

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Monday, 17th August, 2020

Special Sitting

*(Convened via Kenya Gazette Notice No.5756 of
14th August, 2020)*

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

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

PRAYER

The Speaker (Hon. Lusaka): Sen. Olekina, you have the Floor.

Sen. Olekina: Mr. Speaker, Sir, there is something called the doctrine of separation of powers. Each House has got its powers given by the Constitution. You gave a clear direction to the Committee on National Security, Defence and Foreign Relations. We would be failing in our duty if we entertain such excuses that the Cabinet Secretary is on a 10 day leave.

The Constitution is very clear. Article 125 gives this House the same powers as a court of law. So, I do not understand how a Committee sitting can request for the Cabinet Secretary to appear, then we get such frivolous responses.

It is about time we behaved maturely as a country and respected each other. We are from Kitengela where we witnessed what our friend, Sen. Malalah, was going through. They siphoned the fuel from his vehicle so that he could not drive it. They disconnected his power and water to intimidate him.

Mr. Speaker, Sir, it will be very wrong for us to proceed any further before your directives have been complied with. I would have been very happy if your directives were very clear. I remember Sen. Orengo telling you before we adjourned that you had to be specific and use your powers. You hold a very powerful position. We are here now writing history and this House must be respected.

If the Cabinet Secretary and other departments do not comply, I do not see the reason as to why we should sit here. This should be the first order of business. We should convert the entire House into a Committee and deliberate on this issue, then you give further directions.

This is a serious matter and I beseech you to be firm. History will judge you harshly if you let this fly.

The Speaker (Hon. Lusaka): Sen. Olekina?

Sen. Olekina: Mr. Speaker, Sir, this is a very interesting time. The issue at hand affects 47 counties. Every county, regardless of the number of its people, is represented by one Senator. For example, Lamu County which has a population of 101,000 people has one Senator. Nairobi which has a population of four million has one Senator.

This is a matter which cannot be played around with and requires the Senator of that county to be here so that he can fulfil his constitutional mandate. This is the only thing that a Senator can stand up and say that I have fulfilled the mandate. Therefore, it will be unconstitutional for us to continue discussing issues that relate to Samburu, Bomet and Kakamega counties when their Senators are not here. I have looked at the Standing Orders. They are very clear.

Mr. Speaker, Sir, you said that our sugar levels are going down because we have been here since morning. We have senior citizens here, Sen. Haji and Sen. Wako, the Attorney-General *emeritus* is an old man. The issue of COVID-19 is also serious.

Last week I raised the issue of the Senate Business Committee (SBC) having physical meetings. I received inboxes telling me *ni kubaya*. Those are the words. Why are we pretending? Are we saying that COVID-19 is not real? Are we saying that we can sit here the whole day from morning to evening?

The Senate Majority Leader (Sen. Poghiso): Put on your mask.

Sen. Olekina: Thank you, Majority Leader for reminding me to protect myself. I am glad you raised it. I was waiting for you to do so. If there is anything you have done today which makes me happy is reminding me to protect myself.

Mr. Speaker, Sir, I want to beseech you to listen to this Hon. Members. We are sick and tired of getting into a fight with the Executive. We should be sitting here to make our decisions. Let us not allow people from outside to control us. We are being controlled by remote control. I want to oppose the extension of time because we have been playing musical chairs here. We come here and talk about one Kenya, but there are some people who have an imaginary view of what one Kenya is.

When I was seated, it dawned on me and I wished I was there when people were writing the Constitution in Naivasha. I was in America then. I would have made sure that there was a provision that allows counties to secede if they so desired. We have 47 delegations in this House. All of them must be here to determine the issue of revenue.

If we try to rush things, what will happen is that we will deny the people of Kakamega and Bomet counties their right. We will deny the poor people of Samburu their right who for the last 57 years have been treated as if they do not exist. Today, their Senator was arrested on flimsy charges.

I wish they could tell us that they had gone to arrest the people who are stealing money of the sick people or the so called COVID-19 millionaires. They should not be arresting hon. Senators. I want to request my brothers and sisters here that, just the way they voted for us to continue and not adjourn, to do so, so that we have another day to address this issue when our colleagues are here. We want to get their wisdom and hear why they support or oppose. However, when we rush things, we will get nothing. This will not help this country, the Executive and neither will it help the Judiciary. We must vote and decide on issues when the 47 delegations are here.

Mr. Speaker, Sir, you have been invited to make a Ruling on who should vote for Bomet and Kakamega counties. However, before we could contribute on that, here comes the distinguished Senator, the Majority Whip, who decides; “No, let us extend time.”

We need to think. Hon. colleagues, I beseech you, that we should think about Kenya when we are not here because we think as if even if today I give my brother Sen. Linturi Kshs1 billion and tell him: “Kula hii leo.” He will not finish it. Even if you had the magic and you are able to consume all that money, you know where it will go, to waste.

On a very serious matter, I want to remind all of us that we are here because of our counties. We are not here because of a few individuals. Some of us have been ranting out there, but we are not afraid to stand here and tell people that what goes around comes around. It will come back again to bite you so dearly. I love what Sen. Kasanga said today; the Bible talks about a curse of four generations. As we sit down here today to determine whether to extend debate or not, I want you to remember one thing, we are also human beings and sometimes we get to a position where all you want to see is justice. It is that time now. Kenyans have been oppressed for a very long time.

I want to assure Kenyans out there and particularly the residents of Bomet, Kakamega and Samburu counties, that as I stand here, I will defend their rights. I will also defend the rights of their Senators to be here. I think it was out of a genius that only the elected can vote on matters affecting counties.

The Speaker (Hon. Lusaka): Conclude, Sen. Ledama so that we give others time.

Sen. Olekina: Mr. Speaker, Sir, thank you for your attention and for giving me more time. I vehemently oppose this issue of extending time. Let us go home, sit down and---