

PARLIAMENT OF KENYA
JOINT SITTING OF THE NATIONAL
ASSEMBLY AND THE SENATE

THE HANSARD

Eleventh Parliament – Second Session

*(Special Sitting of Parliament convened via Kenya
Gazette Notices No. 6990 and No. 6991
of 3rd October, 2014)*

Monday, 6th October, 2014

*Parliament met at fifty five minutes past three o'clock
in the National Assembly Chamber
at Parliament Buildings*

ARRIVAL OF HIS EXCELLENCY THE PRESIDENT

*[His Excellency the President (Hon. Uhuru Kenyatta) escorted by the
Speaker of the Senate (Hon. Ethuro) and the Speaker of the National
Assembly (Hon. Muturi) entered the Chamber at fifty five minutes
past three o'clock accompanied by the Maces of both Houses]*

*[His Excellency the President (Hon. Uhuru Kenyatta)
took the Chair]*

(The two Maces were placed on the Table)

(The National Anthem was played)

PRAYERS

COMMUNICATION FROM THE CHAIR

**CONVENING OF SPECIAL SITTING OF PARLIAMENT
FOR ADDRESS BY THE PRESIDENT**

The Speaker of the National Assembly (Hon. Muturi): Your Excellency, the Hon. Uhuru Kenyatta, President of the Republic of Kenya and Commander in Chief of the Kenya Defence Forces, the hon. Speaker of the Senate, Senator Ekwe Ethuro, hon. Members of Parliament, Article 132(1)(b) of the Constitution provides that the President

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shall address a special sitting of Parliament once every year and may address Parliament at any other time. Following a request from the Office of the President, and pursuant to the said Article of the Constitution and further pursuant to the Standing Order No.22 of the National Assembly Standing Orders, by Gazette Notice No.6990, which was published in a special issue of the *Kenya Gazette* on 3rd October, 2014, I gave notice of this Joint Sitting to the Members of the National Assembly. Similarly, pursuant to Article 132(1)(b) of the Constitution, and further pursuant to the Standing Order No.22 of the Senate Standing Orders, by Gazette Notice No.6991, which was published in a special issue of the *Kenya Gazette* on 3rd October, 2014, the Speaker of the Senate gave notice of this Joint Sitting to the Senators.

Accordingly, hon. Members, this Joint Sitting is properly convened, and it is now my singular honour and privilege to invite His Excellency the President of the Republic of Kenya to address this Joint Sitting of Parliament.

I thank you.

(Applause)

PRESIDENTIAL ADDRESS

His Excellency the President (Hon. Uhuru Kenyatta): Hon. Speaker of the National Assembly and the Speaker of the Senate, hon. Members of both Houses of Parliament, fellow Kenyans, Article 132 of the Constitution provides for the President of the Republic of Kenya to address a special sitting of Parliament at any one time. The first Article of our Constitution provides, and I quote:-

“All sovereign power belongs to the people of Kenya”.

In this respect, I am here to address you as representatives of the people on an important national matter regarding our sovereignty. Last week as I touched down at the Jomo Kenyatta International Airport on my return from the 69th Session of the United Nations General Assembly in New York, I received notice to attend a status conference at The Hague. Since then, the notice and its implied consequences for our sovereignty, have raised confusion and anxiety. These concerns extend to our immediate region and, indeed, other friends of Kenya. My fellow Kenyans, this is not a time for anxiety. It is time for us to be proud of the democracy we have built and the law abiding country we have become. It is also a time to deliberate together as members of the Executive and the Legislature and, indeed, as citizens on how to collectively realise the great destiny that beckons us.

Nurturing a young democracy in a treacherous world of despotism, terrorism and extremism was never going to be an easy task, neither was the building of a strong and diverse economy that could realise the dreams of more than 40 million Kenyans and anchor a prosperous region. Indeed, our quest for greater development demands a clearer picture of the true state of our economy.

While we have much further to go, our nation reached a significant milestone last week. We officially became a middle income country and took our rightful place as one of the ten largest economies in Africa.

(Applause)

This milestone, among many others we have achieved over the past 50 years, reminds us that we are travelling in the right direction. It should be celebrated for it gives us the fortitude to sustain our development efforts.

In New York, I addressed the United Nations General Assembly and the Security Council, giving a full account of our role in regional peace and security, our stand on the frontline of building a robust democracy, of fighting global terrorism, of dealing with the threat of climate change and of building strong institutions that could weather crises such as *Ebola* that now affects parts of West Africa.

I saw at the General Assembly the high esteem in which Kenya is held across the world for its leadership in matters of development, in the struggle for global peace and security, as a safe haven for millions of refugees from neighbouring countries and as a stable hub for regional trade and investment.

The world sees and applauds as we do, our young men and women in uniform who, under my commander, bravely fight *Al Shabaab* terrorists at home and abroad. Our diplomats are crucial actors in a troubled region, working to end conflicts and fill the vacuums in governance that allow such terrorists groups room to operate.

The world knows that as a democracy on the frontline against terrorism, our people have been brutally murdered by the same terrorist networks that have sparked mayhem worldwide. We face these trials with fortitude, knowing that our work to banish insecurity, poverty and division is our generation's historic task. It is how our children and our children's children will remember us.

By our efforts and vision, new roads and railways, schools and hospitals are being built, bringing with them jobs, wealth and new friends from all over the world. My Government, daily improves service provision to its citizens. The world's businesses look to our educated and industrious people as amongst the most promising to invest their wealth in.

(Applause)

All these developments are anchored in the rule of law, which is a living expression of our collective will. Even at our lowest ebb, and in our darkest days the aspiration to be bound and be protected by the law has shaped our character as a people and nation.

After more than two decades of consultations, and sometimes ugly confrontations, we made history. In peacetime, we negotiated a new constitution and re-organized our entire society and its governance structures. Today, we have a Constitution that we are immensely proud of. There are few others globally that equal its protection of the rights of the individual, its balancing of the executive, judicial and legislative power and its demand for fulsome public participation and integrity in service. In the last year alone, we have transitioned from a unicameral to a bicameral legislature; from a parliamentary system to a presidential system of government. We have moved in an unprecedented fashion from a centralized system of government to a devolved system, which gives power to the people to choose their leaders and choose how they will be governed at the local level. We have

established an independent Judiciary and oversight bodies that are able to stand up for the public good.

We strive to fully realize that new constitution even in the face of the global threat of terrorism, whose perpetrators and agents manipulate our expanded democratic space to radicalize and recruit their foot soldiers.

Internationally, our diplomacy has been driven by the desire for a level playing field on which all nations and their peoples are equal in respect of their sovereignty. That is why Kenya played a crucial leadership role in the negotiations that led to the creation of the International Criminal Court (ICC) through the Rome Statute, as well as in mobilizing African states to sign up to it. Given our experience, however, with the Court, many have since asked why we acted with such enthusiasm. It was because we believed then, as we do now, that in an unequal world, only a common set of rules governing international conduct could keep anarchy at bay.

Fellow Kenyans, after the painful conflict that followed the 2007 General Election, communities and their leaders at the grassroots undertook immense efforts at reconciliation. Thousands of meetings were convened. Kenyans across the country deliberated together on what had brought discord to our nation and what we needed to do to heal. Five years later, the Deputy President, William Ruto and I went to every corner of our country asking you for the honour of your vote. Our electoral ticket was forged from a national desire for peace, reconciliation and national cohesion.

(Applause)

When I took up the mantle of leadership in April, 2013 I focused attention on the rehabilitation and restoration of Kenyans affected by the 2007/2008 Post-Election Violence (PEV). My Government resettled all the remaining registered households that were still in camps, this in addition to those previously resettled under the *Rudi Nyumbani* and Integrated IDPs Initiative where land was availed for resettlement, houses built, counseling offered, cash transfers made and free medical attention in Government facilities provided. That, hon. Members, was the least we could do to relieve the suffering and ease the resumption of their normal lives. I am committed to ensuring that Kenyans never again have to endure such tribulations.

(Applause)

Fellow Kenyans, four years ago on the 15th day of December, 2010, I watched in disbelief as I was named with five others as one of those suspected of bearing the greatest responsibility for the 2007/2008 Post-Election Violence. This was the beginning of my long and arduous journey to defend my name in the face of these serious allegations. I wish to reiterate here for all that my conscience is clear, has been clear and will remain forever clear that I am innocent of all the accusations that have been leveled against me.

(Applause)

After all this, the prosecutor of the ICC has, since last December and as recently as last month, admitted to the judges that the available evidence is insufficient to prove alleged criminal responsibility beyond reasonable doubt.

(Applause)

This, hon. Members, came as no surprise. A judge at the ICC had previously found the prosecution failed and I quote him:

“Prosecution failed to properly investigate the case in accordance with statutory obligations.”

Hon. Members, when the prosecutor admitted that there was insufficient evidence against me, I expected that the matter would be dropped for lack of evidence. Instead, the prosecutor requested an indefinite postponement of the case and shifted the focus to the Government of Kenya to provide the evidence. It was clear that I was to be excluded from dealings between the prosecutor and the relevant organs of Government in this new focus. Accordingly, my legal representatives were excluded from this exercise. In compliance with this order, I have not interfered with the protocol set by the prosecutor in her dealings with the Government. This means that in this new line being followed, I was kept in suspense while the prosecutor engaged with the relevant organs of the Government.

Whenever the organs of the Government of Kenya required any information in relation to these investigations, I gave the information. I have cooperated with the prosecutor to assist in establishing the truth at all material times.

(Applause)

Unfortunately, unfounded and unproven accusations are still the order of the day. My accusers, both domestic and foreign, have painted a nefarious image of most African leaders as embodiments of corruption and impunity. This image depends on an internalized assumption that social and political upheavals in Africa are inherently perverse and the result of leadership failure that always warrants a charge of crimes against humanity.

Within the Assembly of State Parties, a number of members observed that the Rome Statute, which is ultimately derived from the equality of states as espoused in the UN Charter is weakened by partiality. The Africa of Nkrumah, Nyerere, Ben Bella, Nasr, Chief Albert Luthuli and Jomo Kenyatta raised concerns those years ago about the risks of undermining the sovereign equality of states. These concerns remain valid to this day. The African union, in its wisdom, resolved in October of last year that to safeguard the constitutional order, stability and integrity of member states, no charges shall be commenced or continued before any international court or tribunal against any serving AU Head of State or government or anybody acting or entitled to act in such capacity during their terms in office.

It also resolved that my trial and that of Deputy President, William Ruto, as the current serving leaders of the Republic of Kenya, should be suspended until we complete our terms of office. As a single largest constituency in the Assembly of State Parties, and

keeping in mind the gravity of their demand, African states expected positive considerations. To this end, they sent five ministers to New York to confer with the United Nations Security Council and to seek a deferral of the Kenyan situation in light of the challenges to peace and security of this continent; that is my duty to address. They were disappointed.

The push to defend sovereignty is not unique to Kenya or Africa. Very recently, the Prime Minister of the United Kingdom committed to reasserting the sovereign primacy of his parliament over the decision of the European Human Rights Court. He has even threatened to quit that court. I remain grateful for Africa's support. Our struggle against domination and exploitation continues. Our independence and sovereignty deepen every passing year, as our prosperity grows and we stand firm together. Kenya will remain at the front of this common cause, which is both our opportunity as a nation and our obligation as a people. I am grateful for the support our brothers and sisters have lent Kenya and we stand with them as we look to our immensely promising future.

(Applause)

Fellow Kenyans, my Government has begun the implementation of our constitution with great enthusiasm. We are focused on locating young Kenyans at the heart of economic growth as no other administration has done in our history. Indeed, the fight against terror and insecurity remains high on our national agenda. It should be clear, therefore, that this Government has enough on its hands fighting poverty, securing peace and building regional integration to be focused on any other matter. It is a Government founded on the rule of law with profound conviction that justice is our shield and defender.

(Applause)

Hon. Speakers and fellow Kenyans, I am deeply optimistic about the future of Kenya. We will succeed by putting the nation's interest first and foremost. This has and will continue to be my guiding principle. It is for this reason that I chose not to put the sovereignty of more than 40 million Kenyans on trial since their democratic will should never be subject to another jurisdiction.

(Applause)

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

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

Hon. Speakers and hon. Members, to protect the sovereignty of the Kenyan Republic I now take the extraordinary and unprecedented step of invoking Article 147(3) of the Constitution. I will shortly issue the legal notice necessary to appoint hon. William

Ruto, the Deputy President, as Acting President while I attend the Status Conference at The Hague in the Netherlands.

(Applause)

Finally, I urge my fellow citizens to accept and understand my decision. I also urge our African brothers and sisters to stand with Kenya, and all people of goodwill and friends of Kenya, to stand with us in this time.

I thank you for your attention. God bless you and God bless Kenya.

Thank you.

(Applause)

ADJOURNMENT

The Speaker of the Senate (Hon. Ethuro): Hon. Senators, it is now time to adjourn the business of the Special Sitting. All of us should be upstanding. I will take my turn and my brother will take his turn.

The Senate stands adjourned until Tuesday, 21st October, 2014, at 2.30 p.m.

The Speaker of the National Assembly (Hon. Muturi): Hon. Members of the National Assembly, the Assembly stands adjourned to Tuesday, 14th October, 2014, at 10.00 a.m.

DEPARTURE OF HIS EXCELLENCY THE PRESIDENT

The Speaker of the National Assembly (Hon. Muturi): Hon. Members, it is now time for His Excellency the President to take his leave.

*(Hon. Members and hon. Senators rose in their places
while His Excellency the President left the Chamber)*

Parliament rose at 4.20 p.m.