

Wednesday, 8<sup>th</sup> November, 2017 COUNTY ASSEMBLY OF SIAYA DEBATES

## REPUBLIC OF KENYA

### SIAYA COUNTY ASSEMBLY

#### THE HANSARD

#### Second County Assembly - First Session

**Wednesday, 8th November, 2017**

The House met at the County Assembly Chamber at 9.30 a.m.

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

#### PRAYER

#### NOTICES OF MOTIONS

**Hon. Speaker:** Member for Central Sakwa Ward, Hon. Joannes Andiego.

**Hon. Andiego:** Thank you, Mr. Speaker, I rise to give a Notice of Motion that this House adopts the formation of people's Assembly.

**Hon. Speaker:** Next Order!

**Hon. Speaker:** Hon. Members in consultations with the House leadership, we resolved that order number 8 be deferred to tomorrow afternoon. Next Order!

#### MOTION

#### FORMATION OF PEOPLE'S ASSEMBLY

**Hon. Andiego:** Thank you. Mr. Speaker, Sir;

**Aware** that on 8<sup>th</sup> August, 2017 and 26<sup>th</sup> October 2017, IEBC conducted illegal, unconstitutional and undemocratic presidential elections,

**Recognizing** the fact that the turnout for the presidential elections was thirty 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 reintroduced the trappings of imperial presidency and despotic tendencies in the conduct of public affairs,

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**Knowing** that Parliament has been legislating unconstitutional, illegal, undemocratic 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: the presidential elections held on 8<sup>th</sup> August, 2017 and 26<sup>th</sup> October, 2017 were both 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.

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 promises, aspirations, objectives and rights and freedoms provided by the Constitution of Kenya, 2010.

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.

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.

The action and performance of constitutional commissions including Independent Electoral and Boundaries Commission, the National Police Service, the National Intelligence Service, the Public Service Commission, the Ethics and Anti-corruption Commission and the National Cohesion and Integration Commission 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.

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 creation of larger and autonomous devolved units within one indivisible sovereign nation; and a review of the Constitution of Kenya 2010 be undertaken to reform the structure of the 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.

Mr. Speaker, Sir, we know as it is stated in the Constitution, we know the sovereign powers is vested on the people of Kenya and it is always donated to the democratically elected leaders like us to serve on behalf of people. At times when we find the elected leaders are misusing the powers, I believe that it is us who donated the power to them who can take it back.

I will read chapter one of our Constitution which states that *all sovereign power belongs to the people of Kenya and shall be exercised only in accordance with this Constitution*. Part two also says that *the people may exercise their sovereign power either directly or through their democratically elected representatives*. In Kenya, our elected leaders misuse this power and use it as their own tool. In Kenya, more particularly in Siaya and Kisumu where our people are being

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butchered because they are fighting for their rights. Many people have died and we have buried many young sons and daughters of this country; this is an interference with our rights because we are being killed while fighting for our rights and therefore we as the County Assembly of Siaya must take action and that is why we are saying that the elections that were held on 8<sup>th</sup> and 26<sup>th</sup> are null and void. You can see through our sentiments that those who participated in the elections of 26<sup>th</sup> October, 2017 were only 30%.

We are 19 Million Kenyan registered voters who are supposed to elect the president and if 30% are the only ones who did vote, we are saying that we do not agree with that and this part of the country Nyanza and Siaya in particular where we live did not vote anybody and if you are told that you want to vest that power to a president that we did not elect, we are saying no to this.

I am begging because my sentiment is self-explanatory and I am now expecting that the House adopts this and we will all participate in this People's Assembly. Mr. Speaker, allow me to ask Hon.Madialo to second this Motion.

**Hon Speaker:** Yes, Hon.Madialo

**Hon.Madialo:** Thank you, Mr. Speaker. Allow me to second the Motion and say this: Mr. Speaker, the constitution starts at its preamble with the word 'we the people of Kenya' and goes on to say, Mr. speaker, that 'acknowledging the supremacy of the Almighty God of all creation...' Mr. Speaker, under the constitution the only being that is superior to the people is God and Mr. Speaker, today we stand on the brink.

Mr. Speaker, two centuries ago, in the land the Africans stay in America, president Abraham Lincoln said that a democratic government is a government of the people, by the people and for the people; that would mean, Mr. speaker, that a government is only democratic if the majority have their way while listening for the minority so that the minority have their say. In Kenya today we pretend we pretend that a minority of 30% should have both their way and say. That is not a government that is in office through a democratic path.

Mr. Speaker, Sir, this Assembly is fully recognized under the constitution as one of the levels through which the sovereign power of the people was delegated. As the Mover of the Motion has said, that power rests with the people and can only be exercised outside the hands of the people only to the extent to which they have delegated it. This Assembly shall be judged by the resolutions which will stand to defend the Constitution and the people who delegated this power to this Assembly; the ones who ceded part of their sovereignty so that we may exercise it on their behalf.

Mr. Speaker, Sir, Chapter four of our Constitution defines which rights we have. Article 37 under that Chapter is quite clear on the rights we have to defend ourselves. The pavements of Migori are red with the blood of our children. The streets of Kisumu are red with the blood of our children. The highways of Homabay are red with the blood of our children. The slums of Kisumu are red with the blood of babies. The footpaths of Siaya are soaked in the blood of our children.

That is not acceptable! It is not acceptable because the Constitution in setting us together as a unitary state made us so united that we must send a message to the two demagogues in State

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House that they Kenya is one and the cannot ignore one part of it without standing the risk of losing the whole of it. If those two gentlemen are of the opinion that they can ignore one part of Kenya, a message should be sent to them that we have the capacity to make us lose the whole of Kenya because it is true that we cannot ignore a part of it.

We must send a message that in Kenya today and in the new dispensation with constitutionalism, this country is so important that one cannot sit back and think that there is any one person that is so small as to be forgotten or that there is any community that is so humble that it should be forgotten and that there is any county in this country that is so remote that it should be forgotten. Mr. Speaker, we must tell them that the country is either one or there is none.

Mr. Speaker, Sir, the Jubilee administration which is 30% of Kenyans, and in fact it was 30% after rigging, have brought out arms to confront our democratic space and by this Motion, we join our brothers and our principals in Nairobi and every other parts of Kenya in saying that when you bring out guns to fight our democratic space we shall go and picket to protect that space. That is perfectly provided for under Article 37 of our Constitution.

Mr. Speaker, Sir, the Jubilee administration, the pretenders to the Presidency, because we don't have a President today, brings out teargas to confront our democratic space and we are saying that we are going to demonstrate peacefully to preserve our democratic space. They can bring water cannons to fight us but we are still going to join the Rt. Hon. Raila Odinga in resisting so that we protect our democratic space.

Mr. Speaker, Sir, they denied us our economic rights and have now profiled us in a bid to curtail our space. In view of that, we will boycott their products. All these are within our constitutional enablement and I wish to support the Motion by the Mover on the grounds that I have stated. The constitution protects our cultures and looks at Kenya as a melting pot for all cultures that are within our boundaries. As a community we are not going to apologize to Uhuru Kenyatta for being in Kenya.

Mr. Speaker, Sir, in this Motion, the Mover seeks that the extent that we have done our best now we want to go back to the people who are the owner of the sovereign power to establish a people's assembly to walk side by side with us to enable us reclaim their sovereignty which has been eaten.

So, in seconding the Motion, I wish to support so that we can walk with our heads high in the knowledge that when it mattered most, we protected the sovereignty of our people; we handled what was delegated to us within the constitutional framework and when it became difficult, we went back to them to reinforce the delegation of that sovereignty.

Mr. Speaker, Sir, with those remarks, may I second and support.

*(Applause)*

*(Question proposed)*

**Hon. Speaker:** Hon. Oriaro.

**Hon. Oriaro:** Thank you, Mr. Speaker, Sir. One, I would wish to observe that Motion at hand Moved by our Chief Whip and indeed seconded by our budget chairperson is in my own view voice of the people. When liberty is taken away by autocratic force it can only be recovered by the sovereign force but when voluntarily relinquished by default it can never be recovered.

The Constitution is very clear and it tells us something that we are not ready to see, and above all we have God our only creator and below the creator is the people with that sovereignty. Therefore it is below the people that we have the Constitution and far much below is where we have article 1(2) that introduces the leadership which are the elected leaders.

As it is now, Kenya is in a stupidity state because of autocratic dispensation that is outdated sovereignty. The situation as captured in the Motion is all about relooking at our Constitution which is below the people where else the leadership is far much below the Constitution such that it cannot save the cause.

It is the people to claim their sovereignty without any default. I am so happy that I am a pioneer founder and National speaker of the Bunge la mwananchi. We are out to use a vehicle of people's Assembly or as it is known all over as Bunge la mwananchi to redeem our image. It is on that that we will get propulsive force.

It is known all over that progressive revolutionary products have always remained a product of direct synthesis of progressive forces and factors, and those factors and forces must be found in the people's Assemblies; this is the space we are out to occupy. Time is now that those who do not want to hear will be forced to hear. We should not be like the Government of Britain as observed by the philosopher Rosseou in the 16<sup>th</sup> century that Briton is only free when electing her M.Ps but after that she remains enchained.

We must break from the shackles of autocracy and we are appealing, Mr. Speaker, Sir, through you because we are going to push and I believe my colleagues are with me that this Motion sails, but through you the 47 County Assemblies follow in our footsteps and we get the sails for progressive revolution via the voice of the people. I support!

**Hon. Speaker:** Hon. Adala, Member representing the youth.

**Hon. Adala:** Thank you, Mr. Speaker, Sir. I rise to support this Motion because it is very unfortunate that just two months ago we went into an election or something close to an election which was rather a sham. But then we did take necessary steps and went to the Supreme Court as NASA and the verdict was so clear that the election that took place did not meet the dictates of the Law. Surprisingly when we now did re-election as per the verdict of the court, the exercise that was done with the electoral body, was more of a sham than what was expected in the first place. It beats logic to have 30% of people who queued in some lines to do something called a vote, now going to sit somewhere and convince the whole world that they did an election.

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We also know that so many constituencies were never involved in that election. Therefore, the fellow who was elected does not reflect the will of the people and cannot be speaking on our behalf. Chapter 16 of our Constitution, Section 255 states when or how we can amend our Constitution. We have got all the things that are listed there including the Referendum. Two years ago, when we the people of Kenya felt that there was something wrong and we needed a referendum, what followed then was that signatures were picked as per what is required by the law, but a few people somewhere sat and ensured that that exercise did not succeed.

What I am really saying is that the will of the people at that time, was stepped upon. Therefore this Bill that seeks to give the power back to the people, as Sovereignty of the people Article 1, is the best way that Onyango, Njoki, Njeri or whoever can exercise their will on how they want to be governed, but change can only come in two ways. Either we do change in the Ballot, or through the Bullet.

It is very unfortunate that the people of Kenya do not have the bullet, so it can only be through the Ballot. In the past we have been taken about in a game of will sick. That 5 years we are subjected into elections but your vote does not count. So it is high time we fixed the problems regarding elections once and for all.

If we do not mandate the people to exercise their will, and look at the viable options they can use to dictate and shape their destiny, then History shall judge us harshly. This is not about NASA, neither is it about H.E Raila Amollo Odinga. This is about Kenya. The biggest challenge that we are facing is in the National Assembly. It is very sad that the team that is calling themselves that they have got the numbers have violated the Constitution of Kenya in such a way that it is a shame.

We observed a few weeks back, when certain laws were made, which has made them to exercise that, and we pray that once again the Supreme Court finds every reason to nullify that election. National Assembly has been having the numbers that surprisingly do not use what is inside their skull but use what is inside their hearts.

If we subject this thing again to the National Assembly, what will happen is that, how things have always been done, where the other side uses their numbers as opposed to their skill, then we will not have things, how it should be. Then we have the numbers on this Assembly. Then we are saying that we have got the people, in the whole of the Republic of Kenya, whose duty now is to stand up and fight for what is rightfully theirs.

So many times when you hear words like Secession starting to come out and we are buying it, it means that we have got very deeply rooted things which have never been addressed. When you talk, we are told that we are one. We can never be one, when historical injustices have not been addressed.

This is our nation, and we will struggle to make it one nation, but if we are to lipstick things, then we are going to build emotions that one day (without the fear of contradiction) this Nation shall burn. I wouldn't want to be part of a Nation that burns, when this Assembly out of

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the 46 other Assemblies, can allow us to pass, what has been tabled before this Assembly, which would have shaped operate.

As I conclude, I want to say that, the voices of the People, is the voice of God. When you hear of about 70% of the People not coming out to take part in an election, then it is basically the voice of God speaking, and the Constitution of Kenya gives utmost powers to the Almighty and not to any other person.

It is my appeal to the County of Siaya Members that we endorse this Bill as tabled, so that we can begin with messages and steps of how we will engage the people of Siaya and fast track all the Seven Fundamental issues that have been raised in this Bill.

As I conclude, I want to say that if your Mother in- Law does not know how to sit, then the onus rests on you to look somewhere else. So, there are these people whose Mothers-in-law do not know how to sit, and therefore it is upon them to direct their eyes somewhere else. Thank you.

**Hon. Speaker:** Yes, Hon. Nick Ochola?

**Hon. Ochola:** Thank you, Mr. Speaker, Sir, I wish to support this Motion, as tabled by Member of Central Sakwa. It is not in doubt that we did a violation according to the Constitution, on 8<sup>th</sup> of August. It is also not in doubt that the Elections were not conducted in accordance with the laws and the Constitution and should actually be nullified.

First of all, I want to say without any fear of contradiction, that indeed after the elections were nullified in the Supreme Court, as per the Constitution, we were asked to go for a fresh election, which unfortunately, we have not done to date. What was done on 26<sup>th</sup> was what we call a Referendum to see who was popular between H.E former Prime Minister Raila Amollo Odinga and Uhuru Kenyatta. It came out that the Prime Minister is more popular than the current President who was enjoying Temporary Incumbency.

So, we cannot purport to take part in what happened on 26<sup>th</sup>, to be an election, for them to go ahead and recognize that Uhuru Kenyatta has been elected by the Constitution, because, We are guided by the Constitution. Actually, the Supreme Court asked us to go for a fresh Election.

According to the Constitution there is a procedure of Presidential Election on Article 138(2) *“If two or more candidates for President are nominated, an election shall be held in each Constituency”*. My understanding of the Constitution here is that first of all the elections were supposed to be fresh. No nominations were done for this fresh election and secondly it was not done in some 27 constituencies. That alone guides us not to recognize the sham elections.

I don't know matters of law much but I want to delve into the Constitution which according to Chapter 1, gives powers to the people of Kenya and it says *all sovereign power belongs to the people of Kenya and shall be exercised only in accordance with this Constitution*.

Section 2 says *the people may exercise their sovereign power either directly or through their democratically elected representatives*. That is the heart of the matter and that is why I am supporting the Motion which was tabled by the MCA for Central Sakwa because either we have these powers exercised directly by the people or donated to us the County Assembly, the National Assembly and to the Executive.

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We have rogue Executive who is misusing the powers that was donated to them by the people. It is evident to the world over that there was a lot of chaos when we were demonstrating and picketing which is allowed by the Constitution. We have also seen the National Assembly misusing these powers donated to them by changing the electoral laws of the country.

I suggest that we take back this power. If we are misusing it the people can take it back and exercise these powers directly because we are not using them according to the Constitution. They can have their own Assembly so that we will only go in there as an organ and go as the aspiration and needs of the People's Assembly. There are also several parts we have seen a lot of inequality in terms of employment.

I am privy to some information which has been circulated in the social media quoting the President who currently we have given Temporary Incumbency saying that this country has only two tribes which fought for independence. I don't think that is in order because we want a situation where we are all included in the process of running this country. To quote one of them, "Hii nchi sio ya baba ya mtu ama mama ya mtu".

Up to this point, this Assembly should move with speed because we have those powers under the Constitution and resolve to form a Siaya People's Assembly. I pray that other Assemblies will follow cue and pass a similar Motion so that we will have it in all the 47 Counties so that people can rule themselves according to the Constitution.

I support the Motion.

**Hon. Speaker:** Yes, Hon. Booker, MCA for North Uyoma.

**Hon. Booker:** Thank you, Mr. Speaker, Sir, I support this Motion tabled by Chief Whip Joanes Andiego. Before I came to this House I was working in the Kenya Defence Forces and people may not know what is happening outside here. That was a force that for you to be promoted they had to look for a name, so if you are Onyango or Wafula you cannot be promoted because you are not correct. It is sad that I worked in the Army for close to 30 years but I only got one promotion which is mandatory simply because I didn't belong to the correct tribe and that is happening to every civil servant in Kenya.

It is sad that a government can call its people militia I am not saying it is bad but they are training us to think in that direction.

Let our leaders know, including me, that we are wasting time because we have been called militias and we have the experience we can use everything that a militia should use; you can give us all those things so that we train our people to be real militias.

*(Applause)*

I am good at that and I am ready to train my people for free so that they could become proper militias because I don't think a good government can call its people militia but it is not bad let them train us to think in that direction. My fellow leaders, let us think in that direction from today.



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Whatever we are trying to do today is not outside the law; when you read the book of Daniel when Nebuchadnezzar was sitting in his palace there was a reading on the wall he could not understand but he was told the reading is saying that because you have led your people retrogressively and now there must be a division in your leadership, the government must be divided. I am supporting this Motion by so saying we should not only form the people's Assembly to discuss and determine the affairs of the County but let us form the people's Assembly so that we can determine our future including secession. We should secede because we have no reason to be in this Country.

Men and women outside there in the Civil service, in the armed forces and in the police service and yearning for promotions, when are they going to be promoted? So that they could show the people their good work or whatever they have learned in the forces but they can only get this if we have our own Country. I am supporting the people's Assembly but with a view of secession. Mr. Speaker, Sir, look at the way they are behaving; if I read Isaiah chapter 10. Look at those lawmakers who make bad laws like the electoral laws they made.

Isaiah is saying, look at those lawmakers who make bad laws at the expense of widows and orphans. In this case the widows and orphans are NASA controlled Counties. They want to make bad laws so that they can harm us. Isaiah is also saying that God is asking where will you be, where will you go? If you lie down as a dead person or you kneel down as a prisoner, you will have to answer. I support this Motion and I urge leaders to think and let us not exclude secession in this Motion, thank you.

**Hon. Speaker:** Member for North Ugenya!

**Hon. Ochola:** Thank you, Mr. Speaker, Sir; I stand to support the Motion by the Hon. Member for Central Sakwa, Hon. Andiego. It baffles me as a young man of this Country that the Jubilee government came into power on a pretext that they are for young people but then this same government is killing the same young people that they were bringing hope to. The same Jubilee said that NASA was hungry for power but what turns out; it's the same people that are hungry for power to the extent of killing its own people. Just for them to be in power they killed Chris Msando so that they could achieve what they wanted.

I will purely dwell on the issue of IEBC. As a footballer you go to a field and you already know that the referee is biased. As a referee you have to be fair, free and make decisions that are favorable to all players. Judge Odunga ruled that the process that was used in picking the returning officers was a fraud process, illegal.

The same IEBC went back through the court of appeal; they came up with three judges to sign and show that the decision of judge Odunga was disowned by the court of appeal. One judge was in Mombasa, the other one in Nyeri and another one was in Nairobi and the Supreme Court judge Njoki Ndungu could not get a flight on that day to come and attend to a matter that was touching on the lives of people of Kenya.

The same jubilee went and made laws in the name of IEBC; elections amendment law to favour orders on their side then the president stands and tells the people of this honorable Country, Kenya that he didn't sign the elections amendment because he had us at heart while he

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knows very well that failing to sign that Bill within 14 days it becomes a law. We are telling the two demagogues in that House that we are not fools. We are not fools and as an NRM member 1158 will use all the means possible to give our people what belongs to them.

Mr. Chebukati confirmed to the entire Nation when he was addressing us on matters pertaining to elections after we won at the Supreme Court that he was not ready to give a free, fair and credible elections but he still went ahead even after Ms. Akombe, the former IEBC commissioner resigned; he still went ahead because he wanted to please jubilee because what happened on 26<sup>th</sup> was not an election as per the Supreme Court guidelines.

It was a jubilee primary presidential nomination for them to know who will face the NASA presidential candidate. I stand to support this Motion of People's Assembly because through this we will be able to give our people what belongs to them and revert the power that they exercised to Uhuru in 2013 so that they have it and exercise it in the right manner so that Kenya can be delivered from the jaws of these hungry men and women of jubilee.

I believe and it is my prayer that the same Supreme Court will have its wisdom and rule in favour of Kenyans not of NASA because even the International observers as much as they are afraid to tell us what they observed in the entire Nation, there was low voter turnout all over the Country but the same people went ahead through what was already a predetermined result.

They went ahead and told us that voter turnout was about 48% which is equivalent to around 7.6 million while in clear indications that was not the true reflection of the day the elections were held or the party primaries were held. As I conclude, as Hon. Members have said that as we look for other ways of getting our people out of the jaws of these people; secession is also part of it and I stand to support both the People's Assembly, the boycott and the secession where we work hand in hand so that our people get what rightfully belongs to them. Thank you, Hon. Speaker.

**Hon. Speaker:** Yes, Member for Yimbo East, Hon. Otiato.

**Hon. Otiato:** Thank you, Mr. Speaker, Sir; I am happy to hear again and to support this discussion. Sometimes it is interesting and I think in one way or the other we need to make our life a bit easy by avoiding using a lot of English in defining very small words. I hear in a few minutes ago Hon. Adalla said that when your in-law doesn't know how to sit or sit badly you look elsewhere, I didn't say for God's sake it is your constitutional right to look where you want to look and that you can actually look but then it is not the law to govern you until you choose not to look there but your natural cause will guide you where you want to look at.

With that we should not be the servants of the law, the law is meant to serve us and like here we hear a lot of noise about the constitution about here and there, things about what we hear about the law. We are not serving the laws we have made the laws to serve us therefore today as I support this Motion. I want us to just look at very basic social reasons why we form the government.

I think in the little knowledge of politics or the political science when we look at the social concept that we are forming the government, how do we form this government? Or how do we come together to determine our leadership? And some of us called in this field Thomas of John

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Lock and of the likes are saying that when we stick in free range, when human beings were seen as there were the fighting all over and therefore they reached a decision that we need to come together to form a unit to manage us and for us to elect the leadership and this leadership to serve well we must delegate some powers to them which is legitimate and must be given by the people so you cannot exercise power over people when it is not legitimate and therefore we are asking if the powers vested in these leaders is legitimate, is it given by the people?

Will the sovereign will of the people reveal in the environment where the street you step and intimidation of its people that whoever voted, are we sure that these persons voted because they feared that if they don't participate they would become victims of some circumstances; I take a case of Bungoma where I know that immediately after voting people were being hunted in their houses and they will look at your nail if you didn't vote or if you voted then there was an attack so up to date that the election that was held whatever the number whether they were five or two hundred was it legitimate were we exercising power?

The current power was it exercised? And then we make a lot of noise talking about a nation asking ourselves the senior world nation and with the basic dictionary definition of the nation alleged by the people united by a common history and culture or rapid living in a particular territory .What is uniting me today with Uhuru Kenyatta? we don't have any history together.

What is uniting me today with Murkomen; there is nothing, not even dismal .What brings us together is possibly an agreement that we can work together and therefore the Luo nation have felt that the system of getting a legitimate office is not right for us then they decide to withdraw and the brutality was put on them. I support this Motion that we form the people's assembly so that people can address their own issues independently. If you look at the drawing of these boundaries, Siaya County was drawn because there was a belief that there is something uniting Siaya separate from Kisumu.

The people's assembly will give us a good room to sit down and decide on our matters. Maybe after sitting down, the people's assembly will consider working closely and together with let's say Busia or Kisumu Counties or any other place that can work with us. By virtue that we did not participate in that election; by virtue that we don't elect the person who claims to be the President, we are not part of them.

*(Applause)*

Conclusively, I want to say that just as Hon. Booker has said, some of our experiences are very much needed when it comes to some of these activities. We were ready more than yesterday. I want to say it on this Floor today that several Luos have been killed. Why are we dying? Is it a must that we be in that system? If we can have a system that works for us we can be able to do businesses ourselves.

I am saying this because, just like the other day when we were picketing, some goons in police uniforms would come into my area and start butchering people in their houses and smashing motorbikes and everything on sight. I thank God that action was taken and they are

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now where they belong but people suffered. In 2007, I happened to be in charge of the special crime unit in Mathare. What we saw was terrible. That a group of people from a particular tribe can be put in a sewer line and torched using car tyres! We are still being told today to keep quiet.

As the Siaya leadership, we should now be given room to exercise our rights in a bid to protect ourselves and our sovereignty so that those who can speak well remain in the Assembly to debate; people like Hon. Booker who is a senior water engineer can drill us water elsewhere to drink, while people like Otiato who can do something else should be left to do what they know best. At the end of the day we must ensure that the Luo nation is protected.

Mr. Speaker, Sir, I support this Motion and we are ready to succeed in ensuring that we have a stable government. Thank you.

**Hon. Speaker:** Thank you. Hon. Members, now I want you to be brief because we don't have much time. Yes, Hon. Olasi, Member for West Uyoma.

**Hon. Olasi:** Thank you, Mr. Speaker, Sir. I want to be very much economical with words. Briefly, I want to support the formation of the people's assembly. Chapter one of the Constitution says that all sovereign power belongs to the people of Kenya and shall be exercised only in accordance with the Constitution. Chapter 1 (4) goes ahead to say that the sovereign power of the people is exercised at both the national and county level. That's why we are here.

Article 3 of the Constitution says every person has an obligation to respect, uphold and defend the Constitution. The Constitution that has started by saying that we are the people goes on to say in Article 255 (1) that; a proposed amendment to the Constitution shall be enacted in accordance with Article 256 or 257. We all have the Constitution. Let's read it.

This is not only a Siaya affair, I wish and pray that other Counties should also do the same so that we take this country somewhere. We have been discriminated and we are not asking for too much. Two years ago, Scotland wanted not to be part of the United Kingdom but they never succeeded. South Sudan also tried it and they succeeded.

Mr. Speaker, Sir, I don't want to mention what happened on 8<sup>th</sup> August and 26<sup>th</sup> October, but the truth is out there on what took place. Let common sense guide us. I rest my case. Thank you.

**Hon. Speaker:** Thank you. Yes, Hon. Judy, Member for East Asembo.

**Hon. Oyugi:** Thank you, Mr. Speaker, Sir. I stand to support the Motion on the formation of the people's assembly as moved by our Chief Whip, Hon. Andiego. The reasons are to protect the Constitution, to safeguard people's freedoms and rights as enshrined in our Constitution.

On 8<sup>th</sup> August we had an election which by the Supreme Court were null and void and the reason being irregularities and illegalities. Therefore we were directed by the Supreme Court to hold a fresh election according to the Constitution. A few megalomaniacs went ahead and held sham election, and I say this is a sham election because we cannot purport to have an election where a major player withdraws from the election and we continue with the game. Hon. Raila Odinga does not speak for himself but for over 10 million voters and we cannot ignore their voice.

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So 30% of the voters cannot determine the future of this Country. We cannot be led to the slaughter like sheep, we shall resist! I therefore call upon all the other Assemblies to follow suit and form the peoples Assemblies in order for people's voice to be heard, in order for us to have leadership that reflects the choice of the people. I therefore support the Motion.

**Hon. Speaker:** Member for South East Alego, Hon. Mboha!

**Hon. Mboha:** Thank you, Mr. Speaker, Sir. I rise to support this Motion on the following grounds;

1. We have been referred to as militia and as such we will behave that way as Hon. Booker has said.
2. We need to know that the current president is not legitimately in office and I think that is something that is now common to all of us. Because if you start scrutinizing how many people voted for him then you realize that not so many people in other parts of the Country did vote. So it is very hard to be ruled by someone whom you did not vote for.
3. People ask us whether if the taxes they pay matter because it seems that the money does not do much for the people but instead end up in someone's pocket.

I think in forming the people's Assembly we need to set up mandates to govern the people's Assembly because we are sure that we are going to have it and what we need to know is what role we will be playing as the people in the Assemblies. How are we going to move forward as a Country? And definitely we will secede from "Udhamaki Kingdom". I know the next discussion will be what roles are we as the people's Assembly going to play so that resistance could work for us?

I think we should come up with laws that will enable us to deal with people who bungle elections such that they can even be hanged, police officers who shoot people while on demonstration should not just be left to go scot-free. We should look at the extreme end of such issues because if we let that continue then it will be a disaster for us.

I think that we also need to look on how our people will get their jobs back given that it has been taken by other people. With those few remarks I support and we need to look at the role and mandate of the people's Assembly including secession, thank you.

**Hon. Speaker:** Hon. Helen.

**Hon. Winga:** Thank you, Mr. Speaker, Sir. I rise to support the Motion. It is my pleasure to be here when we are going to have the people's Assemblies, the last time if I can remember I was besides Jaramogi when we were introducing KPU and today it is KPA which is a good thing. The U has been replaced by A; the people's Assembly.

I think we are moving in the right direction which is all we need to say as opposition in Kenya and for that reason we have to be very dedicated and committed with the people's Assembly that we are going to form as from now given that it started from Siaya in which I am very grateful that we are going to be the first County to start the people's Assembly. I support.

**Hon. Speaker:** Hon. Audi, Member for South Gem.

**Hon. Audi:** Thank you, Mr. Speaker, Sir, first of all I stand to support the Motion for the following reasons:

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1. This Motion is a model Motion in the Country.
2. If you look at the Commissions which are so called Independent, they are not independent Commissions because the IEBC is so much working for Uhuru Kenyatta which is so evident.
3. The National Police Service Commission which has changed its mandate from protection to butchering of its own people, the Anti-corruption Commission which actually has allowed the most corrupt people to keep on holding positions even those who have cases in court to vie for positions including the current regime in the National Government.

Look at the National Cohesion and Integration Commission led by Kaparo. If you hear the names certain people call Raila Amollo Odinga you wonder if truly this is a true picture of Kenyan democracy while Uhuru is just seated quietly.

I support because this will attempt to put back power to the people.

**Hon. Speaker:** Hon.Ochieng', Member for West Yimbo!

**Hon. Ochieng':** Thank you, Mr. Speaker, Sir. I rise to support the Motion by the following reasons:

As we all know, this Country belongs to all Kenyans and we have all the rights to protect our Constitution either by resisting or creating people's Assembly and that is the reason I am on my feet to support this Motion.

We are elected leaders who are representing the interest of our electorates and that should also apply to the President who should be elected by the people to represent the interest of Kenyans. This is a country that is led or guided by the Constitution and while we have seen a major violation of our Constitution whereby our people have the freedom and security from the National Government to give residents security but we witnessed them killing our people while they are in demonstration or going about their own activities. This is a government that we can't support.

We all have the freedom to access the information. We all voted on 8<sup>th</sup> August this year but up to date we have not accessed information in the main server whereby we know very well that His Excellency Raila Odinga won but his victory was snatched from him by the IEBC. The government we have cannot protect the citizens. It is within our Constitution that we must take the powers to the people and the only way is by forming the People's Assembly so that the people can now communicate and give ways in which they want the government to lead them.

I request that we should implement this as soon as possible so that Kenyans can get their rights as per the Constitution. Otherwise, I thank you. I support this Motion.

**Hon. Speaker:** Yes, Hon. Shirley.

**Hon. Oyuago:** Thank you, Mr. Speaker, Sir, I support this Motion. In Kenya you find independent bodies acting on behalf of the government. Just recently Chief Justice Maraga ordered IEBC to open the server and they refused. The other day when they did the elections Uhuru competed with his father Kenyatta and his sons like Ekuru Aukot and now Chebukati the

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Chairman is opening the severs. It is very funny! That is why we are supporting the Motion that we must form the People's Assembly.

Immediately you are elected as the President you are representing the entire nation of 45 million people and not just 30% that is hardly 15 million people. We shall resist as people of NRM. Justice Maraga said he will nullify the election even 10 times. We do not want to talk on behalf of the Supreme Court but we hope that he is going to nullify the election that was done on 26<sup>th</sup> of October. The election was a sham.

Justice Maraga said that a fresh Presidential election to be conducted but it did not happen. If you are ordered to go for a fresh Presidential Election based on Constitution you need to do nominations. We hope that the elections are going to be nullified again.

I urge the 46 Counties to pass this Motion based on the resolutions made here. When you look at resolution (f.), which says *"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 viabilities and security with the ultimate objective of creation of larger and autonomous devolved units within one indivisible sovereign nation."* This does not apply to the NASA Counties only; it applies to the entire nation that is why I am urging the Jubilee strongholds to support this Motion.

I support this Motion.

**Hon. Speaker:** Yes, Hon. Aringo.

**Hon. Aringo:** Thank you, Mr. Speaker, Sir, I support the Motion. God was so good to mankind, he created man in such a way that if you cannot see you are given the gift of hearing and if you can't see and hear then you are given the gift of smelling or feeling. This is a government which cannot see what is happening around it, it cannot feel that its people are suffering especially what happened in Aram with the foul smell of dead bodies in the street.

I equate this government with a dead person, both the President and the Deputy President. The best thing we can do as a nation is to put in place a government that can feel, see and hear what is happening around it.

I come from West Sakwa, Bondo Constituency I want to say that there is no election which was held in Bondo Constituency. That nullifies the election which was held on the 26<sup>th</sup> October because it states that that kind of election had to be carried out in each and every Constituency.

It is sad the government decided to butcher its own people and that is why I support the Motion of creating the People's Assembly. I also support the disbandment of IEBC to pave way for free and fair elections within 90 days. I rest my case.

**Hon. Speaker:** Yes, Hon. for Ukwala.

**Hon. Oduor:** Thank you, Mr. Speaker, Sir, I support the Motion because of the bad things that have been happening to us the people of the Democratic Republic of Kenya. You know the proceedings that have been going on since 1963, it has now been perfected by this government. It has been systematically brought down by maiming us the way we witnessed during picketing and also the economic sabotage they have meted on us since 1963. Most of our

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industries were either killed or rendered un-operational just because they didn't want us to be like them. Both our sugar and cotton industries have gone down and our people rendered jobless.

So, as I stand here, Mr. Speaker, Sir, I would like to support this Motion on the establishment of the people's assembly and the directive of our chairman, the Rt. Hon. Raila Odinga that we should boycott products like Safaricom. We are only doing what they have been doing us and nobody should complain. I support.

**Hon. Omoro:** Thank you, Mr. Speaker, Sir. I rise to support the Motion moved by Hon. Andiego by saying that the situation we are in now is a man eat man society where the strong rich exploit the poor weak. This is evident because when we stand for our rights the police are sent to kill us and we have also been economically drained. Leadership has also been imposed on us.

The Jubilee administration has also tried to change laws to benefit them and I want to tell them that the writing is on the wall. We should try and incorporate other Counties into this so that we soldier on to form the people's assembly and fight anarchy. I support. Thank you.

**Hon. Speaker:** I direct the Serjeant-at-Arms to ring the Bell so that whoever is out may come in. We are about to put the question. We want the whole world to see the direction Siaya is taking. In the meantime, Hon. Filly Onditi can make her submission.

*(The Quorum Bell was rung)*

**Hon. Onditi:** Thank you, Mr. Speaker, Sir. I fully support whatever my colleagues have said. The people of Kenya should not leave with their hands tied and mouths shut. In order to be peaceful, we should endorse the formation of the people's assembly. Kenyans should not allow a few people to lead them backwards instead of the country going forward. I support the Motion.

**Hon. Speaker:** Yes, Hon. Jane.

**Hon. Atieno:** Mr. Speaker, Sir, I rise to support the Motion on the Floor. I am overwhelmed with tears when I see my sons being buried every day. I keep on weeping when I see the widows of this beautiful County burying their husbands when they are still so young. I see the children of this County being left without fathers or mothers. I am weeping and getting tired of weeping and that's why I support this Motion.

Peace without justice is not peace; I support this Motion because there is no justice. After every general election, we are reminded to move on, but where do we move on to? We have refused to move on! We can't move on with what is going on in our Country. This is also our Country, we have a right to be here and they don't have more lives than we do.

I heard them say that we will know who owns this Country, we also have rights in this Country. Where are we supposed to go? We can't move on, things have to change. Our children have no jobs and we are told to move on. We are being marginalized as if we came from somewhere else. This Country belongs to us. I support the Motion because we can't move on with the way things are. Thank you.

**Hon. Speaker:** Yes, Truphosa Odinga.



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**Hon. Odinga:** Thank you very much, Mr. Speaker, Sir. First and foremost, I want to congratulate and thank the Whip, Hon. Andiego, for having tabled this painful Motion. From a woman's point of view, I have been very sad watching our children being butchered by the police. It's really sad because nurturing these children is never easy; bringing them up, carrying them for 9 months is a nightmare, labour pains are nightmares for a woman. I have never been happy ever since this game of slaughtering our children in broad daylight started.

Mine is very short and clear, I have a message to Uhuru Kenyatta and his people in the Jubilee government. He has lost the support of Kenyans and even the foreign missions. The Jimmy Carter foundation even made a U-turn and said the August 8<sup>th</sup> elections were not held properly as per the Constitution.

Mine to Uhuru is that he should leave that House to the person who rightfully won the elections and that is none other than the Rt.Hon. Raila Amollo Odinga. He will do us great justice by doing that. He should move out of State House immediately. Thank you, Hon. Andiego for having pioneered the Motion. I promise you I am going to join the People's Parliament. I am going to Organize, Mobilize, to Co-ordinate my fellow women, out of this House, out there; from Bondo, Rarieda, Gem, Ugenya, and Alego to support the People's Assembly.

It's been unfortunate that I pass there, and I have never really witnessed a woman by that Assembly. I promise you from tomorrow, any day, you will see thousands of women, mobilized by me, joining. Let us fight this war to the bitter end, let us save this country from these goons. Thank you, Mr. Speaker, Sir, I have spoken with all my heart, because as a mother, I have feelings for my children.

To the Policemen, the bad policemen, Sycophants, it will never be the same, and more especially, that God is on our side. I want to wish Kenya well and I hope we are going to win this war. I will join the People's Parliament. Thank you.

**Hon. Speaker:** I will call upon the Mover to reply.

**Hon. Andiego:** Thank you, Mr. Speaker. Allow me to thank the Honorable Members, of this House, for actively participating in this Motion. It is a sign of togetherness, and willingness, that many of us within this House and outside, are on the course. They are all sharing with us a page of what is going on in Kenya today. Some Member said, we have the Ballot to elect the leaders. Sometimes others change it to bullet.

It happened on 8<sup>th</sup> of August, this year, and you saw it clearly that immediately after election, those who feel that they know Kenya used the bullet to snatch the winners the victory. Where we live, even in our Home, we have Companies. When you have a company, you are the Director, the manager and everything, but it becomes sad when the managers now run away with your Company.

This is what is happening in Kenya today. That we have a president, whom we chose to lead under the Constitution of Kenya which was made by the people. Now they have turned it to be theirs, and want to manage it the way they want. We feel it is so bad. It is true that Jubilee on

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the 26<sup>th</sup> did their Primaries, and they elected Uhuru Kenyatta as now their Presidential Candidate. We are waiting for the election which will be on the 9<sup>th</sup> of February next year.

The law of Kenya says, each person has a right. Even the President the other day you saw, he had the right to scratch his buttocks, and it was freely left to him, he has never been jailed. When we have the right to picket, to complain when we feel our right has been interfered with. Why then are we being butchered?

Therefore Honorable Members, I want to once again, thank you, you so much, for participating actively on this Motion, and we now wait to implement it. Thank you.

**Hon Speaker:** Thank you.

*(Question put and agreed to)*

Next Order!

**MOTION**  
ADJOURNMENT

Hon. Members, there being no other Business, the House adjourns until tomorrow Thursday, 9<sup>th</sup> of November, 2017 at 2.30 p.m. in the Chamber.

The House rose at 11.34 a.m.