

**REPUBLIC OF KENYA**  
**COUNTY ASSEMBLY OF KILIFI**

**THE HANSARD**

**Monday, 20<sup>th</sup> November, 2017**

*The House met at the County Assembly Chamber,  
Malindi Town, at 2.30 p.m.*

*[The Temporary Speaker (Hon. Thaura) in the Chair]*

**PRAYERS**

**STATEMENTS**

**The Temporary Speaker** (Hon. Thaura): Has Maitha appointed anybody to read the Statement on his behalf? Let us move to another Statement, hon. (Ms.) Amina Winnifred. Yes proceed please.

*(Hon. Maitha was absent)*

**HIKED WATER BILLS IN KILIFI COUNTY**

**The Nominated Member** (Hon. (Ms.) Ramadhan Winnifred Amina): Mr. Speaker, Sir, I wish to seek the following Statement on behalf of hon. Harrison Thaura Mweni. The Statement to the County Executive Committee Member for the Department of Water, Environment and Natural Resources through the Chairperson Water Environment and Natural Resources:-

Is the County Executive Committee Member for the Department of Water, Environment and Natural Resources aware that water bills in Kilifi County have been hiked since October, 2017? If yes, what are the reasons given for that increase?

Thank you, Mr. Speaker.

**The Temporary Speaker** (Hon. Thaura): Thank you. The Committee on Water, Environment and Natural Resources will take up that task.

**MOTION**

**ESTABLISHMENT OF A PEOPLE'S ASSEMBLY**

**Hon. Mwayaa:** Thank you Mr. Speaker, Sir. The Leader of Majority is not with us and again I am not feeling well so I request hon. (Ms.) Nyamollo (Victorine) to move the Motion.

**The Temporary Speaker** (Hon. Thaura): Yes please.

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**The Nominated Member** (Hon. (Ms.) Victorine Atieno Nyamollo): I beg to move the following Motion on establishment of a People's Assembly by the National Super Alliance (NASA):-

AWARE THAT, on 8<sup>th</sup> August, 2017 and 26<sup>th</sup> October, 2017 IEBC conducted illegal, un-constitutional and un-democratic presidential elections;

RECOGNIZING the fact that the turnout for the presidential elections was 30 percent or thereabouts of the total number of all the registered voters in Kenya and therefore the President cannot by delegation or otherwise, be properly vested with the people's sovereign power and authority;

OBSERVING that the exercise of the executive authority by the President has in the past few years re-introduced the trappings of the imperial presidency and despotic tendencies in the conduct of public affairs;

KNOWING that Parliament has been legislating un-constitutional, illegal, un-democratic and draconian laws, and in particular laws that contravene the Bill of Rights and the principles for the electoral system; and

ACKNOWLEDGING the sovereign power of the people of Kenya, the supremacy of the Constitution of Kenya, 2010 and the sovereign right or authority of the people to determine the form of governance in Kenya.

This house resolves as follows:-

- a) The presidential elections held on 8<sup>th</sup> August, 2017 and 26<sup>th</sup> October, 2017 were each and all invalid, null and void; and no government formed and/or president declared as a consequence thereof, and considering the negligible turnout in the presidential elections held on the latter date, can have constitutional authority or legitimacy to govern;
- b) A People's Assembly be formed to discuss and determine the affairs of the country and recommend a pathway towards and for the achievement of the promise, aspirations, objectives and rights and freedoms provided by the Constitution of Kenya 2010;
- c) The House and its membership will participate in the proceedings of the People's Assembly and will constitute a special college for the appointment or election of members, delegations and observers to the People's Assembly;
- d) A truly independent electoral and boundaries commission be established with a view of holding a fresh presidential election on or before 9<sup>th</sup> February 2018;
- e) The action and performance of constitutional commissions including the Independent Electoral and Boundaries Commission, the National Police Service (NPS), the National Intelligence Service (NIS), the Public Service Commission (PSC), the Ethics and Anti-Corruption Commission (EACC) and the National Cohesion and Integration Commission (NCIC) be reviewed with the purpose of ensuring that the said commissions are independent to enable them protect the sovereignty of the people and to promote constitutionalism;
- f) Appropriate measures be undertaken to safeguard and promote devolution and the organs and instruments of devolution including county assemblies and county governments and secure their financial viability and security with the ultimate objective of the creation of larger and autonomous devolved units within one indivisible sovereign nation; and
- g) A review of the Constitution of Kenya 2010 be undertaken to reform the structure of the Executive and Parliament and devolution and to reinforce concrete measures for the

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promotion of inclusivity, the welfare of the marginalized, the advancement of women and youth, the eradication of corruption and poverty and to secure social justice, equality and fairness.

Thank you.

**The Temporary Speaker** (Hon. Thaura): Thank you, who is seconding you?

**Hon. (Ms.) Victorine:** Hon. (Ms.) Victoria.

*(Hon. (Ms.) Victoria Seconded)*

**The Temporary Speaker** (Hon. Thaura): Thank you, you can take your seat.

*(Hon. Kiraga stood on a point of order)*

**The Temporary Speaker** (Hon. Thaura): Before you start, kindly sit down there is an interjection from Hon. Kiraga. Yes please.

### **MOTION FOR ADJOURNMENT UNDER STANDING ORDER NO. 92**

#### ADJOURNMENT OF DEBATE TO ALLOW FOR FURTHER CONSULTATIONS

**Hon. Kiraga:** Thank you so much Mr. Speaker. I rise under Standing Order 92 to move the debate on the Motion be adjourned for one and a half hours to allow further consultations Mr. Speaker. If it pleases you, I wish to move my submission even before the secondment of this Motion. Am I allowed?

**The Temporary Speaker** (Hon. Thaura): You are allowed. Do you have a seconder?

**Hon. Kiraga:** Yes, Hon. Mwamtsi will second my Motion.

*(Hon. Mwamtsi seconded)*

*(Question proposed)*

**The Temporary Speaker** (Hon. Thaura): Yes hon. Mwamtsi.

**Hon. Mwamtsi:** You know the People's Assembly is a very important Motion for this Country and this County because people have power according to Article One of the Constitution. I second the adjourned so that we have a full House so that they can represent the public and take back the power to the people. Thank you.

**The Temporary Speaker** (Hon. Thaura): Thank you. Any Member who wishes to contribute on the same?

*(Question that the mover be now called upon to reply, put and agreed to)*

**Hon. Kiraga:** Yes, thank you Mr. Speaker. As you can see, I believe we have a very good quorum in the House but the leadership of the House is not with us. They are committed somewhere and we would wish them to be here so that they can register their views as far as this

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Motion is concerned. As the seconder has put it, this is a very important Motion which is going to touch the lives of Kenyans. So, we would wish the leadership of the Assembly to be within the House so that we can also give out our views as far as this Motion is concerned. Thank you very much Mr. Speaker.

**The Temporary Speaker** (Hon. Thaura): Thank you hon. Kiraga. I now put the question.

*(Question, that the debate be now adjourned, put and agreed to)*

*(Debate adjourned)*

*(Applause)*

Hon. Members, this Motion has been postponed until 4:00 p.m. This is to allow the Members to consult and as hon. Kiraga has said, to give time for the leadership of the House to be in. Thank you hon. Members for that. Next Order?

### **ADJOURNMENT**

In the absence of any other business, this sitting stands suspended until 4:00 p.m. today. Have a good afternoon.

*(The House adjourned at 2:40 p.m.)*

*(The House resumed at 4.00 p.m.)*

*[(The Speaker hon. Kahindi) in the Chair]*

*(Resumption of Motion)*

### **ESTABLISHMENT OF A PEOPLE'S ASSEMBLY**

**The Speaker** (Hon. Kahindi): The debate on the Motion had commenced before it was adjourned briefly and now we go back to the same debate. I am informed so far nobody had taken a chance to speak. Can the seconder of the Motion please start? That was hon. (Ms.) Victoria.

**The Nominated Member** (Hon. (Ms.) Victoria Mnyazi Mazungu): Thank you Mr. Speaker, Sir. I second this Motion because it is very important for the people at the ground to know whatever is going on in this County. We are here representing them and if you look at the galleries, we have empty seats because they do not know it is their right to come and listen to what we are talking about.

The public blames us a lot thinking that they are not well represented but this is because they are not informed. With this Motion, we shall be following the right channel and all will be well. Thank you.

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*(Question proposed)*

**The Speaker** (Hon. Kahindi): Yes Hon. Mwathethe.

**The Leader of Majority** (Hon. Mwathethe): Thank you Mr. Speaker...

*(Hon. Mwathethe spoke off record)*

**The Speaker** (Hon. Kahindi): Just press your button once again.

**The Leader of Majority** (Hon. Mwathethe): Thank you Mr. Speaker. I would also like to contribute to this Motion which has been moved. I would like to refer to the Constitution of Kenya, 2010 Article 1(1) with your permission:-

- “1. (1) All sovereign power belongs to the people of Kenya and shall be exercised only in accordance with this Constitution.  
(2) The people may exercise their sovereign power either directly or through their democratically elected representatives.”

This is the reason why we want to establish the People’s Assembly because the people have the right to exercise the sovereign power. This is therefore creating an opportunity whereby even the people outside can sit in an Assembly and decide how the affairs of that Assembly can be run. It has been impossible in the past because it is only the elected clerk that goes to the Assembly and decides.

There is public participation but not to a larger and a wide extent but with the establishment of the People’s Assembly and of course some modalities are still in the pipeline on how this one will be carried out, whether it is the Assembly that goes to the people and having you Mr. Speaker, sitting outside and engaging the people. I do not know how the Sergeant-at-Arms will manage that crowd but it is necessary, because it is the people who gave us the mandate to represent them.

Mr. Speaker, Sir, time has come in the second term of devolution when we must really go to the people and get the people’s views before we come to the Assembly so that we can incorporate their ideas. During the public participation, it is only a clique that comes. You know sometimes there is this and that but it is not really in order, if we have a People’s Assembly, imagine during the time that the Assembly is not sitting there is somehow an organized way where the Assembly can be sitting outside the premises; one time in Marereni, another time in another sub-county so that the people can give their views. So, Mr. Speaker, I am very much in support of the establishment of the People’s Assembly. Thank you, Mr. Speaker.

**The Speaker** (Hon. Kahindi): I need to get this very clearly; you want to take the same power the public has given to you back to the people. Is that what you are saying?

**The Leader of Majority** (Hon. Mwathethe): No, Mr. Speaker. The Constitution says the people can exercise the power...

**The Speaker** (Hon. Kahindi): Yes, in their own way or through their democratically elected ...

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**The Leader of Majority** (Hon. Mwathethe): Yes. They can exercise it themselves through their elected representatives.

**The Speaker** (Hon. Kahindi): Which is through you hon. Mwathethe?

**The Leader of Majority** (Hon. Mwathethe): Exactly.

**The Speaker** (Hon. Kahindi): Yes, now what do you want to do?

**The Leader of Majority** (Hon. Mwathethe): Now, I want to go to the people and sit with them before I come to this Chamber so that I have the mandate of the people...you see now I am waking up every morning coming here without...

**The Speaker** (Hon. Kahindi): They gave you the mandate by electing you. Isn't it?

**The Leader of Majority** (Hon. Mwathethe): Exactly. But that time will be a time where the people themselves come in their multitudes and give their views then I can carry their views to the Assembly and ask the Assembly to adopt and pass.

**The Speaker** (Hon. Kahindi): Thank you very much for that explanation.

**The Leader of Majority** (Hon. Mwathethe): Thank you Mr. Speaker.

**The Member for Mwarakaya Ward** (Hon. Stallone Humphrey Mkadi): Mr. Speaker...

**The Speaker** (Hon. Kahindi): Sorry, you mixed the cards or what? I am seeing Peru and Peru is seated on the other side. Whose card are you using? Yours?

**Hon. Mkadi**: This is my card.

**The Speaker** (Hon. Kahindi): Because from my records here it is...No, no, no. You have made an intervention. You had a point of order? Yes, you do not press the intervention button... Something is not right here. Clerk, just a minute?

*(The Speaker consulted with the Clerk-at-the-Table)*

**The Speaker** (Hon. Kahindi): Hon. Humphrey (Mkadi) you had a Point of Order?

**Hon. Mkadi**: Yes. Thank you, Mr. Speaker. Let it be on record that I am not opposing this Motion but my Point of Order is under Standing Order Nos. 50 (b) and 92. Why I am referring to those Point of Orders Mr. Speaker is because I really want to bring to this House that personally, I do not know what is meant by a People's Assembly and...

**The Speaker** (Hon. Kahindi): Are you therefore...because Standing Order 50(b) is raised when a Member wishes to suspend a debate. Are you therefore Moving that Motion?

**Hon. Mkadi**: Yeah, exactly.

**The Speaker** (Hon. Kahindi): Okay.

**Hon. Mkadi**: Because I do not know what is meant by the People's Assembly and I really do not know also the advantage of the People's Assembly and the disadvantage of it and the consequences after moving this Motion.

The Leader of Majority has said that the power of sovereignty belongs to the people of Kenya in this case Kilifi County. Sub-article two says that those powers can be transferred to the people democratically elected to this House. So, I think transferring back those powers to the people then again what will be the fate of this House? Thank you.

**The Speaker** (Hon. Kahindi): Yes, hon. Kenga.

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**The Deputy Speaker** (Hon. Kenga): Thank you Mr. Speaker, for giving me this opportunity I am standing on a Point of Order. The Mover of the Motion has not gotten anybody to second and we cannot allow the Motion to go through without a seconder. Thank you.

**The Speaker** (Hon. Kahindi): Yes, yes. Can we have somebody to second please. Anybody seconding hon. Humphrey's (Mkadi) Motion? If not, then we proceed? Okay.

*(Hon. Thaura seconded)*

*(Question proposed)*

The debate is on, let us proceed. Yes...

**Hon. Thaura:** Thank you Mr...

**The Speaker** (Hon. Kahindi): Sorry, the system picks and opens up itself, what is happening? There is a malfunctioning here. Clerk?

*(The Speaker consulted with the Clerk-at-the-Table)*

**The Speaker** (Hon. Kahindi): Okay, proceed, I think there is a technical problem here...

**The Member for Sokoke Ward** (Hon. Harrison Thaura Mweni): Thank you Mr. Speaker. I am too not in support of this Motion until we get the clarity on what the People's Assembly is; its composition and consequences after it has been formed.

**The Speaker** (Hon. Kahindi): So, you are not in support of the Motion?

**Hon. Thaura:** As per now I can say so.

**The Speaker** (Hon. Kahindi): Okay. Hon. Kiraga, you have a Point of Order.

**Hon. Kiraga:** Thank you Mr. Speaker...

**The Speaker** (Hon. Kahindi): Sorry, if you notice, the system is giving you the authority to speak... so all of you... ICT people what is happening here because it seems somebody is operating it remotely and I have no control over the system? That is what I am saying. That is why you will realize three microphones are going on at the same time. I do not know what is happening. But anyway I will do it manually. Yes, hon. Kiraga?

**Hon. Kiraga:** Mine was a Point of Order to the Member who has just been on the Floor. This Motion was read as a Notice last week and the meaning as to why we have a Notice of Motion is to give room for Members to digest on the same so that when it comes as a Motion somebody can contribute while they are informed. Now, I wonder somebody can stand up and say either I do not know this, I have not read...so if somebody is not ready to...

**The Speaker** (Hon. Kahindi): Yes, yes, hon. Kiraga, his contribution actually is of no consequence because if he opted not to have the debate proceed he should have seconded hon. Humphrey but by saying he does not understand in other words he does not agree with it which is still within his right.

**Hon. Kiraga:** Okay, thank you.

**The Speaker** (Hon. Kahindi): Are you noticing what is happening? Just a minute hon... I am in a situation where everybody has the right to speak and I am not in control of the system. I do not know what the ICT is doing up there. That is why you realize many microphones are going on so let us go by order. Yes, hon. Kadenge. No, there are two Kadenge's, the other one.

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**Hon. Mwathethe:** I am sorry Mr. Speaker.

**The Speaker** (Hon. Kahindi): It is okay hon. Mwathethe.

**The Member for Malindi Town Ward** (Hon. David Kadenge Dadu): Thank you Mr. Speaker Sir. I rise to support this Motion on the People's Assembly.

*(Applause)*

I rise to support this Motion because we have seen in the past Members were passing laws without engaging the common *mwananchi* and you can realize some of us here are new in this Assembly. So if we take a small scale of power back to the common *mwananchi* we will be engaging them in the laws which we are making. I beg to support this Motion. Thank you.

**Hon. Peru:** Mr. Speaker, I stand to support this Motion...

**The Speaker** (Hon. Kahindi): Just to put the House in order, there is a malfunction of the system such that I have no control of the system. I cannot control Members so instead of you pressing the *mic* button, press the intervention button until that is sorted out.

**The Member for Sokoni Ward** (Hon. Gilbert Supai Peru): Thank you Mr. Speaker. I wish to support this Motion on the grounds that as we have seen today, we have a ruling from the Supreme Court which has upheld the sham election which was conducted on the 26<sup>th</sup> of last month.

When you look at the number of voters we have in Kilifi County they are more than 500,000 registered voters and if you compare the turnout for the presidential elections, we are told that Uhuru Muigai Kenyatta managed to get around 10,000 votes. Now, 10,000 votes cannot represent the people of Kilifi County. If our own governor managed to garner around 200,000 votes, how do we say we had a valid election on the 26<sup>th</sup> of October when we look at the voter turnout vis-à-vis the number of registered voters in our County?

So, it is of importance that this Second House of Kilifi County adopts this Motion on the People's Assembly and see how services and all the outcry of the common *mwananchi* including ourselves because we are forming our ways on how our voices can be heard. So I think this House should not look to debate so much on this Motion but to pass it unanimously and move ahead. Thank you, Mr. Speaker.

**Hon. Kenga:** Thank you very much Mr. Speaker. I am standing to demonstrate my full support for the passage and adoption of this Motion. I want to bring to the attention of Members various events that have taken place in our Country and these events have led from various quarters to bring this push so that once this Motion is adopted, it will bring an opportunity for us to have these issues as outlined in this Motion.

Just recently, the Governors were threatening to move to court to force the National Government to release funds to the counties. Devolution was supposed to address some of the challenges that we have faced from independence but the way the executive of the National Government has been practicing this power that is vested upon them; how do you try to imagine that Governors of 47 County Governments within a Republic...; it is a very big threat and its one way of trying to kill devolution in our country.

Looking at the extent of marginalization that we have witnessed in this Republic yet for the last 50 years we have had governments in place but these governments have failed to deliver the required services to the people of Kenya, Mr. Speaker, a greater percentage of this country is

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living below the poverty line and when people come to demand for their rights, especially for those people from what we used to call Coast Province have always been tagged as lazy and that we cannot fight for our rights. These are some of the weaknesses and challenges that we have been able to witness.

Another event that was witnessed all over the continent is the kind of sham elections that the IEBC purports to have conducted in this Republic. If you were to be asked to compare the elections that were conducted on 8<sup>th</sup> of August 2017 and this sort of exercise that took place, that was conducted by the IEBC on the 26<sup>th</sup>, I don't know whether it was some form of a Jubilee Referendum or whatever it was but to my understanding, it does not meet the threshold of a credible and fair election. It is only through a credible election where the voice of the people is being respected and we are able to move ahead as a nation.

Let me just put to the attention of Members of this hon. Assembly matters of education. We are all aware that it is only around 2010 to 2013 where the larger Coast Province for the first time had a fully fledged university yet we had been there for over 45 years since independence. If opportunities are not given equally, if resources are not shared equally on the principle of equity, then there is no way we can be able to move ahead. We are saying the issue of exercising sovereign power through the democratically elected leaders is a provision in the Constitution but again the Constitution gives the public an avenue to exercise directly and we want to accord this to the members of the public and we are not just looking at the formation of a People's Assembly, this Motion has several resolutions that once passed should be implemented.

We have various items that I want to believe will be of great help to the people and will try to address some of the many challenges that we have faced as a nation. The world we are living in today and especially Kenya, is a dangerous place to live in but it is not that it is dangerous because of the actions of the bad people but because of the actions of the good people failing to take action when the evil people are doing what they are doing in this country.

Mr. Speaker. I want to call upon the elected and nominated leaders of this great County Assembly of Kilifi that this is the time. We can no longer postpone the debate of this Motion but we need it passed like yesterday and we need to get a direction to make sure that we move forward as a country not the way the Executive would wish to push us around we cannot take it anymore. As I conclude for those who feel that they need time to go through this Motion, I want to say that this Motion has been drafted in a clear and precise way. Allow me to go through an item that touches on the issue of devolution. It reads that; "...appropriate measures be undertaken to safeguard and promote devolution and the organs and instruments of devolution including County Assemblies and the County Governments and to secure their financial viability and security with ultimate objective of the creation of larger and autonomous devolved units within an indivisible sovereign nation..."

This is a very noble prayer and it will enable us as a county to be in a position to achieve the goals and the objectives that we have as a County Government within the Republic of Kenya. Mr. Speaker, I beg to support and I would like to urge my fellow hon. Members to support this Motion as well. Thank you very much.

**The Speaker** (Hon. Kahindi): Thank you, hon. Kenga for taking an opportunity to elaborate on things and now setting the floor for a proper discussion. It is always very good when a Member rises up and makes the facts very clear to everyone so that others can pick up and make a healthy contribution. Now hon. Mwamtsi, I think you have just come in we have a

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technical hitch on my end here so when you are pressing the button, press the intervention button so that you can also be queued and unfortunately it can take only a very limited number of people. This has to be corrected immediately. Now you are on the waiting list, you are third on my monitor. We can now have hon. Mumba make his contribution. Hon. Mumba, the cameras are looking for you, proceed.

**Hon. Mumba:** Thank you Mr. Speaker. First I want to say that I rise to support this Motion with a lot of vigor and all my strength and I wish to reiterate what the hon. Member has just stated. I appreciate how he has laid the ground on this Motion. I was still trying to wonder whether they went through the Motion because it is well outlined and it is well elaborated so that one can go through it and give out their insights. So thank you, the Deputy Speaker, for enabling us to understand it better.

As I support this Motion, I want to concur with the Leader of Majority that the supreme power is vested on the people and can only be exercised through the elected leaders and through themselves and it is not a matter of transferring our mandate to the people but it is a matter of giving them an opportunity so that they can exercise that power too. I want to make that statement very clear so that as we go on, it is on record that we are not transferring that power to the people. We are giving them the opportunity so that they can exercise that power too because it is there in the Constitution and we all uphold the Constitution.

The Motion is very much in order and all Members should handle it with the seriousness it deserves so that we can pass it unanimously. Much has been said and all I wanted to do was to highlight the outline of this Motion which my able Deputy Speaker has also said. However, I would like to mention an item which has been highlighted in the Motion about the independent organs of our country. I believe this is a very important thing that we should put into consideration as we deliberate on this Motion.

For our country to move forward, all the independent organs of this country must work independently and must adhere to this Constitution in every activity they undertake so that everything can move in a manner that is pleasant and according to the rule of law. This is a matter which this Motion is up to address because we have seen some of the institutions being compromised and if as a country we can allow...we must adhere to this Constitution and all independent institutions must work independently given that room to perform so that their functions can be easily monitored and be transparent to everyone.

As a matter of fact, the bone of contention here is about the reforms that NASA was up against the IEBC as an independent institution because they did not adhere to these reforms. It simply means they were not eligible to conduct a free and fair election. As a House, I want to urge my fellow Members to look at this Motion with the seriousness that it deserves.

It's about the whole country, it's not about Kilifi; it's about the people and the welfare of this country. As we debate this Motion, there are so many issues that it is going to address which if we put into consideration, we shall all unanimously support this Motion without any reservations. Mr. Speaker, I want to say that I am much obliged to support this Motion and I urge all my fellow hon. Members to support it so that we can move ahead with other businesses of the House. Thank you.

**The Speaker** (Hon. Kahindi): Thank you. Now hon. Members when you press your button kindly press once. I think some of you have pressed twice and now I have a new list. Do not worry, we will get used to how the system functions but once you press it just leave it, do not

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touch it again. This is because if you touch it for the second time you remove your request so now hon. Mwamtsi you have gone down to number last. Yes hon. (Ms.) Amina Winnifred.

**Hon. (Ms.) Winnifred:** Mr. Speaker, Sir. I rise to support the Motion before this House because we first of all took an oath to respect, abide and uphold the Constitution of Kenya. I must say that any Government organ or Institution that usurps and abuses its powers must fall.

Article one of the Kenyan Constitution is very clear that vested power lies in the people of Kenya. It is no doubt that the election that was held on the 26<sup>th</sup> of October, I would say personally, was 100 times a sham election as compared to the 8<sup>th</sup> August election that was held bearing in mind that the turn out for the voters was undoubtedly very low. So, the legitimacy of the government is very questionable.

We are elected and nominated Members of the Kilifi County Assembly; we represent the interests of our people in Kilifi County, if the turnout was about 10,000 as compared to the registered voters of 500,000 people, we do not have any option but to return the power back to the people. We ourselves are obliged to respect, abide and uphold the Constitution so I urge my fellow hon. Members that we have a duty to ensure that the People's Assembly Motion passes in this House. Thank you so much.

**The Speaker** (Hon. Kahindi): Thank you hon. (Ms.) Amina (Winnifred). Hon. Shabban

**Hon. Shaban:** Thank you Mr. Speaker, Sir. I rise to support this Motion on the People's Assembly. You are aware that this Motion has been brought by the fact that we had a sham election on 26<sup>th</sup> of October.

Mr. Speaker, Sir, the Government that we have today...you have seen the supreme court has upheld the election of hon. Uhuru Muigai Kenyatta but the people of Rabai Constituency gave Uhuru Kenyatta 3,000 votes compared to the registered voters of 40,000, does it mean that only the 3,000 people had a say?

This means Uhuru Kenyatta cannot be recognized because of the few people who participated in the election. We want to establish the People's Assembly so that the people can have a say on the issues of elections in future. The objective of the People's Assembly if I may read is: "...a truly Independent Electoral and Boundaries Commission (IEBC) to be established with a view of holding a fresh presidential election on or before 9<sup>th</sup> February 2018..." It is the people of Kenya who can drive this agenda. I urge hon. Members that this Motion is very important and that all Members should be ready to pass this Motion even without any single amendment. So, I support the Motion Mr. Speaker, Sir.

**The Speaker** (Hon. Kahindi): Thank you hon. Shaban for your contribution. We have hon. Kiraga.

**Hon. Kiraga:** Thank you Mr. Speaker. I also rise to demonstrate my support for this Motion. It is my humble submission that as a person, I do not recognize that Uhuru Kenyatta is the President of Kenya. Secondly, it is my humble submission too that Raila Amollo Odinga is the People's President of Kenya. I want to read prayer number (b) of this Motion, why do we wish to establish a People's Assembly? Prayer (b) "A People's Assembly be formed to discuss and determine the affairs of the country and recommend a pathway towards and for the achievement of the promise, aspirations objectives, rights and freedom provided by the Constitution of Kenya, 2010."

Why do I say that I do not recognize Uhuru Kenyatta as the President of Kenya? He has greatly failed Kenya. One, we all understand that we have the TJRC (Truth Justice and

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Reconciliation Commission) Report which is still lying in the *kabatis* (*cabinets*) of his office. Look at the land issue especially in the Coast Province; nothing has been done to safe guard the land issue at the Coast. Poverty levels in the Country as a whole are rising on daily basis. Some of the services of the Port are being shifted to Naivasha... that is an injustice to the Coastal people. Look at the tourism industry in the whole country especially in the Coast Province, these are issues which the Government of today has greatly failed and that is why Mr. Speaker Article 1(3) of the Constitution stipulates that the sovereign power under this Constitution is delegated to the following state organs among others; the National Executive being one of the organs and the Parliament of Kenya being another organ. We all know what the Kenyan Parliament has been doing and it has also been projected in this Motion. I think the voices of the people should now be heard. As I was coming to the Assembly, I have seen; I do not know if we should call it hooliganisms or what? Some people are celebrating around Total Petrol station area in the name of Jubilee supporters celebrating the verdict as provided by the Supreme Court that has upheld the winning of the President...

**The Speaker** (Hon. Kahindi): Yes hon. Kenga what is your point of order?

**Hon. Kenga:** I am standing on a point of information to hon. Kiraga, I do not know if he would wish to be informed?

**The Speaker** (Hon. Kahindi): Hon. Kiraga do you wish to be informed?

**Hon. Kiraga:** No, let me finish up first.

**The Speaker** (Hon. Kahindi): On this subject I think it is advisable that you be informed but it is okay you have made your decision.

**Hon. Kiraga:** Let me finish first and then he is going to inform me through inbox.

*(Laughter)*

**The Speaker** (Hon. Kahindi): When you finish he cannot inform you. Alright he is going to inbox you that.

**Hon. Kiraga:** So, the evil which this Government has done to the people of Kenya has warranted us to think otherwise. Let us now give power to the people of Kenya so that they can also try to map their own issues. It is pathetic; if you look at the Ministries in our Kenyan Government, it is highly composed of almost two tribes in this Republic that is the Kikuyu and the Kalenjins and we have 43 tribes in the country.

I wonder the Jubilee Government is talking of “*we are together...*”, I do not know how this words are being interpreted because we cannot have about 90% of the slots in the Executive arm being owned by just two tribes; the Kikuyus and the Kalenjins leaving the other tribes and somebody is here boosting that we are together as Kenyans. We are saying this and I quote Mr. Speaker, “*amani bila haki haviwezi kwenda*”, that is my quote. With those few remarks, I wish one day those few hooligans who were celebrating are going to be taught a lesson.

**The Speaker** (Hon. Kahindi): Thank you hon. Kiraga.

**Hon. Mramba:** Thank you Mr. Speaker...

**The Speaker** (Hon. Kahindi): Are you hon. Said Juma?

**Hon. Mramba:** No, but I am using his card.

**The Speaker** (Hon. Kahindi): Of course I know you are not hon. Said Juma. I am just wondering where the system is malfunctioning, okay proceed.

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**Hon. Mramba:** I stand to support the Motion on the establishment of the People's Assembly and Mr. Speaker we are not the first country to go back to the people. It happened in the Philippines when Ferdinand Marcos became a dictator like Uhuru Muigai Kenyatta; the people decided to take power in their hands. The people of Togo under Faure Gnassingbe, the People of Gambia did it, the people of Ivory Coast under Laurent Gbagbo did it and finally Egypt is an example when people took to the streets and removed the President...

**The Speaker** (Hon. Kahindi): And Zimbabwe is going there...

**Hon. Mramba:** Zimbabwe is coming now. Mr. Speaker, Sir, I wish to tell hon. Members not to tire. One day is coming now; one day we shall be going to Canaan. These elections were not credible; the one on 8<sup>th</sup> of August. The repeat Presidential elections were not credible and a very clear example Mr. Speaker is a polling station called Madunguni Primary School where I come from. 54 people voted for Uhuru Kenyatta but after two days, the figures were cooked now it reads 205.

I personally witnessed that because I went there during the counting and they had put the results on the notice board indicating Uhuru Muigai Kenyatta got 54 but after two days it had risen to 200. This was a clear indication that these elections were a sham only 3,394 votes were cast in Malindi Constituency and funny enough, it has now turned to 10,000 votes.

These elections were pre-determined in anyway even if *Baba* (Raila) was to participate in the elections, he would never have won. The only solution for us is that we go back to the people. If we go back to the People's Assembly, I would urge that these assemblies be formed up to the Ward level so that every *mwananchi* can participate in the affairs of his own country. Therefore I beg to support. Thank you.

**The Speaker** (Hon. Kahindi): Thank you hon. Mramba for your contribution. Hon. Mwamtsi.

**Hon. Mwamtsi:** Thank you Mr. Speaker, Sir. First, may I support the sentiments that have been given by my colleagues here; those who stood before me. As you are aware, as leaders from the MCA level to the Presidency, we only exercise delegated authority. This delegated authority only happens when people voluntarily and in accordance with the law come out and vote and then the winner is given a mandate by that aspect of a vote.

On the 8<sup>th</sup> of August through the wisdom of the Supreme Court, that election was annulled. A date was put, given some recommendations that the elections on 26<sup>th</sup> October must adhere to the Constitution. What happened before the 26<sup>th</sup> we all know it is in the public domain that nothing changed in the structure of the IEBC, only cosmetics changes; there was no configuration as per the information that is in the media and the public domain and the structures, the servers and the systems of the IEBC. So there could be no guarantee of a free and fair election on the 26<sup>th</sup>

Mr. Speaker, Sir, Kenyans went to the Supreme Court so that the elections on the 26<sup>th</sup> be postponed. We also are aware what happened on the 25<sup>th</sup>, it cannot be imagined the judges at the Supreme Court worked under duress. You remember Mr. Speaker, even the body guard of one of the judges; the Vice President of the Supreme Court, Justice Philomena Mwilu, was shot. That was to intimidate the Judges and as a result there was no quorum.

The election happened the way it happened and now the people of Kilifi that we are representing as a House have never given their delegated authority to Uhuru Muigai Kenyatta and we as their representatives because we are representing the people who cannot be here. I

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would urge members to stand in unanimity that as a House we say we have never given powers to Uhuru Kenyatta to exercise on our behalf as a result let there be an election at a later date and we as a people come and choose the leaders we want.

We have talked about devolution as the requirement that this Assembly is supposed to achieve. Mr. Speaker, we are all aware that the National Government is micro-managing the Counties, in this Assembly, our head of Finance has to go to Nairobi every month for us to have money that can run this County Assembly. That cannot be allowed as per the spirit of the 2010 Constitution. So as a House, we have a prerogative to ensure that when the future generation comes, they judge us that we stood for what is right because the judgments that we make now shapes the generation that will come.

Mr. Speaker, Sir, sometimes I think if Raila Amollo Odinga the son of the first Vice President cannot become President what of our sons? Mr. Speaker, because of that spirit it pains me as an individual and as a leader because we were born equally before God and God gave us the rights and among them is pursuit for individual ambitions. If the son of the first Vice President cannot become President because of the systems that we have in Kenya, then we have a duty as a people to stand and then the future will judge us. I stand here to support this Motion strongly and urge other members to support it also.

**The Speaker** (Hon. Kahindi): Now it is getting interesting very passionate submissions from hon. Mwamutsi. Thank you very much. Hon. (Mrs.) Philister Auma Messo.

**The Nominated Member** (Hon. (Mrs.) Messo Philister Auma): Thank you Mr. Speaker, Sir. I stand here to support the Motion and it is quite fortunate that we are passing the Motion when already the Supreme Court has already given the verdict. For sure, our Country Kenya is becoming a place for killing like now the way the Government is killing our people.

We feel it as Kenyans and I support hon. Kiraga saying that he will never ever recognize Kenyatta as the President of Kenya. I support fully. I quote Kenyatta when he came to Kilifi and Mtwapa, this is what he said “...*Kama nitakuwa President, huyu Gavana Kingi atatambua mimi ni nani...*” So I asked myself as a Kilifian, what President Kenyatta will do to him because he was fighting for our rights as Kilifi people. I support this Motion; we do not want murderers in the Government. *Mungiki* are killing innocent Kenyans who are fighting for their rights, who is President Kenyatta to us Kenyans? A person who was not elected, even a third of Kenyans did not vote for him.

So my fellow members, elected and nominated, let us pass this Motion in fact it is getting late for us. I support this Motion and people are waiting to hear from us. It is quite unfortunate if Kenyatta and Ruto ...I can remember the burial of Bishop Korir. They were talking about peace. Where on earth can someone talk of peace and there is no justice? The first thing in our Country Kenya is justice. The people's President who is Rt. hon. Raila Amollo Odinga, has never got any justice. So, we the people of Kenya, let us try our level best so that Raila becomes the President of the People.

I support this Motion and I kindly beg you that you support it. Thank you so much Mr. Speaker.

**The Speaker** (Hon. Kahindi): Thank you hon. (Ms.) Philister for your contributions. Hon. (Ms.) Koki.

**The Nominated Member** (Hon. (Ms.) Musyoki Martha Koki): Mr. Speaker, Sir, I stand to support the Motion on the People's Assembly. As it goes in our National Anthem; “Justice be

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our shield and defender...”, ever since I started voting, I have always voted for my President that is Raila Amollo Odinga. This man has never got justice in this Nation. We are raising a society where people can take what they want by force. We as the leaders should not accept this to happen. The elections that were done on 8<sup>th</sup> August, 2017 we all know that Raila Amollo Odinga won the elections by far but that never happened. The repeat elections if we go by the numbers that was given that only 32% voted; what about the 68% that did not vote for Uhuru Muigai Kenyatta, they are not confident with the person that is going to lead this Nation.

The economy is really affected and people are being killed. Yesterday I saw somewhere I doubt if it is photo-shop; I saw a policeman throwing a stone to a citizen of this Nation, where are we heading to? We want to urge the leaders of Kilifi County to support this Motion that power goes back to the people. Kenya does not belong to only two communities where they want to take everything by force. We are not born here by mistake; we are here by our rights and it must have to be heard by everybody. This might be the turning point of this Nation; we do not have to fight so that we can make things right. Maybe the People’s Assembly will change how we are going to live.

Personally, with my heart, soul and body I support this Motion and I urge my colleagues to do the same. Thank you Sir.

**The Speaker** (Hon. Kahindi): Thank you hon. (Ms.) Martha Koki Musyoki for your passionate contributions. We have hon. Mwambire the last one in my list.

**Hon. Mwambire:** Thank you Mr. Speaker. I stand to support this Motion on establishment of the People’s Assembly. First and foremost, I would like to highlight the processes before elections. As a Member representing Bamba Ward, I would like to highlight an observation during the preparing for elections. As mentioned here, the IEBC failed to exercise the right of the people by transferring voters from their designated areas of election to different areas which they are not mandated to vote. During the process when they are taking the corrections to be put in the rightful polling stations, we find that the IEBC failed to articulate this matter. When people were going to vote, we found out that they went to polling stations where their names were not available.

Another thing is that people did not expect the results but when we inquired we found that the servers were not opened. So people are worried that IEBC can conduct such elections and later be assigned to do a repeat of the same. I think that is the reason why Raila Odinga stood and said he is not going to go for the second attempt in the presidential race. As a Member of this County Assembly, I stand to support this Motion that we pass it and create the People’s Assembly so that we create a way that our people’s voices are heard. Otherwise, I do not recognize leaders who impose themselves and it is unconstitutional.

I stand to support and urge Members to support this Motion in favor of National Super Alliance (NASA) and the Country to have democratic leaders serving our Nation. Thank you.

**The Speaker** (Hon. Kahindi): Hon. Juma.

**The Member for Junju Ward** (Hon. Said Juma Idd): Asante Bw. Spika. Hata mimi naunga mkono kuwapa nguvu wananchi. Hii kura ya tarehe 26 ilikuwa hata ni upuzi wala sio kura. Hakuna haki iliyofanyika. Sasa nataka tupeane nguvu za wananchi ili hata siku moja tuweze kujitawala wenyewe kama wa Pwani. Wawakilishi wenzangu naomba muunge mkono asili mia moja tuweze kuupitisha huu mswada. Asante.

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**The Speaker** (Hon. Kahindi): Thank you hon. Juma. Is there anybody who has pressed a button and the *mic* is not showing? Yes hon. Kenga, you want to rise on a point of order? I want to confirm because the systems are not functioning well and I do not want to leave anybody out.

**Hon. Kenga**: Mr. Speaker, I have a concern and I would wish to get guided.

**The Speaker** (Hon. Kahindi): Yes?

**The Deputy Speaker** (Hon. Kenga): My only concern is hon. Daniel Chai Chiriba. He had wished to fully participate and even make contributions in the proceedings regarding this Motion but there are also challenges. I know you are aware that he has a petition. In his absence therefore Mr. Speaker, would I be given an opportunity so that the...

**The Speaker** (Hon. Kahindi): You speak on his behalf? (*Laughing*)

**The Deputy Speaker** (Hon. Kenga): Yes, Mr. Speaker so that the voice of the people of Jilore Ward can be heard.

**The Speaker** (Hon. Kahindi): He was elected to come and represent the people of Jilore; you want to speak on his behalf? Hon. Stanley (Kenga) you understand the Standing Orders very well and I am sure you are saying that on a light note. That notwithstanding, yes we have hon. Matsaki.

**The Leader of Minority** (Hon. Matsaki): Mr. Speaker, Sir, I am sure most of the Members will be surprised being the Minority Leader in this House may be I belong to Kadu Asili Party whereby the leadership stated that Kadu Asili was supporting Jubilee. Mr. Speaker, Sir, I want to put the record straight; I support this Motion fully; a hundred per cent. Hon. Members have expressed their views which I support. Normally, I like to be a man of few words because much has been said. So, mine is just to put my stamp so that at least we can finish up this business. Thank you.

**The Speaker** (Hon. Kahindi): You have a Point of Order hon. Mwathethe?

**The Leader of Majority** (Hon. Mwathethe): I have a Point of Information Mr. Speaker.

**The Speaker** (Hon. Kahindi): A point of Information?

**The Leader of Majority** (Hon. Mwathethe): Yes.

**The Speaker** (Hon. Kahindi): To who?

**The Leader of Majority** (Hon. Mwathethe): I just wanted to point that a lot has been said and I do not want to push this discussion to an end but I would beg you humbly to put the question.

**The Speaker** (Hon. Kahindi): I usually, on such kinds of Motions, want to give everybody an opportunity. It means a lot if you give opportunities and today with the system, I do not want to leave out anybody who has not spoken and then they say they were never given a chance to speak but having said that, I will now put the question because I see no other interventions and no requests to speak.

*(Question put and agreed to)*

## ADJOURNMENT

Hon. Members, that marks the end of today's sitting. I was worried that the clock was going to click five o'clock and the reason why I called my deputy here is that just in case we get

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to five o'clock, he should quickly Move a Motion to extend but I thank God we have concluded before five o'clock. I now Move to adjourn the House. Thank you very much.

**The House rose at 4.57 p.m.**

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