

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

**Tuesday, 7<sup>th</sup> July, 2015**

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

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

### PRAYERS

### MESSAGES

#### MESSAGE FROM THE NATIONAL ASSEMBLY

CONCURRENCE OF THE NATIONAL ASSEMBLY ON  
THE COUNTY ALLOCATION OF REVENUE BILL  
(SENATE BILL NO.5 OF 2015)

**The Speaker** (Hon. Ethuro): Order, hon. Members. Hon. Senators, I wish to report to the Senate that pursuant to Standing Order No.40(3) and (4), I have received the following message from the Speaker of the National Assembly regarding the passage by the Assembly of the County Allocation of Revenue Bill (Senate Bill No. 5 of 2015). Pursuant to the provisions of Senate Standing Order No.40(1) and Standing Order No.142 of the National Assembly Standing Orders, I hereby, convey the following message from the National Assembly.

“THAT, whereas the County Allocation of Revenue Bill (Senate Bill No.5 of 2015) was published vide Kenya Gazette Supplement No.41 of 17<sup>th</sup> April, 2015 and passed with amendments by the Senate on 24<sup>th</sup> June, 2015.

Whereas the National Assembly considered and passed the said Bill, without amendments, on Thursday, July 2<sup>nd</sup>, 2015, now therefore, in accordance with Article 110(4) of the Constitution and provisions of the Standing Order No.142 of the National Assembly Standing Orders, I hereby, convey the said decision of the National Assembly, the object of which is to convey concurrence of the National Assembly with the Senate on the said Bill.”

Hon. Senators, the Bill is being finalised for presentation to his Excellency the President for assent. I thank you.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

**Sen. (Dr.) Khalwale:** On a point of order, Mr. Speaker, Sir. One cannot really avoid the temptation to congratulate the Lower House for finally realizing that we are a bicameral system of Parliament and that we should work together. Allow me to say kudos to them.

### PAPERS LAID

*(Sen. Khalwale walked to the Dispatch Box while laughing)*

**The Speaker** (Hon. Ethuro): Order, Sen. (Dr.) Khalwale. You cannot proceed as if the House has not been waiting for you to bring documents to the Table. You need to confirm whether you are in an extended celebratory mood or what is happening?

**Sen. (Dr.) Machage:** On a point of order, Mr. Speaker, Sir. Did you hear the kind of noise Sen. (Dr.) Khalwale was making as he was walking to the Dispatch Box? Was he in order or is he under stress? Could we examine whether he has developed a hernia in the process of doing so?

**Sen. (Dr.) Khalwale:** Mr. Speaker, Sir, I beg to lay the following papers on the Table of the Senate today, Tuesday, 7<sup>th</sup> July, 2015.

#### REPORTS ON THE FINANCIAL OPERATIONS OF VARIOUS COUNTY EXECUTIVES/ASSEMBLIES

Report of the Auditor-General on the Financial Operations of Wajir County Executive for the period 1<sup>st</sup> July, 2013 to 30<sup>th</sup> June, 2014.

Report of the Auditor-General on the financial operations of Mandera County Assembly for the period 1<sup>st</sup> July, 2013 to 30<sup>th</sup> June, 2014.

Report of the Auditor-General on the financial operations of Mandera County Executive for the period 1<sup>st</sup> July, 2013 to 30<sup>th</sup> June, 2014.

Report of the Auditor-General on the financial operations of Nairobi City County for the 16 months period ended 30<sup>th</sup> June, 2014.

Report of the Auditor-General on the financial operations of Isiolo County Executive for the period 1<sup>st</sup> July, 2013 to 2014

Report of the Auditor General on the financial operations of Garissa County Government for the year ended 30<sup>th</sup> June 2014

Report of the Auditor-General on the financial operations of the County Government of Wajir for the year ended 30<sup>th</sup> June, 2014

Report of the Auditor-General on the financial operations of Elgeyo-Marakwet County Executive for the period 1<sup>st</sup> July, 2013 to 30<sup>th</sup> June, 2014

Report of the Auditor-General on the financial operations of the County Government of Nyamira for the 16 months period ended 30<sup>th</sup> June, 2014

Report of the Auditor-General on the financial operations of Tana River County Executive and Assembly for the year ended 30<sup>th</sup> June, 2014

Report of the Auditor-General on the financial operations of Kwale County Executive and Assembly for the year ended 30<sup>th</sup> June, 2014

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

Report of the Auditor-General on the financial operations of West Pokot County Executive and Assembly for the year ended 30<sup>th</sup> June, 2014

Report of the Auditor-General on the financial operations of Baringo County Executive and Assembly for the year ended 30<sup>th</sup> June, 2014

Report of the Auditor-General on the financial operations of Nandi County Executive and Assembly for the year ended 30<sup>th</sup> June, 2014

Report of the Auditor-General on the financial operations of Bungoma County Executive and Assembly for the year ended 30<sup>th</sup> June, 2014

Report of the Auditor-General on the financial operations of Mombasa County Executive and assembly for the year ended 30<sup>th</sup> June, 2014

Report of the Auditor-General on the financial operations of Trans-Nzoia County Executive and Assembly for the year ended 30<sup>th</sup> June, 2014

Report of the Auditor-General on the financial operations of Migori County Executive and Assembly for the period 1<sup>st</sup> July, 2013 to 30<sup>th</sup> June, 2014

Report of the Auditor-General on the financial operations of Uasin-Gishu County Executive and Assembly for the year ended 30<sup>th</sup> June, 2014

Report of the Auditor-General on the financial operations of Kajiado County Executive and Assembly for the year ended 30<sup>th</sup> June, 2014

Report of the Auditor-General on the financial operations of Turkana County Assembly for the year ended 30<sup>th</sup> June, 2014

Report of the Auditor-General on the financial operations of Nairobi City County Executive and Assembly for the year ended 30<sup>th</sup> June, 2014

Report of the Auditor-General on the financial operations of Garissa County Executive and Assembly for the year ended 30<sup>th</sup> June, 2014

Report of the Auditor-General on the financial operations of Kitui County Executive and Assembly for the year ended 30<sup>th</sup> June, 2014

Report of the Auditor-General on the financial operations of Makueni County Executive and Assembly for the year ended 30<sup>th</sup> June, 2014

Report of the Auditor-General on the financial operations of Vihiga County Executive and Assembly for the year ended 30<sup>th</sup> June, 2014

Report of the Auditor-General on the financial operations of Embu County Executive and Assembly for the year ended 30<sup>th</sup> June, 2014

Report of the Auditor-General on the financial operations of Kisumu County Executive and Assembly for the year ended 30<sup>th</sup> June, 2014

*(Sen. (Dr.) Khalwale laid the documents on the Table)*

**Sen. (Dr.) Machage:** Mr. Speaker, Sir, would I be in order to pass my appreciation for the good work the Chair has done to bring all those reports as had been requested by the House last week? We know the Chairperson has presented the reports on behalf of the Committee. We like that kind of vigour and commitment to duty.

**The Speaker** (Hon. Ethuro): Sen. Kittony!

**Sen. Kittony:** Mr. Speaker, Sir, I am unable to give the Statement today.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

**The Speaker** (Hon. Ethuro): Order Senator! I see you had made an advance booking but we are yet to reach that order.

**Sen. (Prof.) Lonyangapuo:** Mr. Speaker, Sir, may I join my colleagues in thanking the Chairperson of the County Public Accounts and Investments Committee for endeavouring to bring those reports that we have been waiting for. It is important to note that these are one year old documents. We wish that in future, the Chair liaises with the relevant Government department to always avail these documents in good time so that we can interrogate them before a new financial year begins so that the things that have been noted should be factored in the preparation of the budget for respective counties in order counter these anomalies and protect public funds.

**Sen. Elachi:** Mr. Speaker, Sir, I also want to thank the Chairman and say that the reason why we have petitions coming to this House is because of lack of such documents. I hope those reports will help us unlock the unresolved cases that have been raised in the various petitions and the Statements that many of the Members have requested for. It is also very unfortunate that we have started a new financial year and looking at these audited accounts while we know that we should now be dealing with the next quarter audited accounts. For purposes of us managing and ensuring that counties are well managed, we should get these documents in time.

**Sen. Karaba:** Mr. Speaker, Sir, I also join my colleague, Senators, to appreciate the good work done by Sen. (Dr.) Khalwale. I have been imploring him that the books of accounts of those counties which have not been audited be fast-tracked so that we know their fate. I did not hear him mention Kirinyaga County. If it has not been tabled, I would like to know when it will be captured and what reasons led it not to being included in those ones tabled.

**Sen. Musila:** Mr. Speaker, Sir, this matter was canvassed last week. I join my colleagues in commending Sen. (Dr.) Khalwale. However, I have been listening very keenly to hear him tell us the whereabouts of the Auditor-General's Report for Kitui County. For the last two-and-a-half years, I have never seen an audit report for Kitui County. Could the good and active Chairman tell us when we should expect the Auditor-General's Report for Kitui County?

**The Speaker** (Hon. Ethuro): Sen. Khaniri, you will be the last one.

**Sen. Khaniri:** Mr. Speaker, Sir, allow me to join my colleagues in thanking the Chairman of the County Public Accounts and Investments Committee (CPAIC) for tabling these Reports. I am glad that at long last, the Report for Vihiga County has been tabled and we will scrutinise it.

Mr. Speaker, Sir, it was a personal initiative of the Chairman – after he was beseeched by this House – to make sure that these Reports are tabled. We should not lose track of the fact that earlier, the Auditor-General had wrongly interpreted the Constitution. Article 229(7) of the Constitution says that:-

“Audit reports shall be submitted to Parliament or the relevant county assembly.”

According to the Auditor-General, Parliament meant the National Assembly. He had argued that after submitting the reports to the National Assembly, he could then copy to us. At least the Chairman has made it now known that the Senate is part of Parliament.

Parliament is made of two Houses; the National Assembly and the Senate. It is our right to receive reports from the counties and to scrutinise them.

We hail the Chairman for the good job. Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Ethuro): Chairman.

**Sen. (Dr.) Khalwale:** Mr. Speaker, Sir, indeed, as I said last week, some counties could not have been ready within the period that we anticipated. Kirinyaga, Kitui and Kakamega Counties are not on the list of reports that I have tabled. I request for patience because I am pursuing the matter. Very soon, the reports will be tabled.

I thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Ethuro): Mr. Chairman, I thought that you would also mention about the court ruling in response to some of the concerns about the delays.

**Sen. (Dr.) Khalwale:** Yes, Mr. Speaker, Sir, thank you for reminding me.

Members, as you are aware, part of the reason for Sen. Elachi's concern regarding late tabling of these documents was because over and above the functional challenges that the Auditor-General was experiencing, governors had actually gone to the High Court to seek orders to stop us from summoning them.

Mr. Speaker, Sir, it is my pleasure to inform the House that we invited the Legal Counsel who represented the Senate in the suit where governors lost. Mr. Kilukumi came and gave us a brief. He confirmed that, indeed, we are within the Constitution when it comes to summoning governors. However, in that ruling, there was a finding to the effect that we could not unilaterally – by ourselves as the Senate – stop the flow of funds to county governments.

Mr. Speaker, Sir, it is my pleasure to inform you that yesterday, a decision was made after the governors went for a review of the ruling but again, they lost.

*(Applause)*

So, the ruling still remains as it was. However, on our part as the CPAIC, we have asked Mr. Kilukumi to cross-appeal. This is because we believe that some of the issues that were raised by Dr. Kamau Thugge – when he appeared before us trying to defend the desire of the Government not to stop the funds as we had directed – had not been fully canvassed at the High Court. If that happens, we will listen to it and report back to you. However, preliminarily, it is an area where my Committee is not in full agreement. A section of Members of the Committee are of the view that we should cross-appeal. However, another section of the Committee interpreted that to mean that when the High Court said “unilaterally”, it meant that we should have involved the National Assembly in our decision. That is a matter that we shall report back to you. However, we thank the Judiciary.

**The Speaker** (Hon. Ethuro): Next Order.

### NOTICE OF MOTION

**The Speaker** (Hon. Ethuro): Order, Senators. You should cancel your request once we have moved to another Order. The request should be relevant to a particular Order.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

ESTABLISHMENT OF JOINT PARLIAMENTARY COMMITTEE ON  
CATERING AND HEALTH CLUB SERVICES

**Sen. Elachi:** Mr. Speaker, Sir, I beg to give notice of the following Motion:-

THAT, WHEREAS the National Assembly by a Resolution established the Catering Committee and the Catering Fund on 14th March in 1967 to manage facilities of the bar and the dining rooms as well as assets and liabilities acquired on behalf of the then Members of the National Assembly;

WHEREAS, by a resolution of the National Assembly, the Committee was reconstituted to incorporate Health Services and designated as Catering and Health Service Committee on 29th November, 2011;

WHEREAS, the promulgation of the Constitution of Kenya, 2010 reintroduced bicameralism in the country, thereby establishing the Parliament of Kenya comprising the National Assembly and the Senate hence necessitating the establishment of a body to cater for the needs of Members of both Houses of Parliament;

WHEREAS, the Parliamentary Service Commission, during its 211th meeting on June 15, 2015 resolved to reconstitute the National Assembly Catering and Health Club Committee into a joint Parliamentary Committee on Catering and Health Club Services, incorporating Members of the Senate;

WHEREAS, the Catering and Health Club Fund, currently under the management of the National Assembly Catering and Health Club Committee is in the process of being wound up and the sums therein transferred to the Parliamentary Fund, which is established by law; and

WHEREAS, it is necessary that the National Assembly Catering and Health Club Committee be re-established and reconstituted as the Joint Parliamentary Committee on Catering and Health Club Services;

NOW THEREFORE, pursuant to Article 124 (2) of the Constitution, Standing Order No. 216(3)(c) of the Senate and Rule 9 (1)(c) of the Houses of Parliament (Joint Sittings) Rules, the Senate resolves to establish the Joint Parliamentary Committee on Catering and Health Club Services and to appoint the following twenty nine (29) Senators to the Committee:-

1. Sen. Boy Juma Boy
2. Sen. Chelule Liza
3. Sen. Chiaba Abu
4. Sen. Elachi Beatrice
5. Sen. Gertrude Mbura
6. Sen. Gwendu Joy
7. Sen. Hargura Godana
8. Sen. Hassan Omar
9. Sen. Kajwang' Moses
10. Sen. Kanainza Nyongesa
11. Sen. Kariuki G.G
12. Sen. Khaniri George

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

13. Sen. Kisasa Mshenga
14. Sen. Kivuti Lenny
15. Sen. Kiyonga John Munyes
16. Sen. (Dr.) Kuti Mohammed
17. Sen. (Prof.) Lonyangapuo John
18. Sen. Madzayo Stewart
19. Sen. Masha Elizabeth Ongoro
20. Sen. Melly Isaac
21. Sen. Mohamud Halima
22. Sen. Mositet Peter
23. Sen. Murkomen Onesimus
24. Sen. Nabwala Catherine
25. Sen. Ndiema Henry
26. Sen. Wamatangi Paul
27. Sen. Okong'o Kennedy
28. Sen. Onchwangi Hosea
29. Sen. Sijeny Judith

And further; that the mandate of the Committee shall be to consider, report on, advise on and make recommendations to the Houses of Parliament on all matters relating to catering and health services provided to Members of Parliament.

**Sen. Hassan:** On a point of order, Mr. Speaker, Sir. I am seeking your direction. Given that these are 29 Members, I assume that there will be another 29 Members of the National Assembly. That would bring the number to 58. Is that a Committee of the House of Senate?

**The Speaker** (Hon. Ethuro): Order, Senators! Since this is more of an in-house Motion and given the concern raised by the Chairman of the County Public Accounts and Investments Committee last time, not to do a supplementary Order Paper for purposes of cost effectiveness, I order that we will start with this Motion when we move to Order No.8.

For purposes of Sen. Hassan Omar, you need to look at the Standing Orders. We have rules on Joint Committees of the two Houses. Under the Fourth Schedule of your Standing Orders, the Houses of Parliament Joint Sitting rules, we need equal numbers. Already the Committee exists with the membership from the National Assembly, which has 29 Members. So, you cannot undo what already exists; you can only affirm it. That is why we are also asking for a similar number. Definitely, it is a Joint Committee of Parliament and not one House of Parliament. So, be guided.

**Sen. (Dr.) Khalwale:** On a point of order, Mr. Speaker, Sir. I am glad that various organs in the Constitution have started reviewing our understanding of the Constitution. Now that the Parliamentary Service Commission has made this realization, I urge you, the Rules and Business Committee of this House and the House Business Committee of the "Lower House" to sit down and reconsider whether there is need for us to have fully fledged departmental committees in those Ministries that are fully devolved, for example, the Ministry of Health.

You will have noticed that in the recent past, pronouncements have come from the Departmental Committee on Health of the National Assembly, suggesting that the health docket should go back to the national Government. That is not the position of the Committee in this House or the Constitution. There is need for you to consider the removal of those Committees that seem to be creating confusion.

**The Speaker** (Hon. Ethuro): That is a good observation. It has been work in progress and shall be pursued.

Next Order!

### STATEMENTS

**The Speaker** (Hon. Ethuro): Order, Members. There is concern that Statements take a bit of time. So, we need to be very efficient in the way we utilize this time. Statements shall not go beyond 4.00 p.m., preferably even 3.45 p.m. That means being careful in the way we manage them.

Chairperson, Committee on National Security and Foreign Relations, do you have the Statement sought by Sen. Musila?

### KILLINGS IN KITUI COUNTY

**Sen. Adan:** Mr. Speaker, Sir, this Statement that was sought by Sen. Musila regarding the killings of residents of Kitui County---

**Sen. Musila:** On a point of order, Mr. Speaker, Sir. The Vice-Chair has just started reading a Statement, purportedly for me, but I have no copy. Would it not be in order for her to give me a copy, so that I will be in a position to interrogate whatever she will present?

**The Speaker** (Hon. Ethuro): That is a tradition that we have established for this House; that there is no need for any ambushes and, definitely, not from people dealing with security matters. There must be a difference between the Government or those who do things rightly and the thieves who ambush.

**Sen. Adan:** Mr. Speaker, Sir, I was given this Statement this afternoon by the clerk of the Committee. I thought that they are the ones who should furnish the relevant Senator with a copy. But, nevertheless, I will give out the Statement for a copy to be made and then issue it.

**The Speaker** (Hon. Ethuro): Statement by the Chairperson, Committee on Land and Natural Resources.

### HAZARDS POSED BY NAIROBI DAM

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*



**Sen. Kivuti:** Mr. Speaker, Sir, this matter came to our Committee and we wrote to the Nairobi City County to give us a response. We had not received a response as at two weeks ago and the time that we had given them expired. Last week, my Committee decided to give them a demand letter. We gave them seven days to respond. Since the seven days have not yet expired, I beg for your indulgence, so that in case the Nairobi City County Government does not respond, I would like to know what action we may have to take.

**The Speaker** (Hon. Ethuro): Let us wait for the expiry of the period. There is plenty for you to do thereafter.

Statement (c) is deferred.

*(Statement deferred)*

BOUNDARY CONFLICT BETWEEN RESIDENTS OF  
VIHIGA AND KISUMU COUNTIES IN MASENO

*(Statement deferred)*

**The Speaker** (Hon. Ethuro): Let us go to Statement (d). Where is the Chairperson of the Committee on Agriculture, Livestock and Fisheries?

Sen. Murungi, the last time I checked, you were still the Chairperson of the Committee on Agriculture, Livestock and Fisheries.

*(Laughter)*

CONSTRUCTION OF GATITU-NYAYO TEA FACTORY

**Sen. Murungi:** Mr. Speaker, Sir, I am on record informing the House that we “devolved” our functions. We agreed that Sen. Ndiema, will be the one who will be handling all the Statements coming to the House. Since he is not here, I can respond on his behalf.

We have not got the Statement from the Ministry yet. We will have our Committee meeting tomorrow where this matter will be revisited. So, I am requesting that we be given another 14 days for us to exert some pressure on the Ministry.

**The Speaker** (Hon. Ethuro): It is so ordered. I would like to remind Sen. Murungi that we appreciate your internal arrangement in terms of division of labour. That is highly recommended. However, there is no division of labour in terms of responsibility. Standing Order No.45 (2)(b) states:-

“A Senator may request for a Statement from a Committee Chairperson.”

So, the responsibility is yours. It is upon you to deliver your Vice Chairperson to deliver the Statement.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

*(Statement deferred)*

Next Statement!

Where is the Chairperson of the Committee on Legal Affairs and Human Rights?  
Proceed, Sen. Sang.

STATUS OF PREPAREDNESS OF IEBC FOR  
THE NEXT GENERAL ELECTION

**Sen. Sang:** Mr. Speaker, Sir, on this particular one, we do not have a response today. However, I indicated to the Senator for Kisii that we have invited the Independent Electoral and Boundaries Commission (IEBC) to appear before the Committee on Legal Affairs and Human Rights on 22<sup>nd</sup> July, 2015. One of the things that the IEBC will be addressing is this particular concern. In fact, I take this opportunity also to invite all the other Senators. That will be an open session for the entire Senate, so that we can interrogate them on a number of issues, including the one captured in this Statement.

I have just discussed with the Senator, that he indulges us until 22<sup>nd</sup> July, 2015 and invite the entire House, so that we can deal with this, and many other issues that have arisen within this House relating to the IEBC's mandate.

**The Speaker** (Hon. Ethuro): It is so ordered.

Proceed, Sen. Obure.

**Sen. Obure:** Mr. Speaker, Sir, I have had some consultations with Sen. Sang. While I accept that arrangement and the fact that many Senators here will welcome the session with the IEBC to explain the broader issues relating to their function, I was wondering; does that obviate the need for us to get a written response to my request?

**The Speaker** (Hon. Ethuro): I thought that the Chairperson had not responded to that bit. Chairperson, you have invited Members to a meeting, but there is still the product of that meeting which translates to the Statement sought by the Senator.

**Sen. Sang:** Mr. Speaker, Sir, like the other statements sought by various Members, we are requesting that we hold the meeting. We will ask the IEBC to respond to these specific questions. However, they will have to reduce them into written statements to answer specifically each of the various questions. We will have an opportunity to seek further clarifications from them so that when they reduce their responses in paper, they can address not only these ones but---

**The Speaker** (Hon. Ethuro): Order, Sen. Sang! I would not want to cut you short but that is not relevant to the matter at hand. When will you respond to the Statement?

**Sen. Sang:** The written statement will come a week after our meeting with the IBEC and other stakeholders---

**The Speaker** (Hon. Ethuro): Order, Chairperson! You have admitted that the IEBC will give you a written response to your request. That meeting will accord your Committee the opportunity to interrogate so that if there are any gaps, they can be clarified. Is 22<sup>nd</sup> July, 2015 on a Wednesday?

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

**An hon. Senator:** It will be on a Monday.

**The Speaker** (Hon. Ethuro): So, a week from there means Tuesday, 30<sup>th</sup> July, 2015. I think that is too long. Bring it forward to Thursday of the same week.

What is it, Sen. (Dr.) Khalwale?

**Sen. (Dr.) Khalwale:** On a point of order, Mr. Speaker, Sir. Are we not breaking from our tradition? Our tradition is that the statement comes; it provokes Senators on areas that require further clarifications. There are those areas that then force the Chairperson to invite the substantive person to come, clear and clarify in the Committee of the Whole. If you do not do it that way, it means that we will not know what it is that we will be pursuing as issues that require further clarification. It is important that the statement comes before so that when we confront the Chairperson of the IEBC, we are properly equipped.

**The Speaker** (Hon. Ethuro): Proceed, Chairperson.

**Sen. Sang:** Mr. Speaker, Sir, I agree with Sen. (Dr.) Khalwale. However, the need for us to invite the IEBC is that, in the past, we have had several statements being sought and they have not been able to respond to most of those statements. That is why we invited them, though we also expect that they will send us their written presentation on each of those statements that have been sought in this House, maybe three or four days before they appear before us.

We thought that once we have those written statements, we will share among the Members but then, when the IEBC appears before us, we will interrogate them and give them an opportunity to revise and include all the issues that we will have raised within the Committee. What Sen. (Dr.) Khalwale is raising is valid, but we will seek their indulgence to proceed in that manner.

**The Speaker** (Hon. Ethuro): Either way, it works. It is true that the practice has been that we do the extra mile when there are many gaps. However, given that this is also a critical issue and there is interest, there is no harm in starting it in the way that the Committee has proposed.

With regard to date, 22<sup>nd</sup> July, 2015, the Clerk-at-the-Table has confirmed to me that you have misled me. It will not be on a Monday. There was a unanimous desire to mislead the Chair from the two sides of the House. The Chair cannot be misled because I was quite sure that it was not a Monday. It will be on a Wednesday. Therefore, I will give you up to Tuesday 28<sup>th</sup> July, 2015 to give the report.

Sen. Kittony, I think this is the chance you wanted.

#### OUTBREAK OF MALARIA IN WESTERN KENYA

**Sen. Kittony:** Mr. Speaker, Sir, I wish to convey the Ministry of Health's regret about the Statement on malaria outbreak in western region. It could not be available today because they are engaged in performance contracting exercise. Therefore, they were not in a position to prepare this Statement but they have assured our Committee that it will be done this Thursday. So, I beg for your indulgence.

**Sen. Khaniri:** Mr. Speaker, Sir, you can see clearly when I say that this Jubilee Government is not serious about the lives of Kenyans. You can see exactly what I mean.

We are talking of Kenyans dying of malaria and the Chairperson is telling us that they were busy engaged elsewhere, doing things like fighting illicit brews, that is why---

**The Speaker** (Hon. Ethuro): Order, Sen. Khaniri. We are in the House and we heard what the Chair said. She never mentioned anything to do with illicit brews.

**Sen. Kittony:** The Ministry begged for indulgence and it should not be blamed on the Jubilee Government; anybody can be engaged. I think the Senator for Vihiga should be understanding.

**Sen. Khaniri:** Mr. Speaker, Sir, what can be more engaging than---

*(Loud consultations)*

**The Speaker** (Hon. Ethuro): Order, Senators. Let us give Sen. Khaniri the opportunity to speak.

**Sen. Khaniri:** Mr. Speaker, Sir, I am so disturbed. Of course, we get these statements from the Government and when we ask, we know where they come from. I am a Chair of a Committee and I know about it. This Government is not serious about the lives of Kenyans. We are talking about malaria outbreak and yet she is telling us that they were busy elsewhere engaged. We want to know what is happening in Vihiga and Kakamega. People are dying of malaria.

**The Speaker** (Hon. Ethuro): Sen. Kittony, Sen. Khaniri has not put any request to you, so you have nothing to respond to.

**Sen. Kittony:** I am equally disturbed because he is supposed to be in Amani Coalition with me, so I do not know why he is blaming the Jubilee Government.

*(Laughter)*

**Sen. Khaniri:** Mr. Speaker, Sir, clearly, Sen. Kittony is doing her second term in Parliament and she must understand the sitting arrangement in any debating Chamber. Those who sit on the right of the Speaker are those who are in the Government and those who sit on the left are those in the Opposition. I have sat on the left ever since. We were elected the two of us with Sen. (Dr.) Khalwale on our party UDF and we sit here. We have nothing, whatsoever to do with this failed Government.

*(Loud consultations)*

**The Speaker** (Hon. Ethuro): Order! Order, Senators.

What is it, Sen. (Prof.) Lonyangapuo?

**Sen. (Prof.) Lonyangapuo:** On a point of order, Mr. Speaker, Sir. Is it in order for Sen. Khaniri to generalize? The Government is big and huge. Could he specify whether there are officers in the Ministry of Health who have failed and name them here? That would be better.

**The Speaker** (Hon. Ethuro): That is a valid point. Sen. Khaniri, what do you have to say?

**Sen. Khaniri:** Mr. Speaker, Sir, some of us who have served in the Government know how governments operate. There is what we call collective responsibility and at the end of the day, the buck stops with the appointing authority. If the Ministry of Health has failed, it is the Government of Uhuru Kenyatta which has failed especially if he is not taking corrective measures.

**Sen. Kagwe:** On a point of order, Mr. Speaker, Sir. I sympathize with the persons who have perished in Vihiga and indeed it should not happen but would I be in order to also propose that the County Government of Vihiga ought to be acting on this matter because health is a devolved function?

**The Speaker** (Hon. Ethuro): You are completely out of order, Sen. Kagwe. Whichever level of government performs a function, this House has a right to know the response of that particular Government on issues raised. I agree with you that health is a devolved function and we expect more from the Vihiga and Kakamega county governments but what we are asking is that whatever that is happening must be conveyed to the House.

Sen. Khaniri, you have raised one simple Statement which has not even been responded to, but has generated many issues. I want to clarify that the instruments in which you belong to a particular coalition - and we said in the Eleventh Parliament that the sitting arrangements do not relate to the traditional Westminster arrangement, so be guided. I do not want to pursue that matter beyond there. I am sure you understand what I mean.

This is to the Vice Chair of the Committee on Health; this is an outbreak of malaria in western Kenya. You have given the reason that the Statement could not be issued today because Government officials are involved in performance contracting and yet there is an outbreak of a disease. If there is an opportunity for them to demonstrate performance, this is such an opportunity.

*(Applause)*

Would exchange of documents be better performance than tackling the real issue?

**Sen. Kittony:** I have taken note and as I said, we will issue the Statement on Thursday this week.

**Sen. Khaniri:** On a point of information, Mr. Speaker, Sir.

**The Speaker** (Hon. Ethuro): Who are you talking to?

**Sen. Khaniri:** The House.

**The Speaker** (Hon. Ethuro): It does not work that way.

**Sen. Khaniri:** Then I wish to inform Sen. Kagwe.

Mr. Speaker, Sir, although you made a good ruling on this that it does not matter which level of government, but I want to inform Sen. Kagwe that an outbreak of malaria is an emergency. The emergency money is with the national Government. This House fought so hard to ensure that we give the money to the county governments but this was vehemently opposed and we know the powers that opposed it. Therefore, he should be informed that this squarely lies with the national Government.

**The Speaker** (Hon. Ethuro): The last one, Sen. Kagwe. I have a feeling that the House needs the information that you might give.

**Sen. Kagwe:** Mr. Speaker, Sir, I just wanted to inform the honourable Senator, who is my friend, and indeed we must do something about western region. This House fought for emergency money to be devolved to the county governments and if you look at your estimates, you will see that we actually succeeded. So, we actually have some money in this financial year. We have money in the counties for emergencies. I hope you appreciate that information because I am sure the County Government of Vihiga can begin to immediately draw against that contingency amount because we did it for the kind of reasons the Senator has raised.

Thank you very much, Mr. Khaniri, for raising that important information.

**The Speaker** (Hon. Ethuro): That is the correct position, Sen. Khaniri. That was the argument given during the mediation of the Division of Revenue Bill.

Next is Statement (g) by Sen. Karaba.

GOVERNMENT POLICY ON TERMS OF ENGAGEMENT  
FOR PART-TIME LECTURERS

**Sen. Karaba:** Mr. Speaker, Sir, the Cabinet Secretary, Ministry of Education and the Vice Chancellor of the affected university are still working on the Statement from Sen. Madzayo, whom I have already talked to.

We have continued to receive Statements and I thought this was one of them. We are still waiting for the Statement but we have agreed with the Senator that we wait until the Cabinet Secretary comes to the Senate, a ruling which was made last week by our then Speaker. This is a teething problem not only in Jomo Kenyatta University of Agriculture and Technology (JKUAT) but in many other universities where lecturers have not been paid their allowances. We have agreed with the Senator concerned. Therefore, we are going to wait until he comes to the House.

**The Speaker** (Hon. Ethuro): When is that?

**Sen. Karaba:** Mr. Speaker, Sir, we are making arrangements today. We are thinking that in two weeks time, the Cabinet Secretary will be in this august House.

**Sen. (Dr.) Machage:** On a point of order, Mr. Speaker, Sir. You do not have to study psychology to note the falsehood with which the Chair was trying to communicate to this House, to the extent of confusing the documents he was having on the Table. Could I be in order to request that he says that he has not worked on that issue? We will appreciate it instead of playing with language.

**Sen. Hassan:** On a point of order, Mr. Speaker, Sir. On a similar note, there is no single question on Statement (a) to (g) that has been answered today, on account that the various Committee Chairs have requested for more time.

Mr. Speaker, Sir, you have made very strong pronouncements about taking this Senate seriously from your Chair. We have spent the entire Statement Sessions period by simply saying that a Statement will be answered next week, tomorrow or we are calling somebody to the Senate. I think you need to pronounce yourself in a more firm way.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

**The Speaker** (Hon. Ethuro): Sen. Hassan, the Chair will pronounce himself. The Chair is also aware that there are other Statements that are ready and they are coming after Statement (g), so you spoke too soon.

I think Sen. (Dr.) Machage is a bit unkind to the Chair. The Chair said that he was not ready; he was shocked when the Statement brought to him was purported to be the one. To me, that language is consistent with the words because he was equally surprised that it was now coming at a time when he was supposed to respond, when he had been informed all along that it was not ready. You do not need to be a psychologist to appreciate the body language that is consistent with the verbal pronouncement.

*(Sen. Karaba spoke off record)*

I have defended you, Chair, you do not need to add anything.

My request to you is, given that you are equally frustrated by this, I think two weeks is too long. You should get the Cabinet Secretary within one week.

**Sen. Karaba:** Mr. Speaker, Sir, I will try to persuade him to come within that week. We have also learnt psychology; it is true that this is not a document which is pertaining to the question. It is something else.

**The Speaker** (Hon. Ethuro): Order, Members. We still have two other Statements. You remember we deferred Statement (a). I will now invite the Vice Chair to proceed with it.

**Sen. Kembi-Gitura:** On a point of order, Mr. Speaker, Sir.

**The Speaker** (Hon. Ethuro): What is it, Sen. Kembi-Gitura?

ONGOING PROPERTY DEVELOPMENT AT THE JUNCTION  
OF LORESHO RIDGE ROAD AND KAPTAGAT ROAD

**Sen. Kembi-Gitura:** Mr. Speaker, Sir, the reason I want to make my point of order at this time is because I noticed that Sen. Khaniri, the Vice Chairman of the Committee on Agriculture, Livestock and Fisheries is here. I have been following up on that Statement for a very long time. You had indicated that it be given two weeks ago, regarding the erection of an illegal structure in Loresho. The structure continues and I know that Sen. Khaniri has that Statement---

**The Speaker** (Hon. Ethuro): Order, Sen. Kembi-Gitura. How is that related to the Statements on National Security and Foreign Relations?

**Sen. Kembi-Gitura:** Mr. Speaker, Sir, I fear, what we call in latin *Quia timet*. I fear that the Vice-Chairman might leave the House. The Chairman is not here and my Statement could be deferred again. In the meantime, the illegal construction continues. So it is an urgent situation just like the one Sen. Khaniri talked about, of malaria.

**The Speaker** (Hon. Ethuro): You have put your case.

**Sen. Khaniri:** Mr. Speaker, Sir, allow me to do some little consultations and then I report back. I know there was a comprehensive report being worked on and will be tabled. Let me make some consultations and then report back to the House in a short while.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

**Sen. Kembi-Gitura:** Mr. Speaker, Sir, this has been going on for a very long time. The last time I sought this Statement, Sen. Khaniri said that it was ready and so did Sen. Kivuti, the Chairman of the Committee. It is an urgent matter and I expect to get an answer because you ordered that the Statement should be given more than a month ago.

**The Speaker (Hon. Ethuro):** Indeed, that Statement has been around for a long time. The Vice Chair says he wants to consult; maybe he wants to consult his Chair. So Sen. Kembi-Gitura, bear with us for a while.

#### KILLINGS IN KITUI COUNTY

**Sen. Adan:** Mr. Speaker, Sir, Sen. Musila requested for a Statement regarding the killings of residents of Kitui County by herdsmen. The Senator sought to be informed when the herdsmen will be removed from the county and when the Government is going to arm the police reservists so that they can safeguard the people. I wish to state as follows:

That, during the month of May and June 2015, incidents of conflict between the Somali herdsmen and members of Kamba community were reported which resulted to loss of lives. Following the incident, a joint security meeting between the Kitui and Tana River County security intelligence committees was held on 8<sup>th</sup> June, 2015 at Ukasi in Mwingi East sub-county. It was resolved that a 10 day notice be issued to all the herdsmen to move out of the areas they had invaded.

The notice was issued that 12<sup>th</sup> June, 2015 and as a result, most of the herdsmen have moved out of the areas in question. The Kitui County Security Intelligence Committee commenced a security operation to flush out the remaining herdsmen from the county on 29<sup>th</sup> June, 2015, which is currently on going.

Mr. Speaker, Sir, the Government does not intend to arm any reservists as there are no known police reservist in the county enlisted by the National Police Service (NPS). However, the County Government of Kitui, on recommendation by the county security intelligence committee has recruited a total of 36 rangers who are currently undergoing training. They will be armed once they complete training. I discussed with Sen. Musila about the rangers and it seems like it is out of the question, because the rangers are meant for the national reserve. I will take it upon myself to discuss with the Cabinet Secretary in charge of the Ministry of Interior and Coordination of National Government to respond to that aspect of police reservist because there is need to arm the reservists in that area.

The following incidents have been reported in Kitui County---

*(Loud Consultations)*

**The Speaker (Hon. Ethuro):** What is it, Sen. Muthama?

**Sen. Muthama:** On a point of order, Mr. Speaker Sir. Sen. Dullo Adan is giving a very important Statement and consultations are very loud. Can the Members be asked to at least tone down?

**The Speaker (Hon. Ethuro):** Please, proceed Sen. Dullo.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*



**Sen. Adan:** Thank you, Mr. Speaker, Sir. The following are the reported cases:-

(a) On 12<sup>th</sup> May, 2015, at about 10.45p.m. at Ekani Market in Mutha Location, Mutomo Sub-County, Mr. Maluki Muthoka aged 36 years reported that he was at his shop when he was confronted by two men of Somali origin. The attackers shot him on the leg and thigh before robbing him of Kshs30,000 before disappearing to an unknown destination. The case is under investigation vide Mutha Police Station, criminal case No. 404/25/2015.

(b) On 14<sup>th</sup> May, 2015, Mr. Paul Sami aged 23 years, a motorcycle rider, was hired by two unknown people of Somali origin to take them from Tulima to Bangale in Tana River County. The rider was later found murdered in Tulima area and his motorcycle, registration number KMDJ 380D, of Skygo make, blue in colour and valued at Kshs80,000 was also stolen but later recovered. One suspect, Mr. Bashir Abdi was arrested and charged with murder and robbery. I am still waiting for the case number on this particular aspect because I requested the Ministry to provide it.

(c) On 27<sup>th</sup> May, 2015, at about 8.00 a.m. at Kalambani Sub Location in Mutha Location, Mutomo Sub-County, the body of Mr. Maluki Kilungya, aged 55 years, was found at his cattle *boma*. The case is still under investigation by Mutha Police Station, Criminal Case No. 404/29/2015.

(d) On 30<sup>th</sup> May, 2015, at around 11.00a.m. at Munani village, Ukasi Location in Mwingi East sub-county, Mr. Mwangangi Kodhia, aged 61years, was allegedly shot dead by five Somali bandits who were armed with AK 47 rifles. The case is still under investigation, vide case No. 49351/2015.

(e) On 3<sup>rd</sup> May, 2015, Kasiluni Village in Kyuso Sub-County, there was confrontation between three Somali herders and Mr. Munyuoki Mutua after the herdsmen trespassed and grazed their camels in his farm. Two of the Somali herdsmen were seriously injured and rushed to Mwingi District Hospital where they were admitted and later discharged. The case is pending and under investigation. I requested the Ministry to give me the case number because it is kind of vague.

(f) On 1<sup>st</sup> June 2015, at 10.00a.m at Kanyunyini Village, Kavaani Location in Kyuso Sub-County, four men of Somali origin invaded the home of Mr. Muimi Munei, aged 33 years, who managed to escape unhurt. On returning, he found that household goods valued at Kshs8,000 missing. He searched within the locality and came across Mr. Hussein Sheik, aged 80 years whom he stabbed to death. The suspect was later arrested and charged with murder vide Kyuso Police Station, Criminal Case No.49474/2015.

(g) The following day, at around 7.30pm, at Kakungu Shopping Center, Ngomeni Location, at Kyuso Sub-County, three men of Somali origin who were armed with rifles stormed the shopping center and shot dead three tribesmen of Kambaa origin, named; Mwendwa Muthui, aged 32 years, Mutemi Mutua alias Kamangu, aged 37 years and Mr. Mwendwa Kimanzi, aged 50 years. The case is pending under investigation vide Kyuso Police Station, Criminal Case No. 494/75/2015.

(h) On 3<sup>rd</sup> June, 2015, at about 6.30 am, at Mukava Village, Kavaani Location, in Kyuso Sub-County, five Somali men armed with rifles shot dead Mr. Muimi Maswili, aged 33 years who was in his *shamba*. Police officers visited the scene and arrested five suspects of Somali origin who were believed to have invaded and recovered one

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

motorcycle, registration No. KMDK 264V of Boxer make. However, they were interrogated and later released for lack of evidence. The case is under investigation vide Kyuso Police Station, Criminal Case No.494/76/2015 while a suspect, Mr. Abdi Gabbo, has been arrested and is being processed for appearance in court.

Thank you, Mr. Speaker, Sir.

**The Speaker (Hon. Ethuro):** Please, proceed Sen. Musila.

**Sen. Musila:** Mr. Speaker, Sir, I first thank the Vice- Chairperson who has diligently followed up this matter. I thank her for this Statement which is comprehensive, though lacking some facts. As you have noticed, this is a very serious matter. Every paragraph in the Statement contains killings of Kamba tribesmen by Somali tribesmen and the cases are pending investigations. There has been no conclusive action by the Government on this matter.

Mr. Speaker, Sir, this is not a new issue. During the Ninth and Tenth Parliament when I was the Member for Mwingi South Constituency, I raised these issues where people come from the north eastern region and cross Tana County, to Kitui County and kill people for no apparent reason when they find them working in their farms. The Government has allowed this to continue for a long time and has given incentive to these people to continue killing, because no action is taken. They do it with impunity.

Having said that, the police reservists are normally used to protect people especially where the Government has been unable to do so. The Statement says that 36 rangers are undergoing training. This is misleading as the Vice-Chairperson herself has accepted. Those are rangers of the KWS who are being recruited to work in the Kitui North and South Game Reserves to protect animals and not people.

I know that I am seeking clarification, but allow me to build my case. In one of the responses, the Vice-Chairperson has deliberately failed to mention that on 3<sup>rd</sup>, May, 2015, at Kasiluni Village in Kyuso Sub-County, five farmers were murdered in cold blood by the same herders. I personally visited the scene; saw the dead bodies, orphans and widows of the slain men. This is a serious matter. We have been told that an operation has commenced. This is not the first time. What happens when they are so many incidences – because these are just few incidences in two months – is that the Government does cosmetic operations and moves people a few kilometers from the border. They disappear and then come back.

(1) Could the Chairperson tell us why the Government finds it easy to have police reservists in other places like Pokot but when we ask for reservists in our area, we are denied?

(2) Could the same Chairperson clarify when we will get conviction for all these pending investigations? To the best of my recollection, we have never had a single conviction of these murderers who kill people in my county.

This is a serious matter and if the Government is serious about the lives of people and their property, this House should insist that we get a lasting solution because my people cannot continue to be killed without any response by the Government that is constitutionally mandated to protect lives and property of Kenyans.

**Sen. Obure:** Mr. Speaker, Sir, I have been listening to the response given by the Vice Chairperson. We have been told of people who were shot, killed, injured and robbed

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

- residents of Kitui County. The reports we are getting are that investigations are pending. Suspects were arrested, interrogated and released for lack of evidence. It is very clear that there are inadequate security arrangements on the ground. Is the Government waiting for the people of Kitui County to react by taking similar violent actions? Is the Government really serious about security in this particular area? Do they have capacity to deal with matters of security in this county?

**Sen. Karaba:** Thank you, Mr. Speaker, Sir. This is an issue that requires a lot of interrogation. We need to think about security because that is what is even causing students to leave schools and abandon learning totally. Is the Ministry considering the plight of students especially when there is a spate of violence taking place in such circumstances? Is the Chairperson aware that about 14 people were killed selectively in Mandera? We need to find out what causes this state of insecurity in the country.

**Sen. Muthama:** Bw. Spika, nimesikiza taarifa iliyotolewa na Naibu Mwenyekiti. Ningependa kumjulisha na kumkosoa kwamba shida ambayo inakabili Kaunti ya Kitui inahusu makabila mawili; Wasomali na Wakamba. Ni dhahiri kwamba hatua zilizochukuliwa zinatenganisha makabila haya mawili. Ikiwa watu wa Kitui watachukua hatua, itaelekezwa kwa Wasomali kisha itakuwa vita vya kikabila.

Inafaa Naibu Mwenyekiti afahamu kwamba chochote kitakachotokea ni vita vya makabila. Ikiwa vitaanzia Kitui, vitaenea taifa nzima. Kwa nini Serikali haichukui hatua madhubuti kuhakikisha kwamba matendo haya yanasimamishwa haraka iwezekanavyo?

**Sen. Orenge:** Mr. Speaker, Sir, we are probably demanding too much from the Government because these are critical security issues like what has just happened in Mandera. If a Government cannot deal with herders, I do not know how they are going to deal with the bigger security situation concerning *Al Shabaab* but that is for another time.

I am a Member of this Committee. From what we have been told by Sen. Musila – it is not easy to find him talking with so much emotion because he is a former Provincial Commissioner (PC) who knows how to handle matters of security – can the Government come out clearly on how they will deal with the security issue?

We are just talking about herders in Kitui County but this is also happening in Mandera and Isiolo counties and nearly everywhere. Is the Government admitting that there is a complete failure in the security organs? There used to be a law; that you needed a permit to even move cattle from one location to another. Now, herders can move from one county to another and not only move but move and kill and the Government is watching. There is total abdication of serious constitutional duty.

**Sen. Mutula Kilonzo Jnr.:** Mr. Speaker, Sir, just to add my voice to this issue. Anybody traveling to north eastern through Kitui will need to be escorted from the point where you leave Kitui into north eastern. The Government is, therefore, aware that there is a security problem. What is the Government going to do – we are aware that most of these incidents appear to happen particularly when there is drought in north eastern and they cross over – so that we do not have this problem that has continued for eternity? People die, we have funerals and that is the end of it. There must be a deliberate measure that can be taken. Herding continues in many counties including Makueni but we do not have the sort of incidents that we have in Kitui County.

**Sen Adan:** Thank you, Mr. Speaker, Sir. This is a very serious issue. Sen. Musila and this House should appreciate the much I have done to solicit this Statement; that I returned three times because it was unsatisfactorily answered. I have been to the Cabinet Secretary's (CS) office and called the Inspector-General (IG) personally to ensure that they give me a satisfactory answer. I told them that next time we will not give any Statement if it will not be done satisfactorily. That, I have discussed with them.

I have raised the issue of police reservists that I mentioned in the Statement. Instead of going through the issues raised by Members, I would request my Chairperson to accompany me to the office of the Cabinet Secretary (CS) for the Ministry of Interior and Co-ordination of National Government to address this matter face to face with him.

#### STATUS OF THE AGREEMENT ON THE MERU/ISIOLO COUNTY BORDER

**Sen. Murungi:** Mr. Speaker, Sir, there is a Statement that I have been requesting for weeks on end from the Chairperson of the Committee on National Security and Foreign Relations. I am lucky today because both the Chairperson and the Vice Chairperson are here. I understand the Statement is now ready ---

**The Speaker** (Hon. Ethuro): Order, Sen. Murungi! You had already petitioned the Chair. Yours will be the next and last Statement for the day.

What is it, Sen. Haji?

**Sen. Haji:** Mr. Speaker, Sir, I am just wondering whether my Vice Chairperson will accompany me or I will accompany her. Is she in order?

**Sen. Musila:** Mr. Speaker, Sir, I started by commending the Vice Chairperson who has really worked very hard to get this Statement. I think this should not be the end of the matter of the Chairperson accompanying the Vice Chairperson or *vice versa*. This is a matter of national importance and I request that the Chair orders that the Minister in charge of internal security comes here with the Chairperson and the Vice Chairperson so that we can all interrogate him on this matter and probably even other security matters which are so critical to this nation.

**The Speaker** (Hon. Ethuro): Hon. Senators, I see there is a threat to repeat the entire cycle and we do not have the luxury of time. I want to direct that the Chairperson of the Committee accompanies the Vice Chairperson. When the Chairperson decided to delegate the authority to respond to the Vice Chairperson, you delegated quite a lot and so it is perfectly in order for the Vice Chairperson to assume certain responsibilities including you accompanying him.

Secondly, since they will use that opportunity to get the responses to the issues you have raised, we will give them a week to bring back the Statement to the House and if the House still feels that it is not satisfactory, then we will go by the recommendation as suggested by Sen. Musila.

Sen. Adan, do you have the Statement for Sen. Murungi?

**Sen. Adan:** Mr. Speaker, Sir, first, let me apologize for the Statement I made about the Chairperson accompanying me. Unfortunately I have been handling this matter and so that is why the responsibility was mine.

Mr. Speaker, Sir, I have Sen. Murungi's Statement and it has been here for the last one week, but unfortunately he was not in the House and so it was not the fault of the Committee to delay the Statement.

STATUS OF THE AGREEMENT ON THE MERU/ISIOLO  
COUNTY BORDER

Mr. Speaker, Sir, Sen. Murungi requested for a Statement regarding the status of an agreement on the Meru/Isiolo County border and the Senate has requested to be informed on the current status of the Government and why the national Government has refused to implement the agreement resulting in permanent insecurity and loss of lives and property along the common border.

Thirdly, what practical steps the Government is taking to eradicate cattle rustling and ensure permanent peace and security along the Meru/Isiolo Border.

I wish to respond as follows:

The Meru/Isiolo counties border has never been surveyed or determined. Land along the boundary and, particularly, in Isiolo Town and its environs remains Government land since it is neither adjudicated nor declared a trust land. The disputed area is along the Isiolo North and Tigania East constituencies in Isiolo and Meru counties, respectively. With the creation of county governments, tension has been building up due to activities of both counties that want to control the disputed areas, thus leading to clashes between the communities of the two sub-counties.

*[The Speaker (Hon. Ethuro) left the Chair]*

*[The Temporary Speaker  
(Sen. (Dr.) Machage) took the Chair]*

Consequently security meetings involving elected and community leaders from both counties were held at Sportsman Arms Hotel in Nanyuki on 20<sup>th</sup> December, 2013 which culminated into the signing of what came to be referred to as the Nanyuki Accord. In the Accord, it was resolved that among other resolutions, the communities living in the two counties should co-exist peacefully and harmoniously and that *status quo* be maintained as it was before the creation of the counties while awaiting for the resolution of the border dispute---

*(Loud Consultations)*

**The Temporary Speaker** (Sen. (Dr.) Machage): Order, hon. Senators! Sen. Murungi, do you have a point of order?

**Sen. Murungi:** Mr. Temporary Speaker, Sir, I was waiting for her to finish reading the Statement.

**Sen. Adan:** Mr. Temporary Speaker, Sir, I wish to table a copy of the Accord.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

*(Sen. Adan laid the document on the Table)*

The National Government has not refused to implement the resolution of the Accord. In fact, the Ministry of Interior and Coordination of National Government has in the last two occasions written to the Ministry of Lands, Housing and Urban Development requesting for its intervention and resolution of the boundary dispute. The Ministry has as well written to the Independent Electoral and Boundaries Commission (IEBC) over the same issue.

It is, however, appreciated that majority of the residents of the two counties are upholding the resolution of the Accord, though a section of the residents continue to invade trust land and erect structures on the disputed area. Some of such structures were destroyed by the Tigania East Sub-county Security Committee on 3<sup>rd</sup> June, 2015 with the exception of the mosque.

The disputed area is the grazing zone for the communities residing in the area including the Somalis, Borana, Turkana and Meru. However, banditry and cattle rustling has been a persistent security challenge in the disputed area. This has been compounded by the vastness of the area which has poor roads and communication infrastructure.

The Government has employed the following measures which are aimed at enhancing security in the area:-

(1) Security patrols which have improved security and reduced incidents of cattle rustling.

(2) Recruitment and training of 20 national police reservists, seven from the Turkana community and the rest from the Meru community.

(3) Cattle owners have been sensitized through a series of meetings on the need to move and graze together. However, some chose to remain behind and graze in the unadjudicated areas of Ngarimara Location, Tirigwi and Kisima Sub-location, Buuri Location, Maburwa, Lailuba and Lanyiru sub-locations and Mula Location – Kamberia and Kalothera Sub-location. Such isolated manyattas have become soft targets and were victims of the last three stock theft incidences. Fast-tracking the adjudication of the areas and subsequent settlement could reduce vulnerability.

Three Administration Police camps; Mbataru, Ngambela and Tractor and the Lowangila Kenya Police Post base are situated within the cattle rustling hotspots. Thank you.

*(Loud consultations)*

**The Temporary Speaker** (Sen. (Dr.) Machage): Let us consult in low tones please. Consult silently so that we may hear what is going on.

**Sen. Murungi:** Mr. Temporary Speaker, Sir, I know that Sen. Musila has poured a lot of congratulations and accolades to the Vice Chairperson of the Committee. However, you have to take the accolades away because the Statement she has read falls far short of the expectations of this House.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

Mr. Temporary Speaker, Sir, she has talked about the Nanyuki Accord. However, it was quite clear, from the Statement that I requested in this House, that I was not referring to the Nanyuki Accord. I was referring to a meeting which we held in the Harambee House between the leadership of Isiolo County, the Vice Chairperson, Senators, governors and Members of Parliament (MPs) from Isiolo and Meru counties. We agreed that both the Governor for Meru and Isiolo counties would pay for two surveyors each to mark the boundary. The Office of the President was to provide the chairmanship and security for the boundary to be marked.

Our Governor has identified two surveyors while the Governor for Isiolo County has not. The Cabinet Secretary (CS) had not facilitated in terms of security for the boundary to be marked. That is what I requested for from this House. However, the Vice Chairperson is talking about the Nanyuki Accord which was signed over one year before our meeting and she knows that. She is bringing that Statement here while she knows that it is false.

Mr. Temporary Speaker, Sir, could I request, in the spirit of the answer to the previous question, that when she is accompanied by her Chairman to see the CS, they should fix another appointment where the Chairman and Vice Chairperson of the Committee on Security and Foreign Relations should be present? The same leaders of Meru and Isiolo counties, who were in the previous meeting, should have another meeting at Harambee House. The CS should then tell us why they refused to have the surveyors mark the boundary because that is what the leadership agreed on.

Mr. Temporary Speaker, Sir, it is as simple as that. Could she undertake to do that?

**The Temporary Speaker** (Sen. (Dr.) Machage): Vice Chairperson, what have you decided about that?

**Sen. Adan:** Mr. Temporary Speaker, Sir, first, I want to say that it will be unfair for Sen. Murungi to take away points that were given to me by Sen. Musila. This is because the situation is not my making.

However, the Statement that was requested by Sen. Murungi does not mention anything about the meeting that was held in Harambee House. This is the Statement that I have.

I will share the same with the CS for Interior and Coordination of National Government and come back with a feedback to this House together with Sen. Musila's Statement.

Thank you, Mr. Temporary Speaker, Sir.

**The Temporary Speaker** (Sen. (Dr.) Machage): The request by Sen. Murungi was quite explicit. He required details that, I think, are also important to this House. In your consultations with the CS, make sure that the sentiments, requests and prayer, as expressed by the Senator, are properly expressed and presented. We expect you to bring the report of the consultation to this House on Thursday.

**Sen. Adan:** Mr. Temporary Speaker, Sir, much obliged.

Mr. Temporary Speaker, Sir, I have one last Statement. However, I cannot see Sen. Munyes.

**The Temporary Speaker** (Sen. (Dr.) Machage): Hold on. I can see an intervention from Sen. Karaba.

**Sen. Karaba:** Mr. Temporary Speaker, Sir, I was trying to inform my friend here that both CSs will be appearing before us next week.

**The Temporary Speaker** (Sen. (Dr.) Machage): Hold on. Are you on a point of information?

**Sen. Karaba:** Yes, Mr. Temporary Speaker, Sir.

**The Temporary Speaker** (Sen. (Dr.) Machage): Whom do you want to inform?

**Sen. Karaba:** Sen. Adan.

**The Temporary Speaker** (Sen. (Dr.) Machage): Sen. Adan, do you want to be informed?

**Sen. Adan:** Yes, Mr. Temporary Speaker, Sir.

**The Temporary Speaker** (Sen. (Dr.) Machage): Go on, Sen. Karaba.

**Sen. Karaba:** Mr. Temporary Speaker, Sir, I wanted to inform her that we have already invited both the CS for Education and the one for Interior and Coordination of National Government. During the meeting, anything else which is not clear will be made clear at that time when they appear before the Senate.

**The Temporary Speaker** (Sen. (Dr.) Machage): Very well. That is not for this House. It is about your own consultations on how you will carry out the request. However, she had already accepted and given an undertaking of meeting the CS concerning the issues raised by Sen. Murungi. I think that was quite in order.

**Sen. Adan:** Thank you, Mr. Temporary Speaker, Sir. I will take up the responsibility of our Committee to do what we have agreed to do whether the CS will appear or not.

Finally, Mr. Temporary Speaker, Sir, I have a Statement for Sen. Munyes but I cannot see him in the House. The Statement has been pending for the last two weeks.

**The Temporary Speaker** (Sen. (Dr.) Machage): Sen. Munyes was here a few minutes ago but he is not in the House. A tradition has been set and accepted that one cannot present a statement in the absence of the Senator who requested for it unless he notoriously absents himself. This is the first time that I have noted that. Let us give him another chance.

## POINT OF ORDER

### ACKNOWLEDGMENT AND APPRECIATION OF THE NEW SENATE MACE BY THE HOUSE

**Sen. Hassan:** Mr. Temporary Speaker, Sir, would I be in order to acknowledge two of our colleagues attributed to *Saba Saba Day*? These are Sen. Murungi and Sen. Orenge.

Mr. Temporary Speaker, Sir, we have a very beautiful Mace before us which we have all taken notice of. There is always an explanation about it. I have seen Mombasa and all the other counties engraved on it.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*



The Clerk's Office should give us a description of the sculptor and explain what the Mace represents. I have seen some good art on it. We should know what it means so that we internalize, appreciate what the Mace represents; its symbolism, what was used to make it and how much it cost us. We should be informed about such type of things so that when we talk about history, we are fully appraised that this is the Mace that represents the stature and the power of the Senate. However, we should also fully comprehend what the Mace means and what every feature on it represents.

I am happy that all the 47 counties are engraved on it. The Deputy Speaker warned me when I tried to touch it; that the Serjeant-at-Arms could pounce on me because the Opposition is perceived to be in the business of taking away Maces when we feel that the House is in a mess.

However, that said and done, could we be told where and when we can have a look at it at a close range at some point? It will be misnomer for us to be in this Senate and not know what the symbols in this House represent.

On the same issue, Mr. Temporary Speaker, Sir, *The Monitor* shows that today is *Saba Saba*. We need to acknowledge some of our colleagues here who sacrificed for this country so that this nation may live, democracy may flourish and Sen. Keter and others have freedom of speech which they have in this Senate and outside the Senate. I know he may not have been there during *Saba Saba*.

**Senators:** Point of order!

**The Temporary Speaker** (Sen. (Dr.) Machage): Before your points of order, when I am on my feet, you do not even attempt to say "point of order."

I have carefully listened to Sen. Hassan. We have the Mace here on 7<sup>th</sup> July. That is just a coincidence. It has nothing to do with the *Saba Saba*. However, all said and done, I expect in your stay in this House – now on your third year – to be aware of the functions of the Mace in this House. So, that prayer is a bit frivolous or under par to your standard.

However, the prayer of seeing the Mace closely and knowing about what the symbols on it mean is meaningful. The Clerk will have to take some time in a *Kamukunji* and explain to Members what all that means. I appreciate that you have appreciated that we have a new beautiful Mace for the House.

**Sen. (Dr.) Khalwale:** Mr. Temporary Speaker, Sir, could you indulge me on two points of order? The first one concerns, of course, what you have just explained. It is important that when this explanation comes from the Clerk, who incidentally is the Chief Executive Officer (CEO) of the Parliamentary Service Commission, he brings the accounts of this important structure called the Mace.

We want to know how much it cost the public to pay for the original one and what informed the Parliamentary Service Commission in moving from the original one to the new one. How much has the new one cost? We want to be told what is going to be fate of the first one, on which millions were spent. Since we are dealing with a Government, which is keen on doing new things, so long as procurement is involved, we do not want Parliament to be part of the kind of behaviour that is depicted by the Executive.

Mr. Temporary Speaker, Sir, my second point of order is that a few days ago the Senate Minority Leader raised the issue of raising the capital for starting a bank from

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

Kshs1 billion to Kshs5 billion. I would like to confirm that the Senate Minority Leader has lost his voice on medical grounds. I would urge that, that answer comes immediately because the Finance Bill in the “Lower House” is about to come. If it comes, it will then have overtaken this particular requisition for a Statement.

**The Temporary Speaker (Sen. (Dr.) Machage):** Very well. I have heard and listened to you carefully. I order that the Clerk takes in your concern as an addendum to the questions that were sought by Sen. Omar. I order that this report be brought to the House within two weeks. There is nothing to hide. We will be waiting to hear what our Mace is all about.

**Sen. Hassan:** On a point of order, Mr. Temporary Speaker, Sir. Just for the sake of the HANSARD, I did not ask what the functions of the Mace are. I just asked to be told a little more about its production, which was further qualified by Sen. Khalwale. Since the HANSARD is a document of permanent record, I know what the functions of a Mace are.

**The Temporary Speaker (Sen. (Dr.) Machage):** If I were you, I would have gone silent on that. But all the same, we have heard. That is the end of that.

On the second point, Sen. Wetangula also approached the Chair over the same. But I have been informed that, that Statement is scheduled to here on 15<sup>th</sup> July, 2015. That is not too long to wait. Maybe by then, by the grace of God, Sen. Wetangula’s voice will be back to normal and he will execute his Statement.

#### COLLAPSE OF MUMIAS SUGAR COMPANY IN KAKAMEGA COUNTY

**Sen. (Dr.) Khalwale:** On a point of order, Mr. Temporary Speaker, Sir. It is now months since I requested for a Statement in respect of the looming collapse of Mumias Sugar Company. In that Statement, I raised the issue of the audit report by the KPMG firm. I indicated that I wanted the Chair of the Committee to explain to the Senate and country what role the previous managers at Mumias Sugar Company played in leading to what has happened.

I would like to inform the House that in spite of waiting for all these months, I am now running into legal battles for the very thing that I raised without any prejudice two months ago, all in the name of defending the interests of the County of Kakamega, under Article 96 (1). Could you now order that, that Statement comes on Thursday this week, because one of the former managers of Mumias Sugar Company had the audacity to sue me and the suit is coming up next week, so that I can use that answer as part of the evidence that I will use in defending myself in that suit?

**The Temporary Speaker (Sen. (Dr.) Machage):** Order, Sen. Khalwale! If I were you, I would have kept that last sentence silent, because you are now tempering with the law of *sub judice*. The case is already in court and now you have preempted. Even if this House wanted to produce that Statement, you may actually make me order otherwise.

All the same, Chairman, Committee on Agriculture, what do you have to say?

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

**Sen. Murungi:** Mr. Temporary Speaker, Sir, we were consulting. Could you repeat what the Statement was about?

**The Temporary Speaker (Sen. (Dr.) Machage):** With all respect, I may not rewind my mind and quote what Sen. Khalwale said.

*(The Temporary Speaker (Sen. (Dr.) Machage)  
consulted with the Clerk-at-the-Table)*

Maybe this is a relief to you because I am told that this Statement had been directed to the Chairperson, Standing Committee on Legal Affairs and Human Rights. So, you will pardon the Chair for hijacking you.

Chairperson, Committee on Legal Affairs and Human Rights, what do you have to say about Sen. Khalwale's request?

**Sen. Sang:** Mr. Temporary Speaker, Sir, I was on some consultation with Sen. Martha Wangari and, therefore, did not follow what Sen. Khalwale was saying. I ask for your indulgence.

**The Temporary Speaker (Sen. (Dr.) Machage):** Order, Members of this House. Two Members, following each other, have confessed in front of the media, that they were not following the proceedings of this House. Whereas consultations are important, I think we should be alert, especially so where a Statement touches on you.

This Statement was supposed to be answered on five occasions; 11<sup>th</sup> March, 18<sup>th</sup> March, 31<sup>st</sup> March and 5<sup>th</sup> May, 2015. You will have to go to the HANSARD and read what Sen. Khalwale said, because it is too lengthy for me to repeat. I want this answer, without fail, on Thursday. It is so ordered.

### **NOTICE OF MOTION FOR ADJOURNMENT UNDER STANDING ORDER NO.33**

#### **KILLING OF 14 PEOPLE BY TERRORISTS IN MANDERA COUNTY**

**Sen. Billow:** Mr. Temporary Speaker, Sir, I rise under Standing Order No.33 to seek leave of the House to discuss the killing of 14 people in Mandera last night, which is a matter of urgent national importance.

*(Several Senators stood in their places)*

**The Temporary Speaker (Sen. (Dr.) Machage):** Very well. I see that the House agrees with you unanimously. I order that time is allocated for this Motion from 5.00 p.m.

**Sen. Billow:** Mr. Temporary Speaker, Sir, I seek your indulgence because most of the Members and I would want to be home a little bit early, if you could allow me to move it immediately.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

**The Temporary Speaker (Sen. (Dr.) Machage):** Have a seat and let me think about it.

*(The Temporary Speaker (Sen. (Dr.) Machage)  
consulted with the Clerk-at-the-Table)*

**The Temporary Speaker (Sen. (Dr.) Machage):** What is it, Sen. (Dr.) Khalwale?

**Sen. (Dr.) Khalwale:** Mr. Temporary Speaker, Sir, the rule of thumb is that Parliament does not speak in vain.

You will recall that we moved this House on a similar Motion when there was insecurity in Mpeketoni, Westgate Mall, Mandera “1” and “2”, Bungoma, Wajir, Kapedo and so on. The intention of such a Motion is to call the Jubilee Government to wake up. Could you also rule that a statement comes from the Ministry of Interior and Coordination of National Government to explain to this House what action they have taken out of all suggestions that we have been making in our Motions, including the specific recommendations that were made by the leadership of Mandera when they met His Excellency the President, asking him that if he implements the following, then security would be restored?

We cannot just be sitting there, a talking shop, weeping all the time when people are dying. With due respect, could you direct?

**The Temporary Speaker (Sen. (Dr.) Machage):** Order! I have listened to Sen. Billow’s prayer and the time he wants. I have also listened carefully to Sen. (Dr.) Khalwale.

Sen. Billow rose on Standing Order No.33 which gives me powers to allocate time. Whereas I sympathize with the request, I beg that you indulge this House on the issue that is also equally important; the issue of appointing a Committee that is supposed to start its work immediately. I believe that this will be a very short Motion that I want to dispose of before we embark on this very noble discussion in the House. I beg Members not to leave so that the importance of this request is not lost.

On Sen. (Dr.) Khalwale’s request; as a Member of this House, he has a right to demand that the Cabinet Secretary for Interior and Coordination of National Government appear before a *Kamukunji* of the House so that you can air those important observations. So, make that request in writing in the way you know and it will be considered.

Next order!

## MOTION

### ESTABLISHMENT OF JOINT PARLIAMENTARY COMMITTEE ON CATERING AND HEALTH CLUB SERVICES

**Sen. Murungi:** Mr. Speaker, Sir, on behalf of the Senate Majority Leader, I beg to move the following Motion:-

THAT, WHEREAS the National Assembly by a Resolution established the Catering Committee and the Catering Fund on 14<sup>th</sup> March in 1967 to manage

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

facilities of the bar and the dining rooms as well as assets and liabilities acquired on behalf of the then Members of the National Assembly;

WHEREAS, by a resolution of the National Assembly, the Committee was reconstituted to incorporate Health Services and designated as Catering and Health service Committee on 29th November, 2011;

WHEREAS, the promulgation of the Constitution of Kenya, 2010 reintroduced bicameralism in the country, thereby establishing the Parliament of Kenya comprising the National Assembly and the Senate hence necessitating the establishment of a body to cater for the needs of members of both Houses of Parliament;

WHEREAS, the Parliamentary Service Commission, during its 211th meeting on June 15, 2015 resolved to reconstitute the National Assembly Catering and Health Club Committee into a joint Parliamentary Committee on Catering and Health Club services, incorporating Members of the Senate;

WHEREAS, the Catering and Health Club Fund, currently under the management of the National Assembly Catering and Health Club Committee is in the process of being wound up and the sums therein transferred to the Parliamentary Fund, which is established by law; and

WHEREAS, it is necessary that the National Assembly Catering and Health Club Committee be re-established and reconstituted as the Joint Parliamentary Committee on Catering and Health Club Services;

NOW THEREFORE, pursuant to Article 124 (2) of the Constitution, Standing Order No. 216(3)(c) of the Senate and Rule 9 (1)(c) of the Houses of Parliament (Joint Sittings) Rules, the Senate resolves to establish the Joint Parliamentary Committee on Catering and Health Club Services and to appoint the following twenty nine (29) Senators to the Committee:-

1. Sen. Boy Juma Boy
2. Sen. Chelule Liza
3. Sen. Chiaba Abu
4. Sen. Elachi Beatrice
5. Sen. Gertrude Mbura
6. Sen. Gwendu Joy
7. Sen. Hargura Godana
8. Sen. Hassan Omar
9. Sen. Kajwang Moses
10. Sen. Kanainza Nyongesa
11. Sen. Kariuki G.G
12. Sen. Khaniri George
13. Sen. Kisasa Mshenga
14. Sen. Kivuti Lenny
15. Sen. Kiyonga John Munyes
16. Sen. (Dr.) Kuti Mohammed
17. Sen. (Prof.) Lonyangapuo John
18. Sen. Madzayo Stewart

19. Sen. Masha Elizabeth Ongoro
20. Sen. Melly Isaac
21. Sen. Mohamud Halima
22. Sen. Mositet Peter
23. Sen. Murkomen Onesimus
24. Sen. Nabwala Catherine
25. Sen. Ndiema Henry
26. Sen. Wamatangi Paul
27. Sen. Okong'o Kennedy
28. Sen. Onchwangi Hosea
29. Sen. Sijeny Judith;

And further that the mandate of the Committee shall be to consider, report on, advise on and make recommendations to the Houses of Parliament on all matters relating to catering and health services provided to Members of Parliament.

Mr. Speaker, Sir, we do not need to say much about this Committee. This is a critical Committee which looks after the welfare of the Members of the National Assembly and the Senate, both in terms of health and catering services.

Mr. Speaker, Sir, I personally welcome the formation of this large joint committee of Parliament, especially in catering services. We, as Members of the Senate, have really suffered because we do not have proper catering facilities for the Senate. I have also seen you in the *kiosk* at the Kenyatta International Convention Centre (KICC). The quality of food there is deplorable. As a doctor, I know you might declare it unfit for human consumption. Imagine being served with a plate of *ugali* and carrots? Where do you start or finish with it? It is our hope and prayer that now that we have 29 members of the Senate sitting in this Committee, that facility will be improved and also the quality of food will be improved.

As you know, some Senators, like our friend Sen. G.G. Kariuki and others, are not very young people. Therefore, they require special diet. Serving people with food which even doctors have prohibited them to eat is just sending them to an early death. We do hope that when this committee is established, it will look at the special needs of the Senators who need special diet. Some need low calorie diet and some do not eat red meat. However, as it is now, there is not much of a choice. Even when beef is provided, it is just a whole chunk of a leg of a cow being served like the way we do in some very remote villages.

Mr. Temporary Speaker, Sir, the issue is that it is civil servants who are serving us. Parliament has appointed special servants; it could be clerks to serve us with food. If we are unable to provide quality catering services for the Senate, why can we not outsource? We have other hotels like Hotel Intercontinental, Safari Park Hotel, and Norfolk and so on. Why can we not provide a better hotel in the city to provide services to the Senate?

I request the Committee to consider separating catering services of the Senate from those of the National Assembly. This is the only place where I find Senators eating with Members of the National Assembly. We have been to Australia and Tokyo. Hon.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

Senators there are treated like Senators and “Lower House” Members are treated as “Lower House” Members. So, we want to demand separate catering facilities for Senators. We believe that our 29 men and women - it is a strong team - will deliver the best for us.

Mr. Temporary Speaker, Sir, we are being exploited because each of us is paying Kshs4,000 every month for the gym and other facilities at Continental House which we do not use. Why do you want to take my money if I do not want to use your facilities? I would like to request the Members we appoint to this Committee to go and fight for us so that the health facility is constituted to be a purely voluntary member club. It should not be compulsory for all Members of Parliament so that those who do not use the facility are not compelled to pay. I suggest that they should refund all the money which has been illegally deducted from some of us who do not use that facility. We do not even have a uniform or anything to show for that Kshs4,000.

Mr. Temporary Speaker, Sir, if we are to establish proper health facilities, let it be separate for Members of the Senate and Members of the National Assembly so that you do not mix *wazees* here with their grandchildren in the National Assembly.

The Whip is asking me to stop talking---

**Sen. Hassan:** On a point of order, Mr. Temporary Speaker, Sir. Did you just hear Sen. Murungi say that he is demanding separate facilities because he does not want us to mix *wazees* with their grandchildren? Is he imputing that I have grandchildren?

**The Temporary Speaker** (Sen. (Dr.) Machage): Sen. Hassan, have you ever heard of figurative and satirical language? If you have never heard, go and look for the meanings of those two words.

Proceed, Sen. Murungi.

**Sen. Murungi:** Thank you, Mr. Temporary Speaker, Sir. With those few words, I beg Members of Parliament to support this Motion.

I beg to move and request the queen of Abagusii, Sen. Ong’era to second the Motion.

**The Temporary Speaker** (Sen. (Dr.) Machage): Now we know who the queen of Abagusii is. However, in this House, we know her as Sen. Ong’era.

**Sen. Ong’era:** Mr. Temporary Speaker, Sir, thank you for giving me this opportunity to second the Motion.

First of all, I want to commend the Mover of this Motion, the distinguished Senator for Meru and the king of Meru. As you are aware, a healthy body, mind and stomach equals to a balanced human being. Therefore, I support that we create a catering and health club committee so that it can ensure that all Members of Parliament are balanced human beings.

I want to support the outsourcing of these services so that we can get quality and nutritious food that is commensurate to our status. We do not want to be served with *ugali* and carrots when we know that we can have rice with chicken, *ugali* with meat and other nutritious foods that can make us become balanced human beings.

I want to support that we must consider dividing the services so that we establish several restaurants. We do not want to have a restaurant where we are sitting 500 people, squeezing on the chairs where some of us are forced to sit on the grass outside. The

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

numbers are too many. We are close to over 500 people eating in a very small unit. I want to support what the Mover has said; that we consider dividing the restaurants into several units. We can have some for the Members of the National Assembly and others for the Senators.

I would like to support the composition of Members proposed here because it is very balanced. The issues of gender have been taken into consideration, regional balancing has also been considered and the wealth of experience. If we place the welfare of our situation, they shall take very good care of it. I am sure that they are able to come up with a policy that will ensure that we have a proper catering policy in the House.

Finally, I would like to request this Committee to do a thorough audit of the health club services where we have been contributing Kshs2,000 every month. We want to know what this money has been used for and what is the fate of the many Members of Parliament who do not attend to that health club? What is the fate of them and why should they be forced to pay the money?

With those few remarks, I beg to second.

**The Temporary Speaker** (Sen. (Dr.) Machage): Before I propose the Question, I know members of the Press will be so much interested in this number. Let it be noted that the Senate has had to select 29 Members because they have to select an equal number as has been selected by the National Assembly. Those are the Standing Orders of both the Senate and the National Assembly. The Senate would have wished to have a smaller number in this Committee, but we had to bide by our Standing Orders.

*(Question proposed)*

**The Temporary Speaker** (Sen. (Dr.) Machage): Hon. Senators, remember that I had given some other order earlier that comes into effect at 5.00 p.m.

**Sen. Orendo:** Mr. Temporary Speaker, Sir, I feel obliged to speak on this particular Motion. I will not take a lot of time because what is coming is of utmost importance. I support the formation of this Committee. I want to say that it can be done. The reason I am beginning by saying that it can be done is because there was a time in this country when government buildings were unkempt. When you went to the High Court, the first thing that hit your nose was the smell from the toilets.

However, when the National Rainbow Coalition (NARC) Government took over, subsequently, there was an idea that came up about outsourcing facilities for maintaining Government buildings. Similarly, the catering services over the past 20 or 30 years ago, in this House was as good as a top five star hotel in this town, even the furniture were---

*(Sen. Hassan took photographs in the Chamber)*

**The Temporary Speaker** (Sen. (Dr.) Machage): Sen. Hassan, what are you trying to do? You are becoming disorderly. Please, grow up!

**Sen. Hassan:** Mr. Temporary Speaker, Sir, you cannot say those types of things to me. You cannot tell me to grow up. Use other means to talk to people.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*



**The Temporary Speaker** (Sen. (Dr.) Machage): Order! Sen. Hassan, please, grow up!

**Sen. Hassan:** Mr. Temporary Speaker, Sir, you cannot tell me that.

**The Temporary Speaker** (Sen. (Dr.) Machage): If you do not want that, you may walk out.

**Sen. Hassan:** I will walk out, but do not tell me that.

*(Loud Consultations)*

**The Temporary Speaker** (Sen. (Dr.) Machage): Order! I repeat the third time, Sen. Hassan. Please, grow up.

**Sen. Hassan:** Mr. Temporary Speaker, Sir, please, grow up too. There is a way in which speakers should behave. You should grow up too.

*(Sen. Hassan walked out of the Chamber)*

**The Temporary Speaker** (Sen. (Dr.) Machage): It is totally disorderly when a Member of this Senate stands up with a camera in the House and starts taking pictures. That can only be done by juveniles. This is a House to be respected.

**An hon. Senator:** Yes!

*(Applause)*

**The Temporary Speaker** (Sen. (Dr.) Machage): Carry on, Sen. Orengo.

**Sen. Orengo:** Mr. Temporary Speaker, Sir, I have lost track, but I want to say that this is a House of honour and dignity. Therefore, the Committee that we are creating should ensure that the catering services in this House measure up to the status of Parliament; that is, the National Assembly and the Senate. When I look at my two sisters across there, they deserve a better place to eat and sit. For example, the chairs that have been put at the Member's bar have been collected at random. There is no sense or rhythm in the furniture there.

Finally, I hope that this Committee will also look after and preserve the tree of life which is outside the Bar. If you want to know what happens to that tree of life, I will take you on a tour this evening at 7.00 p.m. It is important that you know what the tree of life is all about.

Mr. Temporary Speaker, Sir, I support.

**Sen. (Prof.) Lonyangapuo:** Mr. Temporary Speaker, Sir, I stand to support this Bill. This is supposed to be one of the agenda activities that the Parliamentary Service Commission (PSC) should be dealing with. The two Houses are equally represented. We are forming a Committee which consists of our Members. So, they should not wait for two years to work for this House. It is a reminder that everything needs to be normalized because now we have a bicameral Parliament which has the Senate and the National Assembly. The cutlery and the imprest documents are written

“National Assembly”. Most of those things need to be changed. Once in a while, we should be getting reports from our Members of what they are doing.

Mr. Temporary Speaker, Sir, I support.

**The Temporary Speaker** (Sen. (Dr.) Machage: Very well! There are no other Members interested to discuss Motion. I will, therefore, put the question.

*(Question put and agreed to)*

**The Temporary Speaker** (Sen. (Dr.) Machage): Next Order!

Sen. Billow, you have a Motion for Adjournment. Please, move to the Dispatch Box and proceed.

### **MOTION FOR ADJOURNMENT UNDER STANDING ORDER NO.33**

#### **KILLING OF 14 PEOPLE BY TERRORISTS IN MANDERA COUNTY**

**Sen. Billow:** Thank you, Mr. Temporary Speaker, Sir. I rise under the Standing Order No.33 to discuss the tragic incident that happened in Mandera last night, in which 14 innocent Kenyans lost their lives to terrorists. The incident happened in the county headquarters in Mandera Town. I take this early opportunity to express my sincere condolences and those of the people of Mandera County to the families and relatives of those victims of the cowardly and barbaric act of the terrorists. At the same time, I also take this opportunity to strongly condemn this heinous behaviour in which innocent Kenyans who simply by virtue of their faith were slaughtered by the terrorists.

Mr. Temporary Speaker, Sir, it is sad that every few weeks, we have a Motion for Adjournment to discuss and condemn these kind of terrorist incidents. I take this early opportunity to thank the officers of the Kenya Police Reservists (KPRs) who responded immediately this attack occurred and saved the lives of many of the people who managed to escape. At the same time, I also want to thank the Police Commandant, Mr. Poronjo and the Officer Commanding Police Station (OCS), Mr. Richard Siele. They both accompanied the KPRs.

What disappoints in this country is the fact that despite the several things that have happened; we were told that the biggest challenge to terrorism is the law. So, we amended it and came up with a new set of laws that gave the police and everybody power to act. However, we were told that money was a problem. This year alone, Parliament gave security organs Kshs223 billion. They were given Kshs175 billion in the last financial year that has just ended, which is nearly \$2 billion. In spite of all these resources and recruitments, this country continues to mourn the killing of innocent Kenyans by terrorists in the north eastern region.

Mr. Temporary Speaker, Sir, these upcountry people who were killed last night had rented two houses adjacent to each other and dozens of them lived in there because of

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

insecurity and fear. This incident happened around 1.00 a.m. The Government knows that these people are vulnerable and targeted by terrorists, yet that house that housed dozens of people from up country who were at risk, was not provided with security. We are actually informed by some of those people that they have, in fact, asked police officers to give them security in that place, because they knew that the moment terrorists know that over 100 Kenyans from upcountry who are not Muslims live in one place, they are likely to be targeted. They asked for security, but it was not provided to them.

The only kind of security that was provided is the night patrols that pass occasionally and that is not enough. Mandera Township has over 600 security officers. We have the Kenya Defence Forces (KDF), at Mandera Camp, barely 300 metres from Soko Mbuji, where these people were slaughtered. It is a pity that not a single soldier came out of the camp even after all the shooting and explosion. In fact, the gunfire from the KPRs and the police ended up with some shots inside the camp. We also have the General Service Unit (GSU), Rapid Deployment Unit (RDU) and regular police and many other security forces in that region, yet this incident still happened.

We have also been informed by the Cabinet Secretary (CS) that there was no prior intelligence, when we know very well that Mandera has been heavily targeted by Al Shabaab. How does that happen? I have raised it before in this House. The last time this incident happened in Garissa I mentioned that in the whole county – a border county that is targeted by terrorists – there are about a dozen intelligent officers. How do you have less than a dozen intelligence officers in a town like that and then come before Kenyans and tell them, we did not have prior intelligence? That is a very serious statement. It is an indictment of a Government that really needs to wake up in terms of what it is doing to address insecurity in that part of the world.

Mr. Temporary Speaker, Sir, a few weeks ago we congratulated the KDF who managed to stop Al Shabaab from raiding their camp in Lamu County. Why is it that you can provide security in Lamu, Nairobi and Mombasa counties, but you cannot do so in the north eastern region? When this issue happened in Garissa, the President himself asked leaders from north eastern to think of a solution to the matter. We sat down for two weeks and came up with specific recommendations on what we thought would provide solutions. They were provided in writing to the President. To date, not more than one of those resolutions which is the appointment of a regional commissioner has been implemented.

One of the things that we said was that because this problem is centred around Somalis, it can best be handled by people from that region. We specifically recommended to the Government that we get soldiers who come from that region. As I speak, 99 per cent of the 600 soldiers in those camps are from other parts of the country and they do not want to go out at night and take the risk. We also asked for 200 regular police officers and Administration Police (APs) officers – they are many – for each county and 300 KPRs who can work. All these things were agreed. Why is it that the Government is unable to implement resolutions which were agreed upon that would have saved the lives of people in that area? Why is it that the Government is unable to provide security?

Today, the economy and education system in Mandera County has collapsed. The people in that county do not feel like they are in this country. How can you feel that you

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

belong to a nation where your county headquarters with over 600 army officers, policemen and all security agencies, is being attacked every week? Last week, people crossed the border from Somalia and killed 12 people and you heard about it. Today, it is 14. It is the same story every time. I think the Government needs to explain whether or not north eastern is part of Kenya. Why is insecurity not being addressed in that part of the country? This is a matter that the Government needs to explain.

Mr. Temporary Speaker, Sir, one of the things that we said and I have always talked about it, is the leadership of the security team in the region. How do you explain the same County Commissioner who was there when the bus attack took place and dozens of Kenyans killed, is still the same one? He is the one who was there when a quarry was attacked and dozens killed. Last week 12 people were killed. With all those killings, why can he not be transferred? When we ask for somebody else who can handle security, we are told that that person will not move. Where are we going? Security officers and administrators are being transferred because somebody is dying of alcohol. This is something which somebody went to a bar and drunk himself silly and administrators are fired.

If the President feels that it is so important to fire administrators and gives orders from State House that any officer who fails to stop people from drinking alcohol, should be sent home immediately, why can he not give directions to send home all those administrators and security officers who have failed to provide security to the people in Mandera County? Why do we have double standards in this country? This is what this country needs to tell the people of Mandera County and others from those regions. We are getting sick and tired that every day people are killed and security is not being provided. We have been told to wait that we will get security and that things will change, but nothing is changing.

Those people who were killed were innocent Kenyans. Half of them are from Nyeri County and the rest are from other parts of the country. They went to look for bread and butter. We cannot provide them with security and yet we vote over Kshs200 billion to the Ministry in charge of security and yet security is not provided to our people.

Mr. Temporary Speaker, Sir, yesterday, in the *Daily Nation* newspaper we read about the situation of the police force in this country. It was a serious story on the pathetic situation in the command of our National Police Service (NPS) where, because of ethnicity, corruption and nepotism, there is literally a go slow in the police force. Why can we not address the question of the command structure affecting our security forces which is reported daily in our media? What is the problem? We cannot understand what is going on.

How many people must die before this problem ends? How many Kenyans is the Government of the Republic of Kenya waiting to be killed in Mandera, Wajir and Garissa counties before they can address insecurity in that place? How do you explain to 72,000 students in Mandera County whose schools are closing because they do not have teachers? What do you tell them? That the Government cannot provide security and yet, they are tax payers and part of this nation.

These are serious matters that the President needs to address and I urge him that the people of Mandera elected him. They have a right that he must visit Mandera and

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

Garissa counties and find out what the problem is. We cannot ignore a whole region of this country where people are slaughtered daily and we do not bother about it, as if we are not part of this country. This is hurting the people of that region. It is time the Government addressed this issue and stopped telling these cosmetic stories that we hear every day; that something will be done. It is time action is taken.

I beg to move.

**Sen. Muthama:** Bw. Spika wa Muda, ni matumaini yangu kwamba mhe. Rais wa taifa hili atapokea ujumbe tunaotuma kwa sasa. Serikali ya Jubilee ina jukumu la kulinda maisha ya Wakenya. Tangu Jubilee iingie mamlakani, tumeshuhudia maafa ya Wakenya ambao hawana hatia. Juzi Wakenya walishuhudia mhe. Rais katika mkutano wa kumaliza pombe haramu akinyosha kidole na kusema: “Wewe fulani ninakuagiza hivi sasa ufanye msako mkali kabisa.” Anayeambiwa mambo hayo, juu yake kuna Mkuu wa Polisi. Mhe. Rais mwenyewe anaruka kitengo cha uongozi na kupeana amri kwa askari wa mamlaka ya chini ambaye anasimamiwa na Mkuu wa Polisi. Ni Mkuu wa Polisi ambaye anasatahili kutoa amri bali si Mhe. Rais. Mhe. Rais hata hafai kutaja majina na kusema, askari fulani ndiye atafanya kazi. Huyo Mkuu wa Polisi atawezaje kufanya kazi kwa uaminifu na heshima ikiwa askari wake wa chini ndio wanatumwa kwenda kufanya kazi ya ukaguzi wa pombe?

Bw. Spika wa Muda, Serikali ya Jubilee imetumia rasilmali ya nchi hii kwa mambo ambayo hayafai. Mimi ninakumbuka mwaka uliopita tukiwa na shughuli za Saba Saba wakati Serikali ya Jubilee ilituma askari 15,000 kupambana na watu ambao hawakuwa na silaha hata moja. Hii Serikali ya Jubilee imetumia askari kupambana na pombe haramu. Lakini wananchi wanapouawa kule Mandera ambako watoto hawasomi, mhe. Rais anakaa akitabasamu na kucheka bila wasiwasi. Hata mhe. Naibu Rais anaenda kanisani na kuongea mambo ya wokovu na kusema kwamba Kenya ina amani. Amani gani ikiwa watoto wa Mandera hawaendi shule ilhali watoto wao wanatabasamu na kufurahi? Ni Serikali gani itawalinda hawa wananchi maskini ikiwa Serikali ya Jubilee haiwezi kuwalinda?

Hivi sasa tunapoongea inakisiwa kwamba zile pesa tulizotengea Wizara ya Ulinzi zinaingia katika mifuko ya watu binafsi. Hivi juzi, badala ya Serikali hii kuzungumza juu ya mambo ya ulaghai unaotokea katika nchi hii, wanaenda kumtetea Bi. Anne Waiguru kule Ikulu. Huyu ni mtu ambaye ameiba na anatakiwa kukomeshwa. Badala ya kutumia hiyo nafasi kutetea Wakenya wanaopoteza maisha yao, Msemaji wa Ikulu anamtetea---

**Sen. Mugo:** On a point of order, Mr. Temporary Speaker, Sir. Is the hon. Senator in order to mislead the House and the nation that Cabinet Secretary, hon. Anne Waiguru ameiba? Could he substantiate because that is the law? We know that he has been mentioned in many cases where he is supposed to have---

**An hon. Member:** Which ones?

**Sen. Mugo:** They are there! But that has not made him a thief.

**The Temporary Speaker** (Sen. (Dr.) Machage): Order! You do not have to discuss further. You have raised your point of order. Sen. Muthama you have been challenged to substantiate.

**Sen. Muthama:** Bw. Spika wa Muda ukienda katika kila choo jijini Nairobi kuna maandishi ukutani kuwa Bi. Anne Waiguru ameiba Kshs826 milioni kupitia kwa

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

shughuli ya Huduma kwa Vijana na anachunguzwa. Mimi nilipotajwa, nilienda kortini na ninangojea kujitetea. Inafaa hata huyu Bi. Anne Waiguru ajitete mwenyewe kule mahakamani. Yeye ametajwa---

**Sen. Mugo:** On a point of order, Mr. Temporary Speaker, Sir. That is not substantiation. What is written on the toilet walls cannot be pass as substantiation. I want him to bring proof here that hon. Anne Waiguru has stolen.

**The Temporary Speaker** (Sen. (Dr.) Machage): Sen. Mugo, whereas you have your own view and definition of substantiation, I am satisfied with what he said.

**Sen. Muthama:** Bw. Spika wa Muda, mambo yanayotokea katika nchi yetu ni mambo ya kuudhi sana. Wananchi wakiwa wanauwawa bila hatia ilhali Serikali ya Jubilee inapanga kutumia pesa ambazo hazijapitishwa na Bunge kujenga ukuta mipakani wa Kenya na Somalia. Vijana wetu hawana kazi, watu wanauwawa lakini wanataka kujenga ukuta huku wikipora pesa. Wananchi Wakenya tunasema kwamba serikali yoyote ambayo haiwezi kulinda maisha ya wananchi wake haistahili kuwa katika uongozi.

Hivi sasa tunaongea kwa majonzi. Mtu yeyote ambaye anasimama hapa na kupinga mambo haya, hata yeye ni muuaji. Hii ni kwa sababu hakuna mtu ambaye atapinga mauaji yakizungumziwa na kuleta siasa za sera ya chama hapa, huku akisema kwamba anatetea Serikali. Wanaosimama hapa na kupinga, ingelikuwa ni watoto wao ama wajukuu wao, makanisa yote Jijini Nairobi yangukuwa yamejaa na watu wenye vitambi vikubwa, magari makubwa na suti za pesa nyingi wakiomboleza.

**The Temporary Speaker** (Sen. (Dr.) Machage): Order! Sijamsikia yeyote hapa akipinga. Sijamsikia hata mmoja.

**Sen., Muthama:** Bw. Spika wa Muda, kupinga sio kutokubaliana na wengine, bali tunapozungumza juu ya vile pesa za umma zinatumikiwa na mtu anasimama na kusema kwamba haitumiki namna hiyo. Hiyo inaonyesha kwamba yeye anapinga Hoja hii.

Ninaunga mkono.

**Sen. (Prof.) Lonyangapuo:** Mr. Temporary Speaker, Sir, I rise to support this Adjournment Motion and like my colleagues, pass my condolences to the families of Kenyans who lost their lives.

We have always been seeing deaths that have been visiting our people on the boundaries of Kenya and neighbouring nations, more so, the border of Kenya and Somalia. Recently the leadership from the northern region met the Executive of this country and came up with resolutions and a blue print on how terrorism and these deaths could be mitigated. It is right for this House to be told at what stage those agreements have reached.

I also come from north rift Kenya where cattle rustling has been a problem. The leadership of the five counties that were affected came together at the end of the April. Together with the Executive, we came up with a blue print on how we can eradicate cattle rustling. Graciously, we have had reduced incidences of cattle rustling between the borders of West Pokot and Turkana, Baringo and Turkana, and; Samburu and Turkana. Everything is now stabilizing. The most amazing issue is that whatever we left to the national Government to do, they have not done it. These are some of the things that we

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

want the Ministry that has been tasked with the function of assuring Kenyans their safety should be awake 24 hours and implement what has been recommended at the grassroots level.

Mr. Temporary Speaker, Sir, this year we have increased funds being devoted to security personnel in the Republic from Kshs170 billion to Kshs223 billion. This means that we are a conscious nation. We now know that we need more security on the ground more than before. This House passed a Bill on recruitment of KPRs, their training and payment of allowances or salaries. We are hearing testimonies that a few of them were able to rescue Kenyans from death yesterday night and yet they have not been paid even a single cent. Even when a blue print had been signed that prior to that Act being assented to by the President, they should be paid. That was two months ago. However, none of them has been paid.

We are not saying that the Government has completely failed. However, what we want is to activate what has been agreed upon because Kenyan lives are in trouble. Having schools being closed for two terms and examinations are about to be done in October for Kenya Certificate of Primary Education (KCPE) and September for Kenya Certificate of Secondary Education (KCSE) is a disaster for a nation like Kenya. We should be having one to one person taking care of our children in those affected areas taking them to school or, alternatively, we should put them in compulsory boarding schools where they are guarded 24 hours as they continue to learn. The national Government should note that security is not a devolved function, but it is not time to look at one another and begin to point fingers. But whoever is holding the key should lead and call upon all the others to join.

Three days ago, I was at the border of Kenya and Uganda. I even visited Uganda and stayed there for two days. The peace prevailing between the Kenyan Pokots and the Uganda Karamajong is amazing. You will notice security officers stationed everywhere. When I arrived, they came and escorted me to make sure that I was fully safe. What does it cost us to copy from a neighbour?

I support that this House continues to speak for Kenyans all the time because this is why we were elected so that we can assure our people security.

**Sen. Orenge:** Mr. Temporary Speaker, Sir, I want to begin by saying that we appreciate that terrorism is a global affair. It does not choose where to strike. Many times, we suffer out of acts of terrorism, not out of choice, but because terrorists want to cause damage, fear and despondency.

*[The Temporary Speaker (Sen. (Dr.) Machage) left the Chair]*

*[The Temporary Speaker (Sen. Mositot) took the Chair]*

Mr. Temporary Speaker, Sir, on the question of security, we should not be shy. We should say the truth the way it should be told. The Government of Kenya has failed on matters of security. There is no other way of saying that. If we began to use adjectives like my friend from West Pokot said, then the message would not be registered by those who have the mandate to provide security for the people of Kenya.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

Mr. Temporary Speaker, Sir, I want to say, without fear of contradiction, that the national Government has no basis for being in Mandera. I say this because the Al Shabaab has an arrogance which can make them strike any time they want. They know that there would be no response to whatever they would do in Mandera. Motions have come here many times. Sen. Billow has brought the pattern many times. Parliament, including the Senate, has become a laughing stalk in Mandera.

We went there led by my Chairman. I thought that there would be change in Mandera. The people there discussed with us and told us what was going on. At that time, it looked like they had no faith in what the Government could do for them concerning matters of security. It appeared as if the only people who have faith in the systems in Kenya are those seeking employment in Mandera. I was very happy when we went there with my Chairman of the Committee on Security and Foreign Relations. We found that there were Kenyans from all over the country that were not prepared to leave Mandera. They said that they would continue being there, regardless of whatever was happening. They said that they were prepared to serve in Mandera. The only people who left were teachers of public schools. Teachers of private schools were still there. These are brave people showing that they are prepared to live like Kenyans, whatever it takes.

Mr. Temporary Speaker, Sir, if you look at what is happening in the country in totality; in Wajir, Garissa, Lamu, West Pokot, Isiolo and Kitui, the national Government of Jubilee has failed in matters security. That failure has given terrorists a lot of arrogance to attack us whenever they want. They need to do something. Chest-thumping cannot be used to fight terrorism. They need to sit down and make sure that security forces are well organised and well equipped.

Sen. G.G. Kariuki, probably, knows this better. Chest-thumping will not work. What is required is that commitment to security being the pursuit of the right to life – which is the first right under the Constitution – should be fully protected. If that continues at this level with the falling shilling and many tourists not coming to Kenya because of issues to do with security, then, even the economy will suffer.

I was in Baringo recently. People there are living as if they are in a military conflict. In Baringo, children have not been in school for about three months, leave alone Mandera and Wajir. One of the chiefs who came to discuss with us about the security problem in Baringo, out of love for the country, has been arrested and charged purely because he met us to discuss issues to do with security.

The Government should be brave and accept that insecurity is a national problem; but it has to come up with ways of dealing with it. Chest-thumping will never make the lives of people secure. You need a professional police organ where merit counts. There are complaints within the police and other security organs regarding the way they are organised. If we do not address those issues, we will continue seeing more and more of what is happening in Mandera.

The problem in Mandera is that not two or three people are killed. Every time, there is an attack, 20, 50 or 60 people are killed. Children, people from other areas, Christians, Muslims and everybody else suffer. Some of us have either read the Koran or the Bible. Jesus Christ said that he is a good shepherd and he would not leave one sheep in a flock of a hundred or a thousand.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*



The Government of Kenya should tell us why people continue to die in some of the areas where, traditionally, we know that the problems of security are persistent. We should give Sen. Billow a rest because it is too much for him to bear as a leader.

Thank you, Mr. Temporary Speaker, Sir.

**Sen. Haji:** Bw. Spika wa Muda, hili ni jambo la kusikitisha sana. Jambo hili linatufanya tuzubae hata tukakosa la kusema. Hii ni kwa sababu mara nyingi tumesikia – katika hii Seneti na mikutano – Wakenya wakizungumza juu ya ukosefu wa amani katika nchi yetu. Tunafaa kuweka siasa kando na kusema ukweli. Ni lazima mambo ya amani yachunguzwe na kuangaliwa kwa makini na mtu yeyote anayejali maslahi ya Wakenya na anayependa nchi yake kama sisi tunavyoipenda nchi yetu.

Mbali na yale ambayo yametokea Mandera na sehemu zingine za nchi, ni juzi tu ambapo kulikuwa na Hoja hapa kuhusu maafisa wa Shirika la Wanyama Pori (KWS) kuua watu kiholela katika mbuga za wanyama. Imesemekana kuwa watu wasio na hatia yoyote wameuwawa na wengine kupigwa risasi huko Mount Elgon. Hali hiyo inaleta wasiwasi kubwa. Kutoleana lawama hakutatusaidia. Ni lazima tuweke vichwa vyetu pamoja na kuona kile ambacho tunaweza kufanya ili tusaaidiane kurudisha amani katika nchi yetu.

Wakati mmoja, Rais alizungumza na wakuu wa wilaya ambao siku hizi wanajulikana kama *county commissioners*. Vile vile, alizungumza na *county police commanders*. Aliwaambia kuwa kutokana na ukosefu wa amani, hawezi kukosa usingizi kwa sababu hawafanyi kazi yao. Aliwaambia kuwa ikiwa wangemkosesha usingizi, hata wao wangeukosa.

Bw. Spika wa Muda, wakati Bw. ole Lenku aliondolewa mamlakani, nilisema hapa kuwa yeye wala mhe. Rais hawakuwa na hatia yoyote. Hakuna mtu yeyote anayetarajia mhe. Rais kuchukuwa bunduki na kwenda kuchunga watu. Kuna watu walioajiriwa kufanya kazi hiyo. Wanapewa mishahara na silaha ili kulinda wananchi wa Kenya.

Bw. Spika wa Muda, jambo lililotokea huko Mandera haliwezi kusamehewa hata kidogo. Hatufai kuwafuta kazi wakubwa wote wa huko. Wanafaa kupelekwa kortini kwa sababu hii ni mara ya tatu watu kuuawa kiholela na kinyama. Watu waliotoka sehemu zingine za nchi kwenda kutafuta riziki ya watoto wao huko Mandera waliogopa kukaa mbali na wenzao. Walikodisha nyumba zilizo pamoja ili waishi kwa amani na kuhisi kuwa wana usalama wa kutosha. Je, kama kuna askari 600 katika sehemu hiyo, mbona Serikali haikutenga askari kumi wa kuwachunga hawa watu kwa masaa 24? Ni uzembe na ukosefu wa imani na kupenda nchi yetu. Wanaweka tamaa mbele ya kuhakikisha kuwa kuna usalama.

Siwezi kuwalaumu Kamishna wa Polisi wala Mkurugenzi wa Ujasusi kwa sababu wanawategemea maafisa---

**The Temporary Speaker** (Sen. Mositet): Muda wako umeisha lakini nitakuongezea kwa sababu wewe ni Mwenyekiti wa Kamati inayohusika na mambo ya usalama.

**Sen. Haji:** Asante sana, Bw. Spika wa Muda. Ni lazima hatua ichukuliwe dhidi ya hawa watu, la sivyoyote, mambo yataendelea kama kawaida. Mimi nitapata mishahara wangu mwisho wa mwezi. Hata imeandikwa kwa gazeti ya jana na leo pia kwamba mimi

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

nangojea kustaafu kazini na sina nia ya kufanya kazi. Ni lazima wale ambao wamepewa jukumu la kuwalinda wananchi wachukuliwe hatua ili iwe mfano kwa wengine ambao ni wazembe.

Kwa hayo machache, naunga mkono.

**Sen. Wangari:** Thank you, Mr. Temporary Speaker, Sir. First, I thank the Senator for Mandera for bringing this Motion to this House regarding a matter of national importance. I also join my colleagues in sending my condolences to the families which lost their kin this morning. It is a song we have sung in this House over and over.

Mr. Temporary Speaker, Sir, out of the 14 people who were killed yesterday, half of them were from Nyeri County. It is not just *chang'aa* or second generation alcohol that is finishing our people. We have lost so many lives and we must come to a point where we do not tell Kenyans that we saved 136 people. We need to tell them that we lost 14 lives, because it cannot be equated to saying that we did our job by saving 136 people. Every life is important. We are talking of young widows in Nyeri that have been left to cater for their children. Some of these people had left Kieni Constituency, which is semi-arid, to look for bread and butter for their children.

We have said that terrorism is not a Kenyan issue. Just the other day – and it is not to justify what has happened – we saw what happened around the world. In Tunisia, for example, someone just opened fire on people who were relaxing on a beach. Terrorism is a global problem, but there is a way we must deal, as a country, with our own problems. We must not take this issue as a joke, as we are doing. Just as we have treated the issue of illicit brews, we must tell the President that insecurity is getting out of hand.

There are so many children who are out of school, not only in northern Kenya, but also in Baringo and Samburu counties. These children deserve education and to be in school because they are not lesser than other children. In fact, recently I heard a woman asking on television for women to be given guns since the men are almost finished. When I see those scenes, I am heartbroken because it should not have come to this level.

Today I have seen the Cabinet Secretary address the nation and say that we did not have intelligence reports regarding this incident. It is not good to tell the nation that we did not have intelligence reports. Why did we not have them? We are taking lives as a joke. We should own up as a Government that we have failed with regard to this problem. We have called meetings and even changed the Cabinet Secretary. However, I think it has dawned on us that even if you change the Cabinet Secretary, the system remains the same.

The people who were sleeping in adjacent houses yester night had realized the danger that they were facing because they are not natives. Even the Government knows that if someone is from upcountry and works in Mandera that person is not safe. That is in the public domain. Those people even made it easier for the Government to provide them with security by pooling together and sleeping in adjacent houses. However, they were attacked and we are not told how the KDF responded. We have not been told why we did not have intelligence reports.

It is not easy to guard people in the face of new terrorism that is evolving every day. Whereas we commend what the Government is doing, we must not only talk about

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

the people who were saved. In Garissa, for example, we saved about 800 people but lost 148 others. These are people's children.

Mr. Temporary Speaker, Sir, right now, the exchange rate of the Kenya Shilling to the Dollar is over Kshs100. This is a crisis. The impact of insecurity in the country is spiraling to every other sector in this country, including the economy, education and tourism. We are just rolling backwards. We cannot talk of achieving Vision 2030---

**The Temporary Speaker** (Sen. Mositet): Your time is up!

**Sen. Wangari:** I beg to support.

**Sen. (Dr.) Khalwale:** Thank you, Mr. Temporary Speaker, Sir. My profound and heartfelt condolences to all those members of the families and friends who have lost the 14 Kenyans in Mandera County. Again, I want to condemn this attack.

Until and unless we respond to the call of national leadership in this country, then we are lying to ourselves. The problem is corruption. It is because of corruption within the police, in the Cabinet, the Office of the President and everywhere that Kenyans continue to lose their lives the way they are doing. The people of Mandera County, whether they are indigenous Somalis or migrant workers, the Luhyas, Luos or Kikuyus who die there, have a right to be given protection by none other than the Commander-in-Chief of the Defence Forces of Kenya. His name is His Excellency Uhuru Kenyatta.

I want to remind the President that he should now live in this world. On matters of insecurity, he should learn from Israel. When Israel is threatened security wise, they respond with purpose. I want to remind the President of what happened in 1976 when a French airline was hijacked by terrorists and landed in Entebbe. Israel responded by sending an elite force of their finest, led by Jonathan Yoni, with our support. They went for Yoni because one life lost in Israel is the loss of all the lives in Israel. How shameful it is that we are being treated to the usual drama and public relations of the Jubilee Government, that since we saved 138 lives the 14 lives that were lost do not matter? This cannot be right.

I urge the Members of the National Assembly that this is the time, more than any other time, for them to formally charge President Uhuru with impeachment and bring it here. We want to remove him, so that somebody who is capable can run the security of this country. It is not a laughing matter.

Mr. Temporary Speaker, Sir, when we were asked to approve Mr. Boinet for appointment to the office as the Inspector-General of Police, we were told that there was a disconnect between intelligence and action on intelligence. We were told there was poor working relationship between the National Intelligence Service (NIS) and the police. Mr. Boinet was a former senior officer in the NIS. If it was a question of disconnect, why is he not acting on it now? You are lying to us. You want us to submit ourselves to your lies.

Mr. Temporary Speaker, Sir, did you see the foolishness that has been displayed in this country for almost seven days in the name of handling the challenges of alcoholism? Do they not have doctors and social scientists in the team which advises the President? We cannot tackle alcoholism in such an amateurish way as they are doing now. They have destroyed jobs and peoples' life savings. The first thing would have been to determine which areas are producing the poisoned alcoholic drinks, then go for them.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

They have broken a business premise belonging to the best friend of my brother's son; they were together at college. They were studying commerce together. This Kikuyu boy has got a business in Naivasha. My brother's son called me and asked me; "why do you not save my age mate? They have crashed his business." This boy does a decent business.

I want to decry the corruption in this country that is killing Kenyans.

**The Temporary Speaker** (Sen. Mositet): Order, Sen. (Dr.) Khalwale. Your time is up!

Proceed, Sen. Mugo.

**Sen. Mugo:** Thank you, Mr. Temporary Speaker, Sir, for giving me the opportunity to also support this Motion and thank the Mover, Sen. Billow.

I also give my profound condolences to the families and friends who have lost their loved ones and the country at a large. This attack has touched the country, its head and everybody else. Therefore, it is not right to think that people do not care.

It is the responsibility of the Government to safeguard the lives of people of its country. However, we cannot say that blindly. If we look at what is happening in the whole world today, terrorism is not a preserve of Kenya. Unfortunately, we are bordering Somalia where the terrorists are. We know that Boko Haram, Al Shabaab and Al Qaeda are part of this network.

We cannot, therefore, equate our country's security with other countries neither can we say the Jubilee Government has failed. We need to fight terrorism together. The Opposition should be striving to help us confront terrorism in this country. However, it is as if some people have got a reason to bash the Government for the sake of politics. We cannot politicize insecurity. Lives are being lost. It is as if some people delight when these lives are lost so that they can start blaming the Government.

Mr. Temporary Speaker, Sir, just the other day, 200 people were killed in Nigeria. They just had elections. We thought that now the problem had been solved. Far from it, terrorists are terrorists. They are still attacking. Similarly, Israel and Tunisia have the same problem. So, wasting our time just bashing the Government instead of saying "Let us do it this way, we also have been thinking that this is how it should be done." We are all Kenyans and we are all hurting. Whenever a strategy is done, some people say, "No, this is not the way to do it."

Alcoholism, like terrorism, has killed so many people. Unfortunately, this is the case mainly in central Kenya and parts of the former Eastern Province. Maybe, to some people, that is not killings. We should fight all forms of killings, be it as a result of alcoholism or terrorism caused by Al Shabaab. It is our responsibility to do it. Please, let us not politicize insecurity.

At the same time, I would like to ask our brothers and sisters in the north eastern region, particularly in Mandera and surrounding areas to also be part of protecting those non-locals or people who come from other areas. How comes that they are the only ones who are being killed? They go there to support the economy, for instance, teachers and the quarry workers. They should assimilate them in the community. It looks as if there is isolation.

The leadership in that area can do a lot to educate their people. They can tell them these are our brothers and sisters who have come to assist us. They are helping us grow our economy. Let us protect them so that our children can access education. It cannot be an accident that only those people who do not come from those regions are being killed. I want to give my condolences to residents of Kieni where even last time, the majority of those who were killed came from that constituency, and some from the same village. It is very painful. They go there to look for employment. They also--

**The Temporary Speaker** (Sen. Mositet): Order! Sen. Mugo, your time is up!

Proceed, Sen. Leshore.

**Sen. Leshore:** Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity to contribute to this important Motion.

Yesterday, I woke up very early in the morning. Around 5.30 a.m., I heard from the British Broadcasting Corporation (BBC) that there was an attack in Mandera. Immediately, I called a former colleague in Garissa who told me that the fight was still going on. It was my sad day. I said "Again, terrorism in Mandera." What is happening in our country?

I am sure that our President and his deputy are very serious about insecurity in our country. I have had an occasion of meeting them. We discussed about insecurity in the north rift and they were concerned. I know that deep in their hearts, they are concerned. So, we, as other leaders of this nation, let us stand firm with them and know what exactly is happening with our security forces.

I do not blame the Cabinet Secretary in charge of security or the Inspector-General of Police. What about those commanders who are there day in, day out, knowing very well, for example, that it is 200 metres to reach Bulawaha. What are our defence forces doing?

First of all, the KDF should move to the border point. They should not leave civilians and stay far away from the border. They should go to the border and pitch their camps there. What have they done since 1.00 a.m.? I understand that the terrorist attack happened at that time. Have they followed them up to where they came from? What are the security officers on the ground telling us? Are they just sitting, laughing because innocent Kenyans were killed in cold blood? Those commanders on the ground should be impeached or sent to jail because they are not doing what they are supposed to do; that is, protecting the lives of Kenyans.

Mr. Temporary Speaker, Sir, terrorism is a global problem. In Israel, for example, if one of them is killed, the whole nation rises against terrorism. When it happens here in Kenya, we just laugh. We just come to the Senate talk and talk. I do not know what to call this because today it is in Mpeketoni, Garissa, Mandera and so on. In areas prone to cattle rustling, many schools have been closed because of cattle rustling. In my own county, in Baragoi, we have over 400 security officers. It is sad that three secondary schools have been closed because of insecurity and our soldiers are just sitting there, eating.

The other day, Sen. (Prof.) Lonyangapuo brought here a Motion about recruiting the Kenya Police Reservists (KPRs). I am requesting the Government to start employing them from tomorrow. Those are the only ones who can patrol at night, handle the rough

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

terrain and hot climate to pursue those terrorists. Let us stand together as a nation, support our President and security forces so that we can stand as one people. Let us not allow terrorism to divide us.

With those few remarks, I support.

**Sen. (Prof.) Lesan:** Mr. Temporary Speaker, Sir, first, I want to thank you for allowing me to share in the discussion on this very important Motion on security. I want to thank Sen. Billow for bringing this Motion. He has done so before, due to the concerns he has about insecurity in his county.

Mr. Temporary Speaker, Sir, terrorism is not only a Kenyan problem, but an international one. It is also a religious problem. For a long time we have been afraid to say that terrorism is associated with religion. There was an article in the *Tribune Magazine* in New York which said that by last week terrorism had become the biggest killer of Muslims than any other disease. This terrorism, although being a religious problem, does not know any boundaries. In fact, more Muslims are, perhaps, being killed today through terrorism than anything else.

Terrorists come in form of Jihadists, Al Shabaab or Muslim Brotherhood. This problem has spread throughout the world. Therefore, we should look at it from that picture and liaise with all the other countries to form an international watchdog to tackle terrorism. Terrorism is not only going to kill people, but overthrow governments and install the kind of governments which are of Islamic nature with their own regulations and rules which, unfortunately, are not human friendly.

Mr. Temporary Speaker, Sir, it is time that we roll back the frontiers of terrorism as it affects our country. I was very glad to read a message sent by Goodluck Jonathan, the former President of Nigeria, to his own President Gen. Buhari, wishing him the best of luck as he fights terrorism in that country. He also went ahead to suggest ways in which that could be done. I would wish the Opposition leaders in this country would also do the same because we must confront terrorism together.

We must also deal with incubators where people are being radicalized or intoxicated if we have to handle this problem early enough. We should look at the push and pull factors that attract youth to terrorism and deal with them. There is a report in this country that is saying that some of the biggest incubators are our universities. In fact, there is information that there are many students in our universities on the Al Shabaab payroll. We should not consider poverty as one of the causes because it is not the major “push” factor. Some of the greatest terrorists on earth were not poor; Osama bin Laden was a billionaire owning oil fields. The young man called Adams killed in Mombasa comes from a more than average home in the United Kingdom (UK). Therefore, poverty is not one of the factors. We should look at those factors critically and know how to deal with them.

Mr. Temporary Speaker, Sir, we have been afraid to profile Kenyans. However, I think it is time that we profiled all Kenyans so that we know who is who and who does what. It is important that we do so. We have an Immigration Department and we also have the Kenya National Bureau of Statistics. Therefore, we can find out where every Kenyan is and handle all the issues. So, profiling is not as bad as we have been saying. Every Kenyan should be profiled so that we know who we are living with and what they

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

are doing. It is by doing so that we can identify those individuals who have been radicalized.

**The Temporary Speaker** (Sen. Mositet): Sen. (Prof.) Lesan, you were pushing a very important point. Are you through with the issue of profiling?

**Sen. (Prof.) Lesan:** Not yet.

**The Temporary Speaker** (Sen. Mositet): I will give you two minutes to finish.

**Sen. (Prof.) Lesan:** Mr. Temporary Speaker, Sir, there have been all attempts to contain terrorism in this country using arms and force, but it is also important that we infiltrate all the cells. Infiltration is the key word here. We should have our people within Al Shabaab. It is through this that we can get the information we want without necessarily using arms. Arms and equipment should be second, but first, we must be with them so that we can know their intentions, what they want to do, their strategies and deal with it. As we train our personnel, we should know how to go about it with the information we have.

With those few remarks, I beg to support.

**Sen. Madzayo:** Asante, Bw. Spika wa Muda, kwa kunipa nafasi hii. Ningependa kumshukuru ndugu yangu, Seneta wa Mandera, kwa kuleta Hoja hii. Jambo la kwanza ni kusema ni pole kwa wale wote waliofiwa pamoja na jamii zao huko Mandera. Pia nawapa pole kubwa kwa Wakenya ambao wamepoteza maisha yao.

Jambo la kwanza ambalo ningependa kusema ni kwamba Katiba inasema kinagaubaga kuwa maisha ya Wakenya yako juu ya mikono ya mhe. Rais. Hilo ni jambo ambalo hatuwezi kulitoroka. Katiba ni sheria kuu ya nchi hii. Mhe. Rais hawezi kuepukana na jukumu hilo. Kila mkenya yafaa alindwe na mhe. Rais katika maisha yake. Hivi sasa tuiseme kwamba tushirikiane hivi ama vile, yeye ndiye Amiri Jeshi Mkuu wa Kenya. Kwa hivyo ikiwa Wakenya wanakufa hivyo ni jambo la kusikitisha. Tunasikia Wakenya wamekufa Baragoi, Mandera, Wajir na kwingineko. Swali ni, polisi wako wapi?

Bw. Spika wa Muda, kwa nini watu wanaoua wengine hawashikwi na kupelekwa kortini? Kwa nini sisi kama Wakenya hatuwezi kujiuliza ni kwa nini watu wanauana katika Kenya yetu ya leo? Hata sisi hapa ndani hatuna hakika ya kwamba tutaona kesho kwa sababu huko nje hatujui nani anatungoja. Huwezi kuwa na imani katika nchi ikiwa hujui maisha yako yanaweza kutetewa vipi.

Tumepewa mifano ya kwamba huwezi kumshika Mwamerika leo na kumpeleka katika korti nyingine. Watakwambia umpeleke kwa korti ya Marekani. Ni aibu kwa Kenya ya leo kwamba Naibu wa Rais anapelekwa katika Mahakama ya Kimataifa ya Jinai na kushitakiwa ilhali sisi hapa tunamuita mhe. Naibu wa Rais. Jambo la kwanza, ni lazima tuzingatie ukenya an uzalendo wetu. Ni lazima mhe. Rais achukue jukumu la kutetea maisha ya kila mtu katika Kenya. Mwanzo tulikuwa tunasema tunajivunia kuwa Wakenya. Baadaye, tukaanza kusema kwamba tunavumilia kuwa Wakenya. Hivi sasa ukiniuliza mimi nitakwambia naogopa kuwa Mkenya. Huwezi hata kidogo--

**The Temporary Speaker** (Sen. Mositet): Seneta, unasema kuwa unaogopa kuwa Mkenya. Kwa hivyo, wewe sio Mkenya?

**Sen. Madzayo:** Bw. Spika wa Muda, nafikiria kuwa muda wangu utauongeza. Nikisema naogopa kuwa Mkenya namaanisha kwamba nikitoka hapa mhe. Rais hana

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

uwezo wa kuangalia maisha yangu; kwamba naweza kulala vizuri, kuamka vizuri na nikaja hapa. Sio kama wakati wa mwaka 2001, wakati wa mhe. Rais Moi, ilikuwa huwezi ukaua Mkenya bila kupatikana. Walikuwa wanachukua jukumu kwamba lazima maisha ya Mkenya yalindwe kwa vyovyote vile. Na hatukuona mtu yeyote akifa.

Wakenya katika hii nchi wanatakikana kulindwa vilivyo. Tunasema tuko na shirika la uchunguzi la NIS. Wanachunguza nini ilhali Wakenya wanakufa? Kwa nini hao wakubwa wa uchunguzi walio katika mamlaka hawawezi kufanya kazi yao? Mhe. Rais ni Amiri Jeshi Mkuu wa majeshi yote ya Kenya. Kwa nini mhe. Rais asiwafute kazi kama wameshindwa halafu awachukue vijana awaweke kwenye maofisi wafanye kazi?

Mwisho, tusilinganisha dini na uharamia.

**Sen. Karaba:** Mr. Temporary Speaker, Sir, my machine has been failing me many times. As we discuss this Motion, it is important that we reflect back and see where we have come from. We should reflect on our international territorial boundaries, on our neighbours and the efforts they are using to stamp out acts of terrorism. We should be in a position to bring back what we learn when we go out. Many times we go to Israel, Russia, Japan, Cuba and so many other countries to benchmark, but we forget what we learn there. Next time we go to Malaysia, we will say that we were equals in 1960s. We are not implementing what we see, what we read or our experiences.

Mr. Temporary Speaker, Sir, let us agree that we have our forces here in Kenya. We have three or four Al Shabaab militia killing 170 people in a neighbourhood where 200 metres away there is an army barracks. The other day, they attacked an army barracks. By good luck, they were killed and that was the end of the story. Why are we having constant raids and such incursions in Kenya? We know that we have given a lot of money to the Office of the President which should go to internal security maintenance. We need to be told how many amphibians and paratroopers have been bought. There are vehicles which can be driven into lakes, dry areas and rocky places. We are not aware of what happens. What we see is amassing of arms for whatever reason. I have never heard of anything mobilized to the border.

Our elite army sits, lies or sleeps in the barracks. When we have such cases, we would expect movement of our army elite soldiers and not police, crossing the border and manning it.

Mr. Temporary Speaker, Sir, one time, there was a war between China and India. China stood up and said that they were to man their border using human body, man to man. The moment they march to the country of India, they will kill everything, including flies and cockroaches. That was the end of the war between India and China. China put up a wall during the Mao Tse Tung's time between the Mongols when they were going to invade China. We saw that happening. We were to have the wall done, but how long will it take? By the time they enclose the perimeter wall, how many people would have penetrated the Kenyan territory?

Let us think of our time, the past and the future. We are dealing with human beings who are thinking as much as we are thinking. Let us not be seen like we do not understand the times that we are living now. Let us agree that there is a way that we can handle terrorism.



I send my condolences to the departed 14 or so people who were killed because we are not told the exact number of people who were killed. In the former North Eastern province and the surrounding areas, death is like a normal thing. People are killed and nobody reports the incident. They are left to rot and life continues. Life is sacred. It should be taken like in Israel where if one soldier is killed, it is the beginning of another war. Why can we not learn from those countries which have had the experiences of terrorism—

**Sen. G.G Kariuki:** Mr. Temporary Speaker, Sir, sometimes I find myself in a very difficult position to repeat what we talked about a month ago. We continue having a good time in just talking. We should be prepared, accept and convince ourselves that terrorism is here to stay. It is only Kenyans themselves, without blaming anyone, who can stop terrorism from spreading unabated. It cannot be done by armed forces alone.

Mr. Temporary Speaker, Sir, this is not a conventional war and at no time will the terrorists face the defence forces of this country. Having known that, we must then be prepared to find the source where these people derive their power from. We also do not have to be shy about talking about ourselves. The young boys and girls who come from across the border to schools in Mandera and after doing their Kenya Certificate of Primary Education (KCPE) examination, they find their way to Nairobi for secondary schooling and then get Identity cards (IDs). When you are fighting terrorism or guerilla warfare, you must always beware that you may be eating with one of them anytime you are in the kitchen or talking here. We may be having the same people with us here and that is something that we have to acknowledge. However, if we continue as usual when a situation like this happens, where some of us get an opportunity to attack the system and Government as if it is a new thing---. We know our weaknesses, but we should not talk all the time about the things that we cannot do away with.

Mr. Temporary Speaker, Sir, for anybody to come here and attack the hon. President that he has failed and that our systems have failed and it is said by legitimate people who are elected by the electorates in this country, that is obnoxious. I expect that we, as Senators, will continue checking on the system and tell them where they go wrong and not to just stand here and attack over something that cannot be stopped. Even the United States of America (USA) has been unable to stop terrorism, because it is an international political organization with the aim of leading this world.

Let us be open and call a spade a spade. Muslims and Christians, in many years to come will compete in the world arena, to find out who will lead the world. This issue is not a simple matter. It started during the Jewish and Palestinian era. They continue giving themselves names until they discovered oil and it became a big issue because they now had money to spend and mislead people in any country.

For us to say here that we will stop terrorists from attacking all the time, we are deceiving ourselves. What we need to do is to be prepared, that they can attack anywhere and they are everywhere. Let us not kid ourselves. If I may recall, during the Mau Mau, there was no way of eradicating them unless some of us also became part of them, to ensure that we understood their programme and strategies.

In this country, if you ask a Muslim to join the Al Shabaab and inform us, they never accept. They say that they will be eliminated. We are not serious because if we

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

were, it would be seen by Kenyans; that the Members of Parliament are thinking about the simplest ways to maintain security in our nation. There is no crash programme in the training of the defence forces. It has to follow the procedures. If we think that the officers from Kiganjo Police Training College can just become good *askaris*, we are deceiving ourselves. It is a professional training. We need to train these people in so many ways. It is not an expensive exercise.

Mr. Temporary Speaker, Sir, I support the Government, the President and the Deputy President for their effort. We have to be open and say that they have tried. When they took over this country---

**The Temporary Speaker** (Sen. Mositet): Your time is up!

**Sen. G.G. Kariuki**: Thank you, Mr. Temporary Speaker, Sir.

### ADJOURNMENT

**The Temporary Speaker** (Sen. Mositet): Hon. Senators, the Senate was adjourned by dint of the Motion of Adjournment under Standing Order No.33(1), to discuss a definite matter of urgent national importance which has now been concluded.

The Senate, therefore, stands adjourned until tomorrow, Wednesday, 8<sup>th</sup> July, 2015 at 2.30 p.m.

The Senate rose at 6:25 p.m.