



PARLIAMENT OF KENYA
JOINT SITTING OF THE NATIONAL
ASSEMBLY AND THE SENATE
ELEVENTH PARLIAMENT – FIRST SESSION
VOTES AND PROCEEDINGS
TUESDAY, APRIL 16, 2013

1. The House assembled at thirty minutes past Two O'clock.

2. **ARRIVAL OF H.E. THE PRESIDENT**

The President and Commander-in-Chief of the Defence Forces of the Republic of Kenya, H.E. the Hon. Uhuru Kenyatta, CGH, MP, escorted by the Speaker, the Clerk and accompanied by the Mace entered the Chamber and took the State Chair.

3. The Proceedings were opened with Prayers said by the following Spiritual Leaders -

- The Most Rev. (Dr) Archbishop Eliud Wabukala
- The Rev Martin Kivuva
- Al-Muhdhar A.S. Hussein, the Chief Kadhi
- Mr. Siopin Lekolool

4. **COMMUNICATION FROM THE CHAIR – ADDRESS BY THE SPEAKER OF THE SENATE**

The Speaker of the Senate conveyed the following Communication from the Chair:-

"Your Excellency the President of the Republic of Kenya and Commander-in-Chief of the Kenya Defence Forces, Hon. Uhuru Muigai Kenyatta;
His Excellency the Deputy President, Hon. William Ruto;
The Speaker of the National Assembly, my good friend and counterpart, Hon. Justin Muturi;
Deputy Speakers of the Senate and the National Assembly;
Hon. Senators and Members of the National Assembly;
Ladies and Gentlemen,

I feel greatly honoured and privileged to stand before you as Speaker of the Senate to welcome His Excellency the President, all our hon. Senators and hon. Members of the National Assembly of the Eleventh Parliament of the Republic, to this auspicious

occasion in which we are holding the first joint sitting of the Houses of Parliament for purposes of the Presidential Address.

Before I make my welcoming remarks, you will indulge me to congratulate all of you as this is a newly elected Parliament, and through you, to congratulate all the people of Kenya for exercising their democratic right and civic duty of electing representatives of their choice. The prophets of doom were predicting chaos and violence. Kenyans demonstrated a rare sense of confidence and commitment in the electoral process by rising early in large numbers and queuing for long hours to give you their votes. This resulted not only in preferred candidates that now sit in Parliament, but also in the county governments; they did this in style and conducted themselves peacefully before, during and after the elections.

Permit me also to congratulate you as the fourth President of the Republic of Kenya and your able first Deputy President of the Republic on your election, inauguration, and assumption to the highest calling in the land.

Your Excellency, the reconciliatory tone of your leadership so far is a clear indication that this country will do well under your leadership and that of your deputy. I also wish to congratulate all hon. Senators and hon. Members of the Eleventh Parliament for their successful election. Let me also take this opportunity to convey my sincere salutations to the newly elected governors and their deputies and the county representatives in the 47 counties throughout our Republic. Of course, I cannot conclude these particular preliminary remarks without congratulating my counterpart, the Speaker of the National Assembly and his deputy, hon. Dr. Joyce Laboso, who actually got it all in round one.

On my own behalf and that of my Deputy Speaker, hon. Senator Kembi-Gitura and the entire leadership of the Senate and staff, we look forward to a fruitful engagement during this Eleventh Parliament of Kenya which has two Houses.

Your Excellency, hon. Senators and hon. Members of the National Assembly, in my native county of Turkana we have the *Ekicholo*, a two legged stool, which serves multiple functions. It is used as a seat when you sit down, a pillow when you sleep, a head rest when you take a siesta, and an arm chair when you relax. This two legged stool, the *Ekicholo*, reminds me of a symbolic representative of the nexus role played by parliaments in a democracy within itself and as a branch of Government. Before the promulgation of the Constitution in 2010, the two legs depicted the Kenya National Assembly and the President, both of which constituted the Parliament of the Republic of Kenya. Then, however, one leg of the House was outside these precincts; it was specifically in State House. Once again, the stool is still two legged, but symbolises a new order where the National Assembly and the Senate constitute our Parliament. Both legs of the *Ekicholo* are now within the precincts of Parliament itself.

The Kenya Parliament has, therefore, come full circle; it has truly become a cornerstone of democracy. It remains central in the promotion and protection of democracy, manifests the diversity of the nation, represents the will of the people and exercises their sovereignty.

Your Excellency, hon. Senators and Members of the National Assembly Article 1(1)(2) and (3) stipulate that all sovereign power belongs to the people of Kenya and shall only be exercised either directly or through their democratically elected representatives. We are the ones who are assembled here today. This provision reflects the division of roles in our Government in our governance structures and gives us the constitutional obligation. It will require co-operation and harmonious engagement between Parliament and the Executive and by extension the Judiciary.

Your Excellency, allow me to comment on the Kenyan situation that I believe your Government will be addressing itself to shortly, and bring this to Parliament for both Houses to legislate. The key challenges to development in Kenya still remain the same as at Independence when we had our first Senate. This is about poverty, disease, illiteracy and poor infrastructure. These have now been compounded by insecurity, rising unemployment, especially among the youth, negative ethnicity, corruption and poor service delivery. These have resulted into an unequal society and chronic underdevelopment in some parts of the Republic to the extent that some of these areas feel less Kenyan, and expressions like "*hapa na pale si Kenya*" or "I am going to Kenya" have, unfortunately, become part of our national discourse.

As Kenyans usher in new leadership, the country is pregnant with expectations. We want our country back to where it will not matter where one is born, what your surname is, and every Kenya will be entitled to certain rights, especially the social and economic rights, as provided for in Article 43 of the Constitution; these are the right to food, education, medicine and shelter. These are just basic things for survival.

I note with gratitude Your Excellency that your address to the nation during the inauguration day on 9th April, 2013 captured the key policy guidelines that will address most of these challenges. Further, we are lucky as a nation to have a blueprint for development that is, Vision 2030. Thus, one of our principal duties in leadership will be to manage the delivery of the programmes set out in Vision 2030, which set out the process of Kenya's modernization and realization of faster economic growth.

Once in a while, as in all democratic jurisdictions, tensions and even conflict may occur among the various arms of the Government, and even within each arm of the Government. The propensity for implosion cannot be underestimated. It will take all of us, both in Parliament and the Executive, the highest form of statesmanship and quality leadership to rise to the occasion and succeed as a nation.

To a large measure, the role of the Opposition in Parliament seems to have been limited, given the architecture, the spirit and the letter of the Grand Coalition during the Tenth Parliament. This role was left to a few Backbenchers, who often questioned certain aspects of impropriety and Government inaction. The full force of the Opposition was missing. Indeed, in the 11th Parliament, we expect to see a more

robust and vibrant Opposition facing the Government Benches. Indeed, the Constitution has very deliberate provisions under Article 108(3) for the Leaders of the Minority Parties in Parliament to offer the much needed and legitimate Opposition within Parliament.

As the Speaker of the Senate, I promise to be true to the Oath of Office, which I recently took, and to observe the cardinal democratic principal that the minority will have their say as the majority have their way. I am conscious that Kenyans expect to see balanced, informed and robust debating chambers in both the plenary and the committee stages. For Parliament and the Executive, we have no choice but to co-exist as a matter of necessity. We have to collaborate and work together. The theory of government in our case has put us together to complement each other, accomplish the development tasks that we have given ourselves as a nation and provide quality and reliable services to fellow countrymen and countrywomen. Indeed, we do not have to look very far. The third stanza of our National Anthem states:-

"Let all with one accord in common bond united build this our nation together; and the glory of Kenya, the fruit of our labour fill every heart with thanksgiving."

On our part, as the Senate, we will play an integral role in the democratisation process as well as in safeguarding the devolution architecture, pursuant to our full mandate as set out in Article 96 of the Constitution. Chief among them is to represent the counties and to protect the interests of the counties and their governments.

May I also take this opportunity to assure Kenyans that the Senate they have given to themselves is here to stay, despite the unfortunate history of our first senate, which ceased to exist in 1966. The Senate now has been re-established in order to realise the aspirations of the Kenyan people to have a decent, balanced and equitable society. It will not die again; at least, not under my leadership.

Your Excellency, hon. Senators and hon. Members, in order for the Senate to assert itself and deliver on the promise of devolution, we will be calling on other stakeholders, especially the Executive and the development partners, to assist in mobilising the requisite financial, physical and human resources to adequately discharge this constitutional mandate. We will be responsible for the legislative mandate.

In conclusion, Your Excellency, I wish to sincerely welcome you to the Senate, which is part of this joint sitting. We will be able to give the force of law to the policies and programmes that you will be unveiling today. Article 94(5) states that nobody other than Parliament has the power to make provisions having the force of law in Kenya. From the above, it is very clear that the Executive and Parliament are, therefore, duty bound to work together in the common endeavour to serve the people of the Republic of Kenya. Therefore, there is a lot of work ahead of us. Kenyans want the promise of the new Constitution; equitable development and quality services like

yesterday, and not tomorrow. We all need to play, and indeed must play, our respective roles in the fulfillment of those aspirations. I have no doubt in my mind that we will succeed as one nation, *inshallah*!

Thank you and God bless Kenya”.

5. **COMMUNICATION FROM THE CHAIR – ADDRESS BY THE SPEAKER OF THE NATIONAL ASSEMBLY**

The Speaker of the National conveyed the following Communication from the Chair:-

“Your Excellency the President and Commander-in-Chief of the Defence Forces of the Republic of Kenya, Hon. Uhuru Kenyatta and Hon. Members;

It gives me pleasure to welcome His Excellency and all hon. Members of the Eleventh Parliament to the Official Opening of our Parliament, the citadel of our democracy.

I wish to take this earliest opportunity to congratulate Your Excellency for being elected the fourth president of the Republic of Kenya. I also wish to congratulate the Deputy President, hon. William Ruto, who is seated on the Speaker’s Row, and, indeed, all hon. Members of Parliament. To you all, congratulations!

First and foremost, I wish to thank all Kenyans for participating peacefully in the just concluded general election. That exercise showed maturity and the deepening of our democratic culture. This has, indeed, restored and redeemed our standing in the community of nations.

Your Excellency, I also wish to congratulate your foremost competitor, the former Prime Minister, the Rt. Hon. Raila Odinga, and former Vice-President, hon. Kalonzo Musyoka, for providing the opportunity for political competition and being worthy competitors in the just concluded Presidential election.

Today’s sitting is historic in many ways. It is the first time we are having a joint sitting of the National Assembly and the Senate under the bicameral system re-introduced by the Constitution of Kenya, 2010. Today’s sitting is also significant because we are together assembled as two Houses and as legislators from diverse backgrounds, representing the various sectors of our society. Today, we demonstrate that we are operating under our new Constitution. It is truly a day to celebrate.

Your Excellency, it is a moment of great inspiration for us to have you in this House to address the nation on the Government’s policies and the legislative agenda for the Eleventh Parliament. We are very eager to listen to you, because from your Address, Kenyans will know the political philosophy and the economic strategy of the new Government of the Republic of Kenya, which you lead. Before I invite you to talk to us, allow me to make some brief remarks.

Hon. Members, there is no doubt that Kenya and all our institutions, Parliament included, are at the threshold of a new dispensation – indeed a new chapter. I would like to borrow words from hon. Mwai Kibaki, your predecessor, in his inaugural speech on 30th December, 2002, as follows:-

“Our country is going through a critical moment. The task ahead is enormous. The expectations are high, and the challenges are intimidating.”

However, I want to assure you that the encouraging thing is that Kenyans are fully behind the Government in its effort to change things for the better. We are aware that for the first time, the Executive is not part of the Legislature.

We are separated in a new system of checks and balances. It is my hope that we shall all work together in the Committees with mutual respect and co-operation among the three arms of the Government, and with all the oversight institutions established by the Constitution.

Hon. Members, know that this is a new legislature with new structures and new ways of working. Our Legislature is now bicameral. Our committee system has changed. The Budget-making role of Parliament has been strengthened. The role of Parliament in international relations and security is larger. The systems of oversight have been overhauled to bring on board the participation of the citizenry. It is in our interest to understand and get used to these new ways of working.

Therefore, as a Parliament, we must use this opportunity in our history to play our rightful roles in renewal of our country. I urge you all to approach your responsibilities with dedication and sense of purpose for the common good of the Kenyan people. Failing this, our relevance will be called to question.

Your Excellency, a quick glance at the membership of the Eleventh Parliament gives me pleasure to report that there is an increase in the number of professionals from various backgrounds. There are Members with impressive track records in public and private life, who have voluntarily abandoned their careers to join this august House. In addition, there are more women and youth in this Parliament than ever before in the history of our country.

Equally, there are more persons with disabilities and minorities who are represented now. Given this scenario, we should look forward to more robust and informed debates. As a Parliament, we shall endeavor to foster good working relations with your Cabinet Secretaries in their new roles as we shall ensure they are constantly held to account in the running of their Ministries, departments and agencies.

The Government shall be held to account from your commitment to implement the Constitution, your support to the devolved system of Government and in the fulfillment of your undertakings to the people of Kenya in the elections concluded recently. You can count on the support of these two Houses to help realize these two goals.

Your Excellency, I need to observe here that we must all strive to strengthen our political parties and to instill party discipline. Strong political parties mean strong democracies; strong democracies mean good governance. Good governance is essential for the development of our nation. It is for this reason that our Constitution has firmly anchored political parties as key institutions in our public governance structures; specifically in Part 3 of Chapter 7, Articles 91 and 92.

Last, but not least, Your Excellency, I would like to thank the former Government headed by the now retired President Mwai Kibaki for the support it continually gave the Parliamentary Service Commission (PSC). We are all hopeful and actually trust that your Government will continue to give support to the PSC to enable it fulfill its mandate of providing facilities to the hon. Members for the efficient and effective functioning of Parliament.

Your Excellency, we shall expect your Government and this House to be the glue that holds the people of Kenya together; to constantly work on a long term national cohesion project and to see to it that the marginalized, minority groups and the vulnerable of our society can seek hope in our governance.

Finally, it is now my great pleasure and privilege to invite His Excellency the President to address the House”.

6. **PRESIDENTIAL ADDRESS**

H.E. the President, the Hon. Uhuru Kenyatta, CGH, MP, thereupon delivered an address on Exposition of Public Policy from the State Chair.

7. **DEPARTURE OF H.E. THE PRESIDENT**

The Speaker of the National Assembly drew the attention of the House to the fact that it was H.E. the President’s pleasure to take his leave;

Thereupon, H.E. the President departed from the Chamber in State procession.

8. **ADJOURNMENT OF THE HOUSE**

And there being no other business, the Speaker adjourned the House at twenty-five minutes past Four O’clock without Question put pursuant to the Standing Orders.

9. **HOUSE ROSE** - at twenty-five minutes past Four O’clock

M E M O R A N D U M

The Speaker will take the Chair on
Wednesday, April 17, 2013 at 9.00 a.m.

-- X --