuses.

Hon. Speaker: The Member for Malava.

Hon. Injendi: Thank you, Hon. Speaker. I rise to also support this Motion. From where I stand, I would urge our senior brother Raila to accept and proceed with the election. I believe at one time when the results were declared, he did not have any faith in the Supreme Court, but his colleagues and friends urged him to proceed. And the Supreme Court finally gave him the reward he wanted. Therefore, I do not see why he still has no faith in the IEBC. I believe if he comes on board and accepts it as it is, we proceed to the elections. You can never know, maybe he can have his way, like he did in the Supreme Court.

What surprises me and what I would like to inform Kenyans wherever they are, our senior brother Raila has lost four times. Every time he loses, he does not accept the results. Why is this the case? When he has refused to accept the results, he blames the referee. This time, yes, he blamed the referee, it went to the Supreme Court and the ruling was made; and fortunately, the ruling kind of stated it was not the persons who were manning this particular process who were the problem. It was ruled that it was the system itself that had a problem. In my own thinking, I would imagine you are driving a vehicle and the vehicle crashes. When the mechanic looks at it, he realises the crashing of the vehicle was not the problem of the driver, it was the vehicle itself. So we are in this kind of state where I would urge our brother Raila that the problem is not Chebukati or Chiloba. He should allow these brothers to proceed with the process of this election so as to have stability and peace in our country.

At one time when the Head of State was complaining about the Supreme Court, mentioning our brother Maraga, he had to run all the way to Kisii inciting the Kisii that: "Look, here is your son being crucified." I am wondering why he is crucifying the Luhyas. Are Messrs. Chiloba and Chebukati not Luhyas? He is crucifying our brothers. He is actually crucifying our brothers and the Luhya community as a whole. What is surprising is that our own spokesman, Mr. Musalia is not saying anything neither is our brother Mr. Wetangula. I have a feeling that because our senior brother as it were said he has one bullet remaining, he thinks he has nothing to lose even if this country goes to the dogs. This is creating tension in the country and it can lead to war. If we go to war he has nothing to lose. Kenyans, look at what our brother is doing. Be wary. This is a person who has been losing all through and even on this particular one he knows he will lose. We urge Kenyans wherever they are to just get prepared for the elections so that we win. If they boycott we will declare Uhuru Kenyatta the President and then we will run the country. I also urge President Uhuru to treat the big headed people the way Museveni did to one governor in Uganda.

Thank you, Hon. Deputy Speaker, I support.

Hon. Speaker: Member for Kwanza, the Floor is yours.

Hon. Wanyonyi: Thank you very much Hon. Deputy Speaker. First of all, I want to take this opportunity to congratulate you for having been elected the Speaker. You have been a very good guider in the previous Parliament.

Secondly, I also want to thank Kenyans for having come out in large numbers to vote the way they did. The problem is not Raila. The Supreme Court was very clear. We all have heard. It was technicalities and irregularities that actually made the Supreme Court to throw away the election of His Excellency Uhuru Kenyatta. For you to come here and say it is Raila who is complaining it is not true. We, in the National Super Alliance (NASA) are willing to go for election and assure Jubilee that we will beat them in the game. This is because we know that we have the numbers. I assure Jubilee that as long as the field is level and all these problems are

removed, we are all going to be happy. All of us do not have a spare country. Kenya is our country and therefore, I want Members of Parliament to please be above this notion of getting these ideas that Raila in 1992 was--- That is not helping this country at all. Let us put aside the issues that affect our coalitions, parties and move forward. Whether you are in NASA or Jubilee we have to move forward.

The problems are very clear. We have only said that the referees who were there at that time must go. What is wrong with that? Why should you blame us for saying we want to have the referee out so that we can get a neutral person? It is a rematch. If you are playing football like I used to and it is a rematch, you expect to get a neutral referee. That is what we are saying. We are not against Uhuru. In fact, we want to tell Jubilee not to be worried. If the rematch comes and they beat NASA, we will accept. Raila has also said the same. We have also said we can do that. At the same time I have not heard His Excellency Uhuru who is currently the President say the same. Let him tell us that if he is beaten on 26 October 2017 he will accept defeat to whoever will have won that day. Members, as my brother Charles has said let us be above this question of being like youth wingers for our parties.

Hon. Speaker: Even if he is your brother, he is Member for Yatta. I have just reminded you. I know you did not attend the induction workshop because you were elsewhere.

Hon. Wanyonyi: Hon. Speaker, I want to say that we love our country. We do not have a spare country. We have all agreed. The election date has been set for 26th October 2017. We are ready but only if the field is levelled - the stones and thorns are removed. Then we will come and play. We will go for the elections. If Jubilee beats us we will accept and life continues. So, there is nothing wrong with the verdict given by the Supreme Court. Let us not also blame anybody for the same. There were technicalities and irregularities that we were talking about and nothing more than that. Therefore, let us get ready. For us in NASA, we are ready to meet you. Please accept if you are beaten at the game.

Thank you very much.

Hon. Speaker: He is Hon. Charles Kilonzo even if he is your brother. You can say, “my brother Hon. Charles Kilonzo and the Member for Yatta.” This is for general information. Member for Bureti, the Floor is yours.

Hon. Mutai: Thank you, Hon. Speaker. I rise in support of the Motion by the Leader of the Majority Party. At this juncture, this country of ours is at crossroads. The election was held on 8th August 2017. The persons who feel aggrieved are the NASA fraternity. However, as the Jubilee fraternity, we have the opinion and we strongly believe that there is no vacuum in this country. The provision of the Constitution is very clear that the sitting President will become a President until the next one assumes office. The elections done on 8th August 2017 were invalidated and as such other provisions do not apply here.

We are also perturbed when we hear our brothers say that Kenyans, the President and other Kenyans feel aggrieved. Who is a greater citizen than the other? Are we not equal as citizens of this country? As the Jubilee fraternity, we are also Kenyans and we speak on behalf of our great sections of Kenyans. When we hear our brothers talk of the people of Kenya, it is as if they are the only ones who are aggrieved.

Also, we have been told of the anomalies in the election that took place. However, what we are not being told is that no one is disputing the figures that came out. What is in dispute are the technicalities. Also, the figures speak for themselves. The statistics can be said but the figures are there. What President Uhuru Kenyatta got in terms of figures is there for anyone to see. On the issue of the presidency, we condemn what our colleague Hon. Babu Owino did. The

presidency is a symbol of national unity. Nobody has any right to demean that office of the presidency. Hon. Babu Owino the Member for Embakasi East used unpalatable language. As a country, we ought to be fostering unity. We need to speak in one voice. We are all brothers of the same father called Kenya and we need to speak in one voice.

On the repeat Presidential election that is to be held on 26th October 2017, we believe we have the numbers to win it and that is beyond question. What we are concerned about is that our brethren do not want to take part in this election. They keep on shifting goal posts. Today we are told one thing, and tomorrow another thing. Those are only excuses for not taking part in the election. The 60 days are specified in the Constitution. The repeat election ought to be held within 60 days following the court ruling. Even if it were to be held after the 60 days window, Hon. Uhuru Kenyatta will still remain the President. There will be no power vacuum in Kenya. I believe that on 26th October, we shall triumph. We have no reason to doubt.

Finally, I want to comment on the issue of the UN supervising the repeat presidential election, as raised by the Member for Yatta. The Hague was provided for in law, but the issue of the UN taking part in our election processes is not provided for in any part of the law. Therefore, as the Jubilee fraternity, we cannot allow anything that is outside the confines of the law as we believe that an election ought to be conducted within the confines of the Constitution and the law

Hon. Speaker: Let us have the Member for Baringo North.

Hon. Cheptumo: Thank you, Hon. Speaker. I support this Motion.

This Motion is important not only to hon. Members, but also to Kenyans. On 8th August 2017, Kenyans, under Article 38 of the Constitution, exercised their constitutional right of electing their leaders. Pursuant to the petition that was filed by NASA, the presidential election was nullified. Our Constitution is very clear on the independence of the IEBC.

I appeal to my colleagues and our leaders to respect constitutional institutions. They are institutions of governance. The IEBC has the responsibility of conducting elections. However, it is worrying when there are a lot of threats by the Opposition aimed at misleading Kenyans. I do not know how possible it is that NASA is unprepared to participate in the repeat presidential election. In the same tone, they want certain reforms to be done and certain persons removed from IEBC. They are not even willing to attend a stakeholders' meeting scheduled for tomorrow by IEBC. The IEBC has given a chance to both sides of the political divide to discuss and look for ways and means of ensuring that the repeat election is conducted smoothly. It has been alleged that they will not participate in the proposed meeting that is supposed to take place tomorrow. What is their intention? The 60 days window is closing. We have less than 30 days remaining. What do the NASA team want? Kenyans are intelligent people. I was in the 10th Parliament when this country faced a great challenge after we negotiated the National Accord.

Hon. Raila is an architect. I have no doubt that they are looking forward to another shared government. I call upon the NASA Coalition to realise that this country is bigger than all of us.

*(An hon. Member crossed the
Floor without bowing to the Chair)*

Hon. Speaker: Order, Hon. Member! You cannot walk across the Floor of the House like that. You cross over to pick a bottle of water and cross back? You are in the National Assembly, and not in the village. Go back to the Bar over there. That is why you were required to come for the induction. You refused and opted to stay in the village, and now you come trotting here. It is not fair.

Hon. Cheptumo, proceed. I will give you one more minute.

Hon. Cheptumo: Hon. Speaker, I appeal to all of us to take the country forward. Hon. Wamalwa and my learned senior, let us put some sense of reason and sobriety to the minds of our leaders. We have a duty. I am happy that His Excellency the President of the Republic of Kenya has agreed to go back to the polls. This is the spirit that I want us to embrace. The NASA presidential candidate should be ready to face Uhuru Kenyatta in the repeat election, so that the sovereign will of the people can be expressed through the ballot and not through protests on the streets. Protests will have a serious effect on our country's economy.

Hon. Speaker: Let us have the Member for Bomet. I think she is taking water. There is a microphone next to you. Things are a bit faster in the National Assembly. She is the distinguished Member for Bomet County and former Deputy Speaker of Bomet County Assembly.

Hon. (Ms.) Korir: Hon. Speaker, I do not belong to the Kenya African National Union (KANU) Party. I belong to the Jubilee Coalition. I support the Motion by the Leader of the Majority Party on the issue of urgent national importance. We have had many problems since 8th August 2017. We had the general elections, and most of us won. After the nullification of the presidential election, the NASA Coalition demanded that officers at the IEBC should be reshuffled yet the Members of this House had their elections conducted by the same IEBC. The elections were conducted by the IEBC, but the NASA Coalition is complaining that the Commission was incompetent. This is the same Commission which conducted our elections. Why then are the Members of the Opposition alleging that this body was incompetent? The IEBC has been facing many challenges, including complaints about the procurement of the presidential ballot papers and issues against its officers. Today, complaints have been made about Safaricom that it was trying to rig elections.

The date for the presidential election has been set and I want to remind this country that we are going to use taxpayers' money for the re-election. That money was supposed to be used for development. They have not raised any legal issues pertaining the set date of 26th October 2017. They have kept on shifting goal posts and raising many baseless issues to the extent that they are now trying to threaten the security of this country. Enough is enough! We have a Government in place and whether they are willing to go for the election or not, we will still remain behind the President, His Excellency Uhuru Muigai Kenyatta. The business in this country has to continue. I know there are some few legal issues pertaining to appointments, but we can still run this country without those appointments taking place or even without the Opposition. We are fed up with many insults which the Opposition is making. We are also equal to the task. If it means insulting each other we are also very ready. We came to this House not through prayers but through elections.

Hon. Speaker: Hon. Member for Tharaka.

Hon. Murugara: Thank you, Hon. Speaker. It is good that this afternoon we are debating this very serious matter under the Motion for Adjournment. It is all about what is happening in the country. It is also important to let the country know what those in the minority are contemplating because we believe there are certain straws they are clinging on so that at the end of the day they challenge the election that we are going to hold on 26th October 2017.

First and foremost, there have been pronouncements from the NASA Coalition that in accordance with the law there will be no election on 26th October 2017 unless their conditionalities are met. I wish to submit that in accordance with the Constitution it is not possible for there to be an interregnum or a vacuum if there is no election on 26th October 2017.

The term of the current President ends after another President is elected and sworn in. Until that happens the term of the current President subsists and this is very clear in Article 142 of the Constitution.

There is another straw which we believe the NASA Coalition is trying to cling onto just in case there is an election on 26th October 2017. We have read the signs. The first one is to cause violent demonstrations. Once that happens, there will be reliance on Article 81 of the Constitution that the election was not conducted in accordance with the provisions of the Constitution because it was marred by violence. Again, it is my submission that Jubilee is ready and will do whatever it takes for the election to be free of any violence.

The other straw which we are able to read is that there are certain constituencies which are not likely to participate in the election. Therefore, there will be an argument that they did not participate in the election. The correct position is that the IEBC is the only organ which is charged with the responsibility of conducting elections. Once it is well prepared and every constituency is afforded an opportunity to participate, there cannot be anybody saying that this or that constituency did not take part in the election.

In the circumstances, therefore, it is my argument and submission that whichever way the NASA Coalition intends to go, we in the Jubilee Coalition are ready. There is going to be an election on 26th October 2017 and the results will be declared and we will have a Government in place, which will be formed by Jubilee.

Thank you, Hon. Speaker.

Hon. Speaker: The Hon. Member for Tigania West.

Hon. Mutunga: Thank you, Hon. Speaker for giving me an opportunity to speak in this House. I wish to thank the Leader of the Majority Party for moving this Motion so that we can discuss matters of national importance. Indeed, there are a lot of things going on in the country and we need to take caution. I would wish to refer this House to Chapter Four of the Constitution on the Bill of Rights and specifically Article 35(2) which states:

“(2) Every person has the right to the correction or deletion of untrue or misleading information that affects that person.”

At this point in time a lot of untrue information is flowing in Kenya and many Kenyans are being misled. I believe it is the duty and purpose of this House to guide Kenyans on the truth. To invoke Article 37 of the Constitution and use it to threaten the removal of people from a constitutional office is unlawful. Many speakers in this House have already said that it is not true that what we have now in terms of the presidency is a temporary incumbency. The Constitution is clear that the transition is seamless. Let us put the facts straight. First of all, the Supreme Court nullified the election of the President that was conducted on 8th August 2017. The same Supreme Court gave a ruling that we should have another election in 60 days. It also went further ahead to say that the IEBC should conduct the re-election.

We were waiting for the comprehensive judgment so that we may know whether the Supreme Court implicated any member of the IEBC in the illegalities and irregularities. The Supreme Court did not do that. Instead, the Supreme Court clearly said that the IEBC should conduct a fresh presidential election as specified in its ruling. What does that tell us? It tells us that the IEBC was cleared by the same court that the people in the minority believe in so much. They believe in the ruling so much. In the same faith, we should believe in the fact that the IEBC has been cleared to conduct the election. The entire IEBC, not in part, was cleared of any wrongdoing. Therefore, we should give them that particular opportunity and the chance to conduct the repeat election.

Let me refer this House to Chapter 1 of the Constitution on sovereignty of the people and the supremacy of the Constitution. I am specifically referring to Article 2 (2). It says that there is no person who can claim or exercise state authority except as authorised under the Constitution. Anyone who does that will basically be misleading the public. I want to specifically say that the NASA leadership, who are senior officials in this country, are misleading Kenyans by trying to tell them that it is possible for us not to have an election as specified by the Constitution, and that they are peace loving people. There is no way people can say they are peace loving and lead people to protest on the streets for nothing, or for lies. Article 3(2) of the Constitution basically says that any attempt to establish a government in any other means otherwise than in compliance with the Constitution is unlawful.

Our friends in the Opposition, who are the minority, are trying to imagine that it is possible to establish a government in this country through other means. They are trying to imagine that there is a likelihood to have a constitutional crisis after the 60 days repeat presidential election window closes. I would like to tell Kenyans that that is not possible. I would like us, at some point in time in this House, to relook at the election laws and even look into possibilities of invalidating this Constitution. It might be necessary for us to even look at what our friends and neighbours have in terms of electoral laws and their provisions within their constitutions. I want to specifically refer to....

Hon. Speaker: Next is the Member for special interests, Hon. David ole Sankok. I want to encourage some of you members, because I know you have cards please, just learn how to use them. There is an area for intervention request and another area for normal contribution request. I have seen some members who put their cards in the intervention slot when they want to contribute to debate. An example is the Member for Murang'a, who should not be doing that kind of mistake but chose to do so. I assume that you wanted to intervene on something.

Let us hear Hon. Sankok.

Hon. ole Sankok: Thank you very much, Hon. Speaker. First of all, it is very good for us to know our country very well. Kenya is the most democratic country in Africa, having had four successive presidents who have been democratically elected by the people of Kenya. Two of them are at home enjoying their retirement without any interference. Kenya has been very democratic. Kenya is a country that loves peace. We have only one problem in Kenya in the name of one man called Raila Amolo Odinga a.k.a. *tinga* or *trakta bila mafuta*, a.k.a. *Agwambo*, a.k.a. *Baba*, a.k.a. Joshua *bandia*. This man was mentioned adversely during the investigations on the failed military coup of 1982. That was a problem. In 2007, he used a bridge of dead bodies to get to the leadership of this county. As we speak, there are people who are on the streets.

An hon. Member: (*Off-record*)

Hon. ole Sankok: Hon. Speaker, I want you to protect me from Members of the NASA Coalition, whose picketing has been extended to this House. I am on the Floor and I am protected by the Speaker. So, hold your horses until you get your time.

Let me remind them that they may hold demonstrations but they should remember that this country is governed by the rule of law, and every citizen needs protection. You need protection to picket and demonstrate. Constitutional office holders are also protected by the law. It is a shame that leaders continue calling for demonstrations and to disturb the peace and stability of this country that has been there since independence. They are not ashamed of themselves when they even continue picketing inside this House.

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

[The Deputy Speaker (Hon. Cheboi) took the Chair]

Hon. Deputy Speaker, I would like to say categorically that even our police officers are protected by the law. People pretend to be holding peaceful demonstrations while armed with stones. We request police officers to only use rubber bullets while dealing with demonstrators who are armed with “rubber stones”. This country has no power vacuum. We have a sitting president, and there will be no vacuum at any particular moment. The law is very clear.

Thank you very much, Hon. Speaker.

Hon. Deputy Speaker: Let us hear the Member for Gichugu, Hon. Gachimu Githinji.

Hon. Githinji: Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: By the way, as you have your time there, Hon. Ouda, I see there is an intervention from that direction. I also see Hon. Mwale Tindi. Does he want to intervene? Do you want to intervene or contribute? Is it a point of order? He has not even started speaking. Member for Gichugu, let me hear what Hon. Tindi wants to say then I will give you the opportunity.

Hon. Mwale: Thank you, Hon. Deputy Speaker. My point of intervention is I want to correct my friend, the hon. Member for special interests. This is an hon. House and the Rt. Hon. Raila Odinga deserves some respect. Therefore, as you address the Rt. Hon. Raila Odinga, have some sense of respect.

(Applause)

Hon. Deputy Speaker: Hon. Tindi will be heard in silence. By the way, you know we are still in the learning process even though we went through a very rigorous induction exercise last week. Hon. Tindi, that is not how to do it. You have done it almost correctly but slightly after the ship has left the dock. Of course, you have been heard but that is not how to do it. That is fine. I think you have put something on record.

Hon. Mwale: Nevertheless, thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Proceed, Member for Gichugu.

Hon. Githinji: Thank you, Hon. Deputy Speaker. I wish to support the Motion. Firstly, I would like to say that Kenya is for all of us. Kenya is bigger than any person or coalition of parties. First of all, I would like to make a correction against our unworthy opponents from the minority side. Let them not go around the country, cheating Kenyans that the President is devoid of some powers. Temporary incumbency takes effect from the moment the first vote is cast on the date of the repeat presidential election to the time when a new president assumes office. Upon the declaration of the presidential elections as null and void, it then appears that there were no elections. In that case, the President assumes all the powers that are bestowed to him by the Constitution. That is a clarification. All Kenyans should not be cheated around by our opponents.

Having said so, the elections of this country can only be conducted by the IEBC. That independence is given under Article 249 of the Constitution, whereby one of the obligations of that independent commission is to protect the sovereignty of the people of Kenya. The second thing is to promote constitutionalism. When the opponents or the Opposition tries to remove that Commission or its members from office, it is actually violating the Constitution. That cannot be accepted. We are a sovereign State. We have a President who obeys the Constitution. As the

Jubilee side, we ask that the Government takes all the necessary measures to protect the lives, property and everything that belongs to Kenyans so that they can move forward.

I would think that Members who are very abusive should not be called Hon. Members. When you abuse a Head of State in public and you are not even half the age of the President, you are surely missing the point. Because we are in the House, I may have to refer to him as an Hon. Member. He owes the people he insulted an apology. He owes the whole country and the Jubilee side an apology. If the Opposition is comfortable with those kinds of utterances and abuses, let it be. That should not be carried to this House. Let us behave with decorum. This country is ours. For those who are demonstrating, let them know that there is a line that they cannot cross.

Hon. Deputy Speaker: Again, I see Members keep intervening. Let us have the Member for Kiminini. Hon. Ouda, where are you in the House? You keep intervening and going in the other direction.

Proceed, the Hon. Member for Kiminini.

Hon. Wakhungu: Thank you, Hon. Deputy Speaker. Article 95 of the Constitution is very clear that this House can deliberate and resolve on any issue of national importance. Today, as we debate this Motion for Adjournment, I want to call upon both sides of the divide that we have a nation that we must guard. I want to borrow the words of one transformative leader, Martin Luther King Jr. He said this: "We better learn to live together as brothers or we perish together as fools." Whether you are in the National Super Alliance (NASA) or Jubilee, the elections must be credible, free and fair. Article 140 of the Constitution is very clear in terms of validity of the presidential results. It clearly outlines that you petition the Supreme Court and whatever the Supreme Court decides is final.

I am from the NASA Coalition and our side was not ready to go back to the Supreme Court. I had just come back from the Vatican where I went to pray. I prayed for this nation. When I came back and we were in the NASA Parliamentary Group (PG) meeting, I rose and said that with the glaring evidence that we had, let us go to the Supreme Court. The decision was made. The Jubilee side made it very clear that if we were not comfortable we should go to the Supreme Court. The Supreme Court made a decision and it is important for our colleagues to know that the decision made is final. The results and the process were fraudulent. Obviously, if the process was fraudulent then the output is fraudulent. I listened keenly in court. It was asked what those results we were seeing on TV were. One counsel, Lawyer Nyamodi, said that those were not results, they were statistics and data.

We have seen that the Kenya Integrated Elections Management System (KIEMS) and the servers were never opened as per the directive of the Supreme Court. It would have been a very good opportunity for the IEBC to discredit whatever our side was saying if the servers were opened. We will go for the election on 26th October. The elections voting started before 8th August. Even after the results had been declared, when you went to the servers you could see that the results were still trickling in. This is to tell you that there was something wrong within that process. For us to be assured of free and fair elections, it is important that we have a level playing ground. Otherwise, it would be useless if we go back and yet the ICT system has not been corrected.

As we debate, we have nowhere to go, as I said earlier - whether you are in Jubilee or NASA. Under Article 37 of the Constitution, every citizen has a right to picket and demonstrate. As NASA, we are demonstrating and picketing today, but if there are criminals, the police are there to take charge of that. As per Article 37 of the Constitution, there is nowhere you ask for permission from the police for purposes of picketing. You only notify them so that they provide

security. For those people who want to reap where they never sowed, the law must take action. As NASA, we stand for peaceful demonstrations and picketing as outlined in the Constitution. We want to know who will be the President of this country. If you are the President, you are not the President of Jubilee or NASA. The Prime Minister Raila Amolo Odinga wants free and fair elections.

Hon. Members: Half loaf!

Hon. Wakhungu: He does not want half loaf. I want to assure you. If we win, we want a full loaf and we will take care of Jubilee. We will ensure that whatever will take place must be within the law. Otherwise, if we will have elections that are outside the law, we will go back to the Supreme Court since Maraga is still there. Remember, the greatness of our nation lies in its fidelity to the Constitution and strict adherence to the rule of law and above all, the fear of God. We fear God. We do not want to go---

Hon. Deputy Speaker: Let us have Hon. Sunkuyia, the Member for Kajiado West. By the way, Hon. Members, especially the new ones, if you have not contributed before and are, therefore, making your maiden speech, always make sure you declare that so that you get protection from the Speaker in terms of no interruptions.

Let us proceed with Hon. Sunkuyia.

Hon. Sunkuyia: Thank you, Hon. Deputy Speaker. I would like to take this opportunity to thank the Leader of the Majority Party for tabling this Motion.

Kenya is more important than anybody else. It is good for us to respect and unite Kenya. As leaders we have the responsibility to unite Kenya. Peace is paramount in this country. I want to tell my brothers from the National Super Alliance (NASA) that we know the history of the former Prime Minister, Hon. Raila Odinga, and his family. When his father was appointed by President Kenyatta as the Vice-President in 1964, he refused to take his appointment. What happened in 1982? There was coup organised by Hon. Raila Odinga. What happened in 1992 when there was fight for multiparty? What happened in 1997? Hon. Raila Odinga was only happy in 2002 when he convinced Hon. Mwai Kibaki by saying Kibaki *tosha* and within very few years, he tried to stage a coup in Kenya in 2005. What happened in 2007? He was only comfortable when he was given a half loaf of bread.

(Loud consultations)

Hon. Deputy Speaker: Order Members. I can see quite a number of Members have pressed the intervention key. Hon. Odhiambo Ochieng', what is it?

Hon. Odhiambo: Hon. Deputy Speaker, I just wanted to remind the Hon. Member---

Hon. Deputy Speaker: Two Members will not stand at the same time. So, please resume your seat, Hon. Sunkuyia. You will get additional 30 seconds.

Hon. Odhiambo: Hon. Deputy Speaker, I just wanted to remind the Hon. Member that without Hon. Raila Amollo Odinga, Kibaki would never have been a President in 2002.

(Applause)

Hon. Deputy Speaker: Hon. Elisha Ochieng, I am not able to follow which Standing Order you are rising on. If it is a point of order, you should specify. What you are saying does not qualify to be a point of order, but at least, you have put your name somewhere. It is good. We are in the learning process. So, we cannot make it too difficult. Hon. Members must learn

quickly that when you rise on a point of order, it should be specific to a particular point of order. Therefore, when you prosecute it, we are able to catch up with your speed. You have made your point Hon. Elisha. You will have your time to speak and then you can bring all those issues. At that point in time, as long as you will be relevant, you will have your time.

Let us proceed, Hon. Sunkuyia. You have three minutes.

Hon. Sunkuyia: Thank you, Hon. Deputy Speaker. I just wanted to say that it is good for the side of the NASA Coalition to kindly get ready for the elections on 26th October because Hon. Uhuru Muigai Kenyatta is ready for it. Get ready because you seem not to be ready. You called for a demonstration today. You are allowed to have a demonstration. People who were there were naked. Hon. Prime Minister was sitting on the road, and yet he is a leader we are expecting to win an election. It is very dangerous. Our children are watching us. I would like to say that it is important to unite this country. Let us walk as one team and preach peace because it is paramount in this country.

I support the Motion.

Hon. Deputy Speaker: Hon. Members, the person who is on top of the list is Hon. Kimunya Muhinga, Member for Kipipiri.

Hon. Kimunya: Thank you, Hon. Deputy Speaker. I rise to support this Motion. We are in difficult times as a nation. I would have wished my friend, Hon. Mbadi, I wish he was here. I wanted to congratulate him in person and his team, including Hon. Wamalwa, because they are now in the House participating. This is in despite of the misguided advisory that they received from their leaders to keep away from this House. I am sure they have now realised that it is time they liberated themselves from that domination by a few people who are fast fading away into oblivion.

We played politics 10 years ago, and we all know the consequences of playing around with the minds of Kenyans and playing politics with elections. It is a time we all wish we will never have to think of or get back to--- We agreed to reform our country and through a lot of efforts from several people, we came up with Constitution 2010. We did set out what we wanted to do in order not go back to the issues we went through in 2007. One of that was respect for institutions.

I get very disturbed when I see colleagues, who, the first place, partly took us there in 2007, leading us to disrespect institutions and engage in some primitive street side shows. What we saw today cannot be described in any way as silent and peaceful protest in accordance with our laws and Constitution. There was damage of people's property, and a threat to peace and security in the country. School children getting out of school were threatened. They also disrupted the economic base of our country. All those issues brought together cannot by any imagination amount to a peaceful protest.

I wish to ask colleagues that there may be issues. The first advisory was to go to court which ruled and we respected the decision. The court said we go for elections which would be conducted by the IEBC. We are waiting for those elections. I would like to ask that we go through those formal processes and frameworks that have been set up within our laws, including discussion through this House. I am encouraged to hear the discussions from Hon. Mbadi, Hon. Wamalwa and others taking part in this House. We can engage and look at the best solution we have for this country rather than going out into the streets. Some of those people who are leading others in the streets do not have the opportunity to be in this House. However, that is not an excuse for them to lead others to go to the streets. We can come and engage together. I believe together we can come up with some common solutions. Kenya is our country. We live and love

this country. We do not have anywhere else to go. I believe, if the Majority and Minority side sat together, we can come up with solutions that will take this country forward as we achieve our bigger dreams and aspirations within the framework of Vision 2030.

I also want to ask for restraint from both sides. Like I said, we were in this same country and House 10 years ago. It is the statements made in political rallies and threats within the political frameworks that incited our people. Guys took machetes, *pangas* and all those other crude weapons against one another. We saw where we went and we should exercise restraint. Let us know that long after we are gone, our children and grandchildren still need Kenya.

With those few remarks, I beg to support.

Hon. Deputy Speaker: Clearly, that is not Hon. Amos Kimunya who used to be here few years ago. Things change with time.

Let me give an opportunity to Member for South Mugirango.

The Member for South Mugirango (Hon. Silvanus Osoro Onyiego): Hon. Deputy Speaker I want to seek your protection because I am making my maiden speech. I appreciate the people of South Mugirango for having faith in me despite the challenges of clanism that our constituency is prone to. They felt that I was the best for this position.

Ours is a calling and so we need to set aside our political angers and inclinations. It is indeed true that at this moment we are making hasty decisions out of anger and based on our political affiliations. It is because of the recent happenings. It is very important for Hon. Members to realise that we have a country to protect. We need to know that despite the current circumstances, we should not be making decisions that befit us for this particular moment. We need not to push for electoral laws that would benefit us at this moment and also tomorrow when we will be seeking to run for that top seat. Hon. Members should understand that.

On the issue of trading insults in public rallies, I have noted with a lot of concern, as a new Member of Parliament, that the habit is with both Jubilee and NASA. We are learning from the best. Some of us young legislators look upon the top leadership of this country. So, even though at times you may choose to silence the young Members of Parliament who insult the presidency, you also need to look at the other side. The President should also try to be calm at times and cool his anger. When the Head of State calls the learned judges *wakora* and stuff like that, really one wonders what could be happening. The Supreme Court is a top institution. The Judiciary is an arm of Government that should be respected. We need to learn that some of these statements we hear from both political sides are a result of anger. The Hon. Member for Gatundu South, for instance, one time said that *wembe ni ule ule* and claimed that he would use that *wembe* on Hon. Raila Odinga and his wife. How do you say that? The young legislators are learning from that. They probably feel that it is the order of the day to do that. So, I urge Hon. Members in this House that in as much as we want to tame the young legislators or the first time Members of Parliament let us limit insults.

Hon. Njomo: On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: The Member will not be interrupted, Hon. Njomo. You are an old hand yourself. He is on his maiden speech. So, please, do not interrupt him. Proceed.

The Member for South Mugirango (Hon. Silvanus Osoro Onyiego): We want to humble ourselves and learn from our senior Hon. Members in this House. However, we note that there is little we can learn from some Members, especially the ones from the Jubilee Party, who are very insulting and yet nothing can be done to them.

We have also heard one Member talk about demonstrations which, of course, are a right under Article 37 of the Constitution. He was condemning the NASA demonstrations that

happened today. We should also note that demonstrations happened in Kiambu under the watchful eyes of the police. They were not tear-gassed! Why teargas the NASA demonstrators only? All I am calling for is calmness amongst both political sides. When challenging what has happened, please, do so whether it is against NASA or Jubilee. If you call ...

Hon. Deputy Speaker: You have just lost it now. You do not have another maiden speech. I will exercise my powers under Standing Order No.1. I realise the other gender has not spoken for quite some time. Therefore, the topmost on the list is 6th and that is the Woman Representative for Murang'a County.

Hon. (Ms.) S.W. Chege: Thank you, Hon. Deputy Speaker and thank you for recognising gender in this House. At the outset, as women of this nation, we are very disappointed by the words of the young Member of Parliament for Embakasi East who decided to abuse His Excellency the President and in connection with that abused his mother. We are very disappointed and we should start disciplining ourselves. For the Hon. Member, though the law has taken its course, when he comes to this House, we as women especially on the Jubilee side will deal with him.

Secondly, yesterday, the business community of this town came out and made their voice heard that they need their businesses to run. Today, it is unfortunate that the other side is saying that there is *Mungiki* in this town. We will not accept our young business people to be called names. Being a business person does not mean that one is a *Mungiki*. I condemn the way we have started grouping our people in this country.

NASA will not have their cake and eat it. They went to court to complain about the presidential elections. The courts gave them what they asked for, a repeat of the presidential elections. We are waiting for 26th October 2017 when Kenyans will once again exercise their power and confirm they had elected Uhuru Muigai Kenyatta as the President. It is unfortunate to hear the same people who went to court now saying that they are not ready to go to the polls because they want their conditions met. It is important for the NASA team to realise that when they went to court they did not give it conditions on how they wanted the judgment to be written unless they were the ones who were to write that judgment. So, it will be good for them to respect the law and follow the instructions and directions from the courts.

It is also unfortunate, and I want to make this as a personal statement that I did not, as the Woman Representative for Muranga County, say that I will undress and go to Embakasi. The Departmental Committee on Energy, Communication and Information should start looking at the use of social media and action should be taken against the originators of such messages. It was also very unfortunate for me to see women undress in this town in the name of demonstrations. It is also unfortunate that when they were celebrating we saw some young men in their underwear and some ladies in their bras. It is quite a shame. We need to know that we are mentors to our children on the values of this nation and it is unfortunate to see such kind of behaviour.

We have lost a lot of money in terms of businesses and investments. All we are waiting for is to go for the election so that we can move on. We have lost around Kshs14 billion as a result of the re-election. If both sides are genuine, let us honour Kenyans and let us go back to the election and elect the President of this nation. We have no vacuum. When the Judges declared that the elections were null and void, it was confirmed that Uhuru Muigai Kenyatta is still the President. For the doubting Thomases, he has all the powers as the President until after the election. For the ones threatening, I am sure they are not interested in the re-election.

It is high time we told them that this House is ready. We are also ready to change some of the laws that made people go to court to question the validity of the electoral processes when

they knew that the famous “wanjikus” went and cast their votes on 8th August 2017. The voters were not interested in knowing whether the voting materials were carried on *boda* or on donkey backs. All they know is that they exercised their right. The best thing we can do in this House is to go the Germany way. We need to go back to manual voting where people cast their votes and wait at the polling stations, if they wish, where the total count is done and the president of the republic is known. We pray for peace for the nation. I want to ask the women of this nation to wake up. Let us discipline our children including one Babu Owino.

Thank you.

Hon. Deputy Speaker: Hon. Members, I have had to call a Member here to show him how we are trying to balance because it is not simply a matter of being number one on the request list. For example, on top of the list currently is the Member for Kiharu, but I am not giving him the Floor because sometimes we need to balance between parties, regions and gender, as you have just seen. Therefore, you will speak next, but first, I will give the Floor to a Member from NASA, Hon. Atandi Onunga. I am just trying to show Members that sometimes it is not as easy as coming here and seeing your name on top of the request list. There is a lot of balancing to be done. We need to have a balanced House.

The Member for Alego Usonga (Hon. Samuel Onunga Atandi): Thank you, Hon. Deputy Speaker, for giving me this opportunity. This is my first time to speak in this House. Before I joined politics, I was a leading professional in the financial services sector. When I told my colleagues that I was resigning to vie for a parliamentary seat, most of my colleagues disagreed with me. They told me that Parliament was a discredited organisation that a serious professional like myself was not suitable to join. I disagreed with all of them and went ahead to campaign. That is the reason I am here today.

Firstly, let me take this opportunity to thank the great people of Alego Usonga for voting for me overwhelmingly as their Member of Parliament. One of the reasons my former colleagues gave while disapproving my decision to join politics was the fact that this House was notorious for only finding consensus on items that were sectarian and on items that served personal interests. Therefore, when this Motion was brought to this House this afternoon, for us to discuss the IEBC issues presently being canvassed nationally, I began to reflect on my former colleagues’ views regarding my decision to join politics. The truth of the matter is that the 8th August general elections were scandalous and discredited. We know the judgement that the Supreme Court gave on the presidential election. We are aware that the number of petitions that have been filed in court challenging the election of my colleagues in this House as well as in county assemblies is enormous. Therefore, for Members of this House to fail to recognise the fact that the 8th August general elections were scandalous and refuse to look at issues squarely is, in my view, being dishonest.

We must be a nation that values accountability and responsibility. If we are saying that the IEBC conducted elections that turned out to be scandalous even after being allocated Kshs42 billion for that purpose, where is the accountability? My view is that somebody must be accountable and responsibility for the bungled general elections. The NASA Coalition is quite in order for saying that they are not ready to participate in the repeat presidential election to be conducted by the same institution that has refused to be accountable and take responsibility for the bungled elections that were held on 8th August 2017. Therefore, I plead with my colleagues that, in the interest of this country, the question of reforming the IEBC to have the individuals in charge of the electoral processes taking responsibility before we go to the repeat presidential election is not something we should be debating. As NASA, we are not ready to participate in a

repeat election that is going to be presided over by the same characters under whose watch the 8th August general elections were bungled. That position has been given very clearly.

Secondly, Uhuru Kenyatta is enjoying a temporary incumbency. Mr. Uhuru Kenyatta is abusing that privilege because the country is going through what I call “lawlessness”. Nobody is in charge of this country at the moment. We know very well that the Member for Gatundu assembled members of the proscribed *Mungiki* Sect to attack NASA demonstrators who were basically exercising their democratic rights as given in the Constitution. We must accept that the country is going through a period of lawlessness. The country does not have leadership. Therefore, for Members on the other side to claim---

Hon. Njomo: On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: What is it, Hon. Njomo?

Hon. Njomo: Hon. Deputy Speaker, the Member who has just concluded his contribution used the privileges and the immunity he enjoyed in making his maiden speech to cast aspersions on other Members. He discussed them and made statements with a lot of falsities because of the immunity and protection that he enjoyed.

Hon. Deputy Speaker: I like it, Hon. Njomo, because you have put it clearly that it was because of his immunity, which means he is immune. What you are actually trying to do is to interfere with his immunity. If he speaks again, Hon. Njomo, believe me, you will be the first person to be given an opportunity to quickly put an intervention and you will be heard. Therefore, he will be asked to withdraw and apologise. In this particular instance, you know that as per the provisions of the Standing Orders that we have had for a long time, he is completely immune. However, that was the last time he was immune. For the remainder of his life, if he ever comes back to Parliament five times, he will no longer be immune. Please, keep your peace. Remember that when you had your own maiden speech, you also cast a few aspersions here and there. Please, resume your seat. Let us now give an opportunity to the Member for Kiharu, who is top on the list.

Hon. Nyoro: Thank you very much, Hon. Deputy Speaker. First of all, I congratulate the NASA Member who spoke before me. I also congratulate my friend, Hon. Chris Wamalwa, and the Leader of the Minority Party for, first, agreeing to come to the House so that we can engage on a platform that is legal. Secondly, I congratulate them for accepting to take the oath of office, having validly been elected to serve in the 12th Parliament. I am surprised that the same Members are casting aspersions on the credibility of the 8th August general elections and saying that the process through which they were elected, which was the same process through which the President was re-elected, was fraudulent. They are a product of the same process.

The issue we are debating is very important. Given the importance of the debate, there should be total freedom of expression in terms of our thoughts. One of the things we are engaged in this afternoon is defending the Constitution of this country. We have seen Members of the Opposition, especially the NASA presidential candidate claiming that he will be boycotting the “rematch” of the presidential race. It is good for the IEBC to come clear and tell Kenyans what the ramifications of a boycott by one candidate are. The country is going to spend a lot of money in the repeat election. If, indeed, Hon. Raila Odinga is not prepared to participate in the repeat election, then he would save our country a lot of money. We will simply swear in the validly elected President without having to waste resources that could otherwise be channeled to better uses in our country.

I am surprised that every day we wake up, we see the NASA leadership casting blame on anything and everything from the IEBC to the police. I was surprised yesterday to see them in a

Press conference claiming that Safaricom played a role in stealing of votes. The same company they are accusing is the same one whose platform they are using to raise money. They are using Safaricom's Paybill Number. I know the leadership of NASA has collected so much money from Kenyans. My advice to the leader of NASA is that he should use that money to renovate his rural home. He will need to be there from 27th October 2017 when we send him home on permanent political retirement.

There has been a lot of chest-thumping from NASA supporters, especially before our helpless security men. I, therefore, call upon the House to give more privileges--- We need to encourage our security men to use any method within their disposal to protect law-abiding Kenyans whose businesses are at risk given the anarchy that is being perpetrated by NASA and its leadership. As Member for Kiharu, I know very well that most of the businesses in this city are owned by people from my constituency. I would invoke what was also invoked by the former Minister for Internal Security that when the police are threatened, they should go expressly and shoot even with live bullets to protect law abiding Kenyans who have nothing to do with anarchy and riots from our competitors from NASA.

Lastly, this House must rise to the occasion. We shall not have a third election after the repeat election on 26th October 2017. We will not agree to go for another election, waste taxpayers' money to satisfy and massage the ego of only one person who has lost in elections.

Hon. Deputy Speaker: Time is over. I will give this opportunity to the Member for Kathiani.

The Member for Kathiani (Hon. Robert Mbui): Thank you, Hon. Deputy Speaker for this opportunity.

(Loud consultations)

Hon. Deputy Speaker: Members, relax. You will get an opportunity. You will have time.

The Member for Kathiani (Hon. Robert Mbui): Hon. Deputy Speaker, I think I am on a maiden speech because this is the first time I am speaking in the 12th Parliament. So, please, protect me from the noise coming from the other side.

This is a Motion of national importance.

Hon. Deputy Speaker: Let me declare and make it clear that you have absolutely total protection. Proceed.

The Member for Kathiani (Hon. Robert Mbui): Thank you, Hon. Speaker. This is a debate on a Motion of national importance as articulated by the Leader of the Majority Party on the outcome of the 2017 presidential election, which we all know was highly contested and whose results we believe are still hidden in those servers that the IEBC refused to open. The purpose of today's meeting was to give direction to our people and to probably speak a little bit of unity. I have listened to a lot of contributions by Members and I think, especially with regard to the new Members, they think they must use this opportunity to show their party leaders that they are really loyal.

(Hon. Kuria consulted loudly)

Hon. Deputy Speaker: Order, Hon. Kuria! I know you are at your best now that you are consulting your lawyers, but, please, consult in lower tones.

Hon. Wanjala: On a point of order, Hon. Deputy Speaker.

(Hon. Nyoro crossed the Floor without bowing to the bar)

Hon. Deputy Speaker: What is your point of Order, Hon. Wanjala, Member for Budalang'i?

Hon. Wanjala: Hon. Deputy Speaker, I want to bring to your notice that the Member for Kiharu simply matched from the other side, picked a bottle of water, crossed the Floor to Canaan without going to bow at the Bar. This is Canaan, Hon. Deputy Speaker.

Hon. Deputy Speaker: That is definitely not going to be acceptable, especially after the induction last week. So, Member for Kiharu, please, proceed and do the needful. You can as well leave the water where it is.

(Hon. Nyoro moved to the bar and bowed)

The Member for Kathiani (Hon. Robert Mbui): Thank you, Hon. Deputy Speaker. It is important for the new Members, after induction---

Hon. Deputy Speaker: By the way, Hon. Nyoro, you are supposed to go to the very end at the bar. Yes, that is the place. Now you can decide whichever direction you want to go to, where there is water or where your friends are.

Hon. Mbui, you may now proceed.

The Member for Kathiani (Hon. Robert Mbui): Thank you, Hon. Speaker. You will add me two minutes. Historically, we know that Kenyan elections have always been rigged. In fact, from time immemorial, we have always had that problem. I remember my grandfather was a Member of this House in the late 1990s and during that period, the KANU Government came up with various systems of voting, including queueing. I remember when we were looking at the votes cast that time, we would open a ballot box and find that votes were tied using a rubber band, the way money is tied in banks. It was incredible.

In the last Parliament, we agreed that certain changes needed to be made to ensure that we protect the Kenyan votes. It does not matter who really wins because anybody who wins is a Kenyan. As a House, we created a bipartisan committee that went out there to seek views from Kenyans. A lot of time was spent in coming up with laws and we later agreed that we would not make any changes, including adding a full stop or a comma. It is unfortunate that the good faith that we had was destroyed by the Jubilee Party within two months. They brought the same laws we had passed and amended them. It is unfortunate that there is already talk about bringing changes to our Constitution to deal with the Supreme Court. There are talks about bringing changes to the electoral laws of this country. Such a move will take us backwards. Instead of that, we should look for ways of solving our problems. Tomorrow, it could be you on the other side.

It is important for the Members, as they contribute to this debate, to realise that we are looking for a united Kenya. We are trying to look for fairness. What is NASA asking for? NASA is not asking for any favours from anyone. NASA is simply saying that we need to have a free and fair electoral process. We are ready to participate in that kind of election. However, when the referee is biased or when the referee belongs to one team, then there is no fairness. We know that people went to the Supreme Court to picket and the police sent by the Jubilee Government just stood and watched. This morning, people went to the Anniversary Towers to do

a peaceful demonstration and half of the City of Nairobi was shut down. No one could access it. It is important that we address these issues together in this House so that by the time we go to our people out there, we can give them direction. Unfortunately, if I am from NASA, I am supposed to support everything that is NASA and if you are from Jubilee, you are supposed to support everything from Jubilee. Why then are you supporting the IEBC yet you all heard the Supreme Court ruling that stated that the IEBC was wrong in the way it conducted the elections? Let us be fair and ensure that the process is cleaned up because tomorrow you will be vying for that office and you will want the election to be conducted in a free and fair manner.

Hon. Deputy Speaker: Your time is over. Hon. Lomenen, do you want to intervene on that particular one? Are you on a point of order? You have placed both interventions.

Hon. Ekomwa: I have placed the other one so that you can speed up in giving me an opportunity.

Hon. Deputy Speaker: You know that is not the way to do it. Just speak because you already have the microphone. You are number two here and you would have waited for your time.

Hon. Ekomwa: I apologise, Hon. Deputy Speaker.

Hon. Deputy Speaker: Proceed.

Hon. Ekomwa: Thank you for giving me this opportunity. I stand to support the Motion. It is a very fundamental Motion in this nation. It is not an issue of NASA or Jubilee. All of us in this august House represent Kenyans. We are elected by the people of Kenya. This Motion reminds us of something. One, it reminds us that we have to prepare for elections on 26th October between Jubilee and NASA. We need to be patient. This date was not decided by Hon. Lomenen or the Speaker or the President. It was decided by the IEBC, which is constitutional. So, whether you are panicking or you are not ready, the election will be conducted on 26th.

I want to ask my colleagues on the Jubilee side: Why do you blame NASA? What do you expect NASA to do? They are the Opposition and they are entitled to make noise, demonstrate, and oppose whatever we are doing. That is their work. Suppose they keep quiet? You will be bored in this nation. You will have nothing to do. We need to be checked. So, whatever they are doing, I enjoy. Whether you are doing it in a wrong way, Kenyans are watching. Whether you are doing it the right way, Kenyans are watching.

I think the Supreme Court was very fair. Jubilee won, but the Opposition, as usual said they it had not won. This is not fair. They gained their pleasure in the Supreme Court verdict. Now they are saying they were given another chance to try. This is their third time. They have been given another chance. If they misuse that chance, they will go to the Supreme Court again. They always gain pleasure when they go to the Supreme Court. For us in Jubilee, we gain pleasure when we go for elections because we are sure we are prepared. We do not make noise, but we mobilise our voters in millions and they vote. The NASA continues complaining, going to the streets, but the streets are not ballot boxes. Streets are streets. You cannot cast your anger or defeat at the Supreme Court. You have to accept the fact.

In fact, I sympathise with the Leader of the Minority Party who was saying, "Jubilee, can you bite the bullet". Who are supposed to be patient? We won. When the results were nullified, we accepted and we said we are ready to go for another election. Now, who are supposed to be advised to be patient? It is NASA. So, we are advising NASA to be patient. Be ready for another defeat and then go to the Supreme Court because we are tired. The NASA is misusing the Supreme Court. They should be ready for the elections. They should go and mobilise their people. They are wasting our time. We want to go and mobilise for votes. We are specialised in

mobilising and winning and NASA is specialised in not accepting defeat and going to the streets. Kenyans are watching what you are doing.

Kenya is not for NASA or Jubilee. Kenya is for all of us. All our children and families are inside one boat. So, this boat cannot be driven by one person. We have to decide the fate of Kenyans all of us, whether in NASA or in Jubilee. We do not have any other nation to go to. We have only this nation called Kenya. So, whether you decide for war, we will all suffer. In fact, I will say those in cities will suffer. For us in ASAL areas, we are used to cattle rustling. So, we are advising you people in Nairobi because you do not know this game to please, be peaceful and wait for elections. God bless you.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: The Member for Mwea.

Hon. Josphat Wachira: Thank you, Hon. Deputy Speaker, for giving me this chance to contribute to this very important matter of national security. As I have always said, I have been a peace practitioner in this region for the last 20 years, and one of the tools that we have been using to gauge whether we have peace or not is what we refer to as indicators. As I watch the trends, speeches and activities in this country, I can tell you that there are some indicators that are not good. We must not allow our country to be taken the road and path that some of our colleagues want us to take.

Even before I go further, I would like to make reference to what most of my colleagues are referring to, that is Article 37 of the Constitution that gives freedom to picketing, demonstrations and associations. I read:

“Every person has the right, peaceably and unarmed, to assemble, to demonstrate, to picket, and to present petitions to public authorities”.

I hear my colleagues referring to their peaceful demonstrations that have been taking place elsewhere. It is high time this House classified stones as lethal weapons not to be carried by anyone who pretends to be taking part in a peaceful demonstration. When we talk about police intervening, our police are disciplined. As I have said, I have over 20 years of practising peace and looking for peace in the region. Our security service providers are one of the best. I dare say that some of the things we do in this country you cannot do them out there. Watch some of the actions by some security service providers from some of our neighbouring countries and you will see how they behave and what they do when people pretend to be demonstrating peacefully, but carrying weapons. I repeat that this House needs to classify stones as lethal weapons that should never be carried in pockets, socks or elsewhere to be used to destroy people's property, which as we are all aware, are also protected under Article 40 of our Constitution.

As a peace practitioner, I have also been very keen in watching the movement of our colleagues. I can say that there seems to be a very structured plan to cause chaos and mayhem in this country. I am hoping that out of this Motion, this House will come up with a solution that will protect this country from where I can see it going. This structured plan consists of people who are out there abusing others. It consists of people who are ready to provide legal services to anybody who is caught on the wrong side of the law. It consists of people who are planning and taking legal action, like we have seen being taken against some of our colleagues in constitutional institutions, some who are participating in demonstrations and some who are now coming to this House in turns. They come, they participate and then go for other assignments. This is a very dangerous trend in our country. I think it is high time we all sat and came up with a

solution to prevent what we see as something that might take us back to 2007. It is high time this House rose up and made sure that we prevent and not wait to cure what I can see ahead of us.

Thank you, Hon. Speaker.

Hon. Deputy Speaker: The Member for Ugunja.

Hon. Wandayi: Thank you, Hon. Deputy Speaker for giving me this opportunity to speak. More critically, I want to congratulate you for your election as the Deputy Speaker.

Hon. Deputy Speaker, this country owes a great appreciation to the three gallant sons and daughter of the Supreme Court of Kenya. The four Supreme Court Judges made history on 1st September 2017 by choosing to be on the right side of history. On 1st September, 2017 when Supreme Court of Kenya made that historic and daring judgement, that was one of the boldest attempts at slaying the dragon of impunity.

The question we need to ask ourselves following the ruling of the Supreme Court is whether the election of 8th August 2017 was bungled. The answer is yes. Did the Supreme Court make a determination that there were irregularities and illegalities committed by IEBC officials? The answer is yes. The other question is whether there were specific officers in charge of various dockets within the IEBC who were responsible for these transgressions. The answer is yes. Are these specific officers known by names? The answer is yes. That is why NASA and I must admit that we are ready for elections anytime any day. In fact, even if elections were called today, we are convinced that NASA, under Hon. Raila Odinga, will win resoundingly.

Hon. Deputy Speaker, the reason why the IEBC was adamant to open the servers as directed by the Supreme Court was pure and simple in the sense that from our own tally, Hon. Raila Odinga garnered 8.7 million votes against Hon. Uhuru Kenyatta who garnered 7.1 million votes. So, Hon. Raila Amollo Odinga actually won the elections by a whopping 1.6 million votes.

Hon. Deputy Speaker: Order! Hon. Wandayi. There are several Members who have pressed the intervention button. Hon. Kanyi, do you want to say anything?

Hon. Njagua: On a point of order, Hon. Deputy Speaker. I would like to comment on Hon. Opiyo's comment.

Hon. Deputy Speaker: Is it a point of order?

Hon. Njagua: Yes, it is. When he says that the three Supreme Court Judges made history, he also forgot to congratulate His Excellency Uhuru Kenyatta for being the first President to accept the nullification of elections which he won.

Hon. Deputy Speaker: Hon. Kanyi, that is a point of argument. I will give Hon. Sankok an opportunity. Hon. Njagua, you have already made your point.

Hon. Njagua: We also want to know where he got the tallies that he gave.

Hon. ole Sankok: Thank you, Hon. Deputy Speaker. This is a honourable House. We cannot be cheated with figures that we do not know what they are based on. If Hon. Opiyo says NASA garnered 8.7 million, where did he get the figures from? No, no, no. We cannot be treated to figures that are cooked by individuals that I do not know where they get them from. There is nowhere written that Hon. Raila got 8.7 million votes. We only know that Hon. Raila got 6.2 million votes. I am on a point of order because this honourable House cannot be lied to.

Hon. Deputy Speaker: Order! Hon. Sankok, you did very well. The only problem is that you extended it to become a debate. This is because what you had done is to challenge Hon. Wandayi on the issues of figures and facts. You properly did that, but the problem is you digressed. I will, therefore, treat it like you have been heard. Therefore, Hon. Wandayi will

proceed and be heard. However, as for Hon. Wandayi, do not bring figures especially if they are not authentic.

Hon. Wandayi: Hon. Deputy Speaker, you know my honourable colleagues are still learning the ropes. However, I equally get entertained.

Hon. Deputy Speaker: Well, though I am equally surprised that Hon. Sankok and Hon. Njagua have learnt the ropes pretty fast, they are able to pick something from you. So, proceed. You have two minutes to wind up.

Hon. Wandayi: No, I have four minutes.

Hon. Deputy Speaker: It cannot be four minutes.

Hon. Wandayi: Hon. Deputy Speaker, what I am trying to say is that if, for instance, we look at the rules and regulations of the Supreme Court of Kenya and make it possible, that if a determination is made that actually the petitioner won the elections, then the Supreme Court of Kenya would perhaps have the powers to declare him the winner. By now, we would have had Hon. Raila Odinga declared the President and we would not have to go through this other election.

Hon. Deputy Speaker, we must insist given the grave findings by the Supreme Court of Kenya and given the fact that the officers who bungled these elections are known by names. In fact, the Supreme Court did not need to go any further than declaring that there were irregularities and illegalities in that election. The moment they declared so, it was clear who were culpable. It is on that account that we cannot afford another election run by the same fellows who bungled the 8th August 2017 elections. That is what has informed the campaigns that have started today which entail peaceful demonstrations by Kenyans of all works of life. I must thank the Kenyans of goodwill who turned up in large numbers today to carry out peaceful demonstrations which remained peaceful until the police disrupted them. I want to also confirm here that those demonstrations will continue. Come next week Monday, we shall be back. From next week demonstrations will be on Monday and Thursday. Demonstrations are constitutional rights that nobody donates to us.

Finally, I heard Hon. Uhuru Kenyatta demonise demonstrations yesterday in some rallies in Eastern Province. We must remind Hon. Uhuru that he is a beneficiary of past demonstrations; that bold Kenyans demonstrated in the past to open up democratic space which in turn made it possible for him to enjoy the trappings of power that he so much enjoys including some Members in this House who could not have made it to this august House without the sacrifices made by those Kenyans who demonstrated to open the democratic space.

Hon. Deputy Speaker, this House must go down in history.

Hon. Deputy Speaker: Hon. Gikaria, Member for Nakuru Town East.

Hon. Gikaria: Thank you, Hon. Deputy Speaker for giving me this opportunity to support what the Leader of the Majority Party said.

It is unfortunate that Hon. Wandayi is leaving. He came to this House courtesy of a rigged nomination in ODM among others including the Suba people who brought in Hon. Mbadi.

Hon. Deputy Speaker, what has been happening is terrible. I would like to request Hon. Njagua, John Kiarie and others to please take the leadership of this country seriously. Do not allow this young man--- If we start harassing this young man--- We need to take action. We need to assign one Member on each side so that when you do some bad things, they can help. Anyway, we are just hoping that Hon. Njagua and his friends will help us. We are old people and we do not want to go to that direction.

Hon. Deputy Speaker, in the last Parliament, I had opportunity of sitting in a committee when we were doing the security laws. One of the issues that was raised and we had indicated to have an amendment was about picketing. It was only that we did not want the laws to go to the Senate. Picketing in other countries is assigned a certain place and we can assign picketing a good field in Kibra or somewhere else where people can picket and demonstrate. They can carry as many stones and *firimbis* and picket in that place the whole day, week, month and year. I hope Hon. Matiang'i will pick this up, bring it up and assign a certain area for picketing. We went to The Hague when NASA people took us and when we tried to demonstrate, we were told that we could only do that in certain place. That is where we picketed and demonstrated. Thank God, we were heard. There must be a limit to protesting. We need to change our laws such that if you perennially lose elections, there can be a limit as to how long you can picket, so that such losers can be given time to relax and become good citizens.

Somebody loses elections 10 times and claims that he had been rigged out including in an election he vied against the former President Mwai Kibaki, a very innocent Kenyan. I was talking to Hon. Mbui from Ukambani, who suggested that we introduce a provision in the law for a running mate to resign. I heard that Hon. Kalonzo wants to resign because he is tired as well.

He can walk out and Musalia Mudavadi or Wetangula can take up his place. Unfortunately, Hon. Wetangula planned well because he had seen this coming and went for a Senate seat. Hon. Kalonzo had put in his nomination. These are some of the issues that we would want to see in the 12th Parliament. We also ask the NASA lawyers to help us come up with changes in law so that we can have sanity and stop the madness of demonstrating daily.

Hon. Deputy Speaker: Let us have Hon. Kamanda

Hon. Kamanda: Thank you, Hon. Deputy Speaker. I thought you had forgotten me. I support this important Motion. Having said that, I want to correct one notion that has been created many times, that were it not for the former Prime Minister, Hon. Kibaki would not have been elected president. I was in one team with my friend, Hon. Wanjala, at that time and I want to correct my good friend, Hon. Elijah. Maybe, he does not know the history of where we have come from. I want to remind him that I was in the negotiations. This man came from KANU, where he had been rejected because of his selfish interests. He moved with other people, but he was not the one to say "*Kibaki tosha*". They had agreed that it was Hon. Simeon Nyachae who was to say that we were supporting Hon. Mwai Kibaki. However, because he wanted to carry the day, he proclaimed during a political rally at Uhuru Park "*Kibaki tosha*". From that moment to date, he has disagreed with Hon. Simeon Nyachae. It was Hon. Simeon Nyachae who was supposed to endorse former President Mwai Kibaki for the presidency then. From that time, we went through hell as a result of that man joining us.

The former President, Hon. Mwai Kibaki, was then ailing and was in and out of hospital most of the times. Once or twice, the former Prime Minister sneaked into the hospital to see him. He had been given an opportunity to appoint two or three Ministers whom he called and told to prepare because he thought the former President was going to die. Can you imagine! Is he a worthy man? This is the man you keep on telling us that he said, '*Kibaki tosha*'. You need to come to me and I will give you the history and genesis of these things. This is a very selfish person and his interest was that Kibaki dies so that he could take over power by force.

Having said that, I want to tell the NASA Members like my good friend, Hon. Maanzo, to stop enjoying my elder brother. Hon. Raila is my elder brother because he is older than me by five years. You have money to campaign for yourself. Hon. Junet, this is your father. He has no energy to do the things you want him to do. Do you want him to collapse on the road? This man

cannot be elected and you should have known that fact many years ago. Read the history of this country. This man has tried many times and Kenyans will not agree to elect somebody who has made others die because of his hunger for power. We won the elections fairly.

He managed to organise a coup in 1982 and recently, he used the court to organise another coup. Luckily enough, he is not going to get away with it. We are going for the repeat election whether you like it or not. If you think you do not want to participate in the repeat election, please, shut up and go home. This country will hold elections and it will not be held to ransom by one person because he wants to die for power in this country. This man will never be called the Head of State of our country Kenya.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Let us have Hon. Junet.

Hon. Nuh: Thank you, Hon. Deputy Speaker for giving me an opportunity. I stand to oppose this Motion. The coalition I belong to is peace-loving and we are enjoying the benefits of the new Constitution which this country attained in 2010. This country is at a very extraordinary time. The Constitution has provided a scenario where stealing of elections is coming to an end. It will become impossible to steal elections in this country anymore if what I saw in the last election is true. My presidential candidate has been accused of being a perennial loser by the Member who has spoken before me.

In this country, there are people who have become perennial election thieves. They have perfected the act of stealing elections. We have the people, they have the system. This time, the system was set at 54 per cent and I am told in 2022, it will be set at 70 per cent, in 2027 at 98 per cent and in 2032, at 99 per cent. There is no need for anyone to contest. This is what my presidential candidate and the coalition are fighting against. We must respect institutions which were created by the new Constitution. For example, think of a situation where you make rulings here and I go out there to call you *mkora* or I tell people, “*yeye ni mkora* and I do not agree with him”. I mean, that cannot be acceptable in this country!

Hon. Deputy Speaker: Did you say you can try that so that I can punish you in advance?

Hon. Nuh: I cannot do that, Hon. Deputy Speaker. I must respect your ruling and I must respect the institution called Parliament. What my party leader or presidential candidate has done for this country compared to what the leadership of the Jubilee Party has done is like day and night. You know the history of my presidential candidate. He is a man who has fought for constitutional transformation of this country. The freedoms we are enjoying today came through after my presidential candidate was detained for nine years without trial.

Hon. A.B. Duale: On a point of order, Hon. Deputy Speaker.

Hon. Nuh: I am really shocked and tongue tied when a senior elder interrupts me.

Hon. A.B. Duale: I have the Floor. First, I welcome Hon. Junet back to the House. However, I want him to apologise to the people of Kenya who voted for the Constitution in 2010. He was not a Member of Parliament. He was a Mayor of Migori, but the people of Kenya in 2010 and the 10th Parliament implemented the Constitution. The people did it through a referendum and Parliament, for those of us who served in the 10th Parliament, through legislation. I know Hon. Junet is busy canvassing for part of the leadership. He is not very far from securing his position, but I want him to be specific to the Motion.

Hon. Wanjala: *(off-record)*

Hon. A.B. Duale: Hon. Wanjala, we are not talking about polygamy.

(Laughter)

We are talking about a serious matter. Therefore, Hon. Junet, out of respect, can stick to the Motion.

Hon. Deputy Speaker: You know the Leader of the Majority Party was on a point of order. That is why I did not give you the opportunity, Hon. Wanjala. However, what is it?

Hon. Wanjala: Thank you, Hon. Speaker. This is a House of Hon. Members. The first person who introduced the topic of polygamy in this House was Hon. Duale.

Hon. Deputy Speaker: Is it something to do with polygamy because that will be irrelevant?

Hon. Wanjala: Instead of going to that, my point of order was that the Member decided to contribute instead of raising a point of order. That is what I was objecting.

Hon. Deputy Speaker: That makes absolute sense. You have one minute to go.

Hon. Nuh: No, Hon. Deputy Speaker. It is unfair. I had not even spoken. He just interrupted me.

Hon. Deputy Speaker: You have one minute. You had spoken for three-and-a-half minutes.

Hon. Nuh: No, Hon. Deputy Speaker. Be fair and just. You know very well I agree with the Leader of the Majority Party that we had a new Constitution through a referendum, but you know very well that the Leader of the Majority Party was on the side of “No”, who were opposing the Constitution. *Yeye ni mtu wa mkono wa Deputy President.*

Hon. Deputy Speaker: You are inviting a lot of points of order. You know, Hon. Junet, when you speak to something, you must have your facts. The House takes legislative notice that the Leader of the Majority Party was obviously a “Yes” person.

Hon. Nuh: Ooh! He was not with the Deputy President at that time? He is saying he was on leave. To finish my contribution, I am shocked by the way an elder called Hon. Maina Kamanda spoke. He said my party leader never participated and he had no contribution. He said that in 2002 he did not play a role in President Kibaki becoming the president of this republic. That time, if Raila Odinga said Duale *tosha*, Duale would have been the president of this country. That is for a fact. Let us not behave in a way that you forget people who have helped you before.

Lastly, I have seen Jubilee Members demonising demonstrations. I warn them. It may be of help to them in a few months to go when I take over power. They might be demonstrating against the Government that I will belong to. They should be careful not to demonise demonstrations.

Lastly, there will be no elections on 26th October. I can confirm that to the country and to Parliament. There will be no elections in Kenya. That is the declaration of NASA and Raila Amolo Odinga. You know who he is.

Hon. Deputy Speaker: There are several Members who want to intervene.

Hon. Nuh: There will be no elections unless the IEBC is reformed. Unless our irreducible minimums are met, there will be no elections. Do not be cheated by anybody. You know who I speak for. I speak with authority.

Hon. Deputy Speaker: Your time is over. Therefore, I will give an opportunity to the Member for Chesumei. Your card is faulty. I am pressing it here, but it is not picking. You might have to walk to the Dispatch Box or use the microphone next to you. It is now fine.

Hon. Kogo: Thank you, Hon. Deputy Speaker for the opportunity so that I can also contribute. Kenya is a beautiful country. Kenya is greater than anyone of us.

(Hon. A. B. Duale consulted loudly with Hon. Nuh)

Protect me, Hon. Deputy Speaker. There is a lot of noise. Kenya is a great country. Kenya is one country that we need to guard for the sake of our people and future. I have listened to the Members contributing and on the part of the Minority Party, there is a lot of dishonesty. I have been waiting for just one word from every Member of the Opposition. I thought their last words would be that they would resign immediately after this session. You are condemning the IEBC yet you are a product of the same as a Member of this House. Therefore, we are very dishonest with ourselves and this country. Hon. Mbadi - in absentia - Hon. Wandayi, Hon. Wamalwa and Hon. Junet, with due respect, if you are really honest with this country, resign immediately and then we ask for by-elections in your constituencies.

This Motion has come at the right time. From 8th August until the time the court gave the verdict and nullified the elections, this country has gone through so many challenges and people are crying in our constituencies. I was in my constituency over the weekend and businessmen are crying. Our economy is going down. Last week, I tried to ask for a loan in a bank and nobody is willing to give us loans just because of the uncertainty that this country has been put into by NASA. Time has come for us to shelve our self-interests. We are not ready to go to the situation we were in, in 2007/2008. We are not ready for that. When you look at the history of Hon. Raila, every other time he has contested in an election, the end result is violence. We are not ready this time round. He contested during the reign of Moi, Kibaki and now Hon. Uhuru Kenyatta. As the Member for Chesumei, I am not ready. I want to declare here that if it comes to the worst, then we are ready to defend this country. I am asking the institutions that are in charge to do so. The police should take charge. We love this country.

We cannot allow few people to mess up with what we are doing here. The question I am asking is whether Raila is scared of the elections. If so, he should not mess up with this country with what he is doing with the Members of the Opposition.

(Hon. Okoth spoke off record)

Hon. Deputy Speaker: Member for Kibra, you know you are an old hand. You know that when you are in this House, you would not do what you do back in the constituency. You cannot shout from where you are. Press the intervention key and you will have a chance to contribute. I am giving you a chance. Proceed. If you do what you have done again, I will punish you severely. What is your point of order?

Hon. Okoth: Hon. Deputy Speaker, is the Member in order to cast aspersions about the confidence and preparation of a distinguished statesman in the history of Kenya who is ready for elections? I am a Member of Parliament for Kibra. Hon. Raila Odinga is one of my voters. We vote at the same polling station. I am his Member of Parliament. I know with full confidence as Hon. Junet has just told you that our position is that we are ready for elections. However, we are not just ready for any elections. We are insisting on quality elections. So, the Member should be corrected and withdraw his allegation that we are not ready. We are saying *uchaguzi bora si bora uchaguzi*.

Hon. Deputy Speaker: Order, Member for Kibra. I listened very carefully when Hon. Junet spoke. As you are aware, I was here. He did not say what you are saying. So, I would rather you speak on your own behalf or point out an issue that you think the Member has gone

out of order. If you say what Hon. Junet did not say, then you know you will be contradicting him and you have no right.

Hon. Okoth: I stand guided, Hon. Deputy Speaker. From your experience, all I would say is the fact that we are ready for quality elections, but not just any elections that are not credible.

Hon. Deputy Speaker: That is clear. Let us give the Member for Chusumei his last one minute.

Hon. Kogo: Thank you very much, Hon. Deputy Speaker. At this point in time, I want to suggest, for the sake of a better Kenya in future, to support the IEBC. Let us come up with strategies that will strengthen it instead of condemning it. After all, we are a product of the IEBC. We want to remind Hon. Babu Owino that he is no longer in student leadership at the university. He is an Hon. Member. Therefore, in everything that he does and every word he mentions, it should be honourable. He should respect Kenyans.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. K.J. and Hon. Angatia Savula are top on the list, but I will make my decision and give one lady Member who is top on the list of ladies. This is the Member for Taveta. I will come back to the list.

Hon. (Dr.) Shaban: Thank you very much, Hon. Deputy Speaker, for giving me this opportunity to also contribute to this Motion for Adjournment. It is important for everybody to read the Constitution clearly. People should not be reading the Constitution to suit what they want. The Supreme Court talked about the rule of law and the Constitution of Kenya, and yet it forgot the most important Article in this Constitution, which is Article 1, which is the sovereignty of the people of Kenya. It is so important that I would rather all Members go and look at it. The moment people look at it, then we shall not go that way. If at the end of the day the Supreme Court decided that we will go for fresh elections, can we all go for it because the sovereignty of the people of Kenya cannot be subverted by a few people who think they must rise to power through the back door. I want to remind Members what is in that Article.

Article 1(1) of the Constitution states that all sovereign power belongs to the people of Kenya and shall be exercised only in accordance with this Constitution. Article 1(2) of the Constitution states that the people may exercise their sovereign power either directly or through their democratically elected representatives.

We cannot jump and talk about transmission before we have looked at the importance of whether the people turned up to vote or did not vote. We cannot be talking everyday about an issue which we all know that the same IEBC that is being bashed left, right and centre is the same which was in charge of the elections which brought us here. It does not make sense for people to pretend that it is okay for us to be here, but it is not okay for other people who were elected through the same means not be in office. As much annoyed as we are, because we feel it was very unfair, we have decided that we will respect the rule of law. An election has been set on 26th October, but we are giving excuses everyday pretending that if we do not get this, we will not do this.

Hon. Deputy Speaker, in the 11th Parliament, I was a Member of the Joint Select Committee that brought about electoral reforms including the new commission. Before the current IEBC started work, people had already started talking about rigging and all manner of things. Today, we are being treated to that charade again. Unfortunately, our Judiciary has been sucked in. All the same, after they made that decision, we respected it and we are going for a repeat election. I heard my brother Hon. Junet say that there will be no repeat election in this

country. I also heard Hon. Ken Okoth, Member for Kibra Constituency, changing what Hon. Junet said. I just want to remind my colleague, Hon. Ken Okoth, that there are people who sit at the periphery of political parties and there are those who sit right inside and when they say things, we listen to them. You know what I mean and everybody here knows what has been transpiring.

It is important for us to know that Kenya is important than all of us.

Hon. Deputy Speaker: Hon. Shaban, it does not help much when you speak in parables because everybody wants to follow you. You are saying that everyone knows what you are saying.

Hon. (Dr.) Shaban: Yes. There are Members who sit at the periphery and there are those who sit right inside to make decisions and contributions to those decisions. It is important for us to know that Kenya is more important than all of us. We can be here today, but we may not be there tomorrow yet Kenya must survive. People must know that once the Supreme Court has decided, we have to go for the repeat election on 26th October 2017. We cannot afford to have the country where it is now just because we want to fulfil the whims of one person. I beg to agree and support that 26th October, it shall be. Let the IEBC go ahead and conduct a credible election.

Thank you, Hon. Deputy Speaker, but I also want to remind people the meaning of verification. It is important for us to read. Let us read and understand what it means. It does not mean what suits you only.

Hon. Deputy Speaker: Hon. K.J.

Hon. Waweru: Thank you very much, Hon. Deputy Speaker. I rise to support the Motion for Adjournment on the issue of the presidential election. I support it because I realise that we cannot, as a country, continue to bury our heads in the sand. We all need to rise to the reality that we are living in very precarious times and these are special times when we are called upon as the leadership in this country to take action. We are living in the reality of a ruling made by the Supreme Court where we have been ordered to go back for a presidential election and the implications are clear. For us who come from this city, we house the Nairobi Securities Exchange.

As of last week, the NSE reported a loss of close to Kshs130 billion, which was directly attributed to the Supreme Court ruling. The transport business in this city reported a loss of close to Kshs25 billion. Currently, with the uncertainty of the date of the presidential election, we are glaring at a threat to over one million young Kenyans who might not sit national examinations which they have prepared for, for the last four and eight years respectively. Therefore, something needs to be done. That something needs to be done, first and foremost, by this House. First, we need to stop bemoaning what has happened in the past and look for a way forward. My proposal is to start exploring how we can make the repeat election possible on 26th of October. This House is mandated and has the powers to make the repeat presidential election simple and verifiable, and ensure that it conforms with all other principles that the Constitution stipulates. That is why I am inviting Members from the minority side to join us not in castigating an institution or individuals, but in finding a way of moving forward for this country – a way that is as painless as possible. This is one election. As a country, we have gone through general elections where we have conducted six elections on one day. In this case, we are seeking to conduct just the presidential election.

What we are witnessing right now are acts that are not in good faith. When we decide that we are going to obey a court order in part, whereas we all know that the court ruling was in two parts - the first part nullified the presidential election and the second part gave an order that a

repeat presidential election be conducted within 60 days – I am in order to say that this is a very dark day. We have heard Members from the Minority side say that the repeat presidential election will not happen. We are aware of the implications that come with such statement. I drove to this place from my constituency and Uhuru Highway and University Way, around Anniversary Towers, look like scenes out of a movie depicting a place in Syria or Cambodia at its worst. To tell me that, that was a peaceful demonstration would be an abuse of the word ‘peaceful’. I did not see any protester carrying a white handkerchief. I did not see any protester carrying a placard. These were people who were ready to go to war.

Finally, I would want to call upon the minority to do some internal housekeeping. The utterances of one Hon. Babu Owino are despicable not only because they came from him.

Hon. Deputy Speaker: Your time is over. Therefore, I give the Floor to the Member for Lugari.

The Member for Lugari (Hon. Ayub Savula Angatia): Thank you, Hon. Deputy Speaker, for giving the opportunity to contribute to this Motion. I have been waiting for it for a long time. This is the first time I am speaking in this House while on the side of the Opposition. I will maintain my objectivity as a Member of Parliament elected by the people of Lugari, irrespective of my party affiliation.

First and foremost, this Motion gives us an opportunity to reflect soberly and objectively on what transpired during the last general elections. I do not think this Motion has been brought with bad faith of castigating the Judiciary or any other institution in this country. The Motion should be utilised to have a lasting solution to the crisis we are facing in this country. We should set aside our political differences, as Members of Parliament, and utilise this opportunity to come together and put necessary reforms and restructure the IEBC to ensure that we have a free and fair election.

Hon. Deputy Speaker, I wish to remind the House that I sat in the 11th Parliament and it took us 30 minutes to pass the electoral laws. What is so difficult now? We are elected leaders. Let us seize this opportunity to discuss issues the way we discuss inter-parties and pass laws. Let us create a level playground for the repeat election on 26th October 2017.

Some Members of Parliament are beating war drums. We are mentally preparing our supporters for chaos. We do not want to walk that path of the International Criminal Court anymore because it is embarrassing for a developed democracy like Kenya to go that route. You have seen some youths demonstrating against the Judiciary. What does that tell you? It means that we are heading into a chaotic situation. The demonstrations against the IEBC only mean that we are headed into a chaotic situation. Let us sit down as Members of Parliament and discuss the electoral laws the way we did last time after being lectured by our principals. I remember President Uhuru lecturing us at a Parliamentary Group meeting. The Opposition was also lectured. We came here and passed the laws within a record 30 minutes. Why can we not do the same now instead of beating war drums? If this country burns, it will not be a Kikuyu or a Luhya burning. We will burn together. Let us reason together as elected Members of Parliament instead of playing tribal and divisive politics or politics of demonstrations. Let us create a level playground where the election will be free and fair. We have to start by reforming the IEBC. Lack of reforms in the electoral body is what created the crisis in the 2007 General Election. Is that the path we want to walk? We have been sworn in as Members of Parliament. Let us sit down, look at the electoral laws, reform them nicely and go for repeat election on 26th October 2017. The issue of attacking the two principals, namely, Hon. Raila or Hon. Uhuru, does not add

value to this country. Let us do our job as elected leaders. Let us sit together irrespective of our political parties, tribe or even reasoning. Think Kenya first. Stop beating war drums.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Okay. Let us now have Hon. Cheruiyot Jesire.

Hon. (Ms.) Cheruiyot: Thank you, Hon. Deputy Speaker. I rise to support this Motion. I echo what most of the Members have said. It is true that Kenya has one Judiciary that neither belongs to NASA nor Jubilee. I did not find it proper when a Member said that even after the election on 26th October 2017, if they are not happy, again, Maraga is there. It should be clear that Maraga does not belong to any coalition. The Supreme Court is independent.

I want to speak about Supreme Court ruling that stated that the elections were marred with irregularities. The court stated that there were irregularities in the transmission of results. It is only fair to talk of transmission of results when you are addressing Wanjiku. Wanjiku only knows that she dropped her ballot paper in a box. The common *mwananchi* may not understand what is transmission. It would be better for us to go back to manual voting.

Chapter 7, Article 86(a) of the Constitution stipulates that whatever voting method used should be transparent and clear to everyone. But when you adopt digital voting, that grandmother or grandfather - the Wanjiku in the village - is not aware of these things you are talking about transmission. So, if results are invalidated because of transmission, I think we are becoming unfair to the common *mwananchi*. After voting, he or she knows that he dropped his or her paper. By the Leader of the Minority Party saying that going back to manual is taking this country back, it is not in our Constitution. It is something that we designed and we can always change and say: If this digital does not fit us, we can as well go back to manual if that will bring sanity. After all, we have a country which has done that as an example, namely, Germany. We can always refer. If they did it manually and they got the right results and they accepted them. Then we can forget about these transmissions and go manual. For sure, that is what we should think about. We can revise our way of voting.

The other thing is the issue of the date of 26th October this year. I heard the Rt. Hon. Raila saying that 26th is Uhuru's birthday. Which day is not a birthday for anyone? Whichever date you pick is a birthday for somebody. For that matter, it demeans to just call a day a birthday for someone then you say you cannot choose that day, unless there is some other reason. And it is clear that our brothers from NASA are using all terminologies and English words to just say that they do not want elections. I think the IEBC is not telling us that such a party should go and vote. It is about an individual casting a vote. So whichever coalition you belong to, it is your choice to go and vote that day or not. The fact remains that on the date of counting of votes, it is percentages that will matter. It is not the parties and coalitions.

In 1982 when I was in nursery school, there was a coup. It is high time for Raila Amolo Odinga to retire. It is long overdue for him to be in this thing when he is not making it. So, it is only fair for Kenyans to go by peace, love and unity, the slogan of the party that brought me here, namely, KANU. We shall go back.

Hon. Deputy Speaker: Your time is over. Hon. Washiali, you will speak for one minute and thirty seconds and the balance, as you know, is going to still be in your bank.

Hon. Washiali: Thank you, Hon. Deputy Speaker. I think there is an advantage of speaking after many Members have spoken. I have heard many, especially those from the NASA side, who have been talking about peaceful demonstrations. Sometimes you wonder whether they know the meaning of "peaceful". Their party leader, while asking them to come out and

demonstrate, specifically talked of ejecting the IEBC officials from their offices. I do not know how peaceful ejecting can be.

One of the most important issues in leadership, and captured very well in Chapter Six of the Constitution, is to demonstrate that you respect people. That is why there is the aspect of integrity. Most of these leaders who are here have been approved by the EACC to have qualified to vie for the positions they hold today. I do not know whether the NASA leader, if subjected to issues of integrity, would pass. Ejecting or imagining that you can eject a Government official from his office is not peaceful.

Hon. Deputy Speaker: Order, hon. members. Hon. Washiali will have his balance of four minutes when this debate resumes tomorrow.

ADJOURNMENT

Hon. Deputy Speaker: Hon. Members, the time being 7.00 pm, the House stands adjourned until tomorrow, Wednesday, 27th September 2017 at 9.30 am.

The House rose at 7.00 p.m.