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THIRTEENTH PARLIAMENT

NATIONAL ASSEMBLY

THE HANSARD

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THE HANSARD

Wednesday, 22nd March 2023

The House met at 2.30 p.m.

[The Speaker (Hon. Moses Wetang'ula) in the Chair]

PRAYERS

QUORUM

Hon. Speaker: Serjeant-at-Arms, you can ring the Quorum Bell.

(The Quorum Bell was rung)

Hon. Members we now have quorum to transact business.
Deputy Leader of the Majority Party.

PAPERS

Hon. Owen Baya (Kilifi North, UDA): Hon. Speaker, I beg to lay the following Papers on the Table:

1. Report to Parliament on all new loans contracted by the Government of Kenya from 1st September, 2022 to 31st December, 2022 from the National Treasury and Economic Planning.
2. Performance Audit Report of the Auditor-General on the Implementation of the Linda Mama Programme – National Health Insurance Fund.
3. Performance Audit Report of the Auditor-General on Management of Fishing Activities in Kenya by the Kenya Fisheries Service.
4. Report of the Auditor-General on the Financial Statements in respect of the following institutions for the year ended 30th June 2022, and the certificates therein:
 - (a) State Department for Tourism;
 - (b) State Department for Wildlife;
 - (c) State Department for Co-operatives;
 - (d) State Department for Crop Development and Agricultural Research;
 - (e) State Department for Livestock;
 - (f) State Department for Social Security and Protection;
 - (g) State Department for Devolution;
 - (h) State Department for Broadcasting and Telecommunications;
 - (i) State Department for Public Service;
 - (j) State Department for Public Works;
 - (k) State Department for Information, Communication Technology and Innovation;
 - (l) State Department for University Education and Research;
 - (m) Witness Protection Agency;
 - (n) Kenya National Convention Bureau;
 - (o) Land Settlement Fund;

- (p) Public Trustee of Kenya;
- (q) Co-operative Societies Liquidation Fund – State Department for Co-operatives;
- (r) Ministry of Defence;
- (s) Ministry of Labour;
- (t) Ministry of Environment and Forestry;
- (u) Teachers Service Commission;
- (v) Kenya Urban Support Programme (IDA Credit No. 6134 KE) – State Department for Housing and Urban Development;
- (w) Government Press Fund;
- (x) National Intelligence Service Development Fund;
- (y) The Judiciary; and,
- (z) National Youth Service – Mechanical and Transport Fund.

Hon. Speaker: Vice-Chairperson, Departmental Committee on Health.

Hon. Patrick Ntwiga (Chuka/Igambang'ombe, UDA): Hon. Speaker, I beg to lay the following Papers on the Table of the House:

Report of the Departmental Committee on Health on its consideration of the Health (Amendment) (No.2) (National Assembly Bill No. 42 of 2022).

Hon. Speaker: Thank you. Next Order. Hon. Abraham Kirwa. There is a microphone next to you.

NOTICE OF ADJOURNMENT ON A MATTER OF URGENT NATIONAL IMPORTANCE

CLOSURE OF BUSINESS AND DESTRUCTION OF PROPERTY DURING THE RECENT DEMONSTRATIONS

Hon. Abraham Kirwa (Mosop, UDA): Hon. Speaker, I would like to request for the adjournment of the House to discuss loss of property and closure of business due to illegal demonstrations.

Pursuant to Standing Order No. 33(1), I rise to seek leave for adjournment of the House in order to discuss a definite matter of urgent national importance regarding the closure of business premises and destruction of properties during illegal demonstrations in the country.

On Monday 20th March 2023, the country experienced demonstrations in various parts of the country including Nairobi, Mombasa, Kisumu, Nakuru and Kitale, leading to widespread closure of businesses, destruction of properties and injuries to citizens.

There is a great concern by many Kenyans that should those illegal demonstrations continue on a weekly basis, as indicated by the organisers, we are likely to experience further losses of properties and even lives. The net effect of such closure of businesses and properties will have a negative effect on the already struggling economy, with the agitators and citizens less likely to improve. In addition, the kind of lawlessness being experienced in urban centres will lead to shifting of investors' interest in our country.

The Constitution provides that for every right or freedom guaranteed, there is a corresponding obligation and responsibility. No one should engage in threats, lawlessness and violence, destruction of property and obstruction of activities by others in any other way thus infringing on their rights.

It is against this background that I seek leave for the adjournment of the House to discuss this matter of great national concern, and deliberate on avenues for the way forward.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Member, you need 20 Members to stand in your support.

(Several Hon. Members stood up in their places)

Hon. Speaker: It is overwhelming. It is overwhelming. You may take your seats.

Order! You may take your seats. Order! Hon. Members, after the next Order, I will put the Question at Order No. 8, and then go to Order No. 9.

(Hon. Raphael Wanjala shouted from his seat)

Order, Hon. Wanjala! This is not a public *baraza*; this is the National Assembly of Kenya, my good friend. If you want to engage a colleague across the aisle, you go to the Bar, give the ordinary salutation, cross over and talk from there. It is more decent that way.

(Applause)

So, Hon. Kirwa, after I put the Question on Order No. 8, we will go to Order No. 9, and when we conclude Order No. 9, then we will give you time to move your Motion.
Next Order.

QUESTIONS AND STATEMENTS

ORDINARY QUESTIONS

Hon. Speaker: Question No. 62. The Hon. Member for Baringo Central.

Question 62/2023

ISSUANCE OF WORK PERMITS TO FOREIGNERS

Hon. Joshua Kandie (Baringo Central, UDA): Hon. Speaker, pursuant to provisions of Standing Order 42A (5), I rise to ask Question No. 62 of 2023 to the Cabinet Secretary for Interior and National Administration. Could the Cabinet Secretary for Interior and National Administration:

- (a) provide details of the total number of foreigners issued with work permits in Kenya and the duration granted for such work permits?
- (b) provide details of the number and status of foreigners whose work permits have expired as at January 2023, and the actions being taken by the Ministry to mop out foreigners who could be working in the country illegally following expiry of their work permits?
- (c) explain the steps being taken by the Ministry to ensure that foreigners are not issued with work permits for skills that are available in the local labour force in order to reduce the unemployment rate among Kenyans?

Thank you, Hon. Speaker.

Hon. Speaker: Thank you. Chairman, Departmental Committee on Administration and Internal Security, two weeks.

Question No. 63, Hon. Joshua Mwalyo, Member for Masinga.

Question 63/2023

FAILURE BY KNH SUPERANNUATION SCHEME TO SETTLE
PENSION BENEFITS OWED TO RETIREES

Hon. Joshua Mwalyo (Masinga, Independent): Hon. Speaker, could the Cabinet Secretary for National Treasury and Economic Planning:

- (a) explain the reasons for failure by the Kenyatta National Hospital (KNH) Superannuation Scheme (DB Scheme) to settle pension benefits owed to retirees and its non-compliance with updated and applicable calculations of such pension benefits, and state whether the miscalculation results from misinterpretation of the binding Trust Deed and Regulations (TDR) of 2001 and 2012?
- (b) provide details on the status of implementation of a decision of the Retirement Benefits Authority of 18th April 2019 on a pension dispute and a subsequent ruling by the Retirement Benefits Authority Appeals Tribunal (RBAT) dated 21st April 2021?
- (c) provide a definite date when the affected retirees shall be paid their dues which have been pending for years and continue to attract interest to date?

Hon. Speaker: Thank you, Hon. Mwalyo. Departmental Committee on Finance and National Planning, two weeks.

Question 064, Hon. Member for Central Imenti, Hon. Moses Kirima. Give the Hon. Member the microphone. I am told we are having challenges with microphones. There you are.

Question 64/2023

DEMARCATION OF DISPUTED BOUNDARY BETWEEN
THARAKA NITHI AND MERU COUNTIES

Hon. Moses Kirima (Central Imenti, UDA): Hon. Speaker, I beg to ask the Cabinet Secretary for Lands, Public Works, Housing and Urban Development the following:

- (a) When will the disputed boundary between Tharaka Nithi and Meru counties, along Central Imenti and Tharaka constituencies, be demarcated, as recommended by the Zachary Ogongo-led Task Force Report of 2009 and further recommended by the Andrew Ligale-led Interim Independent Boundaries Review Commission in its Report dated 27th November 2010?
- (b) Could the Cabinet Secretary explain why residents of Kiamuri 'B' area in Central Imenti Constituency are yet to be issued with title deeds despite all the preliminary procedures having been concluded in 2003, and state when the title deeds will be issued?

Thank you, Hon. Speaker.

Hon. Speaker: Departmental Committee on Lands. Who is the Chair? Hon. Johana Ng'eno, is he the Chair? Hon. Joash Nyamoko, is he here? Inform him to bring the answer in two weeks. Question 065. Member for Mumias East. Hon. Salasya, ask your Question.

(Laughter)

Hon. Peter Salasya (Mumias East, DAP-K): Thank you, Hon. Speaker. I have the Question that I wish to ask in the House to the Cabinet Secretary to respond to this issue because everyone is asking about the price of fuel...

Hon. Speaker: Hon. Salasya, just read the Question.

(Laughter)

Question 65/2023

DETAILS OF MOU BETWEEN NOCK AND
SAUDI ARAMCO ON IMPORTATION OF OIL

Hon. Peter Salasya (Mumias East, DAP-K): Hon. Speaker, I rise to ask the Cabinet Secretary for Energy and Petroleum the following:

Could the Cabinet Secretary—

- (a) explain the manner in which importation of oil from Aramco Company in Saudi Arabia under the Memorandum of Understanding (MoU) with the National Oil Corporation of Kenya (NOCK) will affect the retail pump prices of super and diesel fuels in Kenya?
- (b) provide details of the MoU, its impact on the Kenyan fuel market, indicate whether there have been any challenges with respect to the execution of the MoU, and if so, how has the Ministry addressed the challenges?
- (c) explain the long-term measures that the Ministry has put in place to ensure sustainability of supply of fuel at cheaper prices as provided under the MoU?
- (d) explain any other plans that the Ministry has put in place to guarantee continuous affordable fuel prices in Kenya?

Hon. Speaker, can you allow me to comment on something?

Hon. Speaker: No.

Hon. Peter Salasya (Mumias East, DAP-K): Okay. Thank you very much.

(Laughter)

Hon. Speaker: Hon. Salasya, once you ask the Question, you wait for the answer. Then your comments and supplementary questions will follow the answers that you will get.

Chairperson, Departmental Committee on Energy. Members of the Committee, inform your Chair to bring the answer in two weeks.

The next Question is by Hon. Beatrice Adagala, Member for Vihiga County.

Question 66/2023

IRREGULAR APPOINTMENT OF TALANTA
HELA COUNCIL AND ITS COMMITTEES

Hon. Adagala Beatrice (Vihiga County, ANC): Hon. Speaker, I rise to ask the Cabinet Secretary for Youth Affairs, Sports and Arts the following:

Could the Cabinet Secretary –

- (a) shed light on the alleged irregular appointment of the Talanta Hela Council and its committees and provide details of the form and extent of public participation and interviews conducted before appointing members of the Council and the committees?
- (b) explain whether the appointment of the Members of the Talanta Hela Council and its committees took into account the constitutional requirement of ethnic and regional balance in public appointments?

- (c) explain the measures that the Ministry and its related agencies have taken to ensure timely and meaningful remittances of royalties that are owed to Kenyan artistes in light of recent reports of misappropriation of funds collected by the Kenya Association of Music Producers (KAMP), Performer Rights Society of Kenya (PRISK) and the Music Copyright Society of Kenya (MCSK)?
- (d) explain the ownership of the Music Publishers Association of Kenya (MPAKE) and the manner in which MPAKE has utilised or distributed the more than Ksh100 million in royalties that it has so far collected on behalf of musicians?
- (e) shed more light on the applicable term of office and employment for the Chief Executive Officer of the Kenya Copyright Board (KECOBO), who has so far been in office for more than seven years?
- (f) explain the status and details of the ICT tender issued by the Kenya Copyright Board (KECOBO) in conjunction with the collective management organisations on 23rd December 2019 for the supply of National Rights Registry?

Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Member. Chairperson, Departmental Committee on Sports and Culture has two weeks to give an answer.

The next Question is by the Member for Kipkelion East, Hon. Chererot Kimutai. Give him the microphone. *Mama Kericho, songa!*

(Laughter)

Question 68/2023

DEVELOPMENT OF WORKABLE POLICY TO PROTECT
FRESH GRADUATES FROM EXTREME JOB APPLICATION REQUIREMENTS

Hon. Joseph Chererot (Kipkelion East, UDA): Hon. Speaker, I rise to ask the Cabinet Secretary for Labour and Social protection the following:

Could the Cabinet Secretary –

- (a) explain why Kenyan's employment design, including within the Government, has a predefined requirement for relevant experience in related fields for fresh graduates, thereby causing many potential employees to be left out due to lack of experience?
- (b) provide details of comparisons of the outcomes of careers to which employees are recruited without experience for on-the-job-training from the very onset, such as the uniformed officers *vis-à-vis* the careers which recruit from highly trained personnel but requires experience of specified periods before employment?
- (c) explain the evaluation tool used to assess the capacity to deliver for the fresh job seekers who have found it hard to manoeuvre in the job market thus lacking an even fair ground to benefit and grow their careers?
- (d) consider developing a workable policy framework aimed at protecting young professionals and fresh graduates from being subjected to extreme job qualification requirements in order to boost an all-round career growth, as well as minimising unemployment of educated youth in the country?

Thank you.

Hon. Speaker: Thank you, Hon. Kimutai. Chairperson, Departmental Committee on Labour. Can Members of the Committee inform their Chair on the Question?

Thank you. That is the end of Questions. Let us move to Statements now.

STATEMENT

There is a response to the Statement by Hon. Beatrice Kemei, Member for Kericho County. Chairperson, Departmental Committee on Labour, Hon. Karemba.

ALLEGED SEXUAL HARASSMENT OF FEMALE TEA WORKERS

Hon. Muchangi Karemba (Runyenjes, UDA): Thank you, Hon. Speaker. After the Statement was committed to the Committee for consideration, we invited the Cabinet Secretary (CS) for a meeting to receive and consider its submissions. However, the response was deemed inadequate.

The Committee, thereafter, resolved to proceed to Kericho County to receive submissions from the county security team and the management of the two companies - James Finlay and Ekaterra Tea Estate. In addition, we invited the Ministry of Labour and Social Protection to accompany us for the visit. The Committee held meetings with the invited stakeholders. Out of the engagement and from both oral and written submissions, we will shortly table a report of the findings, which will come probably tomorrow. The Committee found out that there are enough policies on sexual harassment and exploitation. However, they are not implemented fully as there is a disconnect on the reporting. Those at the lower cadre of the company are unable to report sexual harassment because of either fear or intimidation.

There is also a challenge because so far, as we speak, there is no complainant. There is no one who has complained about the sexual harassment. Even though there are people who have been adversely mentioned, we do not have a single person who has come out to complain, so that the process of prosecution can begin.

Hon. Speaker, we also noted that we only have one labour officer working in Kericho and Bomet. One officer is not enough to go and address the labour issues, including sexual harassment. Without pre-empting the Report, which is supposed to come to this House, we made our own observations and the CS in the submission made the following findings:

1. It was confirmed that, as by the provisions of the law – the Sexual Offences Act and the Employment Act – the two companies had put in place sexual harassment policies and elaborate structures, including informing the workers.
2. The Ministry officials engaged with the workers' representatives; those are the shop stewards and the Agenda Committee Members, and they confirmed that they have been trained on sexual harassment and were aware of what was expected of them.
3. It is a fact that despite the seemingly elaborate and robust structures that have been put in place to prevent and address sexual harassment, the vice is still being experienced in the two companies, which indicates structural disconnect. There seems to be a cloud of fear in reporting to the managers and the tendency of some managers to cover their colleagues so that the matter does not reach the top leadership.
4. Hon. Speaker, the County Labour Officer reported that there has not been any labour complaint or trade dispute on sexual harassment reported to his office by individual workers or trade union in the last seven years.

5. The Ministry, in their submission, said that it is committed to encourage initiatives to partner with other agencies to encourage workers to report any negative vices affecting their lives to competent authorities so that a remedy can be found.

Hon. Speaker: Hon. Beatrice Kemei, do you have any supplementary to follow up on that? Let us have Hon. Kemei. There you are on your left.

Hon. Beatrice Kemei (Kericho County, UDA): Thank you, Hon. Speaker. First, I want to appreciate the Departmental Committee on Labour members who went to Kericho on a fact-finding mission. As much as I appreciate, I think the Chair was too brief. But I believe what he has tabled will be looked into more keenly. I believe there will be time to debate on the same.

However, I would say that what the Ministry has done is sufficient and satisfactory. From my experience with the workers, because at some point I joined the Committee, sexual harassment is real. To some extent, it has been normalized to the extent that some of these workers may not report the cases to the managers.

There is also a general perception that people working in the tea estates or the workers in the tea industry are available for sex, which should not be the case. Many of them may not report because of stigmatisation. There is that fear of losing their jobs, and that is why they may not come out to report the same.

Hon. Speaker, the shop stewards serve as a link between employees and supervisors. There is a very wide gap between the two. From that finding, it is very difficult for the workers to go and talk to the managers. That makes it difficult for them to come out very strongly against sexual harassment.

Another thing that I also found out when we met with the workers is that most of them work in very poor working conditions and their pay is poor. So, at some point, they yield to those advancements.

Hon. Speaker: Hon. Beatrice Kemei.

Hon. Beatrice Kemei (Kericho County, UDA): Yes, Hon. Speaker.

Hon. Speaker: What you should be doing, having listened to the Chair of the Committee, is in areas where you need further clarity, you ask further questions.

Hon. Beatrice Kemei (Kericho County, UDA): Thank you, Hon. Speaker. I am guided.

Hon. Speaker: You can opt to get a response either now or later. As it is, you are also making a statement.

Hon. Beatrice Kemei (Kericho County, UDA): Thank you. I am guided, Hon. Speaker. My other point of concern is what the management has done in line with this issue of sexual harassment. If it is real on the ground, what have they done so far that will ensure that it comes to an end or is reduced?

On the issue of having only one labour officer, when is the Ministry planning to employ more of them? With only one covering Kericho and Bomet, it is very difficult because they visit only once in a year. When is the Ministry planning to employ more of them so that they can address issues of sexual harassment, among many others?

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Hassan, Kamukunji. Is it on the same issue?

Hon. Yusuf Hassan (Kamukunji, JP): Yes, they are related. First, this is a matter of great concern. This issue of sexual harassment is currently a global concern. Those cases were detailed on the British Broadcasting Corporation (BBC) documentary *Panorama*. It has become a major concern for the two British corporations involved in this matter.

In addition to that, Hon. Speaker, in a Statement, I did state that there is lack of sufficient response to Questions and Statements by the various ministries that we have highlighted here. It is a topic of serious worry. Cabinet Secretaries seem to ignore this House. For example, from October, I have asked not less than five Statements and I have not received a single answer to

them. Some are now outdated. They were urgent then. I had inquired for your guidance on how we could solve this challenge. I notice in the House that many of the Questions or Statements are not answered to the satisfaction of the Members of Parliament yet, there is no possibility to interrogate and engage the Cabinet Secretary directly or in committee sessions. The point is: Why would we ask Questions if the other side is not taking them with the seriousness that is required? Therefore, I am asking for your guidance on that.

I thank you, Hon. Speaker.

Hon. Speaker: Hon. Hassan, I hear you and the concern you have raised with me. Remember that the amendments to the Standing Orders for Cabinet Secretaries to appear before this House to answer your Questions take effect from tomorrow. Since from tomorrow you are taking a short recess, as soon as we come back after recess, Members of the Cabinet will start appearing here to answer your Questions.

In the amendments to the Standing Orders and the Motion you passed here, you did say that Questions that were asked before 23rd will be answered in committees. I will direct the Clerk to compile all the Questions that are pending before committees and furnish the list to my office so that we can give further direction to the chairmen of committees.

Let us have Hon. Martha Wangari of Gilgil. Hon. Karemba, you should note down the supplementary questions. When this is done, I will give you an opportunity.

Hon. Martha Wangari (Gilgil, UDA): Thank you, Hon. Speaker, for giving me the opportunity. I join Hon. Hassan in noting that this issue was not a matter of Kericho alone. It was a national and international issue and matters sexual assault are not easy even for the women to report. That is why you do not see a direct complainant because they fear for their lives, families and losing their jobs, which are very scarce.

My follow up question is that we saw in that BBC documentary or expose that the same people who were harassing those women were reciting the anti-harassment laws in the companies. The follow up question would be what has the two companies done so far in terms of implementing their own regulations and summoning those managers? More importantly, is to trust our institutions like the Directorate of Criminal Investigations (DCI). From that BBC documentary, we can get that reporter who is a Kenyan to be under oath. Can that serve as a way of instituting measures to stem this very rampant issue in that region?

Hon. Speaker: Hon. Karemba.

Hon. Muchangi Karemba (Runyenjes, UDA): Thank you, Hon. Speaker. There was one person, a Mr. John Chebochok, who was notoriously mentioned in the submissions. I wish to inform the House that James Finlay & Co suspended him. He was contracted to look for workers. He was doing that since 2017 but, after the expose, his services were stopped. James Finlay & Co. decided to absorb all the employees and to employ them without contracting. That was one of the decisions that was arrived at.

At Ekaterra Tea Kenya PLC, which was formerly Unilever, we found that the management was doing something. There were cases that had been reported but each of those cases had been reported at the criminal investigation offices. Some were matters in court and some had already been dealt with and others are cases that are ongoing in court. We found out that this issue of BBC expose was not the only issue that had been reported, but several other cases had been dealt with, while others were ongoing.

I want to associate myself with the sentiments from the Hon. Member from Kamukunji that it is time now for the Cabinet Secretaries to come to the House. In their submissions, we found out that they are giving us very inadequate details. When they come here, we will ask them supplementary questions. I do not think they will be coming here without being adequately prepared.

It is true what Hon. Martha has said. While the workers, mostly women in these two companies were agreeing with us that there has been sexual exploitation and harassment in

those two companies, most of them, even those who have contracted HIV/AIDS, were not willing to come out and report. The reason – and this is what they believe – is that if they reported, they would be fired.

Secondly, is the issue of stigmatization. Nobody wants to be seen on television as having been one of the victims. I agree with the Hon. Member because that is also contained in our reports which will be tabled shortly and possibly tomorrow, that investigations through our able DCI officers should begin with the person who did the expose. We are considering to request him to be the complainant so that the process of prosecuting those accused can begin. That is because, as of now, we do not have anyone complaining.

Thank you, Hon. Speaker.

Hon. Speaker: Yes, Colonel Raso. Give the microphone to Hon. Raso.

Hon. Ali Raso (Saku, UDA): Thank you very much, Hon. Speaker. The Question that has been raised by the Member for Kericho is a gravitas question. It is heavy in that the rights of Kenyans are being violated, maybe, because they are poor or lowly paid workers. The Member has agreed that there is sexual abuse that is going on. Whether there are witnesses coming forward or not, I think this is an issue that must be investigated. This Question should not be laid aside. When the Minister comes, then this should be one of the Questions that the Minister should answer to this House. Why does such violations take place and yet, we hide our heads in the sand just because Finlay is one of the major companies in Kenya dealing with tea and they pay taxes? I think it is not about taxes. It is about the dignity of Kenyans that we must not look away. Thank you.

Hon. Speaker: Yes, Hon. Justice Kimei. Give the microphone to Hon. Kimei. Use the portable microphone being brought to you.

Hon. Justice Kemei (Sigowet/Soi, UDA): Thank you, Hon. Speaker, for giving me the opportunity. I would like to add my voice on the sexual exploitation by the multi-nationals that are based in Kericho. Out of desperation, our people go to the tea estates to seek employment. We do not expect the two companies or any other investment in Kericho to exploit our people simply because they have no means of earning a livelihood at the moment.

Hon. Speaker: Ask the Chairman a question.

Hon. Justice Kimei (Sigowet/Soin, UDA): Chairman, we would like, when you provide the answers, to specifically look at women that have been exploited in Kericho and particularly those that come from Ainamoi, Belgut, Bureti and Sigowet/Soin constituencies. Thank you.

Hon. Speaker: Hon. Oundo. Hon. Karemba, I hope you are recording. Give the microphone to Hon. Oundo across the Floor. If the microphone is not working give him... *(inaudible)*

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Thank you, Hon. Speaker. Luckily enough, mine is working. I want to ask my colleague the Chairman as he asks for supplementary information, to please add this question. Sexual harassment is not only confined to tea farms in the agricultural sector, but cuts across the entire workforce where women seek work. What is the Ministry doing to sensitize women, whether affected or not, to be courageous enough and report the cases to the labour officers? Keeping quiet only damages and entrenches the practise. If the women can come out boldly and complain and stand up for their rights, we will eliminate those sexual violence cases. Occasionally, I receive complaints that so and so has refused to employ me because I have not accepted his advances, which is a very demeaning and humiliating exercise. What is the Ministry doing to sensitize women and build capacity to ensure that women speak loudly on the same?

Finally, Hon. Speaker, we have 47 County Women Representatives in this House. Where are their voices? Where is the combined and concerted voice in this spirit of the rampant cases of sexual harassment amongst women workers in this country?

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Oundo, to be fair to the women, this question was brought by a County Woman Representative of Kericho. That comment, therefore, is not entirely fair.

(Applause)

Hon. Karemba, I hope you are recording the interventions of the supplementary questions. Hon. Elachi.

Hon. Beatrice Elachi (Dagoretti North, ODM): Thank you, Hon. Speaker. As I speak to the Chair, I just want to tell Professor that this Statement was brought by the Woman Representative for Kericho County and I. It was women who came to cry in this House.

My additional question to the Chairperson is that one, this is an issue that is already in courts in London. We have 2,000 workers from Kericho who have sued that company. We would want to know what the Ministry is doing to support them in the case that is in a Scottish court, which is about to start in the month of April.

Two, even as we speak about all these issues, we have women who were infected with HIV/AIDS. What is the Government doing to the officers who infected them? This is because, even as we speak of rape, how do you rape and infect at the same time? It is unfortunate that we are talking about this in Kenya when we already have the Sexual Offences Act and many Acts to deal with this matter. In as much as the companies decided to suspend the officers, they must be taken to court. I wish that the Chairperson would ensure that their case is taken up by Government. It is a big case. Many workers in those tea farms are sacked the moment they start having back problems. What are we going to do with the many workers who have left just because they became sick as a result of work?

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Karemba, I hope you are noting all those questions. Give Johana Ng'eno the microphone.

Hon. Johana Kipyegon (Emurua Dikirr, UDA): Thank you, Hon. Speaker. I would also like to know from the Chairperson what sanctions the Ministry imposes on companies that are discovered to be promoting sexual harassment. One of the companies in the United Kingdom (UK) was...

Hon. Speaker: Is it promoting or condoning? It appears to be condoning much more than promoting.

(Laughter)

Hon. Johana Kipyegon (Emurua Dikirr, UDA): It is condoning. I remember there was a company in the UK which had business association with James Finlay and the Ekaterra companies in Kericho but it disassociated itself from this company after the sexual harassment issue came up. What have we done in our country, especially the Ministry, to the companies which are allowing their employees to commit this criminal activity?

Further, this is an issue that came up when tea-plucking machines have flooded tea estates in Kericho, Kiambu and the entire country. They have forced so many people to be unemployed, and for the few who get those opportunities, they get harassed. What has the Ministry done, especially on that issue of machines which has caused a lot of problems in this country? In as much as we would want to mechanise farming and almost everything, there are opportunities which are meant to safeguard the interest of the people of this Republic. Thus, we cannot allow that to happen. Therefore, I wish the Chairperson, as a follow up question, would look into the issue of machines which have elbowed out people who have been getting their livelihoods from those particular estates.

I thank you, Hon. Speaker.

Hon. Speaker: Let us have Hon. Naomi Waqo and bring this to an end. Thereafter, we can have Hon. Karemba answer the questions that have been raised. I will then give the Member for Changamwe, Hon. Mukami and Hon. Sitienei to ask more questions. Is there any other Member who is interested?

(Hon. Jayne Kihara spoke off-record)

I know the difference between the Member for Naivasha and Hon. Sitienei. Go on.

(Laughter)

Hon. Naomi Waqo (Marsabit County, UDA): Thank you, Hon. Speaker for allowing me to add my voice to this very important Statement.

I want to take this opportunity to also congratulate the Woman Representative for Kericho County for bringing up this matter that has affected very many families and women who work in the tea farms. We know very well that if the Woman Representative did not bring this matter out, it would still be hidden up to now and, maybe, forever. However, she has taken a very bold step to bring out this matter and expose the practice that is there.

Women have been exploited...

Hon. Speaker: Hon. Naomi Waqo, ask a supplementary question to the Chairperson, Hon. Karemba. You are debating! You can bring a Motion on sexual harassment and we will give you time to debate it.

Hon. Naomi Waqo (Marsabit County, UDA): Okay, thank you, Hon. Speaker. Sexual harassment has been there and many women have been affected. It is practised almost everywhere. I, therefore, advise the Chairperson to give it the attention it deserves so that those who are involved can be brought to book, and those infected by HIV/AIDS through those acts can be given special consideration.

That is my advice. I thank you, Hon. Speaker.

Hon. Speaker: Hon. Karemba, it looks like you will have to re-engineer your answer.

Hon. Muchangi Karemba (Runyenjes, UDA): Thank you, Hon. Speaker. I am impressed that this issue has attracted a lot of interest from Members. That is because it is a very serious matter. We were shocked when we went to Kericho. We found out that there are so many women than we thought who have been harassed and exploited sexually. I want to agree with Hon...

Hon. Speaker: Hon. Karemba, in all those contributions, you have been asked: One, what are you doing about possible criminal prosecutions?

Two, what are you doing about the offending multi-national companies?

Three, are you supporting the women who have filed suits in courts outside this jurisdiction, that is, in the UK and Scotland?

Four, there is a person you pointed out as notoriously mentioned, and then you crowned it by saying he is suspended. Is that suspension enough?

Those are the questions I have picked from all the Members. Answer them.

Hon. Muchangi Karemba (Runyenjes, UDA): Hon. Speaker, as a Committee, we believe that the suspension of Mr. John Chebochok and his accomplices is not enough. We believe that the DCI should go ahead and prosecute him and those who have been adversely mentioned in those reports.

Hon. Speaker: Excellent. Your Committee should write to the DCI to that effect.

Hon. Muchangi Karemba (Runyenjes, UDA): Yes, Hon. Speaker. On the issue of the case in Scotland, as I am aware, the matter is not directly on the issue of sexual harassment.

The workers have sued the company because it has exposed them to harm and injury, not just sexual harassment.

Finally, those companies should be fined locally. We have seen the interest from multi-nationals - companies from Europe and the USA - that have questioned the true cost of our Kenyan tea. We recommend that the Ministry of Labour goes down to those two companies and inflicts them with penalties.

Hon. Speaker: Can we close here? I saw several Members wanting to contribute! Hon. Omar Mwinyi, Hon. Janet Sitienei, Hon. Rahab Mukami, Hon. Jayne Kihara and Hon. John Koyi. Let us have those then we close there.

Hon. Omar Mwinyi (Changamwe, ODM): Thank you, Hon Speaker. Mine is to ask the Chairman to satisfy us on what the Ministry is going to do or doing to make labour officers friendly and approachable. All those issues result from labour officers who are not co-operative and friendly. That is why nothing about it is known.

Hon. Speaker: Thank you. Who was the next? Hon. Rahab Mukami and then Hon. Janet Sitienei.

Hon. Rahab Mukami (Nyeri County, UDA): Thank you, Hon. Speaker.

Hon. Chairman, I wanted to ask you one question. I do not know whether you have watched that documentary. It is very traumatising. Personally, it is my daughter who told me to watch. I want to ask you now that mothers have been infected with HIV/AIDS, who is going to take care of their children? What are you going to do about it? What measures are you going to take as a Committee to make sure that, that is not going to happen to Kericho tea farmers again?

Hon. Speaker: Hon. Janet Sitienei. Give her the microphone.

Hon. Janet Sitienei (Turbo, UDA): Thank you, Hon. Speaker. Hon. Rahab Mukami has asked the same question. Nonetheless, I will emphasise it. I would want to ask the Chairman whether there are plans to send a medical team to ensure that the other women that were not able to come out openly are assisted. I mean investigating and helping them to go to health centres or hospitals for further treatment. I know there must be women affected by Sexually Transmitted Diseases (STDs) and they are not able to come out to hospitals. Two, I would want to emphasise the question of compensation to women infected by HIV/AIDS. Are there plans or recommendations within your Reports that ask the company to compensate families of women infected by HIV/AIDS?

Hon. Speaker: Hon. Jayne Kihara.

Hon. Jayne Kihara (Naivasha, UDA): Thank you, Hon. Speaker. I applaud the Member for Kericho. This problem goes beyond Kericho because of the stigma and shame. I would like to ask the Chairman whether the Ministry would consider that all sexual harassment or defilement cases are done in camera? That is so that women come out. Women never come out. They are not able to report even to police stations.

Hon. Speaker: There is already a law that provides for that.

Hon. Jayne Kihara (Naivasha, UDA): Thank you very much. I stand guided. Then they have to do advocacy because women do not know. That is why they do not come out.

Hon. Speaker: That is where Hon. (Dr) Ojiambo Oundo comes in now - the 47 Women Representatives. We, as Government, finance you to sensitise our women to come out and report those heinous transgressions on their privacy. Please, do you work to ensure that you hold public clinics or hire lawyers to ensure the wheel of justice turns quickly against the offenders.

Hon. Speaker: Let us have Hon. John Koyi. Hon. (Dr) Lilian Gogo, I will give you a chance after Hon. Waluke.

Hon. John Koyi (Sirisia, JP): Thank you, Hon. Speaker. Chairman, I want to ask you a question because you said that some cases have been dealt with. Can you tell this House about

the cases because the results are already out? You know the outcome of the cases dealt with. Tell us the results of cases dealt with.

Hon Speaker: Lastly, Hon. (Dr) Lilian Gogo. Hon. Karemba Muchangi, be ready to answer.

Hon. (Dr) Lilian Gogo (Rangwe, ODM): Thank you so much for giving me an opportunity to add my voice to what is being asked to the Hon. Chairman.

It would also be important for you to bring to the attention of the House what else is being done to other aspects of sexual harassment at work. We have had cases of sex for fish which were being talked about at the plenary earlier. Has this also been put together with sex for work at the Kericho farms? I can hear emphasis being put on the need for Women Representatives to be part of sensitisation programmes. A matter of sex is a matter of concern to every Woman Representatives. We have women Members of Parliament who represent single constituencies. It cannot be over-emphasised as if we were not in a position to do the same. When this is done, let all the leadership stand up to any case of harassment done by men. Let men also be more involved in it so that we can collectively put our voice to it as leaders.

Hon. Speaker: Hon. Karemba Muchangi.

Hon. Karemba Muchangi (Runyenjes, UDA): Thank you, Hon. Speaker. I wish to state that sex for fish has not been brought to our attention. If there is such an issue, we gladly wish that it be brought before our Committee. We will expedite on it.

On supplementary questions, I commit, on behalf of the Committee, that we will forward the questions to the Ministry for further information and submissions. I wish to mention that labour officers are friendly but inadequate. I said that we have only one labour officer operating in Kericho and Bomet. One officer is not enough. What we have done is recommend. We have made a recommendation to the Ministry of Labour and Social Protection to give additional labour officers so that they can attend to issues of labour.

On the issue of the many women infected with HIV/AIDS, we have recommended that the Ministry of Public Service, Gender and Affirmative Action conducts awareness campaigns in those tea farms. Not just in those two companies - James Finlay and Ekaterra Tea Kenya PLC- but also other estates. We have several estates in Kericho, Bomet and other places in the country. They are working together with County Women Members of Parliament so that they can create awareness on HIV/AIDS to women and men on what they should do to be in good health. Looking into this matter and seeing the interest, one of the recommendations that we made was that, since those issues have been reported for a number of years and this exposé was just done the other day, we are considering a full inquiry into issues to do with sexual harassment and exploitation so that we can fully understand them. If we give all our attention to this investigation through a full inquiry, we will get even more details that will be helpful to this House and to the country.

I am delighted that the women of this House have expressed interest in contributing to this issue. I invite them to do so. We will possibly table the Report tomorrow. When it is officially tabled, they can contribute to it. I was worried when we conducted investigations in Kericho and Bomet and I did not hear the voice of the Kenya Women Parliamentary Association (KEWOPA). They did not speak to this issue and I was very worried. I am glad that they are now very interested. Many thanks to Hon. Beatrice Kemei for bringing this matter to the House. I invite all women in this House to be attentive to the Report which we will table tomorrow, so that they can help us to help the women of Kenya.

Thank you.

Hon. Speaker: Thank you, Hon Karemba. Hon. Members, I wish to acknowledge the presence, in the Speaker's Gallery, of students from Tangaza University College from Lang'ata Constituency in Nairobi. On my behalf and that of Members, I wish to welcome them to the House of Parliament.

(Applause)

That is the end of Questions and Statements.
Next Order.

MOTIONS

NOTING OF REPORTS OF 61ST SESSION OF OACPS AND 42ND SESSION OF ACP-EU JOINT PARLIAMENTARY ASSEMBLY

THAT, this House notes the Report of the 61st Session of the Organisation of Africa, Caribbean and Pacific (OACPS) Parliamentary Assembly and the 42nd Session of the ACP-EU Joint Parliamentary Assembly, laid on the Table of the House on Wednesday, 30th November 2022.

(Moved by Hon. Ali Raso on 9.3.2023)

(Debate concluded on 21.3.2023)

Hon. Speaker: Hon. Members, I will now put the Question on Order No.8.

(Question put and agreed to)

Next Order. Who is moving this Motion?

Hon. Rahab Mukami (Nyeri County, UDA): Thank you, Hon. Speaker.

Hon. Speaker: Hon. Mukami, before you move the Motion, as I had previously directed, once you move your Motion, it will be debated depending on what comes first. If debate is concluded before 5.30 p.m., we will go straight to the Motion for Adjournment by the Member for Mosop. If Members will still be debating it by 5.30 p.m., we will truncate debate and go to the Motion for Adjournment by the Member for Mosop, and your Motion will be stayed until tomorrow afternoon. You may proceed to move your Motion.

NOTING OF REPORT OF THE FIRST ORDINARY SESSION OF THE 6TH PAN-AFRICAN PARLIAMENT

Hon. Rahab Mukami (Nyeri County, UDA): Hon. Speaker, I beg to move the following Motion:

THAT, this House notes the Report of the Kenya Delegation to the Pan-African Parliament (PAP) on the Proceedings of the First Ordinary Session of the Sixth Parliament, laid on the Table of the House on Tuesday, 28th February 2023.

The First Ordinary Session of the Sixth Pan-African Parliament took place on 23rd October 2022 to 12th November 2022 at the Gallagher Convention Centre in Midrand, South Africa. The Session was held under the African Union (AU) theme of the year – “Build Resilience in Nutrition: Accelerate Africa’s Human Capital and Socio-Economic Development”.

The Kenyan delegation to this meeting comprised of the following:

1. Sen. Danson Mungatana, MGH, MP – Leader of the Delegation;
2. Sen. (Prof.) Margaret Kamar, EGH, MP;
3. Hon. Esther Muthoni Passaris, OGW, MP;
4. Hon. Joseph Kalasinga Majimbo, MP;

5. Hon. Rahab Mukami Wachira, MP.

[The Speaker (Hon. Moses Wetang'ula) left the Chair]

[The Temporary Speaker (Hon. Farah Maalim) took the Chair]

The Session was graced by the following dignitaries: Hon. Ronald Lamola, Minister for Justice and Correctional Services, who represented the President of the Republic of South Africa; Rt Hon. (Dr) Sidie Mohamed Tunis, Speaker of the Economic Community of West African States (ECOWAS) Parliament; Rt (Hon.) Fattouh Rawhi, Speaker of the Palestine National Council and Rt (Hon.) Baroness Patricia Scotland KC, Secretary-General of the Commonwealth.

During the Session, the Pan-African Parliament undertook the swearing-in of new Members...

Hon. Wanjiku Muhia (Kipipiri, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): What is your point of order, Hon. Muhia?

Hon. Wanjiku Muhia (Kipipiri, UDA): Hon. Temporary Speaker, I rise under Standing Order 212(2)(d) to draw your attention and that of the House to the fact that the mandate of the Committee on Regional Integration is to examine the records of all relevant debates and resolution of the meetings of the Pan-African Parliament, the ACP-EU Joint Parliamentary Assembly and other regional integration bodies.

It has become the norm in this House that such records are tabled in the House, but they do not find their way to the Committee on Regional Integration. We do not interact with any debates and no Member is part of the delegation. I want you to guide the House on whether that is in order. Order No.8 was also on a related debate.

When I served in the Committee on Regional Integration in the 11th Parliament, those debates and records always came to our Committee. We considered them and Members were able to fruitfully debate in the House.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Ordinarily, the rules are that we have to strictly abide by the Standing Orders of the House. Within the same Standing Orders of the House, when a Member moves a Motion regularly or irregularly, you wait until it is moved and seconded before you can rise on a point of order to contest. Let the Member finish moving the Motion. It will be seconded and then the Chairperson of the Committee on Regional Integration can contest it.

Hon. Rahab Mukami (Nyeri County, UDA): Thank you, Hon. Temporary Speaker. During the Session, the Pan-African Parliament undertook the swearing-in of new Members from Burundi, Kenya, Morocco, Mozambique, Somalia and Tanzania. The delegation from Kenya was sworn in on Thursday, 10th November 2022.

Additionally, several issues affecting the member states were deliberated, including a Motion calling for cessation of conflict in the Democratic Republic of Congo (DRC), as well as consideration of the document amending the PAP Rules of Procedure. Thereafter, the Clerk made a presentation on draft resolutions and recommendations of the First Ordinary Session of the Sixth Parliament of the Pan-African Parliament (PAP), and in total, 18 draft resolutions and three draft recommendations were adopted.

The President of the Pan African Parliament, His Excellency the President Fortune Charumbira, presented a performance review report that assessed the tangible achievements, performance and identified the strengths and weaknesses of the institution. As it set its goals

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for future performance, this move was aimed at increasing the confidence of African Parliamentarians in the current leadership ability to effectively deliver on its commitment to revive, renew and reposition Africa Supreme Parliamentary body. He underscored the need for African legislators to demonstrate the results of work that PAP was doing in order to win the support of African citizens. He also stated that PAP had demonstrated its relentlessness as it continued to undertake its responsibility towards enhancing peace, security, promoting democracy and rapid socio-economic development of the people of Africa. He further stated that the newly elected bureau had committed itself to rejuvenation and revitalization of the PAP as evidence of the achievements that had been recorded within its short period.

Hon. Temporary Speaker, the PAP President explained that the results of the Performance Review Report were anchored on the four thematic objectives of the PAP 2019/2023 Strategic Plan, which include strengthening the parliamentary functions of the PAP and enhancement of knowledge management responsibilities on the continent.

The Report highlighted the following key initiatives and results:

1. Entrenchment of the principle of rotation in the election of the Bureau of the Sixth Parliament of the PAP;
2. Hosting of the first meeting of the Permanent Standing Committees;
3. The strategic re-orientation workshop for Members of Parliament;
4. Development of model laws;
5. Participation in the 41st Ordinary Session of the Executive Council and the 4th Mid-year Coordination Meeting of the African Union and the Regional Economic Communities (RECs);
6. Hosting of the 11th Conference of the Speakers of Regional and National Parliaments in Africa; and,
7. Hosting of the 4th Meeting of Secretaries-General of African Parliaments (ASGAP).

Hon. Charumbira stated that these initiatives had yielded significant positive results for the continental body. In the ensuing debate, legislators made robust submissions centered on the ratification of the Malabo Protocol, budgetary constraints faced by the Parliament, and the urgent need for parliamentarians to discuss issues aimed at improving the livelihoods of African citizenry.

Hon. Temporary Speaker, in conclusion, PAP adopted the following resolutions on 4th November 2022.

1. A draft resolution congratulating the Federal Republic of Ethiopia and Tigray People's Liberation Front on the signing of the peace agreement;
2. Resolution on solidarity and support to the government and the people of the Republic of Mozambique;
3. Resolution on the Pan-African Parliament's support to the East African Crude Oil Pipeline Project;
4. Resolution calling for the immediate lifting of unilateral economic sanctions imposed on the Zimbabwean Government by the United States of America, United Kingdom and the European Union;
5. Resolutions for the ratification and implementation of the additional Protocol to the African Charter on human and people's rights, on the rights of women in Africa called the Maputo Protocol;
6. Resolution on the round table on advancing democratic governance through implementation of the African Charter on Democracy, Elections and Governance (ACDEG) and enhanced citizen engagement;
7. Resolution on labour migration;
8. Resolution on the African Continental Free Trade Area;

9. Resolution on the adoption of the Model Law on Food and Nutrition Security in Africa;
10. Resolution on Model Police Law for Africa;
11. Resolution on elimination of harmful practices related to accusations of witchcraft and rituals attacks;
12. Resolution on promotion of ratification of the Protocol on Persons with Disability and the Protocol on Older Persons;
13. Resolution on formulation of a Model Law on Labour Migration in Africa;
14. Resolution on formulation of a Model Law on Gender Parity in Africa;
15. Resolution on formulation of a Model Law on Statelessness;
16. Resolution on promotion of African Union ten-year action plan to eradicate child labour, forced labour, human trafficking and modern slavery, 2020/2030;
17. Resolution on development of a Model Law on Cooperatives in Africa; and,
18. Resolution on development of a model legislation on factoring in Africa.

On behalf of my fellow Members of Pan African Parliament representing the Parliament of Kenya, I beg to move that this House notes this Report as presented.

I thank you, Hon. Temporary Speaker, and request Hon. Majimbo to second.

The Temporary Speaker (Hon. Farah Maalim): Proceed, Hon. Majimbo.

Hon. Majimbo Kalasinga (Kabuchai, FORD-K): Thank you, Hon. Temporary Speaker. I rise to second this Motion based on the importance and duties of the PAP in the African Economic Community (AEC). It is so dedicated. It brought forward the rules, regulations and the procedure on how to make that treaty that established the AEC to the Pan African Parliament. I also want to come out clear that the role of the PAP is to tackle the essential challenges that affect Africa. Africa has a challenge of diverse languages from the diverse colonialists that took interest in Africa. You realise that Africa is one, but it has different languages. The PAP is aimed at looking at how to unite Africans and make Africa one.

Hon. Temporary Speaker, the PAP also widens and deepens the integration of African states. When we look at the Report that was put forward, PAP looked at how we, Africa, can be independent from the sanctions of foreign nations.

The PAP as an institution is very keen on international law, the labour movement and how we must be treated outside the continent. We have Africans who move to other continents to seek employment and are mistreated. This is part of the concern that was put forward on the Floor of the House.

The PAP which sits in Midrand Johannesburg, South Africa, has extended an invitation to his Excellency the President of the Republic of Kenya in May to officiate the opening of the Parliament. That is how Kenya has been accorded respect in the African Continent. We are seen as one of the biggest economies in Africa, and we are proud of it.

Finally, Kenya was respected for presenting three women and two men. It was given the respect for giving women an equal opportunity. That is why we are highly respected.

Without further ado, I second this Motion. I thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Hon. Members, before I propose the Question, I want to listen to Hon. Wanjiku Muhia, the Chair of the Committee on Regional Integration.

Hon. Wanjiku Muhia (Kipipiri UDA): Thank you, Hon. Temporary Speaker. If you may recall, two weeks ago in this House, we had a similar Motion. During my debate time, I was on record that it was premature to bring that Motion to the House before it found its way to the Committee that I chair. If you read Standing Order 212 which the Committee on Regional Integration is founded on, particularly 212(2)(c) and (d), it is the Committee's mandate to examine the records of all the relevant debates and resolutions of the meetings of the Pan-

African Parliament, the African, Caribbean and Pacific-European Union Joint Parliamentary Assembly and other regional integration bodies. It is my hope that the drafters of this Standing Order had in mind that this Committee on Regional Integration is purely mandated to interrogate matters on regional integration knowing that all bilateral agreements mainly originate from those joint parliaments. As such, I am concerned that this is the second Motion... I wish you can guide the House on this.

Although I have written a letter to the Liaison Committee, unfortunately, we have not been able to sit for the last two Wednesdays. So, if you find it well, you can still guide me where I should execute this matter further. In my view, it is premature for this House to debate the Motion on this Report before it is examined and interrogated by the Committee on Regional Integration. For purposes of strengthening this House... At times, when committee members debate a report that they have interacted with, they shape the debate in the House. A Member like Hon. Muriu may not be well informed about the Pan-African Parliament proceedings. When Members of the Committee on Regional Integration, who are more than the two who are nominated speak on these matters, the House will be able to follow the debate and it will have more understanding and debate from a point of authority and information.

With that, I beg that you give guidance, although I can see Members who wish to discuss the same.

The Temporary Speaker (Hon. Farah Maalim): Hon. Members, here is an issue that merits a communication from the Chair. Indeed, Standing Order 212 (2)(d) read together with (1) says:

“(1) There shall be a select committee to be designated as the Committee on Regional Integration.

(2) The Committee on Regional Integration shall— ...”

As lawmakers, I want you to understand the difference between “shall” and “may.”

It continues:

“... (b) examine the records of all the relevant debates and resolutions of the meetings of the East African Legislative Assembly;

(c) examine the Bills introduced in the East African Legislative Assembly and Acts of the East African Community;

(d) examine the records of all the relevant debates and resolutions of the meetings of the Pan African Parliament, the African, Caribbean and Pacific-European Union Joint Parliamentary Assembly and other regional integration bodies; and,

(e) inquire into and examine any other matter relating to regional integration generally requiring action by the House.”

The House is now acting on the Report of the Pan-African Parliament. It is my considered opinion that these reports are supposed to be examined by the relevant committee – the Committee on Regional Integration – before it is brought to the Floor of the House. Although this ruling is being given belatedly, this is a matter that Hon. Wanjiku Muhia and her Committee should have raised on the Floor of the House for the Chair to give a ruling on. In the process, we have created almost a *quasi*-tradition of debating these reports before they come to the Committee, and that includes the Report that was tabled, debated and passed after the Question was put. Nonetheless, it is my opinion that a wrong is always a wrong, even if that wrong passed before. Under the circumstances, the debate on this matter is adjourned until such a time that the Committee takes ...

(Loud consultations)

Order Members! I am not going to propose the Question because if I do so, it will become a substantive business of the House. This Report will be taken to the Committee on Regional Integration and then, subsequently, it will be brought to the House, the Question will be proposed, and the matter will be debated. We have Standing Orders in this House and we have committees that are supposed to perform strictly in accordance with what they were intended for in the first place. Before committees and parliamentary delegations bring reports to the Floor of the House any time they go out there, the reports have to be examined by the relevant committees before they come to the House to be enriched.

(Applause)

So, this Motion is adjourned until such a time that the relevant committee is satisfied with it and the Motion is brought again for debate.

Thank you.

(Debate on the Motion adjourned)

Next Order.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Hon. Millie Odhiambo, Member of Parliament. I do not know whether it is Suba or Mbita.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): It is Suba North. Thank you, Hon. Temporary Speaker for the guidance and clarity that you have given. Indeed, I was a Member of the Pan-African Parliament, and the direction you have given is correct. What I am wondering is: If the Committee is going to examine the Motion and given that it has been moved and seconded, at what point will it come back to the House? Will it be a continuation or the Committee will bring it afresh? In the past, it has been committees that have been moving Motions and not its members. Members contribute. Maybe, you can give guidance on when the Motion comes back, if it will be moved afresh.

Thank you.

The Temporary Speaker (Hon. Farah Maalim): Hon. Opiyo Wandayi, the Leader of the Minority Party.

Hon. Opiyo Wandayi (Ugunja, ODM): Hon. Temporary Speaker, to a large extent, I agree with your ruling. You must establish rules and procedures that can stand the test of time. I am very convinced that the Committee that is chaired by Hon. Wanjiku Muhia is capable of doing that examination. My only question is: What would such an examination of a report that has already been put together by a delegation of this House entail? What kind of latitude does a committee have in such a circumstance? For example, does the committee have the latitude to reject, to amend or otherwise vary the report? What does the examination really entail? That is important. Otherwise, we shall be giving the Committee a blank cheque that they may be unable to see what to do with.

Thank you.

The Temporary Speaker (Hon. Farah Maalim): Hon. Opiyo Wandayi, the Standing Orders were framed. When it comes to laws, Standing Orders, and traditions in this country, let us always go back to the intent, spirit and object of their framers.

In our wisdom when we were writing the Standing Orders, we not only said that we should examine the records of all the relevant debates but also inquire into and examine any other matter related. The presumption is that this Committee on Regional Integration will go through all these reports. Before they come to the Floor of the House, they should enrich them,

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debate among themselves and only then shall they become substantive business of this House for it to debate from an informed position. That is the object of putting this in our Standing Orders. It is very clear. It says the Committee will enhance the role of the involvement of the House. It is not left entirely to the delegations that went out there. I agree pretty much with what Hon. Millie has said. The Committee has the object of intensification and development of the integration process among others. Examination, inquiry and enhancement are there. It has been given that role to look into these reports before they come to the Floor of the House for them to become substantive parts of this House and to contribute.

Hon. Millie Odhiambo said that during her time, the Committee used to move this business. I stand to be guided on that because I was here 10 years ago and these are not the Standing Orders that we were using. We were using different ones. My opinion in this case, both from a legal standpoint and our practice, is that the Committee is not supposed to do all the examinations, inquiry and enhancement of the rest of the report just for nothing. The Committee must play its role in this House.

(Loud consultations)

Order, Hon. Members. I direct that this Report be taken to the Committee on Regional Integration and then it will be brought back to the House. We will propose the Question. The Report does not become a substantive business of the House before it is proposed by the Chair. Once it is proposed, everybody can weigh in.

Hon. Rozaah Buyu (Kisumu West, ODM): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): I thought we were putting this matter to rest. Hon. Rozaah Buyu, I will give you an opportunity to raise your last point of order.

Hon. Rozaah Buyu (Kisumu West, ODM): Thank you, Hon. Temporary Speaker. I just want to support your ruling because two wrongs do not make a right. Standing Orders were made for Parliament and by Parliament to ensure that our proceedings are in line with what we want to do.

The fact that the Chair of the Committee on Regional Integration has brought it out in good time, your ruling is apt. If we are to ensure that Parliament sticks to its rules, it is the right ruling. We must not be scared to go back to it.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Order, Hon. Members. The Chair had said that we would move to the next Order. There was a little bit of leeway that was given because the matter....

Hon. Wakili Edward Muriu (Gatanga, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Hon. Wakili Muriu, what exactly is your point of order? I hope it is not on what the Chair has already ruled on.

Hon. Wakili Edward Muriu (Gatanga, UDA): Hon. Temporary Speaker....

The Temporary Speaker (Hon. Farah Maalim): Let us also not use this as an intellectual exercise.

Hon. Wakili Edward Muriu (Gatanga, UDA): I want to give your hand a better glove on your ruling, bearing the fact that under Standing Order 212(2) (d), it is clear. As my colleague— Hon. Buyu—has said, two wrongs do not make a right. This is a House of rules and procedure. The drafters of the Standing Orders were very clear. For a matter to become substantive before this House, the Chair of that Committee must own it and bring it before this House. Again, there is wider consensus and understanding of those matters.

I just want to give you a glove on your hand on your ruling on what you have said and support it. Thank you very much.

The Temporary Speaker (Hon. Farah Maalim): That was mentioned by Hon. Millie Odhiambo, Member for Suba North. That is an area which I totally agree with you.

Order, Hon. Members. We have disposed of that business.

(Hon. Majimbo Kalasinga spoke off record)

If you stand guided, what more guidance do you want? You have already been guided. Go ahead, Hon. Kalasinga.

Hon. Majimbo Kalasinga (Kabuchai, FORD-K): Thank you very much, Hon. Temporary Speaker.

I want to thank you for your ruling. It opens eyes to a lot of things that we need to be followed as procedure of the House. We also stand advised. When this honourable House that we work for prepares an Order Paper and puts a business there, it becomes the property of this House. We were only told later that it was not supposed to be there. If you could have advised us from the beginning, it could not have reached this point. We know that Pan-African Parliament is independent. We stand guided. Procedurally, even the Order Paper would not have been prepared with this statement here.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Noted, Hon. Member.

MOTION OF ADJOURNMENT ON A MATTER OF URGENT NATIONAL IMPORTANCE

CLOSURE OF BUSINESSES AND DESTRUCTION OF PROPERTY DURING DEMONSTRATIONS

The Temporary Speaker (Hon. Farah Maalim): Hon. Members, the Communication from the Speaker was that the moment we conclude this debate— which we have concluded already in the sense that we have deferred it, until such time that it conforms with our rules— we would go straight to the Motion of Adjournment by the Member for Mosop. I call upon the Member for Mosop to move the Motion.

Thank you.

Hon. Abraham Kirwa (Mosop, UDA): Hon. Temporary Speaker, I beg to move the following Motion:

Pursuant to Standing Order 33(1), I rise to seek leave for adjournment of the House in order to discuss a definite matter of urgent national importance regarding closure of business premises and destruction of property during illegal demonstrations in the country.

On Monday, 20th March 2023, the country experienced demonstrations in various parts including Nairobi, Mombasa, Kisumu, Nakuru and Kitale leading to widespread closure of businesses, destruction of property and injuries to citizens. There is great concern in many Kenyans that should these illegal demonstrations continue on a weekly basis as indicated by the organisers, we are likely to experience further losses of property and even lives. The net effect of such closure of businesses and property will have a negative effect on the already struggling economy which the agitators seek to improve.

In addition, the kind of lawlessness being experienced in urban centres will lead to shifting of investors' interests in our country. The Constitution provides that for every right or freedom guaranteed, there is a corresponding obligation and responsibility. Hon. Temporary

Speaker, threats, lawlessness, violence, destruction of property and obstruction of activities by others infringe on the rights and freedoms of others.

As such, I want to make it very clear because on 9th August 2022, this country had an election. We had a President who was confirmed as the President of this country. The loser of the election decided to move to the Supreme Court and in the Supreme Court, it was affirmed that the winner for sure was the winner of the election.

The issue of calling for illegal demonstrations throughout the country is causing a lot of anxiety and a lot of destruction of property unnecessarily. I appeal and I am seeking the Inspector General of Police, and the Cabinet Secretary for Interior to enforce the law to its maximum. This week on 20th March 2023 on Monday, property in Kisumu was burnt and looting took place. We ended up losing millions of shillings in the process and it was not necessary for us to go through that trouble. Article 37 states thus:

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

Your honour, this particular Article was infringed because it was not peaceful. There was loss of property. Some lives were lost and with such loss then it was illegal.

The party and the leadership that led the demonstration should be made liable to pay for the damages. We lost about Ksh2 billion here in Nairobi because so many businesses were closed; Many people did not go to work; *mama mboga* and *boda boda* stayed in their homes so they lost so much revenue.

These demonstrations have been going on every year when someone loses an election.

Hon. Jared Okello (Nyando, ODM): On a point of order.

The Temporary Speaker (Farah Maalim): What is the point of order Member for Nyando? Order! There is a point of order.

Yes. Give the microphone to the MP for Nyando.

Hon. Jared Okello (Nyando, ODM): Hon. Temporary Speaker, I know we shall substantively discuss this at the right time; the issue that has been advanced by my colleague here. He talks about a particular amount of Ksh2 billion. Can he substantiate by providing data as to who carried out the valuation and arrived at Ksh2 billion as the amount that was lost on Monday?

I thank you.

The Temporary Speaker (Farah Maalim): Continue.

Hon. Abraham Kirwa (Mosop, UDA): Thank you, Hon. Temporary Speaker. As I said, the damages that the country incurred due to illegal demonstration in various parts of this country are in excess. If we were to call all the retailers who closed their businesses for fear of looting because there were businesses that were looted and they lost millions...We are talking about countrywide where we lost a lot of money. If we can adjust, it would be more.

My appeal and request is that the individuals who organised and led the demonstrations, which in this case are the leaders of Azimio Party, should be held responsible and pay for the damages. Otherwise, if this continues on a weekly basis, it will bring this country to a standstill. As responsible leaders, measures have to be put in place to make sure that nobody wakes up one morning, just because they lost an election, and say I am going to demonstrate. If we held an election and for sure we had a winner, democracy is not the best system, but it is the best that we have. If you compare it to socialism, tyranny and many other systems, democracy is the best and it says that once we have declared a winner, then the rest of the losers have to accept and we move until the next election. However, it has become a pattern that when someone loses an election, the next thing he does is to call for a demonstration so that they can have a portion of the Government. The only option we have is to have them pay or compensate the losers or the people who are losing their property, businesses and even lives.

What is the Government doing? The Inspector General of Police has been given responsibility to enforce peace in the country so that if there is such demonstration, is illegal and not peaceful, they should enforce the law. Arrest all those people who are doing the demonstration and causing mayhem. If it was peaceful, we could not have lost lives, there would not be looting and people would not be closing their businesses.

I urge the Cabinet Secretary for Interior and National Administration and the Inspector General of Police to make sure the rest of Kenyans will continue to enjoy their rights to live in this country and do business in this country. This week there were some investors who were present in the country. When these chaos and demonstrations started, they decided to get their tickets and go back. They decided Kenya may not be the best place to invest. As such Hon. Temporary Speaker, if we continue to lose tourists and investors, when is this economy going to recover? Why do we allow one individual or a few individuals to continue to cause instability and loss of revenue?

We know the claims they are saying of wanting the servers to be opened, the servers are there. You go to the website of the Independent Electoral and Boundaries Commission (IEBC), you will access it. The results that were declared at the polling stations are the forms that you will need. There is nothing like a server to be opened.

I wish to continue to urge the Government that is in place to instil and make sure that peace prevails in this nation. We cannot agree to be closing business every week. We are not in a position to do anything in Nairobi, Eldoret or Kisumu just because somebody has declared it is a public holiday and so Kenyans should just go and demonstrate. I am requesting that we continue to discuss this particular Motion. However, we want the Inspector General of Police and the police all over the country to keep law and order. I commend the police, regardless of all the pressure that they were put in during the demonstrations...

The Temporary Speaker (Farah Maalim): You have run out of time.

(Members spoke off record)

Fair enough. Order! You can have one additional minute.

Hon. Abraham Kirwa (Mosop, UDA): I was asking for additional time but allow me to just thank you and end here. We need peace in this country. Let us demand that the organisers and leaders of the demonstrations compensate those losses and all losses incurred by businesses that lost their revenue.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Farah Maalim): Each one of you will have five minutes. The Mover had 10 minutes. Am I right? Yes, he had 10 minutes.

Let us have the MP for Sotik, Hon. Francis Sigei. I do not know if the procedure has changed but ordinarily you need to ask someone to second you. You did not do that.

(The Temporary Speaker consulted the Clerks-at-the Table)

Fair enough. There is no seconder under this Motion. A lot has changed in the period I have been away.

The Leader of the Minority Party, Hon. Opiyo Wandayi.

Hon. Opiyo Wandayi (Ugunja, ODM): Hon. Temporary Speaker, I suppose I have 10 minutes.

(Loud consultations)

You are not the Speaker. Relax, I am addressing the Speaker. What is itching you?

The Temporary Speaker (Hon. Farah Maalim): Order! Order!

Hon. Opiyo Wandayi (Ugunja, ODM): Do not itch unnecessarily.

The Temporary Speaker (Hon. Farah Maalim): Order, Hon. Wandayi Order, Hon. Members! Hon. Members, it will be my pleasure to send as many Members of Parliament out of this House if you will be unruly. This is a warning to both sides. You address the Speaker and not one another across the aisle. If that happens, it is not going to matter whether you are the Leader of the Minority Party or Hon. Owen Baya, the Deputy Leader of the Majority Party, I will send you out of the House.

Order, Hon. Members! Hon. Opiyo Wandayi, you may proceed.

Hon. Opiyo Wandayi (Ugunja, ODM): Thank you, Hon. Temporary Speaker. Let me start by reminding our friends that in this country there are people who perhaps have not yet internalised the import of our very progressive Constitution, 2010. They are perhaps living in the past. The provisions of Article 37 of our Constitution are so clear and unambiguous that they require no further interpretation. Even a lay person would tell you that that Article of the Constitution gives Kenyans unfettered rights to demonstrate, picket and express themselves in whichever way they want. Therefore, any other statute law or edict by whomever, including the police service that purports to suspend or otherwise deny the enjoyment of the right enshrined in Article 37 of the Constitution is unconstitutional, null and void *ab initio*.

Moreover, even if there was any element of illegality in the mass action of Monday, 20th March 2023, it is not for the National Police Service (NPS) or any other person to proclaim that illegality. The NPS and the Nairobi Regional Police Commander Adamson Bungei has no authority whatsoever under the Constitution to declare any meeting or any mass action illegal. If he felt that the mass action was illegal, the best thing was to go to court and seek appropriate orders. Therefore, that is why I have said that there are still people who are living in the past in the country. These are basically the KANU and Nyayo era hangovers which have taken too long to be shed off. Therefore, I submit that the Monday event was totally, properly, and legally constitutional. The mass action only turned violent because of the violent intervention of the police. For this, we must hold the police officers and those who sent them liable and accountable. We must now set a precedent that in this country if you cause a violation of the law in the manner the police did on Monday, you must be held to account at a personal level.

Now, on behalf of the Azimio la Umoja-One Alliance Coalition, we gave a 14 days' notice with specific conditions to be met. At the expiry of that notice, there was no response and therefore we commenced the mass actions. Those conditions are, one, if you insist you won, open the servers for Kenyans to see for themselves.

(Applause)

Two, reduce the cost of living now by bringing back the subsidies. Three, involve all stakeholders in the reconstitution of the IEBC. Those were the three....

The Temporary Speaker (Hon. Farah Maalim): Order, Hon. Members! Whereas I would be glad to allow ranking Members of the House additional time....

(Loud consultations)

Order, Hon. Opiyo Wandayi! Whereas I would be glad to do it.... Take your seat. This is adjournment on definite matter of urgent national importance. Standing Order 33 (4), "No Member speaking on a matter under this Standing Order shall speak for more than five minutes without the leave of the House, except that the Mover may speak for ten minutes." It does not matter whether you are Leader of the Majority Party or the Leader of the Minority Party or a ranking Member.

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(Hon. Opiyo Wandayi spoke off record)

Order! Order! Hon. Opiyo Wandayi. Hon. Members, my hands are tied because the Standing Order says that no Member

Hon. Members, Order! I admit that it was mistake. Order, order, order!

Hon. Opiyo Wandayi (Ugunja, ODM): Stop being unfair.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, on a point of order.

The Temporary Speaker (Hon. Farah Maalim): What is your point of order, Hon. Ichung'wah?

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Temporary Speaker, for your guidance. What you have said is true. Standing Order 33(4) says, "No Member speaking on a matter under this Standing Order shall speak for more than five minutes without the leave of the House, except that the Mover may speak for 10 minutes."

With all due respect and begging your indulgence under Standing Order 1, I would request that the House gives leave to the House so that the Leader of the Majority Party and the Leader of the Minority Party speak for at least seven-and-a-half minutes with the leave of the House.

Hon. Members: No!

The Temporary Speaker (Hon. Farah Maalim): On matters Order, Members! Order, Hon. Rozaah Buyu. Order, Hon. Kimani Ichung'wah.

One more interruption and I promise you that I will do what I have done many times before and things will be different. Hon. Members, the Chair accepts. Before my attention was drawn to the provisions of the Standing Orders, I intended to give a leeway to ranking Members and Members who have positions in this House including the Leader of Majority Party and the Leader of the Minority Party. The Clerks-at-the-Table have, however, drawn my attention to this. Order, Hon. Opiyo Wandayi.

If you want an extra minute, you will wait until the doomsday for that. So, do not even try. It was a mistake. It has been drawn to my attention. Two mistakes do not make a right.

(Loud consultations)

Order! Order! Order! Hon. Kimani Ichung'wah, you have exactly five minutes. Proceed.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Temporary Speaker.

I do not want to spend a lot of time. I will try to work within the five minutes. It is indeed true that this country is suffering because of these demonstrations. It is also true that the Constitution allows everybody to picket and express themselves in a peaceful manner, but without interfering with the rights of other Kenyans to conduct their businesses as they should.

I hear what the Leader of the Minority Party has said and what their leaders are saying that they want the servers to be opened. Which server do you want to be opened that you did not demand to be opened at the Supreme Court? You want us to reconstitute IEBC involving all stakeholders. What stakeholders other than those that are stipulated in the Act of Parliament that was crafted, authored and approved by this House under the leadership of the Handshake Regime led by Hon. Uhuru Kenyatta and Hon Raila Odinga, who today are the sponsors and puppets being utilised?

The Temporary Speaker (Hon. Farah Maalim): Order! Order! What is your point of order?

Hon. Kimani Ichung'wah (Kikuyu, UDA): I am within the five minutes, Hon. Temporary Speaker.

Hon. Jared Okello (Nyando, ODM): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): What is your point of order, Hon. Jared Okello?

Hon. Jared Okello (Nyando, ODM): Hon. Temporary Speaker, I did not come here to listen to lies by the Leader of the Majority Party. The Act was amended.

The Temporary Speaker (Hon. Farah Maalim): What is out of order?

Hon. Jared Okello (Nyando, ODM): The Act was amended by the same regime that is now claiming that we cannot be party to what is going on. In January, that amendment was made. Let him talk on the repealed Act by themselves.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, I hope you replenish the one minute wasted on the unnecessary things. The Member for Nyando sat in this House in the 12th Parliament when the Act to establish IEBC Panel was passed. It is true it was authored under the Handshake Regime by Uhuru Kenyatta, the sponsor of Raila Odinga's demonstrations.

In the 13th Parliament, we amended that Act in line with the court judgement. It is so ashaming and embarrassing to see Hon. Raila Odinga lying to Kenyans that the Members of Parliament in his coalition were never involved in this particular amendment. We were all here. It is on HANSARD. You contributed to the debate. When the Act went to the Senate, there were Azimio la Umoja-One Kenya Coalition Party members who purported to move an amendment to move the two slots of commissioners from the Inter-Religious Council of Kenya to political parties as in the Inter-Parties Parliamentary Group (IPPG) setup.

It is preposterous for the Azimio team, led by their sponsor and the puppet, to be taking this country through what I described as urban banditry and economic terrorism on the pretext of demonstrations for things that are not in the Constitution and our statutes. How do you expect the country to reverse what has already been done through a constitutional and legal process that you participated in? How do you expect the President to act *ultra vires* the Constitution? Do you expect the President to reverse the IEBC Panel out of the Constitution and the established law?

We must be a nation governed by laws. The Leader of the Opposition, Hon, Raila Odinga, with all due respect, pretends to be a democrat. He is nothing short of an economic terrorist and an urban bandit, terrorising Kenyans. This behaviour shall come to an end.

(Loud consultations)

The Temporary Speaker (Hon. Farah Maalim): Order! Order! Order! Hon. Wandayi, you are a senior Member of this House. When you ask for a point of order, you have to wait to be given that opportunity.

(Hon. Jared Okello stood in his place)

Hon. Members, Order! Order! Can you wait for me to give you a chance on a point of order! Member for Nyando, could you stand on your feet...

(Loud consultations)

Order! Order! Members, when you ask for a point of order, kindly, give the Chair an opportunity to notice you and give you the chance. Hon. Opiyo Wandayi, please, sit down until you are given a chance unless you are addressing a gathering outside this House.

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(Hon. Opiyo Wandayi stood in his place)

Order! Member for Nyando, you will remain out of the House for the rest of the day.

(Loud consultations)

Serjeant-at-Arms! Order! Order! Serjeant-at-Arms, do not touch the Member for Nyando until I give you the authority. Member for Nyando, please, remain out of the House for the rest of the day. Order, Members, can you take your seat. Member for Nyando, you cannot transact any business. Members, I do not know what you have reduced this institution to. I am not causing the problem. Order! Order! Hon. Chererot, remain out of the House for the remainder of the day. You cannot engage Members or anybody who decides to flout the rules. If it will take me to throw all of you out, I will. I am a servant of the rules. Member for Nyando, can you get out of the House. Hon. Chererot, out of the House!

(Hon. Joseph Chererot withdrew from the Chamber)

(Applause)

Order. If you ask to rise on a point order, wait for the chance. I was going to give you a chance but you kept jumping up and down like a child. Order! Member for Nyando, can you get out of the House?

(Hon. Jared Okello withdrew from the Chamber)

Proceed. Hon. Opiyo Wandayi, what is your point of order? Wait for the Speaker to give you the opportunity when you rise on a point of order.

Hon. Opiyo Wandayi (Ugunja, ODM): Hon. Temporary Speaker, you know this House is fast degenerating into what I would want to call, very reluctantly, a Kangaroo institution. We have been told many times, there has been a tradition in this House, that you do not impute improper motive on a person who has no capacity or opportunity to defend themselves in this House regardless of what personal issues one may harbour.

The Temporary Speaker (Hon. Farah Maalim): Order! Raise the point of order.

Hon. Opiyo Wandayi (Ugunja, ODM): I am raising it, Hon. Temporary Speaker. What is the hurry? Regardless of what personal issues Hon. Ichung'wah might be harbouring against Hon. Uhuru Kenyatta and Rt. Hon. Raila Amolo Odinga, is it in order for him to refer to Hon. Odinga as an urban terrorist? Is that in order? Can you rule him out of order and ask him to withdraw and apologise.

Thank you.

The Temporary Speaker (Hon. Farah Maalim): Hon. Members, I want us to treat this institution for exactly what it is. It is an august House. Each and every one of you, as many as possible, will have an opportunity to weigh in on this Adjournment Motion. Please, I am begging you as Members of Parliament because this institution belongs to us all, the country and 50 million Kenyans are looking unto us to keep our dignity. When you rise on a point of order, you wait for the Chair to give notice and give you the opportunity. When you do not like what somebody has said, do not shout across the aisle. Just rise on a point of order. If we denigrate and destroy the dignity of this House, we are destroying our own dignities because we are the ones who constitute the House.

I want to tell Members of Parliament that it is a tradition of this House that we avoid, as much as possible, attacking people who cannot defend themselves on the Floor of the House. Do not impute any improper motive. Although the withdrawal itself is as much as possible when you impute improper motive on a fellow Member of Parliament, there is no express provision in the Standing Orders that says we have to withdraw when we impute improper motive on somebody outside the House.

(Hon. Rozaah Buyu spoke off record)

What do we do, Hon. Rozaah? Please.

(Laughter)

I am sure you have exhausted your time. Order, you have exhausted. Does he have some more time? He does not have any more time. Hon. Nyikal.

Hon. (Dr) James Nyikal (Seme, ODM): Thank you, Hon. Temporary Speaker.

Noise and name-calling will not serve this House. Demonstrations and picketing are in the law and in the Constitution. When it is going on, it is the duty of the police to maintain order. What happens in a demonstration depends on two groups of people—the demonstrators and the police. The evidence in history, like in the Selma March in the United States of America in the 60s where the black people were marching very peacefully, is that the people who were causing violence were the police and police dogs. They achieved what they wanted. I was at the Kenyatta International Convention Centre seated and there is nothing we were doing. What happened here on Monday is that the police threw tear gas. What was the reason? In the afternoon when we were going through Mathare to Eastleigh, people were listening to the speeches and did not throw stones. The police started throwing tear gas and water cannons. In town, the police were attacking any group of people regardless, and robbing some of them. What happened on Monday and the chaos we saw in Nairobi is totally attributable to the police. We were determined to have peaceful demonstrations. Nothing will stop these demonstrations until the issues we are talking about are addressed. If the police want to cause chaos, let them cause it. We shall remain peaceful.

Hon. Temporary Speaker, let it also be known that there is a simple principle in life and in this Parliament—let the minority have their say as the majority have their way. It is not okay if we reduce this House to moods and heckling.

The Temporary Speaker (Hon. Farah Maalim): Is it a serious point of order about the order of the House? What is your point of order?

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, you know I would not rise on a frivolous point. I rise on Standing Order No. 87. Protect me from Hon. Rozaah Buyu. I think she has listened to what Hon. Nyikal has said. Standing Order No. 87(2) says that it shall be out of order to introduce an argument on any specific question upon which the House has taken a decision during the same session. We made a decision on the Independent Electoral and Boundaries Commission (Amendment) Act as a House. Listening to what Dr. Nyikal is saying, amongst the issues they mention is a review of that Act. It was approved and enacted by this House unless Hon. Nyikal can then substantiate.

The Temporary Speaker (Farah Maalim): Order, Order! Hon. Kimani Ichung'wah. Please take your seat. Proceed Hon. Nyikal and finish your argument on the debate.

Hon. (Dr) James Nyikal (Seme, ODM): I was saying if we want peace in this country, let the principle that says the minority to have their say as the majority have their way stand. If we get into a situation where the mood of the house stops some from debating difficult issues, we have no other options but to go and discuss them in the streets. That is what we shall do.

Nature also says more will be expected of those who have more. If you have more power in your hand, by whatever way you get it, it is your duty to make sure there is peace and order in the country. If you fail to do so, we shall continue. Monday is on.

(Loud consultations)

The Temporary Speaker (Hon. Farah Maalim): Order, Hon. Members. Standing Order 87 says:

“(1) Neither the personal conduct of the President, nor the conduct of the Speaker or of any judge, nor the judicial conduct of any other person performing judicial functions, nor any conduct of the Head of State or Government or the representative in Kenya of any friendly country or the conduct of the holder of an office whose removal from such office is dependent upon a decision of the House shall be referred to adversely, except upon a specific substantive Motion of which at least three days’ notice has been given.

(2) It shall be out of order to introduce an argument on any specific question upon which the House has taken a decision...” This one is not relevant for now.

“(3) It shall be out of order to use offensive or insulting language whether in respect of Members of the House or other persons.

(4) No Member shall impute improper motive to any other Member or to a Senator except upon a specific substantive Motion of which at least three days’ notice has been given, calling in question the conduct of that Member or Senator.

(5) It shall be out of order for a Member to criticise or call to question, the proceedings in the Senate or the Speaker’s Ruling...” This is relevant to the Senate.

(6) Except as the Speaker may otherwise allow, it shall be out of order for a Member to refer to an extract from print or electronic...” This is also on the media.

As much as possible, do not impute improper motives on anybody. You can substantively say that this is the conduct of so-and-so or talk about the official conduct of the President, but you cannot talk about the personal conduct of the President. Let us just remain within the purview of Standing Order 87. Without a substantive Motion, you cannot impute any improper motives on anyone.

Hon. Wanjiku Muhia.

Hon. Wanjiku Muhia (Kipipiri, UDA): Thank you, Hon. Temporary Speaker. I just wanted to raise a point of order because I got scared when Hon. Nyikal was speaking. He was using hand gestures and I thought that he was now demonstrating in the House.

I support the Motion. We all belong to this country. We do not have anywhere else to go should this country burn. For that reason, it is paramount for all leaders – whether in opposition or Government – to consider peace as the utmost important item in the lives and livelihoods of Kenyans.

Demonstrations are allowed in the Constitution. Article 37 of the Constitution is currently very popular. It states that one should demonstrate peacefully without being armed. When I watched the demonstrations on television, I saw quite a number of armed youths. There was a video circulating where stones were being sold for Ksh20 each. That beats the logic of the demonstrations.

I am a leader who comes from the very peaceful Nyandarua County. We all know that rains come from Nyandarua and the Aberdare Ranges before spreading to the rest of Kenya. That just shows how peaceful Nyandarua County is. As much as demonstrations should take place, let us be mindful of our fellow Kenyans. We can belong to different associations but at the end of it all, we are all Kenyans. We are aware of countries like Somalia, South Sudan and the Democratic Republic of Congo (DRC), which was recently admitted to the East African

Community where we have dispatched our military to maintain peace. Those countries lost their status due to such small situations where demonstrations probably resulted in unexpected situations. I plead as a woman that we need peace in this country. We can put across our issues and be heard without harming others.

We have been informed that starting next week, demonstrations will continue twice a week. Just like a medical prescription which was initially one tablet or tablespoon of medicine to be taken once a day, it has been increased to twice a week. How healthy will it be? I do not believe that we must demonstrate in a manner where there is chaos. One million people can assemble at Uhuru Park, sit down and still make a statement. The police acted with restraint and a lot of patience. The message can still be passed peacefully. If we consider Kenya as our only home and have nowhere else to go since it is our motherland, regardless of whichever part of the Government we belong to, we shall advocate for peace. Demonstrations can be done soundly.

I support the Motion. I ask my colleagues who are my good friends such as Hon. Kaluma, Hon. Millie, Hon. Rozaah, and others to consider Kenya as our motherland. Women in particular should consider that when we disturb the peace of others, we are going against the wishes of every Kenyan.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Hon. Makali Mulu.

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Thank you very much, Hon. Temporary Speaker. I just want to add my voice to this important debate. There are some fundamental questions that we need to ask ourselves as leaders in this country. This is the only Assembly where every part of this country is represented. If you mention any village in this country, you will realise that there is somebody representing it in this House. That being a fact, as we approach issues and discuss them, they must be of public interest and must promote public interest.

Were the demonstrations on Monday constitutional? Is there a constitutional provision for them? The answer is “yes”. In the past, have there been such demonstrations organised by the Azimio la Umoja-One Kenya Alliance side? I called the earlier ones “processions”. There have been many – more than 20 of them. Were they peaceful? The answer is “yes”. Why were they peaceful? Because the police provided security instead of being brutal to *wananchi*. The problem with the Monday demonstrations was that the police, whom we provide a budget for every year and pay their salaries every month, ended up fighting the public and throwing teargas at them instead of protecting them. If the police had behaved the way they did in the previous 20 processions, would there have been any problem? More than likely, the answer is “no”. I wish my friend, Hon. Ichung’wah, was in the House.

While I respect Hon. Kirwa, who is a good friend of mine, if I had drafted this Motion, I would have asked for a Motion for Adjournment to discuss the cost of living in this country. We should push for ideas from both the majority and minority sides on experiences and strategies on how to bring down the cost of living in this country. Whether you are in Azimio or Kenya Kwanza, every Kenyan is complaining about the cost of living. How I wish we would spend these two hours discussing the strategies we can use to bring down the cost of living for Kenyans.

That is why I get very concerned as a Kenyan. I am a leader but at the same time I am a citizen in this country. The kind of energy, the kind of vigor, the kind of zeal we use in this House to mention individual names does not add a plate to our tables. It concerns me. I wish we spent a lot of time discussing things which can change the lives of our people.

These demonstrations will continue for as long as the cost of living in this country is not addressed. So, if you want a solution let the Majority Leader and the Minority Leader lead their troops to discuss the cost of living in this country and see how they can bring it down. It

could be our budgetary provision; it could be another way but at the end of the day, it must be brought down.

Thank you very much, Hon. Temporary Speaker.

The Temporary Speaker (Farah Maalim): Hon. Owen Baya followed by the Hon. Bensuda.

(Loud consultations)

The Temporary Speaker (Farah Maalim): Order Millie! You will have your moment.

Hon. Owen Baya (Kilifi North, UDA): Thank you very much. Protect my minutes.

The Temporary Speaker (Farah Maalim): Proceed Hon. Owen Baya!

Hon. Owen Baya (Kilifi North, UDA): Hon. Temporary Speaker, I would like to state this, as we read Article 37, we should never read it selectively.

Article 37 is very clear. It says—

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

On the 20th, we saw an army that was invading Nairobi. People were in military fatigues camouflaging themselves not as demonstrators, not as picketers but people whose only intention was to go to State House and evict the President of this Republic of Kenya. Those people are economic saboteurs in this country. They want to evict a sitting President who has been elected and put in office by this Constitution.

I want to tell whoever wants to do that; it will not happen in this country because the police will protect the President of the Republic of Kenya. That is what they peaceably did that day! We saw people in Kibera and other parts of the country carrying stones and throwing them at the police. Those are not peaceful demonstrators as expected by the Constitution.

We saw people who were armed and were approaching the police. The police were stationed there to ensure that they give people an opportunity to picket. The President said very well, whoever wants to picket, whoever wants to demonstrate should call the police officers, sit down and have a plan on how that demonstration was going to be done. We did not see the organisers of the demonstration do that. Instead, they gathered themselves, put in some new military uniform, came out and said they wanted to overthrow the Government.

The police are here to ensure they maintain peace. One of the things they do is to protect the democratic rights of Kenyans enshrined in this Constitution. The police also want to protect the sovereignty of this state. They were protecting the sovereignty of this nation against people whose only idea was that they can never lose an election. Every time they lose an election, they think that election has been stolen. The same people want to hold this country to ransom. After every election they must cause chaos for them to be heard.

This President has made it very clear; they can make noise; they can do the demonstrations but there will be no handshake. If they cannot hear me now, they will hear me later because I will still say the same thing: There will be no handshake.

They destroyed property in this Central Business District (CBD). A few people were charged for inciting speeches that had been made. They know nothing else in this country apart from inciting the public. They destroyed property here. We saw a group of young people pull out a rail and threw it on the road. We saw a group of young people pelt buildings in this city. We saw a group of people who wanted to attack Supreme Court. What were the police supposed to do? To stop it. How were they going to stop it? The best way they could.

What happens to the economy of this country? Today tourists that were in Malindi and Kilifi left. They went back and said they will never come to this country. We lost revenue in Watamu, in the Coast region because of these demonstrations. Today investors leave this country every day...

The Temporary Speaker (Farah Maalim): Hon. Bensuda followed by Hon. Siyoi. The Chair has to be sensitive to the other gender, proceed.

Hon. Atieno Bensuda (Homa Bay County, ODM): Thank you so much for giving me this opportunity to talk.

(Laughter)

I can see you are now relaxed when Bensuda is on the throne. I am very glad and as a teacher I thought I would get the Motion before it was brought here so that I could restructure it to suit the debate in line with the current situation of this country. When we say that we should stop demonstrations, I say that there are no demonstrations, it is expression of the status of this nation.

I am making my contribution in regards to the 20th Monday 2023 peaceful march in exercising our opinion in mind, in action and what Kenyans are undergoing. I want to state as the Woman Representative of Homa Bay County, this nation is hungry and there is no question about it.

Hon. Members: *Toboa!*

Hon. Atieno Bensuda (Homa Bay County, ODM): Secondly, we were gladly advised by the Vice-President that business will run as usual. Who stopped the business?

(Loud consultations)

Who told the people to close their businesses? Nobody advised anybody to close the banks, to shut down the hospitals, to shut down anywhere. Nobody did that statement. Why did Kenyans choose to close their businesses?

Thirdly, nobody said that all Kenyans in the 47 counties are going to match to State House. I have heard Members say that people dressed up in a state that they were going to take over from State House. I was in white and I wanted to match peacefully because I represent the youths, I represent the hungry women, I represent the Persons Living with Disability (PWDs). I want to tell you...

(Loud consultations)

I am a woman and I am representing all of them. I am on the Floor. Hon. Temporary Speaker, protect me. I do not want interference.

(Laughter)

Hon. Owen Baya (Kilifi North, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Farah Maalim): Order! Order! What is your point of order Hon. Baya?

Hon. Owen Baya (Kilifi North, UDA): It is an insult to the youth.

Hon. Atieno Bensuda (Homa Bay County, ODM): Excuse me.

(Laughter)

The Temporary Speaker (Farah Maalim): Hon. Atieno Bensuda, a moment.

Hon. Owen Baya (Kilifi North, UDA): Point of order!

The Temporary Speaker (Farah Maalim): Yes!

Hon. Owen Baya (Kilifi North, UDA): I consider this as an insult to the youth of this country, the age that is put on the website for Hon. Bensuda is beyond 35 years. We would like...

(Laughter)

The Temporary Speaker (Farah Maalim): Order! Hon. Baya Order! Hon. Members Order! Order!

Hon. Bensuda, proceed.

Hon. Atieno Bensuda (Homa Bay County, ODM): Thank you, Temporary Speaker for protecting me. It is no wonder even the two-thirds gender rule cannot go through in this House. I was making substantive statement and I think he was sleeping. I talked about representation, I did not talk about youths.

(Applause)

I closely navigated this city on that day. I began from the University of Nairobi, the world class university where I schooled. There were heavy fire arms at those gates. It was not a conducive environment which could encourage learning. When I moved around Kibera and Lang'ata areas, it was full of armed policemen with tear gas. Is that what we call security? Is that what we call peaceful demonstrations?

(Loud consultations)

We must consult and this country must be brought to order. We want leaders to be fair to the nation. We want leaders to be honest to the situation.

I had taken fruits in Parliament that day. However, there is someone who has not taken fruits even for a whole year. There is a cafeteria here, I had eaten. There are people who were demonstrating who had not seen any form of food on their table. You should not take serious matters as jokes. It is high time we rise up and work as leaders of this country.

(Applause)

Thank you.

The Temporary Speaker (Farah Maalim): Order! Order! I think time is up. Time is up. Order! Your time is up. Let us have Hon. Siyoi, followed by Hon. Korere.

(Loud consultations)

The Speaker has to look at a number of issues including diversities in regions, party and gender.

Order, proceed.

Hon. Lilian Siyoi (Trans Nzoia County, UDA): Thank you, Hon. Temporary Speaker, for giving me a chance to support this Adjournment Motion by Hon. Abraham Kirwa.

My fellow Members of Parliament are complaining about the cost of living. We do not expect the price of *Unga* to be Ksh70 when we bought fertilizer at Ksh7,000. The input was very expensive and the maize we are eating at the moment is a product of the high cost of production that some Members complaining here were part of in the 12th Parliament.

(Loud consultations)

You guys were in the Government. Yes, you were there! So, let us not politicise what we cannot.

(Hon. Millie Odhiambo-Mabona Spoke off- record)

The Temporary Speaker (Hon. Farah Maalim): What is your point of order, Hon. Millie Odhiambo?

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Speaker.

I apologise for interrupting my sister. I do not like interrupting my Hon. Sisters when they are speaking. Having said that, is the Member in order to be calling us guys especially, given the debate that Members have been pre-occupied with about guys, women, cross-cutting issues like men and men, and women and women?

(Laughter)

You cannot call me a guy. I am straight. I have nothing against LGBTQ. My husband is a man and I am a woman. Do not call me a guy, please.

The Temporary Speaker (Hon. Farah Maalim): Proceed, Hon. Siyoi.

(Laughter)

Hon. Lilian Siyoi (Trans Nzoia County, UDA): Alright, I apologise. What I was trying to put across is that the price was raised during the 12th Parliament and we have to continue until we finish the maize that we planted at a high cost. They are talking about the cost of living going high but there is no one in this House who does not know that the price of fuel went high. Automatically, it is the reason why the cost of living has gone high. Is it right for Hon. Raila Amollo Odinga to demand that *unga* price should come down?

(Loud consultations)

I am asking a question.

The Temporary Speaker (Hon. Farah Maalim): Order, what is your point of order?

(Hon. Ken Chonga rose on a point of order)

Hon. Ken Chonga (Kilifi South, ODM): You have just ruled a while ago that we should not talk about somebody who cannot defend himself in this House. It is barely five minutes since you said that. What is the Member then implying? Are they in politics of vengeance or are they here to prosecute serious matters?

The Temporary Speaker (Hon. Farah Maalim): Hon. Siyoi, proceed.

Hon. Siyoi (Trans Nzoia County, UDA): My question was that I do not think it is right for some of us to say that we want the cost of *unga* to be Ksh70 yet we planted maize using fertilizer that cost Ksh7,000 – and that was during the “handshake”.

Another point that I want to bring across is that Members of Parliament were elected to come and defend or speak on behalf of their constituencies. Why are we then involving our electorates to go to the streets when you are here and not fighting for them or the cost of living to be low? I have not seen anybody bring a Motion. It is only today that I saw Hon. Kagiri come up with a Motion stating that we have to ensure that the cost of electricity goes down because of the cost of living. No one has come up with the Motion to ensure we bring down

the cost of living. Members of Parliament from the Opposition, we urge you to please, bring the issue to the House so that we debate here. My friend, Hon. Millie, we want to *kimbiana* inside here. Let us not *kimbiana* out there.

The Temporary Speaker (Hon. Farah Maalim): Order! Order! Let us have Hon. Korere followed by Hon. Murugara.

Hon. Sarah Korere (Laikipia North, JP): Thank you, Hon. Temporary Speaker.

I also want to add my voice to this Adjournment Motion. I do not know whether there is security that matters to some regions and not to other regions. When people say Nairobi is under attack – yes – we want properties and the people of Nairobi to be safe. However, I was watching from the comfort of my sitting room the demonstrations. Picketing is provided for by the Constitution. If Kenyans want to express themselves peacefully, why not? The prowess at which the police attacked the demonstrators made me to sit down. I thought to myself – why can the police not tackle the insecurity in the northern Kenya in the same prowess?

There were some young boys and a few old men picketing. These are people who cannot even scare a rat from a hole but the kind of things we saw displayed by the Kenyan police left me wondering: is it really true that we have been unable to combat insecurity in northern Kenya? About 50 bandits have brought the Kenya Police, Kenya Army and the General Service Unit (GSU) to a standstill. Honestly speaking, Kenyans are watching us and wondering: did they send us to this House to come and call each other names? Hon. Members in Azimio la Umoja-One Kenya Coalition Party, I was once a member and I must say this...

(Loud consultations)

When you refuse to win elections, please, deal with your matter. If you know that for you to win elections in Kenya you must steal, you should have invested in stealing!

(Laughter)

Relax, hold your horses, Members. As a mother, my heart goes out to the woman whose son was killed in Maseno. It should not have happened, and should never happen. However, if demonstrations have to continue on Monday, we have to propose a few things that we have to list down so that we also think whether we can join those demonstrations.

Hon. Temporary Speaker, you said that we should not name people in this House who cannot defend themselves. I am a Jubilee Party Member and my party leader is the *de facto*, Uhuru Muigai Kenyatta. There were demonstrations in this country in 1992, 2007, 2013 and 2017. So, for anybody to accuse the former President Uhuru Muigai Kenyatta of sponsoring those demonstrations, you must be suffering from something that we need to interrogate. He could not have sponsored demonstrations against his own Government.

I, therefore, want to plead with leaders that in as much as you want to play to the gallery, please, do not also become a praise and worship choir just to say things so that people can hear that you said something.

(Applause)

Hon. Kimani Ichung'wah (Kikuyu, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): What is your point of order, Hon. Ichung'wah Kimani?

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Speaker, I have listened keenly to the Member for Laikipia North. She purports that President Uhuru Kenyatta has been accused

of being the sponsor of demonstrations. I referred to a sponsor in my speech, unless the Member for Laikipia North is now substantiating further what I should have substantiated that indeed the sponsor of these demonstrations is none other than the former Jubilee Party leader and Azimio la Umoja - One Kenya Coalition Chairman.

Two, I listened keenly to her. The Member for Laikipia North has also said that there are 50 bandits terrorising people in the north. If she knows there are actually 50 bandits, security agencies and us will benefit in this country. Probably, she knows them and where they are. She gave a factual statement that there are 50 bandits. Number three....

Hon. Peter Salasya (Mumias East, DAP-K): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Order, Leader of the Majority Party. Please take your seat. The Member who was speaking has already exhausted her time. What is your point of order, Hon. Salasya?

Hon. Peter Salasya (Mumias East, DAP-K): Hon. Temporary Speaker, we have heard the Leader of Majority Party, Hon. Ichung'wah. For his information....

The Temporary Speaker (Hon. Farah Maalim): Order! That is not a point of order. Order! Hon. Murugara, proceed.

Hon. George Murugara (Tharaka, UDA): Thank you. Sit down.

The Temporary Speaker (Hon. Farah Maalim): What is your point of order, Hon. Salasya?

Hon. George Murugara (Tharaka, UDA): Hon Salasya, please, I have the microphone.

The Temporary Speaker (Hon. Farah Maalim): Proceed. What is your point of order?

Hon. Kimani Ichung'wah (Kikuyu, UDA): He is not sure whether he is a man or woman.

(Laughter)

Hon. Peter Salasya (Mumias East, DAP-K): I am commenting on the conduct of the Leader of the Majority Party in this House. He does not have facts to table before this House and substantiate that, indeed, the former President Uhuru Kenyatta is funding us. We are Kenyans. This House has failed to address our issues. Whether he likes it or not, we will continue with our *maandamano*.

The Temporary Speaker (Hon. Farah Maalim): Proceed, Hon. Murugara. Order! Let us have Hon. Murugara followed by Hon. Rozaah Buyu.

Hon. George Murugara (Tharaka, UDA): Thank you very much, Hon. Temporary Speaker. This is exciting. As the excitement continues to grow, we debate this.

I have listened to the rhetorical questions that are being asked— especially by Members from the other side of the political divide— both in law and in fact regarding the demonstrations we had on Monday. One such rhetorical question is whether the demonstrations were actually lawful. Everybody knows what the Constitution says. We also know the qualifications it gives. Therefore, we know the answers of the rhetorical questions that we are asking. Before the demonstrations took place, we were told the demonstrators would storm State House. Which part of the Constitution or law was that in compliance with? We were also warned profusely that we should not come to town on that day, unless we would participate in the demonstrations. Again, which part of the law is that one?

Then, we were told that if you open your business on that particular day, you do it at your peril. If you sell water on that day, please note you would give it to demonstrators for free. If you sell sodas on that day, you would give them for free. Is that lawful? Can we give our merchandise to demonstrators for no pay? Is that not looting? We were warned upfront that these demonstrations would not be peaceful. As a result, most of the Kenyans kept out of town

and were unable to go to work. Those demonstrators who wanted to cause chaos and violence came to town. We all saw them. They were actually armed and nobody is refusing that. We saw them pelting policemen with stones. Is that peaceful? Can that be said to be within the parameters of the law, Constitution and the statutes that deal with picketing? Let us not deceive ourselves. If this is what is going to continue, we have no problem. However, we will continue to commend the police for doing a good job. They will actually reiterate and deal with those who are causing chaos and violence with all the means they are given under the law to execute that.

Three reasons are being given by the demonstrators or their leaders. One, we have to open the servers. I sat in the Supreme Court when an express order was made to the requirement of the petitioners, that the servers would be opened. They were opened. The court made a report and there was absolutely nothing to falter. What else are we trying to search in those servers?

The second point that is being raised is high cost of living. We agree that it is high. However, this did not happen six months ago but over the years. We should sit down to know the cause of the high cost of living and the various methods we can use to actually ameliorate that situation. One of them is to reduce the cost of input in production, so that you are able to get better prices. Instead of doing so, we are being told to go to the streets and tomorrow the President will stand up and reduce the price of *unga* to Ksh70. We may have to live a little bit longer before such a pronouncement is made.

The third point being raised is on IEBC. Unless we structure IEBC, there will be demonstrations. The IEBC is provided for by the Constitution. Two, we also have IEBC Act. The appointments that are taking place are in strict compliance with what that law says. How can we then fault a law which we have put into place, unless we want to overthrow our rule of law? Actually, these demonstrations are not bona fides but political and economic sabotage. Some people feel that the only way to try and ruin the Government we have today is by doing what they are doing today. They should be condemned. The police officers should be enabled to deal with those demonstrations the way the law provides.

I support the Motion.

(Loud consultations)

The Temporary Speaker (Hon. Farah Maalim): Hon. Rozaah Buyu followed by Hon. Naomi Waqo. Order!

Hon. Rozaah Buyu (Kisumu West, ODM): Hon. Temporary Speaker, you have already begun counting my time but there is still conversation going on.

The Temporary Speaker (Hon. Farah Maalim): Proceed, Hon. Rozaah Buyu.

Hon. Rozaah Buyu (Kisumu West, ODM): Hon. Temporary Speaker, I want to take this issue a little more seriously. The young man, William Mayange, is 20 years old. Although he comes from Kisii County, he is actually a student in Maseno University which falls within my Constituency of Kisumu West. That young boy lost his life but he did not have to die.

(Loud consultations)

The Temporary Speaker (Hon. Farah Maalim): Order.

Hon. Rozaah Buyu (Kisumu West, ODM): Hon. Temporary Speaker, when my office visited Maseno Police Station yesterday....

The Temporary Speaker (Hon. Farah Maalim): Hon. Rozaah Buyu will be heard in silence. Order, Hon Members.

Proceed, Hon. Member.

Hon. Rozaah Buyu (Kisumu West, ODM): When my office visited Maseno Police Station yesterday, the information they got from the Officer Commanding Station (OCS) was appalling. He said that there were demonstrations in Kisumu Town. So, they ferried three quarters of the police officers to Kisumu to quell them. When Maseno University students got out to demonstrate peacefully, the police officers decided to use live bullets. They said that they had no more tear gas and had to resort to live bullets. What happened to rubber bullets? Why must you go to a demonstration with live bullets if not with the intention to kill? Article 37 clearly allows every citizen of this country an opportunity to picket and demonstrate if they so wish. The only people who were armed in the demonstrations were the police.

(Loud consultations)

The Temporary Speaker (Hon. Farah Maalim): Order, Hon. Members. Let Hon. Rozaah Buyu put her message across. You will have your moment. Do not interject.

Hon. Rozaah Buyu (Kisumu West, ODM): Hon. Temporary Speaker, the Motion before us today is about nothing but money. The demonstrations were not just about money; the demonstrations are about people! I am talking about people who sleep hungry days on end. I am talking about people who were lied to during campaigns that they would have pockets full of money and their tables full of food as soon as the new regime came into power. They have only discovered that they will be sleeping hungry every day. Those are the people who are out on the streets. The demonstrations you saw yesterday were about Kenyans asking for equitable distribution of opportunities within Government. Of the 42 tribes of this country, only two tribes are getting employment opportunities.

Hon. Kimani Ichungw'ah (Kikuyu, UDA): On a point of order.

The Temporary Speaker (Hon. Farah Maalim): What is your point of order, Hon. Ichungw'ah?

Hon. Kimani Ichungw'ah (Kikuyu, UDA): Hon. Temporary Speaker, I empathise with Hon. Rozaah Buyu. We cannot use the Floor of this House to whip up emotions. It is a fact that a student of Maseno University was shot dead. It is also a fact, as has been reported, that the young man was shot during the Monday demonstrations. It has been stated, it is one thing to say that...

The Temporary Speaker (Hon. Farah Maalim): What is out of order?

Hon. Kimani Ichungw'ah (Kikuyu, UDA): What is out of order is when a Member rises in his place and purports to be speaking facts...

The Temporary Speaker (Hon. Farah Maalim): Order! Order, Hon. Ichungw'ah! Proceed, Hon. Rozaah Buyu and finish.

Hon. Rozaah Buyu (Kisumu West, ODM): Thank you for protecting me from Hon. Ichungw'ah. Even when I am not in this House he says he is so embarrassed and astonished about my absence. I would like to inform him that I am here. This is Rozaah Buyu. He has already taken my time and you must give me one minute. I plead with you.

The Temporary Speaker (Hon. Farah Maalim): Proceed.

Hon. Rozaah Buyu (Kisumu West, ODM): Thank you, Hon. Temporary Speaker. This election...

The Temporary Speaker (Hon. Farah Maalim): Order, Rozaah Buyu. You have run out of your time.

Let us have Hon. Naomi Waqo, followed by the Member of Parliament for Teso South. Order Hon. Millie you will have your moment. Proceed.

(Hon. Millie Odhiambo-Mabona spoke off record)

Hon. Naomi Waqo (Marsabit County, UDA): Thank you, Hon. Temporary Speaker for allowing me to add my voice to this very important Motion of Adjournment which we all need to contribute to because it has affected the lives of Kenyans, businesses, and the economy in a very serious way. We have always witnessed demonstrations by the Opposition, but this time round I wonder why they are doing it. We are only six months old and it is quite clear that they lost the election. They would have just waited for another five years for them to vie and win the election if that is what they want. This time, both our Government and President are working so hard to recover and revive the economy that was destroyed in their hands. Today they call people to demonstrate yet during their regime, the handshake regime, they destroyed our economy. You destroyed everything that Kenya had during that time.

The Temporary Speaker (Hon. Farah Maalim): The Member of Parliament for Migori County, Order! Hon. Waqo, Proceed.

Hon. Naomi Waqo (Marsabit County, UDA): The Member for Migori participated in the Uhuru regime.

Hon. Temporary Speaker, the demonstrations are meant to destroy our economy and frustrate our Government. I am here to tell them that our Government is strong enough and we will never bow down. If you think that that practice has always given you the handshake or *nusu mkate*, this time round you will not get it. We know very well during day time, they go to the streets and encourage people to demonstrate and during the night they come to us to negotiate. We will never give in.

(Loud consultations)

Protect me Hon. Temporary Speaker. Protect me because they may have carried stones in here. Our economy was destroyed by these people. Today, they want to bring the same nonsense to Parliament. We are trying to talk about that and correct the mistakes they have made. We are trying to tell people their mistakes and the destruction they have caused. They are shouting, pointing fingers, and standing up as if they are on the streets.

Hon. Temporary Speaker, I want to know whether...

(Loud consultations)

The Temporary Speaker (Hon. Farah Maalim): Order! Order! Hon. Naomi Waqo and Hon. Members of Parliament, please, address the Chair. Do not address yourselves across the aisle. If you have such burning issues and powerful points to raise, you will have your moment. Most of you are going to get your ample time.

(Hon. Ken Chonga spoke off record)

Order, Member of Parliament for Kilifi South. So, we will have the Member of Parliament for Teso South followed by Millie Odhiambo.

Hon. Mary Emaase (Teso South, UDA): Thank you, Hon. Temporary Speaker for the opportunity to contribute to this very important Motion. At the outset, I want to say that I support it. I want to encourage Hon. Members that let us debate soberly on a matter that is so important like the one we are debating now. Let us separate it from emotions. When I was coming to Nairobi yesterday from my constituency, I almost missed my flight because of the strikes at Maseno University. As a mother, my sympathy and condolences go to the family that lost their son as a result of the demonstrations. This is not a matter that we should take lightly. If there were no demonstrations, that boy would not have died. We must also learn to take responsibility.

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Hon. Members, we are policy makers. We have a role to play to contribute towards bringing down the cost of living. Whereas we talk of high cost of living, we also agree that it has taken toll on the low-income households, especially the hustlers in this country. However, is *maandamano* the solution? Is picketing going to solve the issue of high cost of living? There are other alternatives. We have Motions, Bills, and the Budget. We have just approved the Budget Policy Statement so that we can channel resources towards programmes that will eventually improve the economy thus bring down the cost of living.

Picketing can be done. It is provided for in the Constitution in Article 37. However, can it be done peacefully without interrupting and disrupting the same economy we are claiming has resulted into the high cost of living? Sadly, on Monday this country registered low productivity. On that Monday, in the demonstrations, there were people who depend on their daily endeavours and casual work because they live from hand to mouth. You can be sure they went home and slept hungry because they were engaged in the demonstrations. On that Monday, businesses were disrupted in this country and there was delay in delivery of services across the country. This is not a joke. There are many other ways we can address these issues and they do not affect proponents of *maandamano* only.

Issues affecting this country affect all of us because we live in it. If we destroy Kenya today, then where are we going to run to? Is there another country we have besides this one? Let us debate this issue soberly. I agree with you. There are people who have suffered besides dying. There are people who suffered injuries as a result of the demonstrations. Demonstrations are not the solution. At this juncture, I want to thank the people of Busia County and to appreciate them for ignoring the calls for *maandamano*. They continued with their normal businesses as if nothing was happening.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Mheshmiwa Millie Odhiambo followed by Mheshimiwa Kalasinga.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you Hon. Temporary Speaker for giving me this opportunity. Let me take this opportunity to send my condolences to the family of William Mayange who was killed in Maseno. As we speak in this House, there is a family that is grieving and you can never recover the loss of a child. *Pole* to the family of William for the unnecessary loss of a youthful life.

Article 1 of the Constitution of Kenya says that the sovereign power belongs to the people of Kenya and shall be exercised only in accordance with the Constitution. Article 1(2) says that the people may exercise their sovereign power either directly or through elected representatives. One of the Members who was speaking, my dear friend whom I interrupted as she was speaking, was saying that we speak here and we should not speak outside or let our representatives speak. I want to educate her that Article 1(2) of the Constitution gives that right that we can exercise our mandate directly and when we demonstrate it, we are exercising it directly. We can have tyranny both in the House and outside it.

I agree with Members across the divide, and I want to thank Hon. Muhia for speaking very soberly, and saying that Article 37 allows for peaceful picketing. Both our side and your side are saying the same thing. Let us have picketing, which is allowed under Article 37 with no condition because the Constitution does not give conditions except peaceful picketing. In peaceful picketing, the mandate lies with the police. The citizens of Kenya do not have arms. Those who maintain peace and order are the police. The boy who was killed in Maseno was killed by the police. When business communities are restrained from doing their business, they do so as a result of fearmongering by people like my good friend whom I do not want to mention lest he rises on a point of order. Those who close their businesses do so because of fearmongering and we know my friend who does fearmongering.

I know other Members want to speak so let me conclude by saying thank you Hon. Temporary Speaker for giving this House direction. It is wrong for us to be mentioning other people who are not here and calling them names like, regrettably, my good friend Hon. Ichung'wah is doing. He called Hon. Raila an urban terrorist. If it was not for your order, I could also have called Hon. Ruto a national terrorist but because of your order, I will not call him that.

Finally, my good friend Hon. Ichung'wah must tell us whether he is also of the LGBTQ community because of his pre-occupation with Hon. Uhuru Muigai Kenyatta. That guy is a man *bwanaa*. Do not be too pre-occupied with Hon. Uhuru Muigai Kenyatta.

The Temporary Speaker (Hon. Farah Maalim): Order!

Hon. Millie Odhiambo-Mabona (Suba North, ODM): I am a woman *bwanaa*! *Ni kitu gani wewe?*

The Temporary Speaker (Hon. Farah Maalim): Order! Order, Hon. Millie Odhiambo! You cannot discuss the conduct of Hon. Ichung'wah without a substantive Motion! So, you are out of order on that.

(Loud consultations)

(Hon. Owen Baya rose on his feet)

Order! Order! Hon. Ichung'wah, if we desist... Order, Hon. Owen Baya! When the Chair is on his feet... Order, Members!

We want to have a situation in which everybody is heard in silence. Whether you do not like it for it is outrageous or whatever it is, unless it is absolutely out of the orderly running of the business of the House, just wait! When you get your moment, you may rebut. You know what I mean – you get your moment and then give your counter argument. However, if you keep on rising on points of order...

(Hon. Millie Odhiambo-Mabona spoke off-record)

Order! Order, Hon. Millie! Let us have the next speaker, Hon. Kalasinga. Order! Order!

Hon. Kimani Ichung'wah (Kikuyu, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Is it absolutely necessary? Proceed.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, first of all, let me thank you for protecting me because Hon. Millie was on the verge of discussing me without a substantive Motion. However, more importantly, maybe, she was not listening to what I said. If you listened to what I said in the beginning, I talked of “economic terrorism and urban banditry”. That is also what I described elsewhere.

Secondly, Hon. Millie, as much as you have ruled her out of order, must withdraw what she has said and apologise to the House because...

The Temporary Speaker (Hon. Farah Maalim): Order, Leader of the Majority Party. You have made your point. We can now have Hon. Kalasinga followed by Member for Wajir South.

Hon. Majimbo Kalasinga (Kabuchai, FORD-K): Thank you very much, Hon. Temporary Speaker.

(Loud consultations)

The Temporary Speaker (Hon. Farah Maalim): Order! Order! Proceed, Member.

Hon. Majimbo Kalasinga (Kabuchai, FORD-K): Hon. Temporary Speaker, I am touched today because, if our friends who led the demonstrations cannot be satisfied with the loss of lives that we had and are calling for another demonstration on Monday, there is a problem. How many litres of blood do they want to see so that they stop this nonsense of demonstrating and destroying lives in this country?

(Applause)

I was a candidate for the parliamentary seat in Kabuchai Constituency and I floored my opponents. If they come and ask me to open the server, where do I get it? Hon. Raila Odinga must tell us the truth. His Excellency the President Hon. William Samoei Ruto does not have the servers to open. Further, they want prices of food to come down yet the price of *unga* was Ksh250 in the last regime, but they kept quiet. We have, however, moved it down to Ksh170 but they are still making noise. What do they want? How do we bring down the price of food if we do not go to the farm and stay on the roads picketing and demonstrating? The rains have come and we must go to the farms.

The last word I can say is this: if you lead demonstrations that you cannot control and we end up with thuggery, I can surely, again, refer to Hon. Raila as a street robber who is causing problems in this country.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Order! Okay, Member for Wajir South, followed by Hon. Kaluma.

Hon. Mohammed Adow (Wajir South, ODM): Thank you very much for giving me this opportunity to contribute to this Motion of Adjournment. We have been treated to heated arguments on the Floor of the House for the last couple of hours. We have observed each side of the House sticking to its guns. When it comes to debate on these demonstrations, I believe we need to take a step back and look at what is at stake at this point in time in Kenya's history. Yes, the cost of living is very high. Yes, we have so many problems and Kenyans have every right to picket and demonstrate. The question I want to pose is this: is it the right time to demonstrate when our economy is suffering? Is it the right time to demonstrate when we need to lower the cost of living? Is it the right time to demonstrate when we need to fix the sorry state of our economy?

I come from a business community that suffered a lot during Monday's demonstration. We lost one Kenyan life. I would like all of us to think critically about where our country is now and let patriotism reign. I have covered demonstrations, riots, street demos and all kinds of picketing in many parts of the world as a journalist. There are many ways to show your dissatisfaction. However, I believe it is not being patriotic to stop businesses in two of the most important business districts in the country at a time when we need to fix our economy.

A responsible opposition requires matters be dealt with in institutions like this one. I would like to appeal to my Azimio Party to re-think these demonstrations for the sake of Kenya and Kenyans at this critical time when we need to do a lot. I just want to point out one thing: look at the rate of the US Dollar on the fateful Monday *vis-à-vis* where it is today. I rest my case.

The Temporary Speaker (Hon. Farah Maalim): Hon. William Kamket followed by Hon. Mohammed Ali. Proceed, Hon. Kassait Kamket. What is happening? Why do you not want to go somewhere?

(Laughter)

Hon. Kassait Kamket (Tiaty, KANU): Thank you, Hon. Temporary Speaker. The country by the name Republic of Kenya is a creature of the law. The Parliament of the Republic of Kenya is a creature of the law. The Standing Orders that we follow in this House are part of our laws. The Constitution of the Republic of Kenya directs any question as to the validity of the election of the President to the Supreme Court of the Republic of Kenya. Any questions as to the validity of the election of any Member of Parliament have been addressed, or are being addressed at the High Court. The demands by the opposition to open the servers should have been made at the Supreme Court. They made those demands and they were proved wrong. The demands about the IEBC are *ultra vires* the law.

We are not related in this country. We are Kenyans by law. I come from the Pokot Community. I am not in any way related to any person from another community except by law. If we are related by an act of marriage, it is customary law. Therefore, for the opposition to demand that we do anything outside the law is anarchist. The behaviour of those leading the demonstrations and the demonstrators themselves was nothing other than an act of anarchy. If that is what they want, they must be prepared for what the police will serve them. The job of the police is to uphold the law. Anarchy anywhere is anarchy everywhere.

Currently, there is a curfew where I come from and in many other sub-counties in the North Rift because of the behaviour of some people. If the law applies to us in the North Rift, it must apply to the anarchists in town. The same law that applies to us in the North Rift must apply to those people whose sole aim is to destroy the properties of Kenyans. If the cost of living is high – and, indeed, it is high – we cannot start destroying Kenyans’ properties because of that.

Hon. Raphael Wanjala (Budalang’i, ODM): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Member for Budalang’i, what is your point of order?

(Loud consultations)

Hon. Raphael Wanjala (Budalang’i, ODM): Thank you, Hon. Temporary Speaker. You have clearly heard Hon. Kamket insinuating that what was happening in Nairobi is comparable to people carrying guns in the villages and terrorising people. Here in Nairobi, people were following the Constitution and picketing. Demonstrating is enshrined in the Constitution. Is banditry enshrined in the Constitution?

(Loud consultations)

The Temporary Speaker (Hon. Farah Maalim): Order, Hon. Raphael. The Speaker does not rule on the basis of insinuations. You have to be very specific. Proceed, Hon. Kamket.

Unfortunately, you have run out of time, Hon. Kamket. Hon. Mohamed Ali followed by Hon. Kaluma.

Hon. Mohamed Ali (Nyali, UDA): Shukran sana, Mhe. Spika wa Muda. Nimeona hisia tofauti tofauti kutoka kwa Wabunge lakini nataka kwanza kuzungumzia kijana aliyeuawa. Tangu nizaliwe – na nina umri wa miaka 41 – katika taifa hili, ni mtu mmoja peke yake ambaye huitisha maandamano. Maandamano hayo huwa si ya amani. Katika kila maandamano, lazima mtoto wa watu afe. Hawa watu wanaoitisha maandamano ni wale wale waliofanya zile salamu za *cheque*. Walisalimiana, wakapeana pesa, wakapandisha bei ya unga hadi Ksh230. Sasa wanakuja kutufunza sisi jinsi ambavyo tutaendesha nchi hii. Ni lazima Raila Odinga aambiwe ukweli kinagaubaga. Waswahili wanasema, “Mgema akisifiwa, tembo hulitia maji.” Raila

Odinga lake amelitia maji na hatutakubali aharibu nchi hii. Miaka 41 tutakuwa tukiitisha maandamano. Haya maandamano yanazuia wafanyabiashara kufanya kazi yao.

(Loud consultations)

Mhe. Spika wa Muda, naomba unilinde na unipe fursa niendeleo kuzungumza. Leo nimetaja mungu wenu lakini mtaambiwa ukweli.

The Temporary Speaker (Hon. Farah Maalim): Order, Hon. Members! Order! Hon. Mohamed Ali, I had given a previous ruling here in which I said avoid imputing improper motives as much as possible to people who cannot defend themselves here. You can get your message across without mentioning names.

Proceed, Hon. Mohamed Ali.

Mhe. Mohamed Ali (Nyali, UDA): Shukran sana Mhe. Spika wa Muda. Unajua kuna watu ambao mungu wao akitajwa hawatulii. Lakini yale nataka kusema ni kwamba Rais William Ruto ameshika usukani wa nchi hii hivi majuzi. Imekuwa miezi sita. Hata na mimba, mtoto hawezi akazaliwa kwa muda wa miezi miwili. Ni lazima tupatie Rais aliye mamlakani nafasi ya kuongoza nchi hii. Nchi hii imeharibiwa na wale wale wanaoitisha maandamano. Juzi tumepoteza pesa katika taifa hili. Watoto wameuawa kule Kisumu. Ajabu ni kwamba katika Kenya nzima, ni sehemu mbili tu zilizofanya maandamano. Mbona Mombasa, Central, North Eastern, na Western hawana shida? Ni kwa nini lazima iwe ni Kisumu, Kibera, na hapa Embakasi? Tumechoka kama viongozi. Ni lazima Kenya iendeshwe katika njia ya haki na ya kikatiba. Hatutakubali muungano haramu wa kusumbua wananchi kila siku. Biashara zimesimama na watu hawawezi kutembea kwa amani. Angalia Afrika Kusini: waliomba wafanye maandamano. Jifunzeni kutoka kwa wale badala ya kuingia barabarani na kupora mali ya watu, kupiga na kuumiza watu, halafu mnakuja kusema kuwa mtatuongezea maandamano yawe kila Jumatatu na Alhamisi. Nchi hii iko na Serikali, Wakenya, na sheria. Fahamu kuwa hiyo sheria ni lazima ifuatwe. Hatutakubali! Sikizeni tena vizuri.

(Loud consultations)

The Temporary Speaker (Hon. Farah Maalim): Order, Hon. Members.

Mhe. Mohamed Ali (Nyali, UDA): Sikiliza kwa makini. Usipige kelele kwa mambo ambayo huyaelewi. Hatutakubali tena akili ndogo kutawala akili kubwa ndani ya Jamhuri hili. Asante sana, Mhe. Spika wa Muda.

The Temporary Speaker (Hon. Farah Maalim): Order, Hon. Members. Let us have Hon. Kaluma followed by the Member of Parliament for Tigania West. Order, Hon. Mutunga. You will get an opportunity after Hon. Kaluma.

Hon. Peter Kaluma (Homa Bay Town, ODM): Thank you very much Hon. Temporary Speaker. I am grateful to you for presiding over this important subject.

(Loud consultations)

I want to remind ourselves that...Please, may I make my contribution.

The Temporary Speaker (Hon. Farah Maalim): Order, Hon. Members! Hon. Kaluma will be heard in silence. Order, Hon. Member for Migori County and Hon. Fatuma! Hon. Member for Migori County and your neighbour, wait for your moment to give your position. You will have a moment.

Hon. Peter Kaluma (Homa Bay Town, ODM): Hon. Members allow me to make my point. Hon. Temporary Speaker, I want to remind this House that these great leaders we are talking about were once Members of Parliament at some point like us. A time like this, Hon.

Ruto was seated somewhere there or here; Hon. Raila was seated somewhere here or there and Hon. Kenyatta was seated somewhere here. So, I want to remind all of us that, at such a time, the nation is looking at us and we should give leadership.

(Loud consultations)

The Temporary Speaker (Hon. Farah Maalim): Order, Hon. Melly! Hon. Melly and a few Members of Parliament, if you keep on shouting across the aisle, I will do the needful. Proceed.

Hon. Peter Kaluma (Homa Bay Town, ODM): Thank you, Hon. Temporary Speaker. Because I want to be a leader now, let me only quote some provisions of the law. On national security organs, I request the Members to hear what Article 239(3) says. It states as follows:

“In performing their functions and exercising their powers, the national security organs and every member of the national security organs shall not—

- (a) act in a partisan manner;
- (b) further any interest of a political party or cause; or
- (c) prejudice a political interest or political cause that is legitimate under this Constitution.”

I leave the Members to think about what else I am saying. Article 239(5) says:

(Hon. Baya consulted loudly.)

The Temporary Speaker (Hon. Farah Maalim): Hon. Owen Baya, listen to the Hon. Member.

Hon. Peter Kaluma (Homa Bay Town, ODM): I am reading the Constitution. No! You are a leader.

The Temporary Speaker (Hon. Farah Maalim): Order! Proceed, Hon. Kaluma.

Hon. Peter Kaluma (Homa Bay Town, ODM): Hon. Temporary Speaker, if I may continue, Article 239(5) states as follows:

“The national security organs are subordinate to civilian authority.”

Let me also read Article 245(2)(b).

Hon. Owen Baya (Kilifi North, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): What is your point of order?

Hon. Owen Baya (Kilifi North, UDA): Hon. Temporary Speaker, the Hon. Member is deliberately avoiding to read Article 239(4). It says:

“A person shall not establish a military, paramilitary...”

The Temporary Speaker (Hon. Farah Maalim): Order, Member of Parliament for Kilifi South! Madam Gogo, Order!

(Hon. (Dr) Lilian Gogo spoke off-record)

Order, Hon. Members! The Chair is chairing the session. Hon. Gogo, you are not allowed to talk across the Chamber. It does not matter whether the Member is your son, nephew or your husband. It does not make any difference. He is a Member of Parliament and you are one too.

Hon. Baya, when somebody chooses to read certain Articles of the Constitution, that is his choice. You do not have to tell him that he avoided some Articles. You can rise up on intervention and read the Articles that he has avoided.

Proceed, Hon. Kaluma.

Hon. Peter Kaluma (Homa Bay Town, ODM): Thank you, Hon. Temporary Speaker.

I hope my time was not running out. In terms of the command of the police, this is what Article 245(2)(b) says:

“(2) The Inspector-General—

(b) shall exercise independent command over the National Police Service, and perform any other functions prescribed by national legislation.”

I do not want to take a political or partisan side over this matter. This is important to me. I am bothered when every time there is a demonstration announced by any group, the police go and surround a place like Kibra beforehand. I want to request you, Members, that those are the people in Kenya who are living from hand to mouth. What do you want those people to do when they wake up planning to go and fend for themselves and you have barricaded all roads? How do they take their children to school? How do they live with their families with those teargas we throw there? The struggle we are having is which side should be supporting the police, Hon. Owen Baya. It is not our duty. It should be independent. What was that Maseno University boy carrying? Was he armed or what was there?

I request that we talk as leaders. The problem we are dealing with is caused by this Parliament. That is why I am saying we need to reflect. Members, let us reflect how electoral commissions are established across the world and question whether this model is working. Ask yourselves what happened in 1997 under the IPPG. What elections did it give us? What election did it give us in 2002? What was the referendum in 2005? What happened when President Kibaki, relying on the law as we are seeking to do now, created a commission unilaterally?

Hon. (Dr) John K. Mutunga (Tigania West, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Member of Parliament for Tigania West.

(Loud consultations)

Hon. (Dr) John K. Mutunga (Tigania West, UDA): Thank you for the opportunity. Hon. Temporary Speaker, protect me from the likes of Hon. Wanjala, who are making noise.

The Temporary Speaker (Hon. Farah Maalim): Order! Proceed.

Hon. (Dr) John K. Mutunga (Tigania West, UDA): Thank you for the opportunity to add my voice to this matter. What is out of order, Hon. Temporary Speaker, is that...

The Temporary Speaker (Hon. Farah Maalim): Proceed, please.

Hon. (Dr) John K. Mutunga (Tigania West, UDA): We are discussing a matter of national importance. Most of us here are vilifying a very important issue. In this country, one person by the name Raila Amolo Odinga has never organised a peaceful demonstration. Even when he was trying to say that he would do one this time round, we knew for sure he was going to organise a chaotic one. I wonder where picketing involves destroying infrastructure. Where does picketing involve people fighting the police? We have a Constitution and laws in this country and we have a law enforcement agency.

Those who produced the Constitution and laws of Kenya must have known that there is need for enforcement at some point. That is why we have the police protecting Kenyans and their businesses. When we have people's lives being lost in such incidents, we should be asking ourselves one question: supposing the rest of Kenya and everybody else rises up and decides to fight for themselves, where will these few people be? They should know that they lost the election because they are few. If you are just so few and you lost the election, and you have always lost elections in this country, you should actually have lost hope. What we need to advise Raila Odinga is that he should lose hope because he has lost elections every time. There

is no single time he has won. Every time he pretends to you that he won yet the truth is that he has never won. We better say the truth here.

He should take it from us that the only way Kenyans will elect leaders is through the ballot and elections. There is no negotiation. There cannot be a negotiation for a family. If Raila Odinga was really democratic, would we have his brother and sister in Parliament? Would we have his daughter in the East African Legislative Assembly? Would we have all that? What kind of democracy is that? What democracy is that? Is that what you want to teach other Kenyans? Is that what you want us to believe? We cannot believe that. Kenyans will not do what Raila wants. Even if he goes to the roads, he will have to wait for five years for another election. We are not going to allow some of these things to happen.

The Temporary Speaker (Hon. Farah Maalim): Order! Yes, Hon. Memusi. You are on a point of order. Are you on one? Hon. Waluke can now take the microphone.

Hon. Memusi Kanchory (Kajiado Central, ODM): On a point of order, Hon. Temporary Speaker. This is a House of rules. The only way we can debate in an orderly manner is by following the rules.

The Temporary Speaker (Hon. Farah Maalim): He is on a point of order.

Hon. Memusi Kanchory (Kajiado Central, ODM): Hon. Temporary Speaker, the only way that we can debate in an orderly manner is if we follow the rules that you issue from your seat. You have stated that nobody should mention the names of those who cannot defend themselves. If that is the ruling, any Member who wants to debate should avoid mentioning names. We will debate this issue soberly.

Hon. Members: On a point of order!

The Temporary Speaker (Hon. Farah Maalim): Order! Who is on a point of order? Are you on a point of order and the Speaker is standing?

Order, Hon. Members. If you want to discuss the public functions of any public figure, including the President, you can do so. You can say that the President sent forces which did this-or-that.

Member for Tigania West, you are a lawyer. Hon. Kiborek, I forgive you because you are a first-timer. You do not talk when the Speaker is on his feet.

Order! Listen. I hesitate to throw many of you out of the Chamber because of the interest in this Motion. I am sure that somebody else will do that one of these days. I am trying to educate you on how to use your mandate and practise it very well. You can discuss the public functions of any member of the public. The only thing that you cannot discuss is his or her private matters. You can discuss the public functions of the President and say that he did this or that and it is wrong, but you cannot discuss private matters. Please, listen.

For God's sake, if somebody says that the leader of opposition organised the demonstrations and did this-and-that, it is perfectly within his rights. You must behave like a dignified Member of Parliament and not someone out there in the crowds. The moment someone's name is mentioned and you keep on shouting, it denigrates and lowers your dignity as an individual. Nobody holds the dignity of somebody else. You hold your own dignity. The way you conduct yourself in the House makes you the responsible dignified leader that Kenyans are looking for. That does not include shouting. For God's sake, do not engage with each other across the aisle.

It is now Hon. Waluke's turn.

(Loud consultations)

Order! I am on my feet. I know that your time is up but that is the unfortunate nature of things. Waluke will contribute followed by the Member of Parliament for Taita Taveta. You

will get a chance to contribute. When someone is in the Chair, he or she has to do quite a bit of balancing.

Order, Fatuma. I have all along been restraining myself because you are not doing good. Continue, Hon. Waluke.

Hon. John Koyi (Sirisia, JP): Members, Gikaria...

(Several Members rose on points of order)

The Temporary Speaker (Hon. Farah Maalim): What is your point of order? Point of order on what? He has not started talking. On the ruling of the Speaker?

Yes, Hon. Kiborek.

Hon. Kiborek Reuben (Mogotio, UDA): Hon. Temporary Speaker, can we confirm whether we have quorum?

Hon. David Kiplagat (Soy, UDA): Can we confirm whether we have quorum?

Hon. Kiborek Reuben (Mogotio, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): What is your point of order, Hon. Kiborek?

Hon. Kiborek Reuben (Mogotio, UDA): My point of order is that we are forced to shout because you do not give first-timers and women the opportunity to speak. You have turned us into hecklers in this honourable House. Give us the chance to...

The Temporary Speaker (Hon. Farah Maalim): Order!

Hon. Raphael Wanjala (Budalang'i, ODM): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): What is your point of order, Hon. Wanjala?

Hon. Raphael Wanjala (Budalang'i, ODM): Hon. Temporary Speaker, you need to balance. You should not pick from the same side twice like you have done with Hon. Waluke. It is well known that Hon. Waluke is on the other side. We need someone from this side. Hon. Waluke is not ours.

(Laughter)

The Temporary Speaker (Hon. Farah Maalim): Order! Hon. Waluke, you may proceed.

Hon. John Koyi (Sirisia, JP): Thank you, Hon. Temporary Speaker for giving me the opportunity to contribute on this Motion.

Hon. Wanami Wamboka (Bumula, DAP-K): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): What is your point of order?

Hon. Wanami Wamboka (Bumula, DAP-K): Hon. Temporary Speaker, something is escaping your mind. Hon. Kiborek said that you are blind. Is he in order to imagine that the Speaker is blind? How do you want us to forget that? He should withdraw and apologise unless you are, indeed, blind.

(Loud consultations)

The Temporary Speaker (Hon. Farah Maalim): I did not hear that. Order! Order! Hon. Kiborek, the one crime that cannot be forgiven on the Floor of this House is when you

question the wisdom of the Speaker in running the House. Under those circumstances, you are going to stay out of the House for the remainder of the time.

Hon. Kiborek, get out.

(Hon. Kiborek Reuben withdrew from the Chamber)

Yes, Hon. Member. Order!

Hon. David Kiplagat (Soy, UDA): I said that under the Standing Orders, the Speaker can be blind but if a Member brings up the issue of the quorum, it is upon the Speaker to order the Clerk to confirm whether we have quorum or not.

The Temporary Speaker (Hon. Farah Maalim): Who raised that issue?

Hon. David Kiplagat (Soy, UDA): I did.

Hon. Members: Nobody.

The Temporary Speaker (Hon. Farah Maalim): Hon. Waluke, you may proceed.

Hon. John Koyi (Sirisia, JP): Thank you, Hon. Temporary Speaker for giving me an opportunity to contribute to this Motion. I want to remind my colleagues in this House that leadership comes and goes but the country remains. As Members of Parliament, we are making a lot of noise instead of respecting the House and contributing on issues that can help the people we represent. Today, I stand to tell Kenyans that I am a Member of the Azimio la Umoja-One Kenya Alliance, just as Hon. Wanjala pointed out, and Jubilee Party, but I condemn the *maandamano* that is affecting this country.

An Hon. Member: Hon. Waluke, why do you not cross over?

Hon. John Koyi (Sirisia, JP): Hon. Speaker, whether I cross over or not and whether I am in the opposition or Government, this is our country. We need to respect this country and support the Government of the day because it will be there until its time comes to an end. I want to remind those making noise that there is a Government. Whether you make noise, cry or laugh, there is only one Government and one President of this country. As Members of Parliament, we can only make noise when the election is due. There are issues going on, for example, the poor losing their property and children losing lives like the former student of Maseno University. The duty of the police is to protect the people of Kenya and their property.

Even if I am in the opposition side, I would not support the *maandamano* because it is destroying the economy of this country. We must team up to build the economy of this country. We need to support the Government; it is barely six months in power. Let us support the President of the day so that we recover the economy of Kenya. Let us not make noise, abuse and call each other names. That will not help whether you are in the opposition or Government side.

With those few remarks, I thank you.

Hon. Owen Baya (Kilifi North, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Hon. Owen, you are on a point of order.

Hon. Owen Baya (Kilifi North, UDA): There is one thing in this House that unifies us all. We can shout at each other, but if there is one thing we must always uphold, then it is respect for the Speaker. Even when the President walks into the Chamber, he respects the Speaker. We cannot shout at the Speaker. That is why we bow when we leave the House and stand when the Speaker walks into the Chamber.

Hon. Members, there are many things we can do, but the one thing we cannot do is to disrespect the Speaker. As some Members of Azimio la Umoja-One Kenya Coalition Party were ordered to leave the House, they shouted at the Speaker calling him names. You are not only disrespecting the Speaker, but the House. The Mace is a symbol of authority represented

by the Speaker. We must hold utmost respect for the Speaker. Only then can this House stand. I thank you.

The Temporary Speaker (Hon. Farah Maalim): Member for Taita Taveta County followed by Member for Migori County.

Hon. Haika Mizighi (Taita Taveta County, UDA): Asante sana, Mhe. Spika wa Muda, kwa kunipa fursa hatimaye kuchangia Hoja hii. Ni jambo la aibu sana kwamba miaka nenda miaka rudi, mambo ni yale yale ya maandamano. Wahusika ni wale wale. Tunamjua mhusika mkuu anayeitisha maandamano miaka nenda, miaka rudi. Watoto wa watu wanamwaga damu na kufa kwa maandamano. Wanaleta vijisababu ili wapate *handshake* ama nusu mkate. Wakipata hiyo, wanakula peke yao. Hawagawanyi ule mkate wale pamoja na watu ambao wanaenda kwenye maandamano na zile familia za wale watu wamepoteza wapendwa wao.

Mhe. Spika wa Muda, ni vizuri kulalamika kama kuna kosa lakini kuna njia ya ustaarabu ambayo tunaweza kuleta hoja zetu. Tumeona watu wakifanya hivyo lakini si haya mambo ambayo tunajionea katika Kenya yetu ya watu kwenda barabarani, kuharibu mali ya watu na hatimaye watoto wa watu wanapoteza maisha. Hadi lini kina mama wataendelea kulia kwa ajili ya watoto wao? Itafika mahali tutawaambia wale miili ya wale watu ambao wanafariki. Haifai na wala haistahili! Tunayalaani hayo maandamano kwa sababu si ya amani kama wanavyosema. Ni lazima tuheshimiane na tumpatie Rais aliye mamlakani nafasi ya kufanya kazi. Hata mama akishika ujauzito, inachukua miezi tisa kuweza kujifungua na kupata mtoto. Hakuna mimba inazaliwa katika muda wa miezi mitatu au minne. Kwa hivyo, tumpatie Rais William Samoei Ruto nafasi ya kufanyia watu kazi. Watu wanaogopa kwa sababu wanajua Rais William Samoei Ruto ni mchapa kazi. Ndiyo maana wanaona wakimpatia nafasi, atawaibisha. Ndiyo maana wanataka kwenda barabarani.

Kwa hivyo, tuungane sote pamoja na tuwache maandamano. Asante sana, Mhe. Spika wa Muda.

The Temporary Speaker (Hon. Farah Maalim): Woman Representative for Migori County, Hon. Fatuma Mohammed. She will be followed by the Member for Emurua Dikirr. Proceed.

Hon. Fatuma Mohammed (Migori County, Independent): Thank you, Hon. Temporary Speaker. First, I am very sorry for my conduct today. That is unlike me. However, I must also confess that I am agitated because every moment Members stand, they keep on referring to Hon. Raila. Honestly, as an Independent Member of Parliament, that gets at me. For your information, I am not a Member of Orange Democratic Movement (ODM). I am Independent. So, when I speak, I do so as an independent mind.

The other side has said that there are better ways of addressing this issue of *maandamano*. To refresh your memory, Right Hon. Raila Odinga gave 14 days for action to happen. There was no *maandamano* within the 14 days. However, the only language that this country and Africa understand best is *maandamano*. So, we give you what you ask for. We gave you 14 days to act politely but you did not do it.

During the short time I was in school, the first *maandamano* happened in this country. There was a man called Harry Thuku in 1938 who led a Kamba political protest. That was not Hon. Raila Amolo Odinga. They got what they wanted. The country has this habit that *maandamano* is the way forward. As long as they do not listen to what *wananchi* want, we will keep on going for *maandamano*. Since I was born, that was my first time to participate in a *maandamano*. I did not carry a stone. I was sweetly dressed with red lipstick. I did not beat anyone but I was tear-gassed. I looked for a stone but I did not get it. I am sending a warning: if police officers tear-gas me next time, I will get a weapon to defend myself. You cannot tear-gas me when I am only singing a song that works for me. The police officers should be told by their bosses that when demonstrations are peaceful, they should keep them that way.

I was in Serena where Right Hon. Raila Odinga was having his coffee. He said that he wanted to walk out to address the media. I accompanied him to do it. Before he uttered a word, in the presence of media men and women, police officers threw a tear gas canister that hit me, other women and men. I did not have a weapon. Why are Members saying all the time that anything that happened was because of demonstrations? The Maseno University boy died because of a bullet. May *Allah* have mercy on him. He died out of a bullet. He did not die out of “Ruto must go” words. Those words do not kill. We are speaking with pain because a child has been killed. That boy was singing his own words, which I do not understand. He must have been saying that the price of *unga* must come down. To come here and put blame on the Right Hon. Raila Odinga for the sins that the police are committing under an Executive Order is ungodly.

I know of people who are in power today but were on the streets those years when I was still a baby. The familiar faces in State House today were at that time in the streets shouting someone must go because they felt their votes had been stolen. The same right, today, when someone else is enjoying it, becomes wrong yet for them it was okay. *Maandamano* will continue! *Aluta continua!* The country must be saved. I rest.

The Temporary Speaker (Hon. Farah Maalim): Emurua Dikirr.

Hon. Johana Kipyegon (Emurua Dikirr, UDA): Asante Mhe. Spika wa Muda. Yangu hayatakuwa mengi ila ningependa niseme kwamba ni jambo la kustaajabisha wakati nchi zingine zina shughulika na mambo ya kujijenga, nchi yetu ambayo imemaliza uchaguzi hivi majuzi inang’ang’na na mambo ya kupigana. Sisi tumemaliza uchaguzi juzi na kila Mheshimiwa aliye hapa hawezi kubali kuambiwa arudie uchaguzi. Kwa nini tulikubali matokeo wakati tulitangazwa kuwa washindi ilhali tunakataa kukubali ushindi wa wengine? Mimi siungi mkono hii hali ambayo inaendelea. Maafa ambayo yametokea Kenya hii tangu uhuru ni mengi sana. Hao watu walikufa wakipigania haki zetu au waliuawa na Serikali zilizokuwa wakati huo. Haistahili wakati huu ambapo kuna demokrasia katika nchi ya Kenya kuona maafa ambayo yanatendeka kwa sasa.

Nawaomba rafiki zangu kwamba tuvumilie hii Serikali ambayo bado ni changa ifanye kazi. Ningependa kila mtu, akiwemo Mhe. Salasya, ayasikie haya. Wengine wetu tulifungwa na kuyapitia mabaya, lakini tukaamua tuvumilie na tupe hii Serikali muda wa kufanya kazi. Watu wengine wakiwaona askari-polisi wanakimbia kujificha ndani ya choo kisha watuambia eti wanataka demokrasia. Sisi tunajua uovu ambao Serikali iliyopita ilitenda. Tunafahamu wizi ambao ulitendeka. Tunakumbuka jinsi ambavyo Shilingi za Kenya bilioni 16 ziliibwa kwa usiku mmoja, kwa chini ya dakika ishirini na sita. Wengine waliiba Shilingi za Kenya bilioni 90. Haya maandamano hayaendelei eti kwa sababu Wakenya wako hali njaa ila ni kwa sababu wanataka kuficha yale maovu ambayo yalitendeka kwa Serikali iliyopita.

Sisi tuna chungu ila tunavumilia na kunyamaza tu. Ni muhimu watu wafahamu hata na sisi tuliumia sana ila hatukuuliza chochote. Tumesema Serikali ipewe muda wa kufanya kazi. Kwa hivyo, watu ambao wanauawa kwenye maandamano ni wale ambao wemelipwa kuzusha vurugu. Mlikuwa kwenye Serikali ya *Handshake*, mkatawala kwa muda wa miaka mitano ila mlishindwa kuimarisha uchumi na kuleta maendeleo nchini. Mpe aliyeshinda uchaguzi nafasi afanye kazi kwa muda huu wa miaka mitano ijayo kisha mje kuuliza kama aliimarisha uchumi au la. Ningependa kumwuliza Rais Mstaafu aende kupumzika maana alikuwa na miaka yake kumi ya uongozi ambayo hakusumbuliwa. Awache kusumbua na kutisha raia wa Kenya. Kuna maswali mengi ambayo tungependa kumwuliza ila tumewacha maana hatutaki kukumbuka yaliyopita. Enda nyumbani ukale starehe zako na uwachane na Wakenya wafanye maendeleo yao.

Ahsante Mhe. Spika wa Muda.

The Temporary Speaker (Hon. Farah Maalim): The Member of Parliament for Kajiado Central followed by the Member of Parliament for Wajir North.

(Loud consultations)

Order! Order! Kajiado.

Hon. Memusi Kanchory (Kajiado Central, ODM): Hon. Temporary Speaker, let me start by thanking you for giving me this opportunity to add my voice on this very important and weighty issue. A very weighty and important issue has been brought before this House. I urge my colleagues to debate this weighty matter in a very sober manner.

Kenyans are watching us. The issues that we are discussing here mostly affect people outside this House. For any Member to rise and say that we are hungry, is absurd; it is to abuse the word 'hungry'. Kenyans out there are hungry. I do not see any other way out of this matter that we are discussing other than dialogue. I want to go on record on this matter that this country belongs to all of us and this country has been divided into two. Whether we acknowledge, whether we try to refute it, the country is divided into two. The Right Honourable. Raila Amolo Odinga commands half of the population of this country.

The Temporary Speaker (Hon. Farah Maalim): Order! Order! Proceed.

Hon. Memusi Kanchory (Kajiado Central, ODM): When matters affecting *wananchi* are raised and we see arrogance from leaders saying that there is no way that we are coming to sit down and talk on matters that affect this country, I think we are heading the wrong way.

(Loud consultations)

The Temporary Speaker (Hon. Farah Maalim): Order! Members, this is a House of debate. Have the thick skin to listen to your opponent and then when you get your moment, you go ahead and do what you have to do. Proceed.

Hon. Memusi Kanchory (Kajiado Central, ODM): Thank you for your protection.

The Temporary Speaker (Hon. Farah Maalim): Proceed. I am not entertaining any more points of order.

Hon. Memusi Kanchory (Kajiado Central, ODM): Members of this House should be very concerned with the unemployment rate in this country. Today it is Raila Amolo Odinga calling for *maandamano* and there are thousands of young people ready and willing to obey that command. Tomorrow it will be somebody else. We are talking about businesses in this country. How many of the unemployed youth care about the businesses that we are talking about? Many of our young people are doing what they are doing because they have nothing to lose.

Members of this House should be concerned that in this country, there are those who have nothing to lose and they are increasing in number every single day.

(Loud consultations)

The Temporary Speaker (Hon. Farah Maalim): Order!

Hon. Memusi Kanchory (Kajiado Central, ODM): So long as we have a country in which half of the population has nothing to lose, we are in trouble. I want to urge Members of this House to be sober when addressing this matter. They are representatives of the people. I want my voice to go on record as saying I recommend dialogue for two parties. There is no other way but dialogue. Dialogue.

The people who are advising the President should take this advice to him. Please, tell the President to sit down with Raila Amollo Odinga. He is not asking for anything personal; he is asking for issues that are affecting this country to be addressed. Thank you.

The Temporary Speaker (Hon. Farah Maalim): The Member of Parliament for Wajir North. Proceed.

Hon. Ibrahim Saney (Wajir North, UDA): Thank you. I want to emphasise that the freedom...

The Temporary Speaker (Hon. Farah Maalim): Order! Honourable Member of Parliament for Nakuru Town East, when the Chair is determining these things, there are many considerations. I will tell you what kind of considerations. There are parties, regions, and all sorts of things. So, relax.

Hon. Ibrahim Saney (Wajir North, UDA): Thank you, Hon. Temporary Speaker. Hon. Gikaria has already wasted my time yet he is my good friend. The rights and freedoms are very well stipulated in our Constitution: the right to demonstrate, associate, picket and so on. That, however, does not give us the guarantee to go out of our way to disturb the peace of Kenyans. There is a limit to every right. In as much as they are clear in Articles 19 and 37, it does not give anybody the immunity to destroy people's property and go for the lives of Kenyans.

We are just from an election. It was conducted very well. There are people who were agitated and they appealed. I am talking within the framework of our laws. It is not a matter of being heckled. There was a petition and the Supreme Court pronounced itself that the fifth President of this Republic is His Excellency William Samoei Ruto – this is undisputed. When you listen to why there should be demonstrations, I actually read a lot of hypocrisy. They are talking about the high cost of living in Kenya just six months into the presidency of Hon. William Samoei Ruto. These are things that were perpetrated by the former regime.

(An Hon. Member spoke off record)

Let me speak, I am on the Floor of the House. I have permission from the Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Proceed.

Hon. Ibrahim Saney (Wajir North, UDA): Six months ago, there was a Government in power with an ungodly and uncalled for relationship. The opposition and the Government of the day joined hands to mess the economy of this country. I can honestly tell you that there is no way the former President Uhuru Kenyatta, who could not clear the menace of jiggers in Kiambu County, would have fixed the problem of our economy.

The opposition went to bed unconstitutionally with the Government. Today, they are here telling us it is His Excellency William Samoei Ruto who has messed the lives and livelihoods of Kenyans. That is an unfair accusation of the President.

We will only realise peace if we do one thing – put into law that there will be free and fair elections only if *Rao* wins.

(Laughter)

We cannot be taken for granted. Police do not have the pleasure to teargas people. Somebody somewhere must be on the wrong side of the law. They carried themselves with so much civility on 20th March 2023. They handled the demonstrations very well.

Look at elites like Prof. Makau Mutua in his article in the newspapers on Sunday trying to explain that the sovereign power of the highest office in this land is with the people of Kenya. I agree with him. Hon. Temporary Speaker, you are a lawyer and you know that sovereign power is delegated. It belongs to the people.

(Loud consultations)

Let me kindly, speak. I am being distracted and my time is up. I cannot finish articulating my point.

The Temporary Speaker (Hon. Farah Maalim): Proceed.

Hon. Ibrahim Saney (Wajir North, UDA): The sovereign will is delegated directly or indirectly through the democratically elected people. It goes further to Article 3 which says that sovereign power, whether directly or indirectly, is vested with the Executive. So, His Excellency William Ruto is the *de facto*, sovereign power carrier. That I can tell you for free. It is in law. You cannot just attempt to march to State House and claim that you are demonstrating. That is a coup!

(Loud consultations)

The Temporary Speaker (Hon. Farah Maalim): Order! Hon. Members. I would have loved to give an opportunity to each and every one of you, but so is the nature of things. Time is not enough. Some will lose, some have won, and those who did not get a chance this time, will do so when the issue is next brought up.

ADJOURNMENT

The Temporary Speaker (Hon. Farah Maalim): Order, Hon. Members. The time being 7.00 p.m., this House stands adjourned until tomorrow, Thursday, 23rd March 2023, at 2.30 p.m.

(The House rose at 7.00 p.m.)

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