

PARLIAMENT OF KENYA**THE SENATE****THE HANSARD****Thursday, 17th October, 2019**

*The House met at the Senate Chamber,
Parliament Buildings, at 2.30 p.m.*

[The Deputy Speaker (Sen. (Prof.) Kindiki) in the Chair]

PRAYER**PAPERS LAID**

The Senator for Narok County, Sen. Olekina, kindly proceed.

Sen. Olekina: Mr. Deputy Speaker, Sir, I was listening to you your ruling as I walked into the Chamber. I was agreeing with you until the last sentence which totally confused me. The statement confused me because when I was here, I looked up the word ‘process’.

In my view, a process is like an erection. You erect a building straight for it to stand because you cannot erect it halfway and leave it at that.

The Deputy Speaker (Sen. (Prof.) Kindiki): What is your point of order, Sen. Kajwang’?

Sen. M. Kajwang’: On a point of order, Mr. Deputy Speaker, Sir. I know Sen. Olekina to be proficient in the English language. I do not what to imagine that he meant an election. If he truly used the word that he has used, would you rule that he is using unparliamentary language that has no place in this House and at this particular point in time. Maybe it can have a place later on at night but not now in this House.

(Laughter)

The Deputy Speaker (Sen. (Prof.) Kindiki): Order, Sen. Kajwang’! We must preserve the dignity of the House so that in case we impeach someone, they will feel that they have been impeached by the right people.

What is it Sen. Wetangula?

Sen. Wetangula: On a point of order, Mr. Deputy Speaker, Sir. The distinguished Senator for Narok County must know that in the Queen’s English, we construct houses. We do not do the other thing that he has said when dealing with houses.

The Deputy Speaker (Sen. (Prof.) Kindiki): Thank you, Sen. Wetangula. That is a good way of saying it. Let the matter end there.

Sen. Olekina, please restrict yourself to the Speaker’s Ruling.

Sen. Olekina: Mr. Deputy Speaker, Sir, I have a lot of respect for the distinguished Senator for Bungoma County. I believe that he is one of the well-spoken distinguished Senators in this House who understands who has mastered the Queen's language. However, in this case, I completely disagree with him. If you take the Black English Dictionary, we do erect structures. If I was to read to him---

The Deputy Speaker (Sen. (Prof.) Kindiki): Sen. Olekina, you are right. Structures can be erected. Since the Speaker has agreed with you on behalf of the House, kindly restrict yourself on your comments on the Speaker's Ruling.

Sen. Olekina: Mr. Deputy Speaker, Sir, Standing Order 75 on the procedure for the removal of a Governor is very clear. Standing Order 75(1)(a) states that:-

‘Within seven days after receiving notice of a resolution from the speaker of a County Assembly supporting the removal of a governor of the county pursuant to Article 181 of the Constitution—

(a) the Speaker of the Senate shall convene a meeting of the Senate to hear charges against the governor; and’

Mr. Deputy Speaker, Sir, the process has got to continue. This is what we argued on Tuesday in this House and we all agreed that this is a process that must continue because it is time bound and it is important for the dignity of this House.

I listened to Sen. Orendo and there is one thing that I disagreed with him on although I normally do not disagree with him because he is one of the best legal brains and minds in this country. However, when Sen. Orendo suggested that when a Governor appears with a court order, you cannot summon him, I asked what the role of Article 125 of the Constitution is. Parliament has got the power to summon anyone to appear before its committee to provide their evidence.

Mr. Deputy Speaker, Sir, from the sitting that we had on Tuesday, I was convinced that if there is anyone out there with a court order, he should take it to the Committee that has already been established by this House. I would like to plead with you to vary your ruling for us to be seen as an important House. I came to this House because I respect the decisions that come from this House. However, when we are seen to be wishy-washy where we come up with a decision today and everybody is happy about it then overturn it tomorrow. I do not mean that a decision cannot be varied but we are treading in very dangerous grounds.

Mr. Deputy Speaker, Sir, I plead with you that we should only be guided by the Constitution and Standing Orders 75(1), 98(3) and (4), and proceed with the select committee that was set up unless this House wants to be rendered useless.

I rest my case.