

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 15th October, 2014

The House met at 2.30 p.m.

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

PRAYERS

PAPERS LAID

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

The Ministry of Energy and Petroleum Performance Report for the Financial Year 2013/2014, pursuant to Article 155(4) (b) of the Constitution.

The Annual Report and Financial Statements of Jomo Kenyatta Foundation for the year ended 30th June, 2013 and the Certificate of the Auditor-General therein.

The Annual Report and Financial Statements of the Anti-Counterfeit Agency for the year ended 30th June, 2013 and the Certificate of the Auditor-General therein.

The Annual Report and Financial Statements of Jomo Kenyatta University of Agriculture and Technology for the year ended 30th June, 2013 and the Certificate of the Auditor-General therein.

The Annual Report and Financial Statements of Jaramogi Oginga Odinga University of Science and Technology for the year ended 30th June, 2013 and the Certificate of the Auditor General therein.

The Annual Report and Financial Statements of the Horticultural Crops Development Authority for the year ended 30th June, 2013 and the Certificate of the Auditor General therein.

The Annual Report and Financial Statements of the National Industrial Training Authority for the year ended 30th June, 2013 and the Certificate of the Auditor General therein.

The Annual Report and Financial Statements of Kenyatta National Hospital for the year ended 30th June, 2013 and the Certificate of the Auditor General therein.

The Annual Report and Financial Statements of Kenya Industrial Property Institute for the year ended 30th June, 2013 and the Certificate of the Auditor General therein.

Hon Speaker: Chairperson of the Departmental Committee on Finance, Planning and Trade, do you have your Report? The Chairperson and the Vice-Chair are not present.

Next Order!

STATEMENTS

Hon. Speaker: Hon. David Kangongo, do you have a Statement?

Hon. Bowen: Hon. Speaker, almost a month ago, I asked for a Statement from the Leader of Majority Party concerning the confusion that was created by the Kenya University and Placement Board, and the Kenya Medical Training College. The Leader of Majority Party needs to take the business of this House very seriously. He needs to lead by example. He undertook to bring the Statement in three days' time but it has taken almost two months. Therefore, I want him to respond to me about the Statement that I sought two months ago.

Thank you, hon. Speaker.

Hon. Speaker: Yes, Leader of Majority Party.

Hon. A.B. Duale: Hon. Speaker, I am sure that even colleagues on the Opposition side, hon. Mbandi and hon. Wamalwa, can confirm that I am a competent Leader of the Majority Party and that I take my work very seriously. I am sure even Kenyans can confirm that fact.

Hon. Speaker, having said so, I want to bring to the attention of hon. Kangongo that this House passed a resolution and turned all Statement requests into questions. We have turned your Statement request into a question. Therefore, you should wait for a Tuesday when you will appear before either the Committee on General Oversight or any other Committee to face that Cabinet Secretary. So, please, hold your horses. In the meantime, you had better look for others to cast aspersions on their competences, but not on the current Leader of Majority Party.

(Laughter)

Hon. Speaker: Hon. Kaluma, it is being whispered that you have something.

Hon. Kaluma: Yes, hon. Speaker. I have a Personal Statement regarding how we handle sensitive security information.

Hon. Speaker: Hon. Kaluma, you cannot raise it without my concurrence. Going by what has been presented to me, I have ruled three-quarters of what is contained in the second page as not being personal. You cannot come here to make recommendations to other agencies by way of a Personal Statement. What is on the first page of the document, that I have seen is personal but you have gone ahead to make recommendations. That is not the way personal Statements are supposed to be. I have already ruled it as not being personal, so that you can look at it afresh with a view to reducing it. I agree there are parts of the document that I have seen which are personal to you, but the rest is not personal to you.

Hon. Kaluma: I stand directed, hon. Speaker.

Hon. Speaker: Yes, there is a big portion that is personal to you. If it was not for the mix up, we would have made it but you can do it even tomorrow.

Hon. Kaluma: Thank you, hon. Speaker.

Hon. Speaker: Next Order!

MOTION

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THANKS FOR EXPOSITION OF PUBLIC POLICY

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

THAT, pursuant to the provisions of Standing Order 24(6), the thanks of the House be recorded for the exposition of public policy contained in the Address of His Excellency the President, delivered on Monday, 6th October, 2014 during the Special Sitting of Parliament.

Hon. Speaker, this august House will today and tomorrow discuss the Speech given by the President to a Special Sitting of this House. As per the tradition of the House, we have limited that period from four days to two days, as per the resolution of the House Business Committee sitting of last night.

Hon. Speaker, at the beginning of October 2014, our beloved nation was gripped with anxiety due to the fact that our Head of State and Commander-In-Chief of the Kenya Defence Forces had been summoned by the International Criminal Court (ICC) to appear before it, not for trial but for a status conference. This was done in flagrant disregard of the resolution passed by the African Union Summit of Heads of State, in which they resolved unanimously in Addis Ababa that no head of state should be summoned to appear before The Hague-based court while in office.

That resolution of the African Union was reached in a rare unanimity that saw it proclaimed in one voice, and was backed by a similar stance taken by the Assembly of States to the Rome Statute, to which Kenya is a member.

Hon. Speaker, many in our nations and beyond our borders expected His Excellency the President not to honour those summons. After all, the ICC had turned down a very reasonable request by the President of appearance by way of a video-link. There were rumours that the President would not honour the summons. The counsel for the victims of the post-election violence have, in my opinion, prepared their speaking notes to just ask for the issuance of a warrant of arrest. On 6th October, 2014, President Uhuru Muigai Kenyatta confounded both friends and foes by taking a most unprecedented move---

Hon. Speaker: Just a minute, Leader of Majority Party.

Hon. Ken. Okoth, do you have a point of order?

Hon. Okoth: Hon. Speaker, I wanted to ask if this debate could be limited to five minutes per Member speaking when it eventually begins. Would I be in order to request so?

Hon. Speaker: Hon. Okoth, that is something which should have happened before the Leader of Majority Party started moving the Motion. He is already moving debate. Let him finish moving.

Is there another point of order from the Member for Nyando?

Hon. Outa: Thank you, hon. Speaker. I do not know whether I would be in order to ask the Leader of Majority Party whether this matter can be discussed in the House. As we all know, this House is prohibited from discussing matters that are pending before court. For the sake of the nation and our President, should we not stop discussing this matter in order to allow our President to go through this difficult time without us provoking the international community as far as this matter is concerned? Would I be in order, hon. Speaker?

(Applause)

Hon. Speaker: Hon. Outa, the House Business Committee is seized of the matter. The Committee sat last evening and okayed the matter to be debated. So, the Leader of Majority Party is at liberty to proceed.

Hon. A.D. Duale: Thank you, hon. Speaker. I did not have the opportunity to be here on 6th October, 2014 because I was in Mecca, performing my Hajj. I followed the unfolding events from Mecca. I expect Members like hon. Outa, who were told by their party leadership not to attend the Special Sitting of Parliament, to have an opportunity to speak to the President's Speech today. This is, in fact, a great occasion for those who were denied their constitutional right to, as Members of Parliament, attend that Special Sitting to listen to the President. Get copies of the Speech and make serious contribution. That was for my good old friend from the last Parliament, hon. Outa.

Hon. Speaker, on 6th October, 2014, I said that President Uhuru Kenyatta did the most unprecedented thing. He took a Solomonian step, a most humble decision that any sitting president has ever taken in the history of Kenya. He invoked Article 134 of the Constitution, as read together with Article 147(3), and designated the Deputy President of the Republic of Kenya, hon. William Ruto, the Acting President during the period that the President would be in The Hague. His father, our founding President, never did that. Former President Moi never allowed any of his many Vice-Presidents even to ride in his limousine. Former President Mwai Kibaki did not even allow his co-Principal of five years to act as President for even a second.

President Uhuru Kenyatta did two extraordinary things as per those articles. He handed over power, including all the privileges and titles of the high office of the Presidency to his deputy. When he came back from The Hague, very extraordinarily, he rode in the presidential limousine with his Deputy President for eight hours. This is something which should go into the Guinness Book of Record. I am sure, from where they are seated, retired presidents Moi and Kibaki must be feeling that they have missed an opportunity.

Today we should have been very happy and say: "President Uhuru Kenyatta did what former President Kibaki did." As a Member of the last Grand Coalition Government, I know that it was unimaginable for the two co-principals to share anything, leave alone riding in the same limousine or the former President handing over power to the former Prime Minister. Even when they went to public functions together, they could not share a toilet. The former Prime Minister would have his own toilet and the former President would have his.

President Uhuru Kenyatta has confirmed that leadership is about trust and teamwork; that leadership is not about the person, but about the country and the Constitution. In order to uphold and defend the sovereignty of this nation, and to preserve the dignity of the high Office of the President, President Uhuru Kenyatta temporarily became Mr. Kenyatta. He became an ordinary citizen. In fact, I was better than him because I could access the VIP Lounge at the airport. Hon. Kenyatta became a citizen. He queued like any other passenger. He wore jeans trousers. He held his dear wife by hand and checked into a Kenya Airways Flight at the Jomo Kenyatta International Airport (JKIA) like an ordinary person. I remember that there were many Members of

Parliament, including the former Prime Minister, who were going out of the country. I could see them on social media being at the VIP Lounge. For once, they were with his arch-adversary, hon. Kimani Ichungwa. I do not know what they were discussing. The President became an ordinary citizen of Kenya. He shed off all his titles.

Hon. Speaker: What is your point of order, hon. Kaluma?

Hon. Kaluma: Thank you, hon. Speaker. I am one Member of the CORD coalition who was in the House when His Excellency the President gave his Speech. I thought there were serious issues of governance to address in this debate rather clouding these issues with irrelevancies like addressing our First Lady as a mere wife of an ordinary person. We want to keep this debate to non-trivial issues. There was a lot to learn from the President's Speech.

Hon. Speaker: Hon. Kaluma, you are out of order because there was nothing that was out of order.

Hon. Kaluma: Hon. Speaker, I am invoking the rule of irrelevance. When he starts talking of toilets, the wife of the President and such matters, he borders on irrelevances. There is nothing like the wife of Uhuru Kenyatta. We have the First Lady. We need to address this matter very seriously.

Hon. A.B. Duale: Hon. Speaker, my very good lawyer should appreciate that on that particular morning, Madam Margret Kenyatta was only the dear wife of the President. She was not the First Lady. That is the matter that I was discussing, if you allow me. I want to thank him for reading the Constitution and the Standing Orders. I am disallowing party leaders who give instructions, contrary to the Speaker's instructions, from a political rally. My good friend, hon. Wetangula, should have called a Party Parliamentary Group meeting, through a political caucus, but he did not. I want to thank him because he is one of the people who are seeing light at the end of the tunnel.

(Laughter)

Hon. Speaker, if my good friend, hon. Kaluma allows me, the President honoured the resolution of the African Union by attending the court in The Hague, not as the Head of State but as a private citizen. So by invoking Article 47, President Uhuru Kenyatta respected his colleagues; he respected the resolution of the AU and he went to The Hague as a private citizen. The President has proved that he is unshakable, he is steadfast and he is committed to the rule of law and that, that is a central feature also in his personal vision for this country. He proved beyond reasonable doubt that one Uhuru Kenyatta as a person and as a President believes in the rule of law and he will never be compromising that and the Government that he leads; the Jubilee Coalition.

The President also sent a clear message to all and sundry that even the highest office in the land is subject to and obeys court orders even if those court orders are in vain or misguided. So, even if the court orders in The Hague are misguided, in our opinion they are vain, we said that we should obey court orders. The President has also shown the true essence of leadership; that of humility. At one time I was in Mecca at the Holy Mosque with some of my colleagues, hon. Aden, hon. Abass and hon. (Eng.) Mahamud and I asked: "What is feasible for a president to give him limousine, security and sign off for 48 hours?" I am sure many of us here are not even ready to sign off our

membership of Parliament to a deputy if there would be one. But because of what the President did, I am ready to sign off my position as the Leader of Majority Party to any of my colleagues in leadership but not to the Opposition. He has shown leadership of humility and self sacrifice with Kenyans coming before self.

The President has shown that the Government of Kenya which he leads has unquestioned commitment to the Constitution and that it does not merely pay lip service to the lives and the property of our people. He said that when he was vying for this Presidency- those of us who watched the Presidential Interview with the likes of my good friend, the former Prime Minister, Mohamed Dida, my good colleague, Martha Karua - the matter before the ICC was a personal matter. I am sure many including the bull fighter, my good friend, the Senator for Kakamega, kept on shouting that it was his personal matter. I want to say that the President has proved to all including my good friend, the Senator for Kakamega, that indeed, he kept his word. He said before the elections that the matter before him in the ICC was a personal matter; he would go and do it and he would not drag the 40 million Kenyans or the sovereignty of our nation or the Constitution of the Republic of Kenya.

Hon. Speaker, the deliberations of this august House on the President's Speech, we must as the democratically elected representatives of the people of the Republic of Kenya discuss it. Look at the personification of the sovereignty of the nation; we must rise above party and coalition lines. We must behold and set aside partisan interests and approach these issues raised today in the Speech in a patriotic and Kenyan manner. This House must, in discussing this Speech - and that is my plea - recall the resolution of the House regarding the ICC. Now that we are discussing a matter touching on the ICC, I have been very consistent as a Member of Parliament in the last Parliament and as a Member of Parliament in the Eleventh Parliament that the whole ICC quagmire; the whole of the ICC case in Kenya is so schemed; it is so tailored from the days of the Waki Report. One of the fundamental questions people are not asking themselves is that under the Commission of Inquiry Act, Section 8, when commissions are formed in this country, they are formed and paid for by the taxpayers' money. Section 8 of the Commissions of Inquiry Act says that upon completion of a Commission's report, they can only hand it over to the President of the Republic of Kenya. That is the law. It is not hon. A.B. Duale saying it. I was shocked that at the time hon. Justice Waki completed his report, a man I respect a lot and has one million questions to answer, decided to bypass---

Hon. Ng'ongo: That was the law that established that Commission then.

(Loud consultations)

Hon. A.B. Duale: We are back from recess to the august House. We have left our constituencies; we have left all the markets. There are Standing Orders that will guide us. Hon. Ng'ongo is talking to me as if we are somewhere in a camel or fish market. We are in the august House. You will have your say.

Hon. Speaker, when the Waki Report was completed, instead of handing the report plus the so-called envelope to the then President of the Republic of Kenya, one Emilio Mwai Kibaki and his Co-Principal, one Raila Amolo Odinga, he decided to give

that Commission's report and the envelope to characters who do not exist within the constitutional framework of the Republic of Kenya; to one called Kofi Annan.

(Loud consultations)

I know that when I touch on Kofi Annan, I was a great beneficiary of the Kofi Annan peace mission.

Hon. (Dr.) Simiyu: On a point of order, hon. Speaker. While I respect the Leader of Majority Party and the way he defends his position and it is quite admirable, is he in order to mislead the House that Justice Waki did this as an individual yet we had a negotiation about it and that is what they had agreed on? At that time, hon. A.B. Duale was a Member of the Tenth Parliament. He never brought it up in the House to stop Justice Waki from giving that envelop. So, is he in order to keep on misleading the House?

Hon. A.B. Duale: Hon. Speaker, I said that I was part and parcel of the process of forming not only the Waki Commission but many commissions including the Kriegler Commission. But I am talking about the stage when the report was to be handed over. As a Member of Parliament in the Tenth Parliament, there is nowhere that we passed names and people called Kofi Annan and his team but that is water under the bridge. The only respect I have for Kofi Annan is that he brought peace; brought hon. Raila and hon. Kibaki together and for about two years I benefited as a Member of the Cabinet of the Grand Coalition as an Assistant Minister of which today if I am asked, it was one of the worst part of my life as a Member of Parliament and in Government.

Hon. Members: Why?

Hon. A.B. Duale: I was sacked ultimately because I could not live to the ideology of that Government. Today, I am so happy that the people I joined in leaving that Grand Coalition Government including the Deputy President are so happy.

Hon. Kaluma: On a point of order, hon. Speaker. Is the indomitable Leader of Majority Party in the House right to mislead the House that the report of the Commission of Inquiry into Post Election Violence, which was chaired by Justice Waki, was required by law to be handed over to the President when we know that the Commission was established under the National Accord and Reconciliation Act and the President did not, in fact, appoint the Commission? If possible, we should avoid misleading the House on such matters. May he retract his statement?

Hon. A.B. Duale: Hon. Speaker, by the way, I do not know whether he has completed the law school. But, at least, when he was at the law school, I was a Member of Parliament.

While going on, I would like to say that, if hon. Kaluma wants to defend Kofi Annan – I want to ask my colleagues to read a book by one Hans Blix. It is called “Disarming Iraq”. That is the guy who will tell you the international politics of how Kofi Annan and his team fixed Iraq when there were no statutes. That is a story for another day. Hon. Members should read the book called “Disarming Iraq” by Hans Blix.

I want to conclude this very interesting matter because hon. Members who were not there that day have time to listen to me because they refused to listen to the President. Now the representative of the President is here.

(Applause)

Hon. John Ngong'o, you better listen to the rapporteur of the President of the Republic of Kenya. We might be told to ask tough questions to the International Criminal Court (ICC). I am sure many Kenyans asked tough questions.

On 6th October, 2013 when the President did the unprecedented thing by handing over power to one, William Samoei Ruto; the people of Rift Valley kept quiet.

Hon. Speaker, my good friend the former Vice-President took off. My good friend the former Prime Minister left the country. There was only one question which came to my mind.

(Laughter)

I asked myself: All these guys were around when Uhuru was the President, but now they were not ready to be the subject of one, William Samoei Ruto.

(Laughter)

Hon. Speaker: Hon. Washiali will second.

Hon. Washiali: Thank you, hon. Speaker. I want to take very few minutes to second this Motion by first congratulating the Mover and His Excellency the President for the move he made.

I was invited on 6th October, 2014 to come and attend the Special Session where the President was to address us. Dutifully I was in Parliament in good time to welcome him at the gate in my capacity as the Deputy Whip and we moved together up to the Chamber where he delivered a historic statement.

Hon. Speaker, after the historic statement which he delivered to the nation from Parliament, I went further and also witnessed the handing over of power to his deputy. I want to say that this was history in the making. I do not think that those who did not attend will have any other opportunity to attend a function like the one we attended. This is because it is not very easy for anyone, just like the Mover of this Motion said; to relinquish power that you have been given by the Constitution.

Hon. Speaker, even in my own capacity as a Member of Parliament, it has not been easy that I could, at one point relinquish my power to a member of the county assembly or any other member in my constituency. This proves that His Excellency the President is not a weak-hearted person. He is not a selfish person. From the act, when I saw how His Excellency the President moved, I can assure you that he is not guilty. If he was guilty, I am sure it would not have been very easy for him to have handed over power to his deputy because that would have exposed him to court proceedings. But because he was sure he was innocent, he was able to relinquish power, though short-lived.

Hon. Speaker, with your permission, I want to take this opportunity to thank the Deputy President because even in that short period he was given to act as the President, Kenya moved on as if there was nothing missing. It meant that the Deputy President is capable of leading. Therefore, we have two key leaders in this country who are equally

capable of leading this nation. I think that is the kind of President Kenyans want; a simple President who can be humane and feel for the people.

Hon. Speaker, I want to remind this House that there was a time when the President had an official visit to Tanzania and when he was coming back, he crossed the border to Namanga and joined the Maasai in eating roasted meat in some kiosks that none of us, hon. Members, would have imagined visiting. He ate meat together with his deputy. I think this is just one of the signs that our President is really a humane President. When he went to Mombasa, he surprised the Coast people when he had a meal in a kiosk sometimes avoided by the Governor of Mombasa. This is just to prove that His Excellency the President is a humane person. He is a man who would want to be where Kenyans are. He is a person who would want to say he will do this and he will do what he says. He is a man “*wa kusema na kutenda*.”

I want to admit that I did not know that I was going to second this Motion; but nevertheless, I want to thank the Mover for giving me this opportunity.

Thank you so much, hon. Speaker.

Hon. Speaker: Do you second?

Hon. Washiali: I second, hon. Speaker.

Hon. Speaker: Order, hon. Members, including those at the back!

(Question proposed)

Hon. Members, I further wish to draw your attention to the second page of the Order Paper so that we do not have complications like the one raised by hon. Ken Okoth. Hon. Okoth had not looked at the Order Paper. I will read it:-

“THAT, pursuant to the provisions of Standing Order No. 97(4), the debate on the Motion of the Address of the President shall be limited to no more than five minutes for each Member speaking, twenty (20) minutes for the Mover in moving and replying and twenty (20) minutes for the Leader of the Minority Party.”

Hon. Members, before we transact that business, I wish to recognize the following institutions in the galleries:-

Kongoni Primary School; Visa Oshwal Primary School and Our Lady of Nazareth Primary School, all from Nairobi County; Sabit Primary School from Pokot County; Primary School from Nandi County and Mongusi Primary School from Turbo Constituency.

(Applause)

They are welcome to witness the proceedings of the House.

Hon. Members, I have no indication that the Leader of Minority Party has designated anybody to act in his place. You better read your Standing Orders correctly. Whips are not the leaders. The Leader of Minority Party and the Leader of Majority Party have both their deputies. The Whips from both sides have their deputies as well. So, you must take your position. I have not seen anybody occupying the seat of the Leader of

Minority Party but I can see hon. Kaluma wishes to temporarily also take over now that we are talking about temporary handover of power.

(Laughter)

I wish I had been given the instruments to show that hon. John Mbadi is the one who had been given. This is because I am sure he would have occupied the seat sufficiently but let me recognise hon. Mwadeghu, the Minority Whip if he desires to contribute to this Motion but if he does not desire, it is fine. Do you or has he given his deputy? Okay. Hon. Mwadeghu.

Hon. Mwadeghu: Asante Mheshimiwa Spika. Naomba tuu uniruhusu kwa heshima yako nimpatie mwenzangu, Mheshimiwa Wamalwa aendelee na huu mjadala.

Hon. Speaker: Very well. He is on the list but you have catapulted him. He was number four on the list but now that you have catapulted him, he gets the chance.

Hon. Wakhungu: Thank you, hon. Speaker. I stand here as the Deputy Whip from the Coalition side and looking at what happened, for us on the Coalition for Reforms and Democracy (CORD) side we never had any bad wishes for His Excellency the President. Indeed, we recognise that he is the President of this country and we want to compliment him for what he did.

Hon. Speaker, when you talk of the presidency, it is a symbol of national unity and our CORD has never said that we do not respect our President. Indeed, we respect him but one thing I want to say about what happened on that very day is that, personally I was not here. I was out of the country attending the Northern Corridor Conference in Kampala but I want to congratulate His Excellency the President for accepting to go to The Hague. Indeed, under our Constitution we have an international obligation in line with the Rome Statute and His Excellency did very well to go to The Hague. Much as it was said that it was a personal issue, it also shows that he respects the rule of law.

On the issue of handover of power, I do not see anything extraordinary His Excellency did in terms of assigning his Deputy President to be the Acting President. Article 147(2) of the Constitution says:-

“The Deputy President shall perform the functions conferred by this Constitution and any other functions of the President as the President may assign.”

So, there was nothing extraordinary. Even if the instruments of power were not given to His Excellency the Deputy President, still he was going to act as the President of this country in the absence of His Excellency the President. In fact, the extra shows of handing over power were unnecessary. In many other jurisdictions like in South Africa sometimes back you realise that the late Nelson Mandela who was by then the President of South Africa actually handed over power not to his deputy but to his critic and who was in the Opposition, Buthelezi. So, in terms of the excitement that is going on we do not see anything extraordinary. He was just performing his duty as the Deputy President of this country.

Hon. Speaker, I was listening keenly to the Leader of Majority Party when he was moving and more importantly the issue was the target of Rift Valley. This is what came from his mouth. He mentioned something about the Rift Valley. I think the President was sharp enough and he knows what he wanted. He did it in a good way. The people of Rift

Valley, including myself were excited but there is customer value proposition and the President knows exactly what he wants come 2017. What the President did was that he was playing politics. When His Excellency the President came back the excitement in Rift Valley was overwhelming.

Hon. Speaker, there is nothing extraordinary and what we are saying is this: We appreciate the teamwork that His Excellency the President enjoys with his deputy. It is good for stability and peace in this country. There is nothing extraordinary but what we are trying to put across is that as they were trying to give power to the Deputy President, hon. Speaker, I do not know whether you are aware that you are supposed also to have been given power to be the Deputy President at that time because the Constitution is very clear.

(Laughter)

If the President is not there, the Deputy President takes over and if the Deputy President is not there, you are the third in command as far as the Constitution of this country is concerned.

(Applause)

Indeed, this one explains why His Excellency the President decided to come and address this House. In line with Article 1 of the Constitution, the sovereign power belongs to the people of Kenya which can be exercised directly or indirectly through their democratically elected leaders. This House represents the democratically elected leaders of this country and it was very good for His Excellency to come and address it here. This is because he knew he was addressing people in line with Article 1 of the Constitution and I want to thank him for that.

On our CORD side, we have no problem. We liked everything that went on well. We are happy about the peace and security but the only caution we want to give is that when His Excellency the President came back, the security was worrying. He was on the same car with the Deputy President. It was very dangerous. I am calling upon the security team that such a thing should not happen again. I am assuming, if the *Al Shabaab* would have done something, what would have happened?

Hon. Speaker, we are here as Kenyans. We belong to this country and we love the peace and stability. We thank His Excellency the President for going to The Hague and respecting the rule of law.

Thank you, hon. Speaker and we support.

Hon. Speaker: Do I take it that hon. Ken Obura, Member for Kisumu City has now assumed the mantle of the Leader of Minority Party? Hon. Cecily Mbarire.

Hon. (Ms.) Mbarire: Thank you, hon. Speaker. I just want to say that it is good to correct my colleague, the hon. Wakhungu, that there was no mention of Rift Valley in the speech, unless of course you are looking at it out of context.

(Loud consultations)

I keep wondering, if hon. Raila Amollo Odinga was the President, would he have left his seat to his Deputy, hon. Kalonzo Musyoka for even ten minutes? We all know he would not have done that. Let us face facts, we have a President who has a good working relationship with his deputy.

I want to concentrate on the issue of International Criminal Court.

Hon. Speaker: Hon. Members, go to the point because you only have five minutes.

Hon. (Ms.) Mbarire: Why do I want to do that? It is because I went to the International Criminal Court and accompanied the President, for the first time since these hearings began. I wanted to concentrate and understand what has been going on in that court. I want to say this; Having listened to the Attorney General the day before the President appeared before that court, and having listened to what happened on the day the President appeared before that court, I have only one thing to say: there was absolutely no reason for the President to be summoned to the International Criminal Court.

(Applause)

It was pure politics, they wanted him to decline and then they would be able to issue a warrant of arrest against him, but we called off their bluff. I want to congratulate the President for doing that. Two issues came out at the International Criminal Court. One, clearly the prosecutor has no evidence whatsoever against the President. Instead of accepting that they could not carry out proper investigations, they want to push blame to the Government and say that the Government did not provide evidence as required. The Attorney General was very clear the previous day. On 7th he said, "You asked for company names, I wrote back and asked which companies because you cannot just ask me to present any company. I must be clear what companies you want." They asked for telephone records. At the time all these things were happening, we never used to register our mobile subscribers. So, how do you give a record of mobile numbers without names? They asked for bank records. They were given bank records. When they see there is no evidence in those bank records, they come back and say they will need more bank records. They went further and asked for Income Tax records and they were given records of 2007, 2008, 2009 and 2010. They were given records of motor vehicle registration, yet they continue to say they want more evidence.

Hon. Obura: On a point of order.

Hon. Speaker: What is your point of order? Hon. Members because everybody has only five minutes, let it be a point of order.

Hon. Obura: Thank you, hon. Speaker. I rise on a point of order to ask if my good friend, hon. (Ms) Mbarire is in order to discuss a matter that is in court and in fact discuss the merits of the case. As a House, we can discuss the matter of the International Criminal Court without going into details; issues of evidence. Hon. Speaker you may have to rule on this. Thank you.

Hon. Speaker: The rule of *sub judice* will not apply to international courts obviously.

Hon. (Ms.) Mbarire: Thank you hon. Speaker for making him know these things. He is still green in this House. I want to say this without fear; we have heard that

witnesses have been bribed and intimidated. Those witnesses who have gone forth to say that they were bribed have been called hostile witnesses. We have seen our own Deputy President made to sit in The Hague for over a week, sitting, just listening and doing nothing else. He goes to The Hague to listen to---(*technical hitch*)

I want to end by saying the following; it is clear that certain Non- Governmental Organizations have been behind all these shenanigans since 2008. We are aware that certain Non-Governmental Organizations have received colossal sums of money to come and coach witnesses and have turned the poor state of post-election violence victims into an enterprise. I want to say it is time this House enquired and audited the activities of these organizations. Let them tell us where they receive their money from, how much they receive and how they use that money because it is clear there is a lot that has been going on without our knowledge. I want to say I am going to bring a Motion in this House to look into the conduct of those organizations. It is time for them to account for what they have been doing since 2007 to date.

With those few remarks, I support.

(*Applause*)

Hon. Maanzo: Thank you, hon. Speaker for giving me this opportunity to contribute to the Motion today as per the Order Paper. The Motion talks of exposition of public policy in the Address of His Excellency the President on Monday, 6th October of this year. On the issue of public policy, I think the President set a good example and a good precedent that the presidents of this country could subject to law. He set a good example by subjecting himself to the law and following the Constitution to the letter. However, we noticed that there could be international politics and it is also a matter before a court of law. When a matter is before a court of law, then it is only fair that one goes through the whole process of law, evidence is given and the person is either acquitted or convicted. I think by doing so, the President did a good thing to subject himself to the jurisdiction of the international court and he was able to be back in the country to continue performing his duties.

I will pick from his Speech; Kenya is more important than him. A country is more important than an individual. By doing so, he showed respect to the country both internationally and locally. I think it is a good example to follow in future, that when we have such matters we subject ourselves to the jurisdiction of international court or any other court. The President recognized the sovereignty of this House and that of the people of Kenya. As a nation, we are subject to international law. Therefore, I support.

Hon. Waiganjo: Thank you hon. Speaker for giving me an opportunity to comment on this very important Speech by the President. The President's appearance at the International Criminal Court must be commended because it means he gave credence to our country. We were viewed as a country that obeys the rule of law. Crucially, it was very important for his appearance considering the role that this country plays globally and regionally. We are one of the leading democracies in Africa. It was very important for the President to appear although I also note that it was unnecessary, unless the judges of the International Criminal Court just wanted to see him seated there to probably give credence or relevance to their position in this case that is going to collapse.

On the President's Speech, there are two outstanding features which require serious thought by the Members of this House. I know that sometime back we passed a Motion indicating that Kenya would pull out of the Rome Statute. I am not clear where that Motion ended. But if you look at Paragraph 19 of the President's Speech, you will know that the President may not necessarily share the view that Kenya should pull out of the Rome Statute. He says:

"Internationally, our diplomacy has been driven by the desire for a level playing field, On which all nations and their peoples are equal in respect of their sovereignty. This is why Kenya played a crucial leadership role in the negotiations that led to the creation of the ICC through the Rome Statute, as well as mobilizing African states to sign up to it".

The President was saying that Kenya played a crucial role in the formation of the ICC and even urging other African countries to come into the Rome Statute. But in Paragraph 20, the President says-

"Given our experience with the Court, many have since asked why we acted with such enthusiasm. It was because we believed then, as we do now, that an equal world, only a common set of rules governing international conduct could keep anarchy at bay".

To my mind, what the President is saying is that the Rome Statute is relevant now as it was relevant when Kenya signed up. So, I want to urge my colleagues who are of the view that we should pull out of the Rome Statute to share the President's view on why we should remain in the Rome Statute.

Another feature that captures the President's Speech is found in Paragraphs 45, 46, 47 and 48. Clearly the President brought Kenyans first and took a second seat. He recognises the sovereignty of this country. He even went ahead and tried to more or less tell the people who are completely against this appearance that they should not be worried about this appearance. This is what his guiding principle is and I like it very much. This distinguishes His Excellency President Uhuru Kenyatta from other Presidents that we have had. In Paragraph 45, he says:-

"I am deeply optimistic about the future of Kenya. We will succeed by putting the nation's interests first and foremost. This has, and will continue to be my guiding principle. It is for this reason that I choose not to put the sovereignty of more than forty million Kenyans on trial, since the democratic will should never be subject to another jurisdiction".

This is a statement from a statesman; a selfless leader. Then Paragraph 46 says:-

"Therefore, let it not be said that I am attending the Status Conference as President of the Republic of Kenya. Nothing in my possession or my deeds as President warrants my being in court".

The President is moving away from his leadership role and recognizes that he is a private person before the ICC before he serves as the President of the Republic of Kenya. Then in Paragraph 47, he says:-

"So, to all those who are concerned that my personal attendance of the Status Conference compromises the sovereignty of our people, or sets a precedent for the attendance of presidents before the court - be reassured, this is not the case".

So, for those who are saying that the President created a precedent by appearing as a president, then he is clearly saying that he is there in a private capacity. Of course, the

innovation of Article 147 gives us the opportunity to practise our Constitution and the spirit and the letter of the law.

I thank you.

Hon. (Dr.) Simiyu: Thank you, hon. Speaker for a chance to contribute to this very important Motion. From the outset, hon. Waiganjo is the first person I have heard touch on the body of the President's Address. In fact, maybe the Leader of Majority Party should borrow a leaf from the President and sometimes cede authority to other people. Maybe hon. Waiganjo would have moved this Motion much better than the Leader of Majority Party. This is because he has exposed the content and gone on to point out the salient features that are very key. What hon. Waiganjo has just done gives a very sober approach to the whole thing rather than all the drama that has characterized the whole issue. He brings a very sober mood to it.

The House Business Committee went against the President's disposition. The President wants to obey the rule of law, but the House Business Committee does not want. So, we have to debate this matter which is before the court, whether international or not.

However, Article 147 is an auto pilot Article. The moment the President steps out, the Deputy President takes over. It is an auto pilot Article. Definitely, this being politics, we had to find something that can create some drama, which Jubilee is very good at and they have milked it for what it is worth. The whole idea of handing over power including the motorcade is really drama. If it was that way, then the Deputy President should have been working from State House, but he was working from the Office of the President here. We know the President works from State House. Then the Deputy President should have been working from State House. But because it was just meant for the drama and the politics of it, we appreciate it. We are all also politicians and we understand what drama and politics is all about.

That is best exemplified when the Leader of Majority Party was saying here that the Leader of CORD and the former Vice-President left the country when the Deputy President was given time to rule. I do not know whether sometimes his brain hears what his mouth is saying. This is because what he is saying is a double edged sword. Is he trying to imply that the Deputy President can be vindictive? Is that what he is implying? That is why I asked whether his brain hears what his mouth is saying. The things he is saying are dangerous.

There is the issue of riding in the same limousine. As hon. Wamalwa pointed out, this is a country led by a President and his deputy. Whether we are in the Opposition or not, those are the leaders of this country. We want them all alive and safe. Surely, even if it is for drama because you are good at drama, let the security forces move in clearly and give proper advice. That was not good to the extent that even somebody grabs the President's hands and refuses with it because, generally, a *mwananchi* rarely gets a chance to shake the President's hand. So, when he gets hold of it, he does not want to let go. We need proper security services to ensure that our leaders are secure wherever they go. That was a very big security lapse which should not be allowed.

It was an extraordinary move, we agree. The first President of this country never did it. The second President never did. The third President never did. Somebody even mentioned that if it were Raila, probably he would never do it. However, the question is:

Will they be under the same circumstances; these unfortunate circumstances that our President has found himself in? Kenya had never found herself under those circumstances before. So, it would not be good to compare the previous presidents with the current President on that score because then it is not even. They did not face the same dilemma. So, that is not a very good comparison at all.

We all agree that it is the President's right to address the House when he has an important matter, which he did. The President followed the Constitution, which we expect of him as our President. He must follow the Constitution.

Hon. Bowen: Thank you, hon. Speaker. I stand to support the Presidential Speech. Even before the issue of the ICC, there are some issues that the President touched on, especially the issue of---

Hon. Speaker: Hon. Kangongo, the Member for Chepalungu!

Hon. Bii: Thank you very much, hon. Speaker, for remembering me. I wanted to respond to the---

Hon. Speaker: No, you do not respond.

Hon. Bii: Through a point of order, hon. Speaker.

Hon. Speaker: Hon. Bii!

Hon. Bii: Hon. Speaker, was it right for hon. Eseli or was he in order---

Hon. Speaker: He is not speaking!

Hon. Bii: But it is still in the memory. Just a few minutes ago he was talking.

Hon. Speaker: Hon. Members, you have only five minutes. Please, it is only fair. Let us not interrupt one another.

Hon. Bowen: Hon. Speaker, now my five minutes begin. Before the President talked about the issue of the ICC and his visit to The Hague, he mentioned some few issues, especially what the Government has done in terms of security in the country. This is a very important issue. However, in the security sector, there is need for more legislation to provide some synergy and co-ordination. This has gone to the extent of the President's security.

The President demonstrated the fact that he is a true Kenyan by saying that he does not want to put the 40 million Kenyans on trial. He wanted to travel to The Hague as an individual as Uhuru Kenyatta and not as the President of this country. By so doing, he also respected the African Union decision that a sitting Head of State should not be put on trial. I am among those who accompanied the President to The Hague although I did not hand over my sit to any of my members of the county assembly. For all of us who sat in that courtroom, none of us can say that there is evidence at all against the President. Even the investigation that the prosecutor did was so much shoddy, according to its presentation. I remember the prosecution saying at one point that the President must go back so that it looks for evidence. The prosecution was saying that the President must cooperate to get some incriminating evidence against himself! That was laughable. Many Kenyans who attended the court to stand together with the President saw that there was no need for the President to be paraded in the ICC just because of an issue that even the lawyers would have handled.

In his Speech, the President also said that Kenya has an obligation as a country to respect the international treaties and laws. That is the reason he travelled to The Hague. We, however, need to relook at these international treaties afresh. The Motion we passed

here, as one Member said, we need to look at it again. These courts should not be used as political courts. They should be used to serve the purpose they are supposed to serve. I know that we are still going to make a follow up on the Motion that had come to this House of pulling out from the ICC, if that is the direction it is going to take.

By appointing the Deputy President to act as President, this shows the seriousness the President has in terms of service delivery to Kenyans. I do not know why some Members see this as a big issue. The Constitution provides--- The President did it so well. He planned that while he is away, his deputy handles his duties very well. Although he did not do it in State House, but that is the Office of the President. We know that Harambee House houses the Office of the President. So, that is not a big issue.

I want to congratulate Members from the CORD Coalition who came to listen to the President's Speech, apart from hon. Mbadi and others. However, at least, they have heard the President's Speech from the Leader of Majority Party and myself, from what I am trying to highlight. Those Members who decided not to come on that day, I would like to tell them that the presidency is a symbol of unity of the country. We were elected to represent our people inside Parliament and not outside. I met my friend, hon. Opiyo Wandayi running away when the President was coming in. This was completely out of order!

(Laughter)

Hon. Ng'ongo: Hon. Speaker, first of all, I want to say that to the extent that the President decided to respect the Constitution of this country especially with regard to Articles 2, 5, and 6 of the Constitution by appearing before the ICC, that is commendable. We live in a continent where leaders are rogue. We live in a continent where you do not expect leaders to respect the rule of law. I thank our President for accepting to listen to wise council from some of his advisors. I would want him to retain those advisors who told him to go to The Hague. This has shown our country as one that respects the rule of law. He should not listen to some of the neighbours who talk very loudly. This is because they have nothing to show in terms of democracy and good governance. Listening to somebody like Mugabe would be a disaster to this country. Listening to other leaders like our great neighbour here would be a disaster to this country. So, I thank our President for not listening to them.

Hon. Speaker: What is your point of order, hon. Joel Onyancha?

Hon. Omagwa: Hon. Speaker, is hon. Mbadi in order to front the name of the President of a friendly country for discussion in this House?

(Applause)

Hon. Speaker: Obviously, hon. John Mbadi is totally out of order.

Hon. Ng'ongo: I did not discuss his conduct, but I just said that in terms of governance--- I think it is there for us in the public domain.

Hon. Speaker: You were making a very good point---

Hon. Ng'ongo: Hon. Speaker, let me proceed.

With regard to handing of power to the Deputy President, I asked myself what alternative the President had. Once the President decided to appear before the ICC, he had to surrender his powers. This is because the Constitution is clear that any time the President is absent from this country, the Deputy President acts. Once he appeared in the ICC he was going to be an ordinary person, whether he liked it or not. The President was just being careful and a politician by trying to pretend that he was removing himself from being the President and appearing there as an ordinary person. There is even a matter of constitutionality here. The President is not supposed to hand over power when he is still in the country. The President should have left this country as President. There is no provision in law which allows the President to hand over power when he is in Kenya. That is something that needs to be debated.

May I also add that by purporting to put a Gazette Notice to make an appointment which the Constitution has already done, the President is subordinate to the Constitution! Therefore, that Gazette Notice is null and void, unconstitutional and a waste of taxpayers' money. Listening to some of the speakers from the Jubilee side, I want to advise them not to be emotional about this matter. If our President is not guilty, he will be found not guilty. Hon. Cecily Mbarire who used to be a very strong advocate in the civil society movement and which I also participated in needs to remember that there are over 1,000 Kenyans who lost their lives in this country. You are in power as Jubilee. Look for the people who killed these people and hold them to account. Do not start criticizing ICC and yet you have no solution to this problem. What would I tell Mr. Ndege, for example, who lost his two wives and six children? These people are crying for justice! As you defend your leaders---

Hon. Speaker: There is a point of order from hon. Mbarire.

Hon. (Ms.) Mbarire: Hon. Speaker, is it right for the hon. Member to insinuate that I do not care about the over 1,000 victims when I have stated here that several organizations have made the fate of the Post-Election Violence (PEV) victims an enterprise? Secondly, I do not think that injustice to either hon. Uhuru Kenyatta or hon. William Ruto or Mr. Sang means justice for the over 1,000 PEV victims; it does not.

Hon. Ng'ongo: Hon. Speaker, what I said - I think the hon. Member did not listen to me - is that the President of Kenya is one Uhuru Muigai Kenyatta and he is deputized by William Ruto. They are in power. Let them investigate. They do not have to wait for NGOs to investigate for them. Why do they not bring---

(Loud consultations)

Hon. Speaker: Hon. Joseph M'uthari! Hon. Members, this is a House of order. Hon. Angwenyi, I have told you several times. You must have been given a card. Even at your age, I expect that you know how to handle even, inserting a card!

(Laughter)

Hon. M'uthari: Thank you, hon. Speaker. From the outset let me also applaud the President for his action of respecting the rule of law and displaying leadership at this particular moment in history. Some people may talk about drama, but I do not see the

drama. The thing is that we need information to be shared amongst Kenyans. The President did the right thing to request for the convening of the House so that he can share with us and all Kenyans the issues facing him and country at this particular moment. It is, therefore, important to acknowledge this good act. It is also an act of humility from a leader in the face of an uncertain situation where information needs to be shared with the citizens.

At the same time, if the State Parties of the African Union gave the indication but this particular Court did not listen to those states that are members to it, it is very unfortunate. If they have no evidence yet they go ahead and suspend the case and put the whole country into suspense---

The case against our Deputy President has witnesses who have refused to testify, but have been forced to do so; this puts the whole thing into question. However, the Address of His Excellency the President is laudable because it expounds on the issues of the sovereignty of the people of Kenya. It also safeguards the interests of millions of Kenyans; our integrity and sovereignty should be safeguarded.

Hon. Speaker, as we contribute to this Motion, we have seen good action by a leader in the name of the President. In this way, he displayed mature leadership; he showed that it is possible for a leader to trust other leaders or his deputy to run the affairs of our country. He displayed to the people that he has total trust in his principal assistant and can share leadership without fearing that his position can be taken over by somebody else. It is important for us as leaders to display leadership and that the interests of the nation come first.

Hon. Speaker, with these few remarks, I support this Motion. It is important that we, leaders, put the interests of the nation above individual interests. At the end of the day, we have a common goal. Our President has shown this by accepting to attend the International Criminal Court (ICC) Status Conference, although this is a court that is meant to embarrass our leaders.

Thank you, hon. Speaker.

Hon. Wandayi: Thank you, hon. Speaker. I would like to contribute to this Motion. I did not have the opportunity to listen to the President's Address because I was away on recess. More importantly is the fact that both the Constitution and the Standing Orders presuppose that when a Special Sitting of Parliament is convened, the subject matter needs to be made known.

The following day when I read the President's Address in the newspapers, I did not quite see anything national that required the convening of that Special Sitting of the House. The ICC matter remains purely personal between one, Uhuru Muigai Kenyatta and that court. This is with all due respect.

It is also important to note, because I read in his Address something to do with the AU Resolution, which purported to bar sitting Heads of State and governments from attending the ICC, that any resolution outside the Rome Statute remains irrelevant and cannot be binding on the ICC whatsoever. I want to reiterate what hon. Mbadi said. He said that our President needs to be careful on the kind of advice he gets from our neighbouring countries.

Hon. Speaker, it is also important to note that even though the Jubilee Government went an extra mile to score some points locally, in the international arena,

the Jubilee Government lost badly. It is clear that the country's image was damaged beyond repair by the spectacle of goons who made themselves look like cartoons on the streets of The Hague. It is important that in future the President is advised not to allow people to accompany him to The Hague. These are people who have got no business with the ICC matter. It is true---

Hon. Lentoimaga: On a point of order, hon. Speaker. Is hon. Wandayi in order to call us goons? I was one of the people who were in The Hague!

(Laughter)

Could he substantiate that? He has called us goons or cartoons.

Hon. Wandayi: Hon. Speaker, I did not call any particular Member of Parliament a goon. What I was referring to were the people I saw rolling themselves on the streets of The Hague. They were clad in some funny attire.

Hon. Speaker, that aside, it is important for us, as a country, to separate matters of State from matters which are personal. It is also important for us to give the President time as a person to face the charges he is facing currently at The Hague, and defend himself appropriately, so that at the end of the day, if at all he is innocent, he is set free in a manner that is prescribed under the Rome Statute. No amount of drama, grandstanding or number of delegations will help the case that the President is currently facing at The Hague. What is important is that the facts are looked at on their merit and the case is prosecuted according to the law.

Hon. Speaker, as I conclude, it is important to realize that as we talk about the President, his deputy and Mr. Sang that there are people in this country who lost lives. There are also people in this country who lost property during the post-election violence. It is important that as we talk about the interests of the President and his deputy, the interests of these other victims are also taken care of.

Hon. Speaker, with those few remarks, I thank you.

Hon. Ichung'wah: Thank you, hon. Speaker. I rise to support this Motion. Even as we debate this Motion, I am just wondering what people like hon. Opiyo Wandayi and other hon. Members who boycotted this session after being called to boycott it by the likes of Wetangula and the "Bull Fighter," have to say about the President's Address.

It is important to say that one of the issues I have heard my colleagues have a problem with is what they have been calling the drama and its video-taping at the handover. It is important to know that there was absolutely nothing wrong with dramatizing the handover of power from the President to the Acting President, who was left in charge of the country. There were those who could not stand that and had to take off.

Hon. Speaker, it is also important to know that as much as the President had every right to dramatize and issue the legal notice that he issued to appoint the Deputy President as Acting President, he also wanted to show the confidence that he had in the able Deputy President. I think it goes without saying that this is a President and a Deputy President whose chemistry is very strong and they will do wonders in this country.

It is also important that when the President spoke in the opening remarks of his Address, he addressed the issue of the IDPs. I want to appeal to the Government--- There are still thousands of IDPs who are called integrated IDPs who are yet to be compensated. It is important, as the President said, that the Government makes sure that integrated IDPs are thoroughly investigated to know who are the genuine IDPs, so that the genuine ones are compensated by the Government.

Hon. Speaker, it is also important to note - I heard hon. John Mbadi speak about it - that it is hon. Mwai Kibaki, the former President, and hon. Raila Odinga who was then the supervisor of Government, who should have investigated and made sure that the real culprits of the post-election violence in 2008--- Indeed, these were the two protagonists in the 2007 elections. It was incumbent upon the two gentlemen then to make sure that IDPs were resettled, and those who ought to have been compensated were compensated. It is sad that those two gentlemen never did that until hon. Uhuru Kenyatta and William Ruto took the reign of leadership in this country.

I want to thank hon. William Ruto and Hon. Uhuru Kenyatta, our good President, for having taken that bold step to make sure that IDPs were compensated and those who ought to have been resettled were resettled. It is important to remind Kenyans--- History will judge us harshly if we forget that the thousands of demonstrators on the streets of Nairobi and other urban centers were calling for peace only for the installation of one Raila Odinga in power. Therefore, even as we ask investigators and Government to investigate, they should come out clean and tell us what it is that Raila Odinga knew about the post election violence of 2007/2008.

Hon. Speaker, we have also spoken about the ICC and it is important because I am one of those hon. Members--- I treat with a lot of distaste what hon. Wandayi has said, that there were goons and cartoons outside the ICC court because there were hon. Members who accompanied the President. If you listened carefully to what was going on in that court and what was said by the Attorney-General a day earlier, it is clear that the ICC, or the Office of the Prosecutor, has absolutely no evidence either against the President or the Deputy President. It has never been heard anywhere in any justice system in the world a prosecutor asking the accused to be the one to adduce evidence before a court and prosecute their case. Therefore, it is incumbent on us to call upon the ICC and the Office of the Prosecutor to do the honourable thing and drop that case because there is absolutely no evidence.

[Hon. Speaker left the Chair]

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

In conclusion because my time is over, it is important for us to remind ourselves in this House that we passed a Motion to remove this country from that ICC process, and we need to follow up on that Motion and remove this country and other African states from the ICC Statute, because this is a neo-colonial tool.

The Temporary Deputy Speaker (Hon. Cheboi): Very well; let us have Hon. Ganya.

Hon. Ganya: Hon. Temporary Deputy Speaker, thank you for this opportunity to contribute to the President's Address to the nation. I keenly listened to the Address of His Excellency the President to the Parliament of Kenya. When he concluded his Address, I was proud to have him as my President. He is a statesman; he has truly showed that he is somebody who believes in the rule of law, and he clearly revealed that he is a servant leader.

As a believer in the rule of law, his respect for our Constitution enabled him to take extraordinary measures to safeguard our Constitution. He took the lead in defending the sovereignty of this country; that is why he appeared in The Hague at the ICC as citizen Uhuru Kenyatta and not the President of our Republic. That shows how much he cares about the sovereignty of our nation and the sovereignty of the over 40 million Kenyans.

Clearly, his respect for the constitutional order of this nation enabled him to invoke the necessary constitutional provisions to have his deputy act as a President for the period when he was at the ICC as citizen Uhuru Kenyatta. The Constitution could be self-propelling as others have said, but how many Kenyans know that? Kenyans were so anxious for having their President in The Hague. The symbolic gesture he displayed was enough for so many Kenyans who are not scholars, or who have very limited knowledge of the Constitution, to appreciate those extraordinary circumstances. In that, I see no problem.

He also showed the respect he has for African Union's resolution passed by all Heads of State that no sitting President of any African nation should go before the ICC as a President. That is why he invoked the necessary constitutional provision and elevated his Deputy President to serve as an Acting President. That shows the respect he has for the African Union, of which we are a very strong member.

Hon. Temporary Deputy Speaker, the President also addressed the issue of IDPs. The effort the Government has made to resettle them and the need for us to resettle more of them who are yet to be resettled--- That is the only way in which we can deal with issues of the post-election violence of 2007/2008. More needs to be done; he mentioned what needs to be done; there are many of them who need justice and that justice must be delivered however late.

Those of us in both the Tenth Parliament and the Eleventh Parliament have pronounced ourselves on the issue of the ICC. In both the Tenth and Eleventh Parliaments, we have passed resolutions to withdraw Kenya from the Rome Statute. It is unfortunate that the Tenth Parliament domesticated the Rome Statute; the ICC law. To be honest - this is my personal opinion - this is basically an imperial court, financed by imperial powers with imperial intentions. It is an imperial tool for control and subjugation by these imperial powers of poor African nations and many other poor countries. If there is justice in this world, the people who destroyed Baghdad without any evidence of weapons of mass destruction; people who destroyed Libya without evidence of any kind should be before the ICC. They are not there yet they are the ones who are dragging our President and Deputy President before the ICC. That is not justice and that is why I strongly support our country's withdrawal from the ICC, not yesterday but the day before. I am happy that both in the Tenth and Eleventh Parliament, we have taken steps to withdraw this country from this imperial court.

One thing must be said; the security of our President and the Deputy President must not be taken for granted. Even in the USA, there is a reason for having Air Force One and Air Force Two; the President always flies in Air Force One and his Deputy always flies in Air Force Two, and never in the same plane and never in the same vehicle. There is a reason for that and that should not have happened when the President arrived. I was told that both the President and the Deputy were in the same vehicle. That is really putting at risk the security of this country and the---

The Temporary Deputy Speaker (Hon. Cheboi): Your time is up!

Hon. ole Lemein: Hon. Temporary Deputy Speaker, I want to take this opportunity to congratulate His Excellency the President for accepting to attend the Status Conference. His Excellency the President has led by example, by respecting the rule of law. His Excellency the President has also set the bar very high as far as leadership is concerned in Africa and the whole world. He has commitment to the Constitution of Kenya. He has also demonstrated that he walks the talk.

When you look at paragraph 45 of the Address, the President has indicated that he has the people of Kenya at heart. He said:

“I am deeply optimistic about the future of Kenya. We will succeed by putting the nation’s interests first and foremost. This has, and will continue to be my guiding principle. It is for this reason that I choose not to put the sovereignty of more than forty million Kenyans on trial, since their democratic will should never be subject to another jurisdiction.”

This speaks volumes about the mind and the heart of the President towards the people of the Republic Kenya. What the President has done has set the bar very high. It has shown the whole world that the Republic of Kenya, and more so the President, respects the rule of law.

I support.

Hon. Onyura: Thank you very much, hon. Temporary Deputy Speaker, for allowing me to make a few comments in this interesting discussion.

I want to commend the President for observing the rule of law. If there is nothing else, at least he came out to show that he believes in the rule of law. Despite the fact that he is the Head of this State, he submitted himself to the jurisdiction of the International Criminal Court. That was a good and commendable thing he did by obeying the summons of ICC.

Hon. Temporary Deputy Speaker, in my view, it was a good decision to come and make that announcement in the National Assembly. This was the most appropriate place. We should encourage listening to, and accommodating each other. In matters like this, we should be taking the position that, “I am not agreeing with you, but I will defend with my life your right to say it”. I think it was a good thing for us to listen to each other. We may not necessarily agree with everything that has been said, but I think that was good and commendable; it was something that was worth emulating.

In the same breath, I really feel that everybody has been taken to the ICC; the President, the Deputy President and Mr. Sang should be given a fair chance to be heard according to the rules of that court. Equally, those who are called upon to facilitate; like the Government, should co-operate fully on this matter.

We should be careful. I have seen that there are times when we make rules a bit short-sighted or rather self-serving. This is because at that time, you have a feeling that you may not be subjected to them. I have in mind what was happening when hon. Members in this House were all shouting that “Let us not be vague; let us go to The Hague.” At that time, the feeling, or the thought, might have been that this will apply to other people and not me. We should make rules knowing that these rules, or laws, may apply to us at one time or another.

Hon. Temporary Deputy Speaker, I have also heard some hon. Member say that it is high time we pulled out of the ICC. I think this would be ill-advised and it will not be in the interests of this country in the long-term. Yes, you may have a fair and democratic leader at one time, but you do not know what is going to happen in the next five or ten years. Therefore, when we make these suggestions, we should be very careful. We should think about the long-term implications of our suggestions rather than how it suits me this time, and it does not matter what will happen tomorrow or the day after.

Hon. Temporary Deputy Speaker, going through the Address of his Excellency the President, there are a number of issues that were addressed. I have seen where we are told that we are now a middle-income economy. I am not sure that the ordinary Kenyan knows what this means, or how they have benefited from this. I hope the Government will come out clearly to tell us the difference.

Otherwise, I support the position his Excellency the President took to submit himself to the ICC.

The Temporary Deputy Speaker (Hon. Cheboi): Your time is up, hon. Onyura. Let us hear from the hon. Member for Turkana, hon. Ekai

Hon. (Ms.) Emanikor: Thank you, hon. Temporary Deputy Speaker. I rise to support the President’s Address and inform my colleagues, who thought this Address was only on the ICC, that it is an elaborate Address in its content and has many policy issues that are very important to this country.

I also want to inform hon. Wandayi that there are so many national issues in this Address; he said that he does not see anything national in the President’s Address.

When we talk about the sovereignty of this county, that is a national issue. The issues of terrorism and economic growth and its milestones are all national. The Report of the UN General Assembly and the Security Council attached to our climate change and *Ebola* are all international, regional and national issues.

There were issues of regional trade and stability, service delivery to this country, national projects including roads, railways, schools and issues of Internally Displaced People resettlement, post-election violence, issues of transformation and reconciliation are all national and so are issues of the Constitution and governance.

Hon. Temporary Deputy Speaker, I was so much humbled by the sense of humility that our President displayed and his down-to-earth attitude. He displayed a high regard and respect for the sovereignty of this country and its people. I do not regret having elected him my President.

Hon. Temporary Deputy Speaker, with regard to the body of the Address, we appreciate Kenyans’ efforts in fighting terrorism in the region. Although to some extent we have been affected in terms of our economy and tourism; we have lost lives, but it was a noble cause.

It is my request to the President that, even as we fight *Al-Shabaab* to protect our neighbours, we also need to look inwardly and see the conflict that is perennial within our borders and between tribes that live in Kenya. We have had problems of the Pokots and the Turkana butchering each other; stealing from and impoverishing each as well as highway banditry. We have many people who are destitute now; many orphans and widows. Service delivery has been interrupted by the conflict that has always been regarded as usual or normal. There is nothing normal about cattle rustling and tribal wars.

Hon. Temporary Deputy Speaker, besides loss of lives the grim image of these conflicts has really portrayed Kenya in bad light. The Government was able to bring to an end the conflict in Lamu, Tana River, Mandera and Marsabit counties plus in other areas within this country.

I believe the Government has powers to intervene in the conflict within pastoral areas. Service delivery in terms of provision of roads, railways and schools as mentioned earlier and hospitals has gone a long way in creating wealth and providing jobs; even with the rest of Kenya benefitting, areas that have been left behind in terms of the infrastructure and the security are still disadvantaged.

Hon. Temporary Deputy Speaker, finally, I would like to congratulate the Jubilee Government for enabling this country to transit to a middle income country and for protecting devolution.

Hon. Temporary Deputy Speaker, finally, as a member of the United Republican Party (URP), I want to thank the President for having exhibited absolute trust in the Deputy President (DP).

Thank you very much. I support.

The Temporary Deputy Speaker (Hon. Cheboi): We will have the Member for Gatundu South and I am sure that this is his maiden speech. So, he will remain protected.

The Member for Gatundu South (Hon. Moses Kuria): Thank you, hon. Temporary Deputy Speaker. First of all, I would like to support this Motion. Before doing this I want to thank the people of Gatundu South for the confidence they have shown in me. I also want to thank Members of the Opposition for the confidence they have in me. I waited for them to front a candidate against me but they did not.

(Laughter)

I was in school with hon. Mbadi and I am sure he knows my capabilities, and that is why he asked his party not to front a candidate against me. I remain grateful for that.

(Laughter)

I also want to thank this House for the support that you gave the people of Gatundu South when we lost our Member of Parliament, my predecessor; sincere gratitude from the people of Gatundu. We really appreciate.

Hon. Temporary Deputy Speaker, now turning to the Motion on the Presidential Address, I travelled with His Excellency the President to The Hague not only as a Kenyan and a Member of this House but also as one of the people I represent in this House. I was wondering what we were there to do. This was because for all the two hours

we were in that court room, the President was not asked to say anything. He did not say anything. The following day it became clear to me why the President was in that court when we read some reports from New York about some members of the civil society who had travelled to the United Nations (UN) for a conference and to ask for sanctions to be applied against Kenya. I was wondering when that conference was organized, given that the Status Conference had been on the previous day.

Hon. Temporary Deputy Speaker, so it dawned on me that that conference had been set up in the hope that His Excellency the President would not turn up at The Hague. You know, it became clear to me that maybe we had been wondering about the party that bears the greatest responsibility for the post-election violence. It was all clear to me. The parties are all the same. We are talking about Africa Centre for Open Governance (AfriCOG), Kenyans for Peace with Truth and Justice (KPTJ) and Kenya Human Rights Commission (KHRC). That is the same cast. The forest might be different at different times but the monkeys are the always same.

Hon. Temporary Deputy Speaker, the names are the same: John Githongo, Maina Kiai, Gladwell Otieno and Harun Ndubi. The sponsor of all this is the same and it is one American fellow by the name of George Soros. For how long is he going to be allowed to destabilise this country the same way he did to Ukraine and Georgia? He came to this country in 2005 when he set up the Open Society Initiative in East Africa.

Hon. Temporary Deputy Speaker, given that it is only two years after that, that we went through the most painful period our country has ever known since Independence, is it not time to declare George Soros an enemy of this country? Is it not time to declare the Open Society Initiative in East Africa a terrorist organisation?

Hon. Temporary Deputy Speaker, for people to go all the way to New York and ask that sanctions be applied against their own country is an act of treason, and I want to bring two Bills to this House. It is time for us to amend the International Crimes Act, so that we remove this pretence about domesticating foreign courts in our country. Secondly, we have been waiting for a long time for this House to bring forward the issue of amending the Public Benefits Organisations Act, so that the likes of Maina Kiai, Gladwell Otieno and Harun Ndubi can be put in their rightful place. We are going to do that as a House and I am sure that both the Jubilee and Opposition sides will support this one.

Hon. Temporary Deputy Speaker, when it comes to the issue of His Excellency the President handing over power to his Deputy President, I think I want to support one of the speakers who said that this is an act of stabilising this country. What we are going to see is that this stability will go on for the next 20 years, and I want to ask the Opposition to---

The Temporary Deputy Speaker (Hon. Cheboi): Your time is over hon. Kuria; that marks the end of your maiden speech. Any future contribution you will have in this House, hon. Kuria, will be subject to the rules. You were well protected. Now, I realise we do not have any interest on the left side of the Speaker, but I will pick one in terms of the rankings here. I give this chance to the hon. Member for Balambala.

An hon. Member: But he has just walked in.

Hon. Aden: But I was here.

The Temporary Deputy Speaker (Hon. Cheboi): His card has been there. I have just picked him. He was number four on the ranking here and there was no other Member from this side of the House.

Hon. Oyoo: But we have been here all along.

The Temporary Deputy Speaker (Hon. Cheboi): Sitting there and having your rank here, *Mhe*. Oyoo is different. Now, hon. Oyoo, I do not think you want to go that direction.

Hon. Oyoo: I do not want.

The Temporary Deputy Speaker (Hon. Cheboi): Okay. Let us proceed. Hon. Member for Balambala.

Hon. Aden: Hon. Temporary Deputy Speaker, thank you for giving me the opportunity to address---

(Loud consultations)

The Temporary Deputy Speaker (Hon. Cheboi): Now, order Members! Let me make it very clear, it is important for Members to be clear. The hon. Member for Balambala has been seated here. I have said I have picked him as number four. The reason why I picked him when at position four was because there was no other rank on this other side of the Speaker. Most of the interest that has been placed here ranking one, two and three are on this side; I will exercise my prerogative to also include you in participation in the House.

Hon. Oyoo: Thank you, hon. Temporary Deputy Speaker.

Hon. Aden: Thank you, hon. Temporary Deputy Speaker. Let me take this opportunity to add my voice to the debate on the Floor of the House today; mine is a contribution to the Address of His Excellency the President delivered to this House on 6th October. I support this Address; I do so because I believe what the President did was commendable and was with complete respect to the rule of law, which all Kenyans living under the new Constitution have sworn to uphold. I must say that the handing over of power to his deputy at a time when there was a lot of anxiety in the country was part of a very good strategy to stabilise the situation in the country. I think we must respect that particular act.

I must say that the drama that unfolded was definitely a political opportunity for him. Lucky him, I must say. If I were in his shoes I would definitely have done the same; this did gain him political mileage.

That aside, the whole intent and initiative in handing over the country peacefully showed that--- Even as he left as a citizen, he did not know whether he would be at The Hague for a day or two or longer, I think the act of handing over was one that, indeed, provided a good link in continuity; there was no vacuum in the exercise of power within the country.

The issue of International Criminal Court has been a negative cloud hanging over our heads as Kenyans. I must say that even though I am a strong supporter that Kenya continues to remain in the Rome Statue, these cases at The Hague are losing steam. I want to join my colleagues who say that it is high time the ICC considered dropping these two cases, if, indeed, they have no evidence whatsoever against our President and his

deputy. They should be left alone to execute their duties, which are very much needed in the country.

As an alternative in my view, the best way for us to move ahead is to forget our differences and go the South African way; the reconciliation way. We should reconcile, shake hands and together condemn the unfortunate thing that happened in 2007/2008, and that way drive this country to a brighter future; a future in which we can join hands as brothers and be able to work together.

Hon. Temporary Deputy Speaker, I do not want to say much; I want to end there, so that I can give my colleagues an opportunity to express their views. Thank you.

The Temporary Deputy Speaker (Hon. Cheboi): Very well. Let us have the Member for Narok South.

Hon. ole Kenta: Thank you, hon. Speaker. I am the Member of Parliament for Narok North.

The Temporary Deputy Speaker (Hon. Cheboi): I am sorry. By the way, maybe what you need to do, hon. Kenta--- You know I know you for a long time; there is a problem with the recording of your card. It is recorded as Narok South. I really know you. You are a neighbour.

Hon. ole Kenta: Thank you, hon. Temporary Deputy Speaker. First of all, I want to say that I identify with the President's Address. I would like to commend him for showing respect for this House. Coming here to address the country shows that he respects this House. We should tell him that we are with him in most of the things he said.

The President of this country is our President. He is the President of each and every one of us. He has done us proud by going to The Hague. He showed us that it is very important to adhere to the rule of law. In fact, whether our leanings are to CORD or Jubilee, the most important thing is that he has shown the world that we are people who respect the law. I believe that is why he is the third or the fourth most successful President even though he has just been in power for the last two years. That is also why we are now a middle income country. Within the last one-and-a-half years that he has been in power, the President has shown that we can achieve a lot without necessarily hurting one another.

I believe that reconciliation should be given a chance. I also feel the pain, like hon. Mbadi, that many innocent Kenyans were hurt. They lost their livelihoods and families. This issue of Kenyans trying as much as possible to protect their tribesmen has cost us dearly. When we were trying to lock out one another from power, the real criminals escaped justice. Even though the Director of Public Prosecution has terminated some of the investigations, I believe they should be re-opened. This is because people know who assaulted them and killed others and they should not go scot free. If they do, then reconciliation might be very difficult.

When we talk about justice for the victims, it does not necessarily mean injustice for the President, the Deputy President and Mr. Sang. They are all entitled to justice and we should not vilify any of those people just because they are in leadership. If they are innocent, they are innocent and investigations have been carried out. In fact, Ocampo himself said that he was forced, or instructed, to institute these proceedings. Then, if there was miscarriage of justice, how can we be party to it? If these people are innocent, they

will remain innocent. You can never shift the burden of proof to the accused person. It is wrong for any power whatsoever to disregard what Africa has said. It is time Africa was listened to. When they say: “Do not prosecute our leaders when they are in power”, they are right.

I also believe that the Tenth Parliament made a mistake when they were shouting here all over the place that “Let us not be vague; let us go to The Hague” and somebody said they believed prosecution would never come; it came. Why did they not know that Americans did not subject themselves to the Rome Statute? Why did they not know that other world powers did not do it? Why did we do it? Next time we pass laws, we must be very careful and be very sure that justice comes, however long it takes and it is for all of us.

When I talk about justice and sovereignty, I believe that they must apply for all of us. We are now one Government and one country, and whoever was evicted from wherever, for instance from Narok or Kisumu, should go back. We also ask questions: where did all these IDPs come from? We have been settling them yet all of them have not been settled. What happened to their pieces of land? We said “*turudi nyumbani*”. I am sure songs are still there. For us to ease the tension that is in this country, and reduce the cost of resettling people, the people who were evicted from their land should go back to it. If we keep on talking about IDPs and integrated IDPs, when will we finish resettling these people? It is important for us to do this, so that we can remain one country.

If our President, the Deputy President or Mr. Sang are not guilty, or there is no evidence, then their cases should be removed from hanging over their heads.

Hon. Kaluma: Thank you, hon. Temporary Deputy Speaker, for the opportunity. In 2008, it is a fact that Kenya sunk very low. So many Kenyans were killed by fellow Kenyans. In my own Homa Bay Town Constituency, several people that I know, and I can name cousins like the son of Opondo Konde, were shot by police officers and buried with bullets in their bodies. Nobody is talking about their compensation to date.

I expected the Address of His Excellency the President in his special address to this Assembly to take more time on the plight of the victims than on legal issues. That is not to disrespect that office. So many people in Nyanza, including from my constituency, were evicted from various parts of the country like Kiambu County, Nyeri County and others. A cousin of mine called Awino Oyongo is living in destitution to date because he was termed a mere returnee. The IDP compensation regime in this country was skewed and targeted particular communities or members from particular communities while ignoring other Kenyans. Time has come for us in moving the justice process forward, and as we consider the Address of the President, to think about the plight of the IDPs.

Having said that, we have refugees. Of course, we defined them as returnees, others as integrated IDPs and others as IDPs. It pains anybody when we have fellow Kenyans outside the borders of this country still languishing in destitution. The move by the President in undertaking what has been termed the “hand over”, was nothing more than drama. In fact, I now agree that the world is a stage and Kenya is part of it; on our Kenyan stage, we have a drama king in what we saw happen. In all cases of assassination, very popular leaders are targeted. We must not lose sight of a situation as a country, where the people we employ to advise the President on matters security and others join the excitement of the moment.

I looked back when His Excellency the President came back and I was holding my breath for the worst not to happen. I do not know where the country would have been if the possibilities I contemplated at the time were ever to happen. Let our security advisors around the Presidency know that they are now the President and the Deputy President of the country, whether we voted for them or not and their safety is of utmost importance. I was surprised when the Cabinet Secretary in charge of Interior and Co-ordination of National Government sent a letter which was leaked even to the social media and the President and the Deputy President are seen riding in the same limousine. It surprised people as to where the President and the Deputy would be and the crowd was there. It is something abominable. It is something in good governance; we must not accept it at any other time.

There is a big message the President struggled to send, which I see most Kenyans, the media and everybody have lost, and so have my colleagues here. The President did well to attempt to draw a line between the person and the office; between the person of Uhuru Kenyatta and the Office of the President of the Republic of Kenya. Whether self serving or not, that is a good governance ideal that we ought to have chaperoned more than talking about these other issues.

As leaders who accompany our leaders, let us be reminded always that we have a whole Chapter of the Constitution dealing with issues of integrity and leadership. One of the obligations is that wherever you are, conduct yourself in a manner that upholds the integrity of your office. Those Members of Parliament, if indeed, they were Members of Parliament--- I am not talking of the others, but the ones I saw rolling themselves at the doorsteps of The Hague Court, did not uphold the integrity of our office. We wish the President well; we wish the victims well and we hope justice will be done.

Thank you.

The Temporary Deputy Speaker (Hon. Cheboi): Let us have the hon. Member for Igembe Central.

Hon. Linturi: Thank you, hon. Temporary Deputy Speaker.

(Technical hitch)

His show of humility and respect for constitutionalism and the rule of law puts him in a position where many African leaders are not. In the remaining one or two minutes that I have to speak, I would like to interrogate the lessons that we teach ourselves as leaders of this country, or as members of the great Kenyan nation, on this particular move by the President. One thing I want to remind Kenyans, and Members, is that the President, during the live debates before the election, admitted to Kenyans that the ICC case was a personal matter. I want to remind Kenyans that yes, indeed, this issue is personal. Issues of criminal nature are personal responsibility. Because criminal acts are individual, I think it was very good for the President to go and appear as anyone else who is charged before a foreign court, or even our national courts. I say this without fear or any doubt in my mind that the drafters of the Constitution of Kenya, 2010 and the people of Kenya--- When the people of Kenya agreed to give themselves this Constitution it was very clear in their mind that there should never be a time when anybody would be above the law; there should never be a time when somebody is not subject to the law. So, issues

surrounding the whole of the ICC debate, in my view, have been discussed out of a lot of ignorance of our law, and even our Constitution.

If Article 2(6) states that any treaty ratified by Kenya forms part of our laws then it means that Kenya is subject to the Rome Statute. Unless this country starts a system of trying to get itself out of that law, then we will permanently remain subject to that law. Article 143 of the Constitution also provides that any criminal act that a President commits in office, the immunity provided for that particular act is limited to the time the President is in office. That immunity does not extend to any crime that he will be charged with under any law or treaty once out of office, according to Article 143(4). So, the bold step taken by the President to appear before the ICC was to demonstrate to the world that he respects the Constitution of Kenya and international laws which Kenya has decided to be bound by. In my view, we must borrow a leaf from the President as leaders of this country.

The Temporary Deputy Speaker (Hon. Cheboi): Your time is up. We will now have hon. Chidzuga.

Hon. (Ms.) Chidzuga: Ahsante kwa kuniruhusu nichangie Hotuba ya Rais wetu, mhe Uhuru Kenyatta. Ningependa kumpongeza kwanza kwa sababu ametuonyesha mfano ambao tunastahili kufuata kama viongozi, kwamba sheria iko juu yetu sisi. Yeye alipojitoa mhanga kwenda Hague alikuwa anatuongoza kwa mfano bora. Ninampongeza kwa kitendo hicho.

Rais alipomkabadhi msaidizi wake, mhe Ruto, mamlaka alikuwa anatuonyesha kwamba hana tamaa. Alituonyesha kwamba si lazima abaki kama Rais. Alituonyesha kwamba yuko tayari wakati wowote kutoa nafasi ili mtu mwingine ashike mamlaka. Hii ina maana kwamba hata baada ya wakati wake kuisha hatatuletea matatizo ya kulazimisha kubaki kwenye mamlaka; ataondoka kwenye kiti ili yule ambaye Wakenya watachagua achukue nafasi.

Jingine la kushangaza ni tabia aliyotuonyesha Rais Uhuru Kenyatta. Aliteremsha hadhi yake akawa sawa na mwananchi wa kijijini. Sisi tulioandamana naye kwenda Hague tulijionea kwa macho yetu kwa sababu tuliishi naye katika hoteli duni, tukala mtaani, na tukatembea kwa miguu. Hiyo ni heshima kubwa sana kwa sababu aliheshimu Umoja wa Afrika na kuonyesha kwamba asingepelika Kenya kortini, ndiposa akaenda kama mtu binafsi. Ninampongeza kwa kitendo hicho.

Lingine linalojitokeza, hasa kwa wale wanaosema kwamba Rais alihatarisha maisha yake ama wasimamazi wake walihatarisha maisha yake, ni kwamba Rais Uhuru anatawala watu anaowaamini. Yeye anaamini hawawezi kumdhuru, ndiposa alipowasili kutoka Hague aliingia kwenye gari lake na kupungia wananchi mkono wake. Yeye si Rais wa kimabavu. Hayaanzi sasa haya anayofanya Rais Uhuru. Alituonyesha alipokuja Pwani kwa maana tulienda naye hadi Public Beach kuogelea naye. Hii ina maana kwamba yeye ni Rais ambaye amejitolea ili amsikize mwananchi wa chini. Ukiongoza nchi kwa namna hiyo, basi utaelewa wanachotaka wananchi.

Katika Hotuba yake amezungumzia pia kuhusu wale walioathirika, kwa mfano wale ambao wako kwenye kambi. Kesi haionyeshi kwamba ni ya maana kwa sababu tuliyasikia kwa masikio yetu na tukajionea. La muhimu ni Wakenya wawekwe mahali pamoja ili tuzungumziane na tuelewane ili yule ambaye aliumia apatiwe ridhaa yake kisha tuishi kama tulivyokuwa tukiishi zamani. Hizi kesi zikiendelea tutakuwa

tunatonesha vidonda. Badala ya vidonda kupoa kila kuchao tutakuwa tunavitonesha. La muhimu hapa ni kuwaita wale ambao waliathirika wazungumziwe na waweze kupatiwa kile kitawawezesha kuendelea na maisha ya kawaida kama ilivyokuwa wakati wa nyuma.

Ninampongeza Rais. Akifuata mwenendo aliotuonyesha ni kweli Kenya itasonga mbele na tutadumisha amani yetu.

Ahsanteni.

Hon. Rotino: Thank you very much, hon. Temporary Deputy Speaker, for giving me this opportunity to join my colleagues in contributing to the Address by the President. From the outset, I want to congratulate the President for, first of all, accepting to go to The Hague, as my colleagues have said.

Secondly, there are lessons we learnt from the behaviour of the President that day. If you watched the television, or you went to the airport to see the President off, you witnessed the humility that he showed. Twelve hours earlier, he was the President with a limousine and all the security around him, but when he was going to The Hague he was just an ordinary Kenyan; an ordinary citizen going through the normal processes that other Kenyans undergo.

As leaders, we should learn and emulate that. This is because many of us would not do that if we were given that opportunity. That is why many of us are saying that when the President came back, he was not supposed to behave the way he did. He was also not supposed to go and meet people the way he did.

Hon. Temporary Deputy Speaker, even in your constituency, if you move around with the security guards surrounding you--- If you are not safe in your constituency, then you are not worth the position of a leader. So, the President showed us that he has a lot of confidence, and he is secure when he is with his people; he is not threatened. He also showed us that he does not feel intimidated. This is because he is very confident among the people he is leading; they trust him and he trusts them. That is why he was able to do what he did when he travelled in the same limo with the Deputy President. As leaders, we should learn lessons from this.

We should show that we are not above the people who elected us. We are here, or we are leaders, because we were elected by a certain group of people and those people are very important. We are just servants, brooms or things to be used. As leaders, we should learn from the conduct of the President.

From the Address that the President gave and accepted to go to The Hague as a Kenyan citizen, or as a person, and not as a President, we learn a lesson about humility. We learn a lesson of selfless leader, or a leader who does not put himself on top of everybody else, but is one who is down to earth.

Hon. Temporary Deputy Speaker, of course, I expected the President to address the issue of insecurity because we have many problems with insecurity. There are even conflicts between tribes. We have conflicts between the Turkana and the Pokot. North eastern people are also fighting. At any one time he addresses the House, he should touch on the issue of security. This is because our people cannot continue to kill each other everyday and the Government is not seen to be doing something. The Government must be seen to be on the ground so that we do not suffer. Our people ask us, "where is the Government? Where is the Government to help them?" The President did not address that in his Address.

I also expected the President to address the issue of famine. There are areas in this country where the rains were not enough. There is food shortage and the President should have addressed that. He should have said how his Government is prepared. Are they prepared to fight the famine which we will experience next year? He never addressed that. In addition to talking about The Hague, I expected him to talk about that matter. This is because when he called us, we knew that he was going to talk about The Hague.

Hon. Temporary Deputy Speaker, I want to thank the President for having confidence in his deputy. This is because if he did not have confidence in his deputy, he would not have handed power to him. There are many ways we can hand over power. Even if he “coloured” it by handing over or by signing, it would have amounted to the same thing; he showed Kenyans that he was with them and he had confidence in his deputy when he left him behind. We want to tell the President that when he was away, we were in the able hands of his deputy.

Thank you very much, hon. Temporary Deputy Speaker.

Hon. (Ms.) Nyamunga: Thank you, hon. Temporary Deputy Speaker. I also rise to make a few comments on the Address of the President just before he left for The Hague on 6th October. In the Address, the President meant to relay to the Republic of Kenya, through the National Assembly, his decision that he would make it to The Hague. Besides letting us know of his decision, he also touched on several other issues. I would like to congratulate him because before he made that decision, many people were very worried about what choice he would make. However, whatever choice he made, was acceptable to both sides; that is both the Jubilee side and the CORD side.

The President also touched on the sovereignty of Kenya. Another thing that he touched on was terrorism and other developments that have been undertaken by the Government, mostly the building of schools, roads and railways. The last issue I think he touched on was the resettlement of the IDPs.

If we look at the sovereignty of Kenya, it worked well because he divorced himself from the nation and went to The Hague as an individual. Thus he did not make the whole nation and the people of Kenya to be tried together with him. For that reason, I will say that the sovereignty of Kenya was never in question.

However, when it comes to the issue of terrorism, I want to say that the Government of Kenya, or the Jubilee Government, has not done much. This is with regard to the continued stay of the Kenya Defence Forces (KDF) in Somalia. I think most of the people, especially we in CORD, feel that it is high time that we stopped the continued presence of our people, or soldiers, in Somalia because many people have lost their lives. The Government has only attempted to post more soldiers to Somalia.

Hon. Temporary Deputy Speaker, I think the Jubilee Government has failed to stop the killings at the coastal region, and the use of our young people to get involved in terrorist acts. The Jubilee Government has also failed to let us know who the people behind the killings in Lamu and Westgate were. This has not come out clearly. The Government has also failed to motivate our officers. You remember when the officers were being recruited there was a lot of corruption, and up to today we do not know when the recruitment of more police officers will be resolved.

Hon. Temporary Deputy Speaker, there is rampant insecurity in Kenya. This has already been mentioned by one of my colleagues. I think the Government should pay a lot of attention to this.

On the issue of development by the Jubilee Government, in my view, most of the development activities that are going on are those that they inherited. I do not see new activities that have been started by the Jubilee Government. For example, the laptop project has failed. Today it is this story and tomorrow it is another story. So, we do not know what is happening.

When former President, Kibaki, wanted to initiate the Free Primary Education Programme, he came on board and it was on immediately. The supply of free laptops to primary schools project has been on and off. In my view, the Government should abandon this idea.

Hon. Temporary Deputy Speaker, our roads are in very pathetic state. A few highways have been done but not all Kenyans have access to them.

The last issue I would like to talk about relates to the IDPs. If you look at Nyanza, you will find that the IDPs who ran from all over the country, and even the ones in Uganda, were integrated into the Nyanza community. This is because we are a very social people. Their problem has never been sorted out. I think the Jubilee Government should do something about the over 350 IDPs who are still unsettled. When will they settle IDPs from other areas? I think it will be in the interests of everybody that these IDPs are also settled.

Hon. Temporary Deputy Speaker, the big handover by the Government, to me, was more of a fashion show or a catwalk. It was not necessary. Handing over is in the Constitution.

Hon. (Ms.) Musau: Hon. Temporary Deputy Speaker, thank you for giving me the chance to also add my voice to this debate on the President's Address. I want, first of all, to fault my colleagues in the CORD Coalition for wanting us not to heed that call by the President. When the President calls us, he is the symbol of unity in this country; I was not in the country, otherwise I would have come despite the call for us not to attend. What the President was telling us was important. We are the representatives of the people and we should have been here to listen.

I would like to touch on the point that the President is the symbol of unity in this country; he should see to it that Kenyans live together in harmony and have equal opportunities. I have just come from Cameroon. It is a country that was split into two by the colonialists, but the people of Cameroon have forgotten their differences; they have unified themselves and live together. We have 42 ethnic groups but Cameroon has more than 200 ethnic groups, yet they live together in harmony. I know we are different but the President has a big task to unify this country. I want to ask our colleagues not to make the work of the President difficult when he attempts to unify the country.

Although I am in red, I am not in the TNA. I am strong in CORD and I believe that we in CORD should not do some things that will cause more disunity than there is now. When you look at some of the things that are happening in the country, I think most of you have talked about insecurity.

We are also looking at the issues of devolution. It is upon the President to see that devolution goes on smoothly. When we see things like what happened in Makueni we see

a Jubilee hand in them. We would like to see interventions taking place, so that there is unity and harmony in this country, and devolution takes place in a harmonious manner.

I was listening to this Address when I was outside the country and I was very excited to learn that we have reached the status of a middle level economy. With that status, we need to work more in a unified manner to make sure that our economy continues to thrive. We need to support the actions taking place. When we talk about supporting, it does not mean that we should not evaluate, scrutinize and criticize. So, we in the Minority should make sure that we have evidence based on information that we can use to scrutinize what is happening in the Government. This is so that our country can continue thriving economically, and so that the President can continue serving this country.

On the issues about The Hague, I would like to state that--- I am not a lawyer, but I think the way things are going, this case is likely to collapse. I wish that we parliamentarians would unite and pass a resolution, so that the President does not continue going to The Hague; the case can continue without him until its conclusion; that way we will have a harmonious country. I know we have the powers to prevent this happening. When we consider the disruption that took place due to his going to The Hague and coming back, Kenya came to a standstill. We do not want this to keep on happening every time he goes to The Hague.

With those few remarks, I support the President's Address.

Hon. Aburi: Mhe. Naibu Spika wa muda, yangu nikushukuru Rais kwa ile kazi amefanyia Wakenya. Ya pili ni kile kitendo ambacho alifanya kabla hajaenda ng'ambo, kumwaachia Mhe. Samoei Ruto Serikali. Si wengi wanaweza kufanya hivyo. Hata wewe ukiwa mhe. huwezi kuwacha kiti chako na kwenda ng'ambo. Hiyo ni kuonyesha kwamba yeye ni mtu wa watu; hana mtoto wa mgongo wala wa tumbo; hana mtoto aliye na kamasi wala mate. Watoto wote wa Kenya ni wake.

Jambo la tatu, aliingia gari bila walinda usalama na kupitia ule mlango ambao tunapitia tukienda ng'ambo. La nne, alirudi Kenya bila walinda usalama wowote mpaka akaingia Ikulu. Hii ni kuonyesha kwamba vita vya 2008 havikuwa vya Uhuru Kenyatta, William Ruto ama Raila; vilikuwa ni vita vya PNU na ODM. Alionyesha kwamba mkubwa wa Electoral Commission of Kenya (ECK) alitangaza ODM ilikuwa imeshinda uchaguzi na wakaanza kuimba wimbo, lakini baadaye akatangaza kuwa PNU walikuwa wameshinda, nao wakaanza kuimba wimbo; baadaye walikutana na wakaanza kupigana. Walipoanza kupigana, Uhuru Kenyatta hakuweko, William Ruto hakuweko na wengine pia hawakuweko; baadaye hatukusikia kuwa kile kikundi chote kingepelekwa The Hague. Wale walipelekwa Hague ni William Ruto na Uhuru Kenyatta. Hii Ndio sababu tunasema kama Wakenya tumekataa kutawaliwa vibya na wakoloni Waafrika wenye ngozi nyeusi. Wakati umefika sisi Wakenya tuweke ukenya wetu chini na tuseme sisi ni binadamu, na tushirikiane na watu wetu.

Watu wanaona Uhuru Kenyatta akiitwa kule The Hague, na wengine wanapiga makofi na kusema kwamba anaenda kufungwa ili wachukue Serikali. Serikali haichukuliwi ovyo ovyo. Serikali huchungwa. Serikali ni kama mtoto mdogo. Ulionya kitendo ambacho alifanya kilishtua Kenya yote. Kuna wengine wangeachiwa mamlaka vile Ruto aliachiwa wangesema eti Uhuru asikanyage uwanja wa ndege; Serikali yake

ingepinduliwa. Lakini hiki ni kitendo cha maana na nikiwa katika CORD naunga Serikali mkono. Kwa nini? Kwa sababu wameweza kuinua Wakenya na kutoa vitu vyote mezani.

Kuna wengine wangechukua Serikali na kazi yao ingekuwa ni kufanya mambo chini ya meza. Lakini kwa sasa Jubilee inafanya mipango yake juu ya meza. Kwa njia gani? Angalia mambo ya pesa za kaunti. Kwa sasa Meru County ina Kshs5 billion; Kisumu ambao hawakumpigia kura, wana Kshs6 billion; Ukambani hawakumpigia kura na wana Kshs7 billion; Mombasa hawakumpigia kura na wana Kshs4 billion na yote ni Uhuru Kenyatta na William Ruto wameweka mezani. Lakini utasikia watu wakisema kwamba hakuna kitu Jubilee imefanya. Hakuna kwa nini? Eti kwa sababu wakati nyumba inajengwa, wakati msingi unachimbwa watu wengi hua hawajui kama ile nyumba itainuka. Wakati nyumba inaanza kuwekwa mawe na chuma na kuanza kuinuka, ndipo watu wanakubali kuwa kuna nyumba inayojengwa. Jubilee ilikuwa ikijenga nyumba; Ilikuwa ikichimba msingi. Sasa nyumba imeanza kuinuka na kuonyesha kwamba Uhuru Kenyatta anaweza kupeana Serikali. Anaweza kwenda bila walinda usalama.

Hii ndio maana namwambia mheshimiwa asiseme Nyanza hawajafanyiwa kitu. Juzi wamepelekewa kshs7.6 billion na badala yao kupokea Rais kwa mikono miwili kama mtoto mdogo kwa sababu amewaletea pesa, walimpokea kwa viatu. Ndio maana ninasema hata wasingepewa hizo pesa. Zingekuja upande wa Meru ambako tuna taabu. Tuna taabu ya barabara, chakula na biashara ya *miraa* imefungwa kule ng'ambo. Tuna taabu ya vitu vingi. Kwa hivyo, nina imani na Rais wetu mpendwa, ambaye anatawala nchi hii na ninawaambia kwamba hakuna maana ya kubembeleza kile kikundi. Hakuna haja ya kumbembeleza punda kwa mteremko, mwachilie ateremke ukambembelezee kule chini.

Hon. (Ms.) Kiptui: Ahsante sana Mhe. Naibu Spika wa Muda, kwa hii nafasi. Ningetaka kuunga mkono hii Hotuba ya Rais, ambayo ilikuwa ni ya kuisisimua na imejaa mawaidha. Kwanza, nilimwangualia Rais; nilikuwa nimeketi hapa na yeye pale. Nilipata wazo kwamba yeye ni kama Yesu, ambaye alikuwa ni mtoto wa Mungu, lakini akajishusha hadhi na kuwa mwanadamu. Tulikuwa na Rais ambaye alichukuwa kiapo kuongoza hii nchi lakini mwisho wa Hotuba yake akasema anampa msaidizi wake, Mhe. William Ruto, uongozi. Hilo lilikuwa tendo ambalo lilitufanya, kama Wakenya, kufikiria mara mbili na kuona kwamba Rais ambaye anatuongoza wakati huu ni mtu tofauti sana. Aliporudi juzi, alinena kwamba haijalishi ni nani anakalia kiti. Kilicho cha maana ni nani aliyekalia kiti hicho na anafanya nini. Hayo ni maneno niliojifunza. Najua kuna wenzangu ambao wako Bunge leo ama wametoka, lakini walisikia jambo la maana.

Mhe. Naibu Spika wa Muda, tumeongea kuhusu mambo mengi na sitaki kuyarudia. Najua kwamba kuna wale waliathirika na shida za mwaka wa 2007/2008. Kuna wengine ambao walidhulumwa hasa na maafisa wa Serikali. Pesa zilipotumwa kule mashinani kuwasaidia, zilipotelea katika mashimo ya panya na waathiriwa hawakupata fedha hizo. Nawatetea watu hao. Napendekeza kwamba Serikali ifuatilie tena ili tujue wale ambao hawakupata pesa ili waweze kupatiwa, hata kama tumefunga hiyo sura.

Mhe. Naibu Spika wa Muda, ni uchungu kuona watu wengine ambao hawakuathirika wakipewa pesa hizo. Pesa hizo zilitolewa na Serikali kuwasaidia wale walioathirika. Lakini hawakupata pesa hizo. Naomba kwamba tufuatilie jambo hilo ili walioathirika wapatiwe haki yao.

Katika upande wa Upinzani wa Bunge hili, nilishangaa waliposema kwamba hawatahudhuria Kikao kilichoitishwa na Rais wa Nchi. Hiyo ni kuonyesha tabia mbaya. Ikiwa ni wakati ule ambao nchi yetu ilikuwa taabani, ingebidi sisi sote tushikane mkono tuonyeshe wale tunaowakilisha katika Bunge hili---

The Temporary Deputy Speaker (Hon. Cheboi): Order! Hon. Makali Mulu, what is it?

Hon. Mulu: On a point of order, hon. Temporary Deputy Speaker. Is it in order for the hon. Member to say that hon. Members of the Minority Party “wana tabia mbaya?” Is that Parliamentary language to say that “wana tabia mbaya?”

The Temporary Deputy Speaker (Hon. Cheboi): It is something that I might have to consult. She is talking about bad manners. I am not sure whether it is decent language. I really do not think we need to proceed in that direction. You could use a better term. We have to exercise some decorum.

Hon. (Ms.) Kiptui: Mhe. Naibu Spika wa Muda, naweza kuondoa hiyo sehemu ya mazungumzo yangu na niseme: “Halikuwa jambo nzuri kukataa kuja kusikiliza Hotuba ya Rais.” wakati kama ule nchi yetu ilikuwa kwenye majaribio. Ningewaomba Waheshimiwa wakati mwingine waweke siasa kando kidogo. Hata jana nilisema kwamba wakati kuna mambo ambayo yanawafaidi Wakenya, ni heri sisi sote tuungane pamoja. Isiwe upande tunaoketi unatuletea shida ili ifike kiwango ambacho hatuwezi kuwahudumia watu wetu.

Kwa hayo machache, naunga mkono Hoja hii. Ahsante.

The Temporary Deputy Speaker (Hon. Cheboi): Thank you very much. Let us hear from the hon. Member for Alego-Usonga, hon. Omondi.

Hon. G.W. Omondi: Thank you, hon. Temporary Deputy Speaker, for giving me this opportunity to contribute to the Motion on the President’s Address. I am shocked to listen to the drama that has been going on in this Parliament about the President’s Speech.

From the outset, I would like to say that I am one of the CORD hon. Members who came to listen to the President’s Speech. I listened to him from the beginning to the end. I did not find him very combative the way I have seen my colleagues behaving in a combative way and chest-thumping. The President did not thump his chest when he addressed us. He was very polite and he wanted to convey to Kenyans what he was going to do; and that is exactly what he did.

He talked to all Kenyans, and not the Jubilee Coalition Members or the CORD Coalition Members. That is the way we should take it. Those who are criticizing and saying that we should not have come here are missing the point. We do take it that everybody knows the Constitution. We have been saying that whatever the President did was constitutional and therefore, there was nothing different from what he was doing. But he was addressing Kenyans from Parliament which is used to a big man President. He was telling them that he was one of them and he was removing himself from power temporarily to attend to his personal matters. Therefore, I do not think he should be criticized on that.

Hon. Temporary Deputy Speaker, there are so many good things that the President said here and, first of all, the President led Kenya from the front. One of the things he said is that Kenya is highly regarded in the international community and there are so many investors who are interested in putting their investments in Kenya. He said

that he did not want to jeopardize that opportunity by disobeying the law because that would have entailed that those foreign investors would not see Kenya as a safe place to put their investments because law and order is not followed. Therefore, it would not have been a safe place to put their investments. I would, therefore, suggest that our Jubilee colleagues should learn from their boss and stop chest-thumping and be reasonable whenever they argue.

But for the ceremony of handing over power, we do not blame His Excellency the President for having that drama because that was politics and he is a politician. He seems to have scored in that because having heard what happened and what had been contributed from the URP wing of Jubilee, he scored. That is because he managed to put the URP back to fold as opposed to what they were trying to say, that they are not considered seriously.

With those few remarks, I support the Motion on the Presidential Speech.

The Temporary Deputy Speaker (Hon. Cheboi): Okay, let us have the hon. Member for Gichugu Constituency.

Hon. Barua: Thank you, hon. Temporary Deputy Speaker, for giving me this opportunity to contribute to the Presidential Address before this House during the Joint Sitting on 6th October, 2014. From the outset, I would like to say, first, that I support the President in totality for the position he took. I would like to say that that is a lesson of leadership that should be emulated by all of us.

Hon. Temporary Deputy Speaker, I would like to differ with the previous speaker that by handing over power temporarily to the Deputy President, it was politics. Yes, it would have been politics, but I want to say that the President's intention was to tell and make Kenyans believe and know that he is not going to be tried at The Hague as the President of Kenya. His message to Kenyans was clear; he had left the sovereignty of the State behind. That is one of the attributes that is necessary and required for any leader worth his salt. The President was not doing it to appease any section of the Jubilee Coalition because, in my opinion and understanding - as a senior member of the Jubilee Coalition - the Jubilee Coalition is intact.

Hon. Temporary Deputy Speaker, so much has been said about Nelson Mandela, the great statesman handing over power to Buthelezi. I would like to say that it is true he temporarily handed over power to Buthelezi, but Buthelezi was not a member of the Opposition. He was a member of the ruling coalition. Therefore, there is no way the President could have handed over to anybody else in the country, apart from the designated leader who is the Deputy President.

Hon. Temporary Deputy Speaker, I would like to say that there are some things that one can die for. One of the things that the President demonstrated to the nation is that he is ready to die for democracy and the freedom of this country and its sovereignty. I would like to call upon other leaders to emulate that position and actually partner with others in the administration of this nation.

When I talk about that, I have in mind the county governments, for example. We have a lot of problems in the county governments. I would like to say that if governors adopted the selfless approach demonstrated by the President, there could be no problem in the counties. They would be moving all the way to success.

Hon. Temporary Deputy Speaker, currently, I know there are problems between governors and their deputies; governors and members of county assemblies and governors and senators. I would like to call upon those leaders, and governors in particular to emulate what was demonstrated by the President and form partnerships with other leaders so that counties could have a good start.

Hon. Temporary Deputy Speaker, on the issue of The Hague, I would like to state that on behalf of the Kirinyaga people whom I represent, we were very clear and categorical that the President would not be tried at The Hague as a President. We were not going to have our Commander-In-Chief tried at The Hague. We are happy to state that the person who was at The Hague was Uhuru Muigai Kenyatta and not President Kenyatta. We are happy about it. For those who took the three people to The Hague, I would like to tell them one thing: "That destiny has a way of catching up with you." If you do something bad to your brother, one time destiny will catch up with you.

I would like to state that the case against President Uhuru, Deputy President William Ruto and Joshua arap Sang is one that has no basis. It is one that was politicized and meant to keep some people away from power – that is President Uhuru Kenyatta and Deputy President Ruto. Luckily, that did not happen.

So, I would like to call upon our partners on the other side of the House - which is the Opposition now - to take a bold step and partner with the Jubilee Government to take this country to greater heights. In particular, it was actually in bad taste for somebody to call upon some Members of the Opposition not to attend and listen to the President. I would like to take this opportunity, as a member of the Jubilee Coalition, to thank those members of CORD who took it upon themselves to be patriotic and came to listen to what the President had to say. That is the spirit of leadership and bipartisanship. That is the way to go.

Hon. Temporary Deputy Speaker, I would like to state that it was a big statement when the President came back from The Hague. The reception that he received was overwhelming. It was across the tribes and that meant Kenyans have faith in the President.

Hon. Temporary Deputy Speaker, with those few remarks, I would like to congratulate the President and support his Address. Thank you very much.

The Temporary Deputy Speaker (Hon. Cheboi): Very well. We will have the Member for Rongo. I want to beseech Members to be patient because they will have an opportunity to speak. We still have some 55 minutes. So, let us be patient but hon. Oyoo, because I can see you are very agitated, probably, you would need to approach the Speaker. You will be able to see the number which you are ranked here. That will make you extremely comfortable.

Proceed, hon. Dalmas.

Hon. Anyango: Thank you, hon. Temporary Deputy Speaker, for granting me this opportunity to make a contribution to this Motion. When the ICC Prosecutor Moreno Ocampo came here to announce the six people he proposed to accuse, he made a very telling statement which was:-

"I have no capacity to investigate all the Kenya post-election violence cases, but I will pick six people to be examples, three from the Orange Democratic Movement (ODM) and three from the Party of National Unity (PNU)."

As a politician, that approach signaled that the ICC trials were going to be political and were intended to demonstrate something which I am not sure Kenyans were aware of.

Hon. Temporary Deputy Speaker, certainly, although one of the judges has since died he believed that the cases never met the threshold to be in The Hague. Nobody, even us as laymen, or the President and Deputy President at that time, deserved to be taken there. Why did we reach there?

Hon. Temporary Deputy Speaker, we reached there because I was in it myself. I witnessed everything up to the formation of the Grand Coalition Government. We went in there because over 2,000 candidates who campaigned in the elections of 2007 relied on hate speech, false accusations of other tribes, false promises of utopia and all sorts of benefits like land and so on; that some people would get at the disadvantage of others. So many candidates were telling their voters that they were poor because others were rich. So, if anybody was to be charged, then it should have been all the candidates who contested at that time and who, in the course of too much hate speech being involved, led to the spontaneous violence that we experienced in 2007.

Hon. Temporary Deputy Speaker, I had the experience – a very nasty experience - of ferrying Luos from Karatina to Jamhuri Park, but there were no Luo lorries to do so. I had to rely on Somali lorries. I had the experience of picking the mother-in-law of my son from Uasin-Gishu to bring her to Karen, to my son's house. I had the experience of picking three of my contractors who were Kikuyus living in my home. They were being surrounded to be killed. I had to arrange for them to be transported to Molo where they could feel safe. It is a shame where we had reached. But we had reached there because of our political practices at that time. Unfortunately, those political practices have not ended today. There is a political practice which is not good. Even the Bible says that you must not celebrate the misfortunes of your enemy or anybody else. We have leaders who are celebrating the misfortunes of our people.

All the “Ocampo Six” accused people were sacrificial lambs on behalf of all Kenyans who fought in 2007 and 2008. President Uhuru has demonstrated that he is a humble and committed servant of the people. He forgave people who threw shoes, stones and what-have-you in Migori. We better copy him and those who wish Uhuru bad luck are, unfortunately, not going to get any good luck in return.

Thank you.

(Applause)

The Temporary Deputy Speaker (Hon. Cheboi): Well. Then, therefore, we will have hon. Patrick Makau.

Hon. King'ola: Thank you, hon. Temporary Deputy Speaker. I must admit from the outset that the system of ranking that we are using is not fair. I was in this House at 2.30 p.m., when the Leader of the Majority Party was speaking. I pressed the button for my microphone at that time, but I have seen people coming later and being given time to speak.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. King'ola, I might actually deny you the opportunity to proceed.

Hon. King'ola: Hon. Temporary Deputy Speaker, I withdraw but it is just a point to note. I have always said that President Uhuru Kenyatta means well to this country, save for his handlers.

Hon. Temporary Deputy Speaker, the world now knows that Uhuru Muigai Kenyatta is a person who respects the Constitution of this country and the rule of law. We should ask ourselves: Why did that one happen?

Hon. Temporary Deputy Speaker, as we speak, there are Internally Displaced Persons (IDPs). There are people who are living in the streets and in paper houses. All that happened because of political misunderstanding and interests in this country.

Hon. Temporary Deputy Speaker, when the President walked into this House, I happened to be here. He demonstrated to this nation his patriotism. In fact, most of us did not know what his Speech was all about. I saw the patriotism and loyalism of Uhuru Kenyatta in this House. I saw mature men crying because when the President said he is handing over to his deputy, this House went silent. That was true nationalism by President Uhuru Kenyatta.

Hon. Temporary Deputy Speaker, when he left for The Hague, my mind went down memory lane and I thought about the Deputy President, hon. Ruto, who has been going to The Hague so many times and nobody has ever gone to welcome him or even send him off. I want to tell Kenyans that we should be impartial in everything we do. That is because that gentleman has a family. He has a constituency called Kenya and when he goes there, we do not go running there.

Hon. Temporary Deputy Speaker, again as I said, President Uhuru Kenyatta means well for this nation. I know we are talking about tourists not coming to Kenya and insecurity. When I saw people going to The Hague and they rolled in the ground and wore T-shirts which were insulting, they were even scaring away tourists. That is why I am saying we must give them support and go by the spirit that the President is showing in this country.

I want to urge those people - and I will not call them goons like the others have called them - that when you escort the President abroad, you must walk with decorum and show some integrity. I think this nation is bleeding. We have someone like Uhuru Muigai Kenyatta who is trying to bring unity in this country. Even us in the Opposition in this House, we should emulate him. We are going to support him. As hon. Dalmas has said, really, we should not wish any of our neighbours or leaders something bad. Obviously, any case is very bad. Any court case is very bad and ICC is not an exception. We should all come together as a nation and pray for Uhuru Kenyatta to finish those cases. I think it will be very good because in 2017, we will all be on a level playing ground.

We will not be talking about the ICC. If I was asked, I would wish that those cases are ended and dismissed, so that we can now concentrate as a nation, support the President and walk together. As I speak, insecurity is a big menace. My chief from Athi River was yesterday shot at point blank range by an unknown *boda boda* rider. So, insecurity is real. If a Cabinet Secretary ordered Kenyans to line along the streets and we expose the President to such situations, it is not right. Security is important. We love the President and the Deputy President. Let us give them enough security.

The Temporary Deputy Speaker (Hon. Cheboi): Very well, let us have the Member for Narok West.

Hon. ole Ntutu: Thank you, hon. Temporary Deputy Speaker for giving me the opportunity. I also rise to comment on the President's Speech, which I thought was very good. I support the President for the decision he made to go to The Hague.

Before I comment on a few things, I would like to correct an impression that was created by one of my colleagues a few minutes ago. He said the reason why the President handed over the presidency for 48 hours was to appease the URP side. That is far from the truth. That is a constitutional requirement that any time the President leaves the country, he must give powers to the second-in-command. I am one of the Members of URP and not a single day, since we got together with the TNA side, have we felt that we are not part of this Government. I want to assure my colleagues, particularly Members of the Opposition who are wishing that, that will not happen to wait until after 2022 and then see what will happen.

I want to say two things. I am one of those people who travelled to The Hague to accompany the President of Kenya and I saw three things. Number one, the President showed leadership. He honoured the summons. He is a law-abiding citizen. My seven year old son told me that what the President did was very good because we will all have to abide by the law. It does not matter whether you are the President or the king. When I was at The Hague, I watched the Status Conference going on and one thing that surprised me is that there is no evidence against the Fourth President of the Republic of Kenya. In fact, if I remember very well, the Prosecutor said: "I have no hooks to hang on". He was asked by the Judge if he could succeed if he was given six months to again go and look for evidence and he said no. It is very important for Kenyans to understand that, that case is not going anywhere. It is as good as finished. When we saw the prosecutor saying that he has nothing against the accused, the next thing that we waited for - and we were all crossing our fingers - was whether the presiding judges would dismiss the case there and then! That did not happen because it was not possible at that particular time. But I can assure you that most of us who went there came home happy knowing that our President had nothing to do with the post election violence.

This is the right time to look into the issue of IDPs. I am about to ask the Speaker of this House whether we can call or summon the one judge, Justice Philip Waki, to bring the envelope which had the 20 or 12 persons to this House, so that we can start those cases again. At The Hague, those cases are ending and we have an obligation, as Kenyans, to bring those cases back. We can do that for our IDPs. Without that, we are not going to do much.

Hon. Wario: Ahsante sana, Mhe. Naibu Spika wa Muda. Nachukua fursa hii kwanza kumshukuru Mwenyezi Mungu kwa sababu leo nitapata fursa ya kuzungumza na waheshimiwa Wakenya waliotuchagua. Hivyo hivyo, nitapata fursa ya kuzungumza na wakoloni mamboleo na vibaraka vya wakoloni mamboleo waliomo ndani na nje ya nchi hii.

Kabla sijazungumza na wao, ningependa kuweka ombi kwako kwa sababu Hotuba Ya Rais ni kumbukumbu muhimu kwa Bunge na Taifa la Kenya kwa jumla. Kifungu cha Saba, Kipengele cha Kwanza na cha Pili, kinatilia umuhimu wa lugha ya Kiswahili katika Taifa la Kenya. Kipengele cha Kwanza kinasema kuwa lugha ya Taifa

ni Kiswahili. Kipengele cha Pili kinasema kuwa lugha rasmi ni Kiswahili. Kumbukumbu ya Hotuba ya Rais iko tu kwa lugha ya Kimombo na Wakenya wengi hawatapata kubaini Rais alisema nini siku hiyo.

Wacha nirejere mada yangu. Nauliza: “Je, ICC ina uwezo wa kuchambua, kuchunguza na kuishtaki kesi hii? Je, ICC ina ushahidi? Je, ICC imewahi kumfunga Rais ambaye si Mwafrika?” Hayo ni maswala ambayo yanaleta changamoto kubwa sana. Kwa wao wenyewe, tumesikia mambo mawili. Moja, Ocampo akasema kuwa alishurutishwa kufanya aliyoyafanya. Bi Bensouda kwa mkono wa kushoto, anasema kuwa hana ushahidi. Hata kwetu Kibera katika ile korti ya chini kabisa, iwapo mshitaki hana ushahidi, kesi ile inatupwa. Ningemuomba Bensouda asione haya, asimame kidete na atupe kesi hii. Haitampeleka mahali.

Mzungumuzaji mmoja aliyenitangulia amesema kuwa Kifungu cha Pili Kipengele cha Sita kinasema kuwa Kenya imeratibu Mkataba wa Roma. Ni kweli Kenya imeratibu Mkataba wa Roma kama sheria lakini si kama Katiba. Katiba ya nchi, Kifungu cha 143(1), hairuhusu Rais wa Taifa anayehudumu kushtakiwa katika korti yoyote. Mkataba wa Roma na Korti ya Hague ni sheria na si Katiba. Waliosema hapa Kifungu cha Pili, wasome sheria vizuri. Hiyo itakuwa sheria chini ya Katiba ya Kenya.

Ni nini chanzo cha taharuki na hamasa iliyowakumba Wakenya? Iwapo mahakama haina ushahidi na inataka kumbeba Rais wa Taifa kwenda kukaa ndani ya korti, hiyo ni hamasa na taharuki. Iwapo Rais wa Taifa atakwenda kukaa ndani ya korti, uhuru wetu utakuwa namna gani? Je, haki ya Wakenya milioni 40 waliomchagua kama Rais wao, watajisikia namna gani? Kwangu, Uhuru Kenyatta alikuwa Rais wangu lakini leo ni shujaa wangu. Amehifadhi hadhi na heshima ya Wakenya milioni 40. Hakuenda kupigiwa parapanda ndani ya korti ya wazungu. Jitihada aliyoifanya Uhuru ya amani Kenya, hatukuletewa na Hague. Wakenya wenyewe walisimama, wakashikana mikono na wakasema kuwa kuuana si suluhisho, tuje pamoja tugawane kikombe cha chai. Nimeambiwa hapa kuwa ni mchezo wa kuigiza kumuachia Ruto kiti cha Rais. Nataka wale ambao walisema hivyo wasome Kipengele 147(3) cha Katiba. Hii ni sheria ya Kenya wala si *drama*. Je, Ruto anastahili? Amesimama kidete akabeba Kenya. Hata Uhuru angebaki mwezi mzima huko, Kenya ingekuwa salama kwa sababu ni mtu anayestahili na anatosha. Mara hii, Kenya imepata mashujaa.

Uchumi umeboreka Kenya na sasa Kenya ni miongoni mwa nchi kumi barani Afrika zenye uchumi bora. Hili halitambuliki leo kwa sababu vibaraka hawana masikio ya kusikia ukweli wala macho ya kuona haki. Wako hapa kupeleka parapanda kwa wazungu. Pelekeni lakini kesi hii itaanguka!

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Wario, I was just wondering aloud. You really quoted a lot of sections of various laws and I know that you are not a lawyer, is that the effect of having petitions in court or something?

(Laughter)

That was on a light touch. Let us have hon. Mwamkale.

Hon. Mwamkale: Thank you, hon. Temporary Deputy Speaker for giving me time to air my support. First and foremost, I congratulate our President for demonstrating to Kenyans that he believes in the rule of law and that he is ready to walk in the spirit and

the letter of the law. When the President got the summons, indeed, he had a choice. As has been demonstrated in this House, there were no good grounds for that Status Conference. The President had a choice to go or not. By the President agreeing to honour the summons he, indeed, was putting Kenya before his personal interests. I would like to depart from the view of the speakers who have said that the ICC case is an individual thing to the President. Far from it!

If, for example, the President had decided not to go, we all know that a warrant of arrest would have been issued. We all know that, maybe, the ICC would have declared our President a fugitive. We have seen that happen in Sudan. All those things were in the hands of ICC. That is why we are saying that the President considered Kenyans. He put our interests before his individual interests. If the consequences for not appearing would have been effected, then it is Kenyans who would have suffered. Our President would not have been able to represent us in some international forums where good things are obtained for countries. I really support the President for that gesture.

I personally do not believe that there was any reason to take our President to The Hague. That is because an accused person, as a matter of natural justice, has no responsibility to avail evidence to incriminate himself! What we are seeing in The Hague is that they wanted to tap some things from the President or, say, the accused person so that they could use the same to prosecute him. That should not happen here in Kenya or any other State. The rules of natural justice cut across the whole world. What is good for us is good for America and other countries which are signatory to the Rome Statute. I believe that, that is the last time we are seeing our President being dragged to ICC.

As much as we are condemning the ICC, I support that it remains there. That is because you never know who will be the President of Kenya tomorrow. By the ICC being there, it is a safeguard against those who would do anything and everything to ascend to power. We should remain a signatory to the Rome Statute. Our leaders should be prosecuted only when there is evidence. Those fishing expeditions should not apply to us or our leaders.

I support the President's Speech.

Hon. Oyoo: Thank you, hon. Temporary Deputy Speaker for, finally, remembering me. I do not want to involve myself in a diatribe with the Speaker who has enormous powers, but I want to say that I will forever remember that the ranking system may not be very just as we would have wished it to be.

I take this opportunity to thank His Excellency the President for doing us proud by walking his talk. Many personalities give promises when they are campaigning and once they get to their ultimate destination, they forget about the pledges they make or the promises they gave to the electorate. I remember very well that the President, during the campaigns, gave Kenyans the explanation that he would carry the ICC burden on his back as Uhuru Muigai Kenyatta. What happened recently was a manifestation of a gentleman who walks his talk. I want to give him my thumps-up.

I also want to thank him for saving us Kenyans from the rigmarole of the ICC indictments and many international warrants that would have come our way. He is now in charge of the country and whether we voted for him or not, we must come to terms with the fact that he is our President and we need to accord him respect. In reciprocity, he has

also given us back the respect by making sure that he honors and respects the summons by the ICC.

However, because every cloud has a silver lining, I want to say that I regret and detest the attitude of my colleagues and, more so, the Jubilee mandarins. The President is a humble person by nature and he has demonstrated that. Being a Christian like me – and I am a Catholic – that is the only church that was left by Jesus Christ to Peter. The President would have wanted to go to The Hague with not more than five people. Already, he had his lawyers there. Then he needed his mother who is very prayerful. He needed his wife to give him company and, maybe, his daughter because experience has taught us that around that time of great tribulations, it is the daughters who sympathize with the fathers more than the sons. The rest would have been, perhaps, somebody to carry his documents. However, a battery of unnecessary hawkish fellow colleagues went and disparaged the name of that good country in Netherlands. They have left a very bad name for this country there. Some of them carried things that were almost pornographic. They traded abuses that we read in the Press. For example, there were words like: “Takataka Ghasia Nyinyi”. If The Hague judges were able to interpret those abuses, then they would work against His Excellency the President.

The Temporary Deputy Speaker (Hon. Cheboi): What is it, hon. Macharia?

Hon. Macharia: Hon. Temporary Deputy Speaker, is the Member in order to call honourable colleagues hawkish? Is it parliamentary? Do we have hawkish people in Parliament?

The Temporary Deputy Speaker (Hon. Cheboi): Well, that depends on the interpretation. Maybe, it is that they have sharp eyes. I believe that will not be too---

Hon. Oyoo: Hon. Temporary Deputy Speaker, I was just alluding to the bad behavior that I saw. Many of them, of course, were touts who were called and taken there at---

The Temporary Deputy Speaker (Hon. Cheboi): With your explanation, that really puts you out of order!

Hon. Oyoo: Hon. Temporary Deputy Speaker, I want to say that the President had very good intentions. He started very well and he was going to end very well; albeit the people who wanted to be sycophantic and appear that they were very close to him. Some of us were not able to go there. But knowing the person the President needed most was his God, we remained glued to our churches praying for him. We did that very well.

Hon. Njomo: On a point of order, hon. Temporary Deputy Speaker. Is it in order for the hon. Member to insinuate that escorting the President to the court is sycophantic and not patriotic? I have seen him and many others being escorted by many Members when they appear before local courts for simple cases of petitions.

The Temporary Deputy Speaker (Hon. Cheboi): Unfortunately, hon. Oyoo will not have an opportunity to respond because his time was over anyway.

Hon. Oyoo: Hon. Temporary Deputy Speaker, I did not say that everybody was sycophantic, but I think those who were rolling---

The Temporary Deputy Speaker (Hon. Cheboi): No! Hon. Oyoo, you should simply wind up because your time is over.

Hon. Oyoo: Hon. Temporary Deputy Speaker, the Temporary Deputy Speaker is a good lawyer. He knows that the case is not closed until final submissions are made. So, we should go slow and be careful with our expressions about the ICC case---

The Temporary Deputy Speaker (Hon. Cheboi): That is correct. We will have the hon. Member for Samburu North.

Hon. Lentoimaga: Thank you, hon. Temporary Deputy Speaker, for giving me this opportunity. I support the Address by the President. Like my colleagues have said, the President did us proud. In the first place, he came to this House and informed us what he was supposed to do. Before 6th October, there were rumours about what would actually happen. Would he go or would he not go? What would happen if he did not go? There was a lot of tension. Most of his close friends and Members of Parliament were not aware what he was going to do. However, he did us proud by coming to inform us.

He informed us in this House that he was going to The Hague and he was handing over. That was as good as selling Kenyans or clearing the air. That was a very good initiative and a good way of communicating. He told Kenyans that they were part and parcel of what he does every time.

On the issue of handing over, there was no other way he could have done it. The Hague wanted to humiliate us or shame us as an African country. They wanted the President to appear before the ICC as the Head of State so that he could make history as the first Head of State to be tried while in office. However, our President tactfully beat them on their own game. He did that by physically handing over.

If my memory serves me well, I think Uhuru Kenyatta became the fourth President to transfer power legally. I remember in 1981, Ronald Reagan transferred power for eight days when he was shot and went to hospital for an operation.

The second President was, of course, the late Nelson Mandela. The third President, although he handed over power to his brother, was Fidel Castro. So, our President made history that many people cannot make. Even in our country, many times we have been complaining that when you are called to step aside, you do not want to do that. We have seen many Cabinet Secretaries, Principal Secretaries and Chief Executive Officers (CEOs) not wanting to step aside when there is an issue concerning their offices. However, our President showed us a good example by actually stepping aside and letting somebody else run the affairs of this country on his behalf when he attended what was supposed to be very personal to him. So, I want to congratulate him for that and stand with other Kenyans who have said that he has done us very proud.

Hon. Temporary Deputy Speaker, the handing over was to the Deputy President. He even gave out his motorcade. If he could not have handed over, our colleagues could still have made noise. There are still issues even after he handed over. However, that was the best way to go. I remember the President left with two vehicles. He was without the escort when he left Harambee House. Some of us who accompanied him flew in the same aircraft on 7th October in the morning. We went the same route.

That demonstration brought about the issue of peace in our country. From 1992, after the advent of multi-party politics, this country has always witnessed conflicts when it comes to elections. That particular action by the President has shown that peace can be resolved in this country through the actions of leaders.

We saw that there was no real evidence and we are praying that the case collapses any time. The case has not even started. So, will the prosecutor get evidence if the case has not even taken off?

Thank you, hon. Temporary Deputy Speaker.

Hon. (Maj-Gen.) Nkaijerry: Thank you very much, hon. Temporary Deputy Speaker for giving me this very good opportunity to contribute to this Motion on the Exposition of Public Policy by His Excellency the President. In doing so, first, I want to commend the President very much for believing in not only the law of this country, but also the international law by accepting to attend the Status Conference of the ICC.

The President did this country proud. The situation in the country before the President addressed this House was very tense. The country was gripped with anxiety for not knowing exactly what was going on. The President came, he delivered a very well thought out, focused and relieving message. He provided prudence and effective leadership through this House.

By invoking a provision in the Constitution to enable his deputy to take over the reins of power in his absence, he showed the kind of leadership that he has.

Hon. Temporary Deputy Speaker, I want to say that I accompanied the President to The Hague. Personally, I was very disappointed with what I saw. The court did not – and I am not a lawyer – measure up to the legal provisions with regard to why they called the President. Listening to the presentations of the counsel both for the prosecution and the counsel for the witnesses, they offered no concrete evidence as to why the court summoned the President to the Status Conference.

One of the counsel of the prosecution went as far as requesting the court to adjourn the case until the next general elections. What does that tell you? It means that there is no evidence. As I contribute to this Motion today, I want to say, as the hon. Member for Kajiado Central, that I was one of the Members who encouraged the President to respect the summons. However, as it stands now, I will be the first one to say that the President of Kenya will never again appear in that court for obvious reasons. The court did not present evidence as to why our President should appear before it.

Hon. Temporary Deputy Speaker, in the same policy Statement that the President made, he touched on the issue of security---

Hon. Wandayi: On a point of order, hon. Temporary Deputy Speaker.

Hon. (Maj-Gen.) Nkaijerry: Hon. Temporary Deputy Speaker, I do not see anything out of order!

The Temporary Deputy Speaker (Hon. Cheboi): What is out of order, hon. Wandayi?

Hon. Wandayi: Hon. Temporary Deputy Speaker, I am really worried. Is hon. Nkaijerry in order to insinuate that he can advise the President not to ever again appear before the ICC and yet we know that it is a constitutional obligation, under the Rome Statute, for him to honour the summons of that court?

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Wandayi, That is frivolous. Continue, hon. Nkaijerry.

Hon. (Maj-Gen.) Nkaijerry: Hon. Temporary Deputy Speaker, that is, indeed, frivolous and he wasting my time. I want to contribute to a very serious issue. Hon.

Wandayi is one of the hon. Members who refused to attend the Special Sitting of Parliament---

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Nkaissery, do not move in that direction.

Hon. (Maj-Gen.) Nkaissery: Hon. Temporary Deputy Speaker, there is an issue I want to contribute to. I have not yet used five minutes. I do not think the Clerk-at-the-Table is using the right clock because I have just spent two minutes since I stood here. It is important that you listen to what I want to say, hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Nkaissery, your time is up. Yes, Member for Vihiga.

Hon. Chanzu: Thank you, hon. Temporary Deputy Speaker. I want to support the President's Address to the House on the eve of the day he travelled to The Hague.

Hon. Temporary Deputy Speaker, there are many ways of looking at it. Our memory sometimes lets us down. If we could---

Hon. (Maj-Gen.) Nkaissery: On a point of order, hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Cheboi): What is it!

Hon. (Maj-Gen.) Nkaissery: Hon. Temporary Deputy Speaker, I want to make a formal complaint to the effect that I did not speak for five minutes. I want the clock and the HANSARD to be checked. It is wrong for an hon. Member to be denied the opportunity to help this country.

Thank you.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Nkaissery, from where I am seated, I can assure you without fear of contradiction that you spent four minutes and 35 seconds. Twenty-five seconds of your time was taken by your colleague, hon. Wandayi. By the way, you are also taking 25 seconds of the time of the Member for Vihiga. So, you have actually exhausted your entire time.

Hon. Chanzu, since the point of order was not against you, I will make sure that you recover your 30 seconds.

Hon. Chanzu: Thank you, hon. Temporary Deputy Speaker. I was saying that I really support the action that the President took. It is only that our memories, sometimes, let us down. If we can remember what happened in this country just before that Monday, what happened when the President came back from The Hague and what is happening today, we should be able to appreciate that the President did the right thing. To those people who believe that the President is their enemy, do they know that if something happens to your enemy, it takes a lot of your time as you try to see what happened to him. So, we waste a lot of time.

We should have peace in this country. What happened in December, 2007 should never happen again because it has caused this country a lot of anxiety and animosity. Some of the leaders who were talking on tribal basis do not know that they were alienating some communities from others in the country. What is going to happen in the next five or ten years? We have children who are being admitted to universities in Central Kenya. We have got children from Central Kenya who are being admitted to universities in Nyanza region. Others are being admitted to universities in the Western region. If leaders continue to show enmity to their colleagues, what will happen? We should leave

our business of politics. Once somebody has lost round one, we should celebrate. That is why one is given five years. More than 70 per cent of the hon. Members in this House are new. There are those who have been defeated. If those people were to fuel animosity, there would be no peace in the constituencies.

I also went to The Hague as a Kenya because even if you look into the pockets of those who do not support the President, you will see the money in them bears the portrait of the President's father. Why can they not discard the money? We cannot have double standards. We must be realistic and give a chance to those who have been given a chance to lead for the time being so that, we can be able to assess them. We, as Members of Parliament, also need to be assessed after five years.

The issue of IDPs needs to be sorted out. I know that we could not have sorted it at the same time. Now that the matter of the ICC is going down, it is for the leadership of this country to make sure that the remaining IDPs are settled. The other thing that I see is the disputes that we encounter as human beings. They have no boundaries. It does not matter whether you are the President, Member of Parliament or just an ordinary person. If you had an issue in your constituency, and I have known you for some time, are you telling me that even if your daughter is wedding, I should not attend? I do not see why we should have animosity to the extent of telling somebody to bear his responsibility. We need to look at the reality and appreciate that even those who are saying that they have held functions in their places, and we have attended as national leaders when we are in this House--- I talk about the problems at the Port of Mombasa. We talk about the problems at the airport in Kisumu. We discuss issues of the road from Mombasa to Malaba, as national leaders. That is the spirit we should go by.

By the way, there is very good news for the country. Even the rating of our currency was suffering but a new IPSOS Synovate poll released today shows a soaring public confidence in President Kenyatta – with a current rating of 71 per cent against a previous rating of 43 per cent. That is after his appearance at the ICC. That is not for Uhuru Kenyatta. It is for our country's economy. If the leadership of a country is doing badly, it is the economy that will equally do badly. You can imagine what would have happened if that matter had continued to be hyped in the manner it was being hyped. The international community was saying that they were going to cut links with Kenya, a move which would interfere with the co-operation that we have with donors in the implementation of projects. There is a lot we need from outside in order to build our country.

Therefore, the President's action was a good show. Let all leaders - elected or not - preach peace and unity, so that we can develop our solid country come 2030, when we expect to become a middle-income country.

Thank you.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Members, we have not given a chance to our lady colleagues. Let us have hon. Ombaka of Siaya County.

Hon. (Ms.) Ombaka: Thank you very much, hon. Temporary Deputy Speaker, for giving me the opportunity to contribute to this Motion. I have read the Speech more than three times, trying to get its theme. He has touched on very many issues in a scanty manner. I would have loved the President to take just a few issues and deal with them thoroughly and give us statistics. We are a country that has improved greatly

economically. We are now a middle-level economy. That is just a statement. I would love to see statistics showing that, that is where we have reached. Otherwise, to me, that is just a statement by the President. How true is it? I see many poor people in this country. They are nowhere near middle-level income economy. So, the drafters of the President's Speech should always highlight certain things that can convince the readers. I would love to believe that ours is a middle-level income economy. But I want statistics and other evidence brought to the fore to convince me that it is true. Otherwise, what I see around is high-level poverty and that is not anywhere near middle-level economy.

Secondly, it is good that the President did what he did. He went to The Hague. The discussions that were held there did not seem to convince people but to me, he did the right thing. That is what I expected him to do as the President. The person who leads a country should be an example; one who observes the rule of law. He did a great thing and I want him to continue throughout so that he does not change at one time. So, if he is a believer of the rule of law, can we see the rule of law in his way of doing things throughout so that there is no time that we do not see that? He has set the pace. I would love to continue seeing that he does that because I admire him. I have always admired him as a great leader. That is because he is one person who, when he campaigned, I never heard him hurl insults at anybody. His friends insult people but that is what I know of him. That is why I have always admired him. He went to The Hague in his private capacity as Uhuru Kenyatta. But he was escorted by over 100 hon. Members. Did the hon. Members also go there in their private capacities? Were they sponsored by the State? Did they sponsor themselves? All those need to be addressed and we need to know who took care of them in terms of air fare and other welfare.

Hon. Kangara: On a point of order, hon. Temporary Deputy Speaker. I want to know whether it is in order for the hon. Member to read the script.

Hon. (Ms.) Ombaka: I am not reading, I am looking at my points.

The Temporary Deputy Speaker (Hon. Cheboi): Well, to the best of my knowledge, she looks like she was only referring, which is perfectly parliamentary.

Hon. (Ms.) Ombaka: I am looking at my points.

The Temporary Deputy Speaker (Hon. Cheboi): Hold on for one minute.

Hon. Njomo: On a point of order, hon. Temporary Deputy Speaker. The hon. Member has expressed doubt whether the Members of Parliament who accompanied the President were sponsored or were self-sponsored. I would like to categorically inform the hon. Member that---

The Temporary Deputy Speaker (Hon. Cheboi): The only problem with what you are doing is that you are offering information and yet, you stood on a point of order. So, if it was a point of information, it was going to be up to hon. (Ms.) Ombaka to decide whether she required the information or not.

Hon. Njomo: Hon. Temporary Deputy Speaker, the hon. Member created an impression that the hon. Members were sponsored by another party and that is the position that I wanted to clear. Otherwise, she will be presenting a wrong impression to the nation.

The Temporary Deputy Speaker (Hon. Cheboi): Maybe, hon. (Ms.) Ombaka, you obviously must have the facts.

Hon. (Ms.) Ombaka: Hon. Temporary Deputy Speaker, I asked a question and I needed an answer. The question asked two things. It was one question doubled. I said: Did you sponsor yourselves or did the State sponsor you? I did not decide for you who sponsored you. I just simply asked a question.

The last point I want to make is about IDPs. The IDP question still lingers. It has never been solved and people from the region where I come from, Nyanza Province, have always wondered what happened to their IDPs. There are many IDPs who have been compensated but---

The Temporary Deputy Speaker (Hon. Cheboi): Your time is up, unfortunately.

Hon. (Ms.) Chebet: Hon. Temporary Deputy Speaker, thank you. I want to take this opportunity to thank you for rescuing me. I have been sitting here the whole afternoon and so, I thank you for that. What I want to say is to congratulate our President for addressing the nation in such a way that everybody was satisfied. When he called us to come to Parliament for a Special Sitting, he called us as Members of the National Assembly and Senate. He did not discriminate. He did not call people from the ruling coalition only. He also invited people from the Opposition, the CORD Coalition although they did not turn up in good numbers. A few of them turned up and I congratulate them for that bold decision.

Our President is a humble man. He chose to go to The Hague. He chose to go and sit in the court of the ICC. He must have taken them by surprise because they did not expect him to go. They thought he would refuse to go and then they get an opportunity to issue a warrant of arrest on him. Therefore, I congratulate our President for that.

About the drama that we saw when he was arriving, it was a very positive drama. Sometimes in Kenya and in the world, human beings need to watch some drama so that they can understand what is going in order to appreciate the situation at hand. Drama is both negative and positive. We had a negative publicity or negative drama at The Hague outside the court when Kenyans demonstrated in such way that even the security personnel there were surprised with what was going on. I did not like that very much because we were in a foreign country and we were demonstrating what the people of that country did not understand. The positive side of it is that His Excellency the President of the Republic of Kenya arrived in Kenya a hero to a rousing welcome by everybody.

Hon. Temporary Deputy Speaker, sometimes such dramas are necessary so that the message is driven home. Therefore, I appreciate the way the President addressed Kenyans before he left. He assured Kenyans that he had left power to a responsible person in the name of the Deputy President of the Republic of Kenya and he assured Kenyans that there was nothing wrong for him to go to The Hague to face the court. Before that there were a lot of rumours and there was a lot of anxiety in Kenya. But he managed to cool down all those feelings and left Kenyans in a very good state of their mind until he found them in the same state when he came back.

Thank you, hon. Temporary Deputy Speaker.

Hon. Chea: Thank you, hon. Temporary Deputy Speaker, for giving me this opportunity. From the outset, I would like to state that I support the President's Speech.

Indeed, as stated in the President's Speech, there was a lot anxiety prior to the announcement that the President made about his travel to the Status Conference. This anxiety prompted the calling of the joint sitting of the House. I want to state that I am one

of the hon. Members who attended the sitting on 6th October, 2014. In my view, it was a valid session. This was an opportunity for the President to address us and the nation at large.

Hon. Temporary Deputy Speaker, I commend the President for the right step he took in attending the ICC Status Conference. Out of his attendance, there are three very important lessons that we learnt as a nation. Equally, there are achievements that have been borne out of that.

Hon. Temporary Deputy Speaker, as it has been alluded to by the hon. Member for Vihiga who has just walked out; as a result of this attendance, the President managed to have 71 per cent public confidence up from 43 per cent. This is quite positive for him and the nation at large. What is central to this ICC debate and the attendance is the question of the rule of law; it is important that every citizen abides by the rule of law. I must commend His Excellency the President for the step he took. Before his announcement, I used to wonder what probably would have happened if the President chose not to attend the Status Conference at the ICC.

Indeed, there were serious repercussions for the same. But the President, in his wisdom, opted to attend. That was good for him and the nation.

Hon. Temporary Deputy Speaker, that brings in case that we believe in the Judiciary that we have. For so many years, all of us have been talking about the independence of the Judiciary. There are things that need to be done there.

Hon. Temporary Deputy Speaker, I have said that as a result of the President attending that particular conference, there is absolutely no reason why any Kenyan should choose not to attend our local courts. I urge the courts in Kenya to be firm and deal with the offenders according to the law.

Hon. Temporary Deputy Speaker, in his Speech, the President equally talked about devolution. Devolution is there to stay. That is an important aspect. The President in his Speech said that time is gone when winners used to take it all. Money has now been sent down to our counties and we expect them to use it well. That way, the common *wananchi* can see its benefits.

Hon. Temporary Deputy Speaker, the President, in his Speech, equally acknowledged the fact that he has a lot to do for this nation. Even with our country having entered another stage in the economic arena, you will agree with me that there are so many issues to be dealt with. The level of poverty in this country is still high. There are people in this country who still live below the dollar per day. So, it is upon the Government to ensure that measures are put in place so that those issues of poverty are done away with completely.

Hon. Temporary Deputy Speaker, as I speak, one of the issues that have been brought forth to try and heal that situation was the introduction of the Uwezo Fund by the President. But what is sad is that, that money has not really gone to the people. I would urge Government authorities that are concerned with that particular Fund to take bold steps and ensure that the money is there as early as yesterday.

So, hon. Temporary Deputy Speaker, with those few remarks, I beg to support.

The Temporary Deputy Speaker (Hon. Cheboi): Let us have the Member for Embu, hon. Rose Mitaru.

Hon. (Ms.) Mitaru: Thank you very much, hon. Temporary Deputy Speaker for giving me this opportunity. First, I want to congratulate the President of the Republic of Kenya for what he did to this nation. The people of Embu - whom I represent - were very anxious to see what was happening. That is because that is the first time a sitting President has been summoned to court. We were very prayerful and hoping that the President will make decisions that will not just affect Embu people, but the nation at large.

Hon. Temporary Deputy Speaker, we were so proud of him because when he called us here - and as I sat there representing my people, I saw what a good President can do for the nation. He talked to us wisely. He gave his deputy the powers and we all went to The Hague, particularly Members of Parliament from Embu to support our President.

Hon. Temporary Deputy Speaker, what made me very proud was that the whole world was watching. We saw people from other countries, particularly Kenyans, come to support the President; even those who are not from the ruling party.

I want to congratulate those from CORD and those who do not support the President who went to The Hague. They spent their time and resources. I was one of them. I nearly wept when I saw the humbleness of our leader. I pray that our President will keep it up. I would like to tell the people at The Hague, particularly, Bensouda, that Kenya is a country with a population of over 40 million people. She and her team should not play with Kenyans. We have supported our President and we will never wish that he goes to The Hague again with so many Members of Parliament and others spending millions of shillings to go to support him. A few people here have talked about security. We want to support the President because he said that security starts with himself and all of us.

When the weather is so harsh, particularly in some parts of Embu, the Government has brought food to our people. We need to work together, support and help each other, so that Kenya can be a country that everybody wants to come and see. I am very humbled by the President of Kenya and his team. I was so proud when I saw him arrive in Kenya. We were still at The Hague preparing to come back. Kenyans of all walks of life supported him from the airport for very many hours. He did not fear insecurity. He celebrated his coming back to his seat.

With those few remarks, I congratulate the President and urge all Kenyans of all walks of life, from the youth to the old people, to keep supporting this nation and our President.

The Temporary Deputy Speaker (Hon. Cheboi): Very well, let us have the Member for Borabu.

Hon. Momanyi: Thank you, hon. Temporary Deputy Speaker for also giving me this opportunity to support and congratulate the President for the move that he took. As the rest of my colleagues have said, indeed, there was a lot of anxiety in this country before the President came here and publicly declared that he was going to travel to The Hague. It is true that it is very hard and painful for one to step out of power and give the office to another person. It is very difficult everywhere in the world. His Excellency the President did that. He came here and clearly demonstrated statesmanship; an example that we all need as hon. Members to emulate.

We need to urge and advise the President to continue with that spirit. The case is still on. Let him faithfully face the ICC. Let him faithfully, with his legal team, attack any kind of evidence that will be brought before the court so that, at the end of the day, he will be set free. We cannot afford to advise him not to travel to The Hague again, as some of my colleagues have indicated here.

We have a number of issues in this country. We have insecurity and unemployment. But perhaps, we can give the President the benefit of the doubt. Since he assumed office, I am sure that case must be giving him sleepless nights. We can always give him the benefit of the doubt. We believe that once those cases are concluded, he will seriously lead the country without any problems.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. Cheboi): Order, hon. Momanyi! Our time is over, but you can choose to contribute when debate resumes. You will have two-and-a-half minutes when debate resumes tomorrow.

The time being 6.30 p.m., this House stands adjourned until tomorrow, Thursday, 16th October, 2014, at 2.30 p.m.

The House rose at 6.30 p.m.