

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

**Tuesday, 8<sup>th</sup> October, 2013**

*The Senate met at the Kenyatta International  
Conference Centre at 2.30 p.m.*

*[The Deputy Speaker (Sen. Kembi-Gitura) in the Chair]*

### PRAYERS

#### QUORUM CALL AT COMMENCEMENT OF SITTING

**The Deputy Speaker** (Sen. Kembi-Gitura): Do we have a quorum?

*(The Speaker consulted the Clerk-at-the Table)*

I am informed we have a quorum. Let us proceed with today's business as listed on the Order Paper.

### PETITION

#### TARMACKING OF KIBWEZI-KITUI-MWINGI ROAD

**Sen. Wangari:** Mr. Deputy Speaker, Sir, I rise on the issue of a Petition that was raised by Sen. Musila, on behalf of Mr. Joseph Kalinga, on the inquiry into the matter of upgrading and tarmacking of the Kibwezi-Kitui-Mwingi Road, Road B7.

On behalf of the Chairman of the Committee on Energy, Roads and Transportation, I wish to seek the indulgence of this House to have time extended. We have had deliberations especially with the Cabinet Secretary in charge of Transport and Infrastructure, but we are yet to get some very important information from the Cabinet Secretary in charge of the National Treasury. We were to meet him last week, but, unfortunately, they were signing performance contracts. At the moment, he is out of the country up to 16<sup>th</sup> October, 2013. We seek the indulgence of the House to be given more time, so that we can present this report to the House on 24<sup>th</sup> October, 2013.

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**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Musila, is that okay with you?

**Sen. Musila:** Mr. Deputy Speaker, Sir, I have no objections.

**The Deputy Speaker** (Sen. Kembi-Gitura): Thank you very much, Sen. Musila. Sen. Wangari, we expect that report on 24<sup>th</sup> October, 2013.  
Next Order!

### NOTICES OF MOTIONS

*(Sen. Haji stood up in his place)*

**The Deputy Speaker** (Sen. Kembi-Gitura): Order, Sen. Haji. We are at the Order on Notices of Motions, not Motions. I cannot see any of your Motions at the Appendix.

**Sen. Haji:** Correct, Mr. Deputy Speaker, Sir. I am sorry about that.

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Karaba, proceed.

**Sen. Karaba:** Mr. Deputy Speaker, Sir, I beg to give notice of the following Motions both directed to the Department of Transport and Infrastructure:-

#### DEVELOPMENT OF POLICY FRAMEWORK FOR USE OF CABLE CARS IN TOURISM

THAT, aware that tourism is one of the leading sources of income to Kenya's economy; noting that the Government has set a target of 3 million tourist arrivals per year by 2017; cognizant that the country is endowed with many, scenic and captivating natural tourist attractions; aware that access to some of the tourist attractions by conventional means of transport is difficult, insecure and a constraint to the achievement of their full tourism potential; acknowledging that cable cars are an ideal mode of transport in difficult terrains and provide unobtrusive access to areas with fragile ecosystems; recognizing the need to open up new and untapped tourist attractions, the Senate urges the National Government to provide a policy framework for use of cable cars to enhance tourism.

#### DEVELOPMENT OF POLICY FRAMEWORK FOR CREATION OF EMERGENCY LANES IN NAIROBI

THAT, aware that the City of Nairobi has grown to be a large cosmopolitan and metropolitan city in Kenya and the East African region and that it acts as the gateway to the rest of the countries in the hinterland; cognizant of the traffic jams occasioned by the ever increasing number of vehicles and narrow roads leading to time wastage, fuel consumption and

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insecurity to motorists; noting that there have been increased cases of incidents that require intervention of emergency services in the City of Nairobi; recognizing that Article 184 (1) (c) of the Constitution of Kenya and the Urban Areas and Cities Act provide for a participatory mechanism by residents in the governance of urban areas and cities; realizing the need for clearly marked emergency lanes in our road network; the Senate urges the National Government to develop a policy framework for the creation of emergency lanes to be used exclusively by ambulances, fire fighting motor vehicles and other authorized emergency response locomotives within the City of Nairobi.

*(Sen. Leshore stood up in his place)*

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Leshore, before you proceed to give notice of the Motion, have you tabled the report that you are proposing to give notice of?

**Sen. Leshore:** Mr. Deputy Speaker, Sir, I have not tabled it.

**The Deputy Speaker** (Sen. Kembi-Gitura): Then you cannot give notice or move the Motion before you table the report. I do not think you can do so.

**Sen. Leshore:** Mr. Deputy Speaker, Sir, shall I proceed?

**The Deputy Speaker** (Sen. Kembi-Gitura): But have you tabled the report?

**Sen. Leshore:** Mr. Deputy Speaker, Sir, we had given the report to the Office of the Clerk.

**The Deputy Speaker** (Sen. Kembi-Gitura): But have you tabled it?

**Sen. Leshore:** Mr. Deputy Speaker, Sir, I have not tabled it.

**The Deputy Speaker** (Sen. Kembi-Gitura): If you have not tabled it, I do not think you can give notice of the Motion. Are you able to table the report now so that you can give notice of the Motion tomorrow? Where is the report?

**Sen. Leshore:** Mr. Deputy Speaker, Sir, this is just a notice of Motion.

**The Deputy Speaker** (Sen. Kembi-Gitura): Hon. Senators, I seek the indulgence of the House for a minute.

*(The Deputy Speaker (Sen. Kembi-Gitura)  
consulted the Clerk-at-the-Table)*

I am having a slight problem. It appears that there is a report that you are supposed to table. Sen. Leshore, have you tabled the report?

**Sen. Leshore:** Mr. Deputy Speaker, Sir, I have not tabled the report.

**The Deputy Speaker** (Sen. Kembi-Gitura): So, the House does not know about the names that you propose to move a Motion on now.

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**Sen. Leshore:** Mr. Deputy Speaker, Sir, I will do so tomorrow morning.

**The Deputy Speaker** (Sen. Kembi-Gitura): I think that is in order so that we do this properly. Is that okay, Sen. Leshore?

**Sen. Leshore:** That is okay, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kembi-Gitura): Thank you.  
Next Order!

### STATEMENTS

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Haji, do you want to issue a Statement?

**Sen. Haji:** Yes, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kembi-Gitura): Okay, proceed.

#### INSECURITY AT MALALANI IN KITUI COUNTY

**Sen. Haji:** Mr. Speaker, Sir, on 19<sup>th</sup> September, 2013, Sen. Musila, the Senator for Kitui County, sought a Statement on the security situation at Malalani in Kitui County. He wanted to be informed of the number of people who have been killed along the Kitui-Tana River counties border in the last two years. He in particular pointed out an incident where three people were killed on 13<sup>th</sup> September, 2013. He further sought information on measures the Government was putting in place to stop the killings.

Mr. Deputy Speaker, Sir, on 13<sup>th</sup> September, 2013, at about 2.00 p.m. an armed gang of nine criminals shot dead three people at Ililuni Market in Mututu Sub County. Those killed were:-

1. Kisangu Musembi
2. Mukundo Mulatya
3. Kisomo Katu

The motive of the attack is yet to be established as nothing was stolen from the victims. However, the police are carrying out investigations on the matter in order to bring those involved to book.

Mr. Deputy Speaker, Sir, in addition to the above attack, the following incidents have been recorded in the area in the last two years:-

On 5<sup>th</sup> July 2012, in Malalani Location, Mr. Jeremiah Mutinda Nzaluu was stabbed by a suspected Somali bandit while trying to arrest him for illegally grazing in his land. This matter is still pending under investigations.

On 5<sup>th</sup> July 2012, in Malalani Location, Mr. Benjamin Kithiki Mwilu was shot dead while in pursuit of Somali bandits who were suspected to have killed Mr. Jeremiah Mutinda Nzaluu. This matter is pending under investigations.

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On 4<sup>th</sup> August 2012, in Malalani Location, Mr. Kimendi Mutungi was shot by a suspected Somali herdsman at Egamba water well. This matter is also pending, under investigations.

Mr. Deputy Speaker, Sir, in order to restore peace and order in the area, the Government has put in place the following measures:-

- (1) Established an administration police post at Ililuni, Makuka, Enziu, Katumbi and Voo areas;
- (2) Security patrols have been enhanced;
- (3) A serviceable vehicle has been allocated to Endau Police Station, thus improving mobile patrols in the area;
- (3) A contingent of Anti-Stock Theft Unit (ASTU) officers has been deployed in the area;
- (4) The National Police Service intends to establish a police station at Malalani Market and posts at Egamba and Enziu markets depending on the availability of resources.
- (5) Reactivation of District Peace Committees (DPCs) in Kitui County.

Mr. Deputy Speaker, Sir, I want to apologise to Sen. Musila for not giving him a copy of the Statement. It was handed over to me as I was sitting here.

Thank you, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kembi-Gitura): Thank you, Sen. Haji.

*(Sen. Musila stood up in his place)*

Sen. Musila, where are you going? Are you standing pursuant to anything to do with the Statement?

**Sen. Musila:** To seek clarification, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kembi-Gitura): You know better than anybody else that you need to say so.

Sen. Wamatangi, let us indulge Sen. Musila first.

**Sen. Musila:** Thank you, Mr. Deputy Speaker, Sir. I also want to thank my friend, Sen. Haji, the Chairman of the Committee on National Security and Foreign Affairs. I really regret that the answer that the Chairman has given is completely unsatisfactory. If you listened carefully, in every case that he has referred to, he said “pending investigations”. These cases have been pending for the last two or three years. The answer is very clear that our people at the Kitui-Tana River border are being slaughtered every now and then by the so-called bandits and the Government is doing nothing about it.

The Chairman has also said that the motive for most of these incidences is yet to be established and that the police are carrying out investigations. Could he tell us about one incident where one person, after killing a person in Kitui County, was apprehended

by the police and taken to court? This has never happened. Therefore, criminals are killing my people with impunity because the Government is doing nothing about it.

Mr. Deputy Speaker, Sir, I need your indulgence because this answer is completely unsatisfactory. I ask that it be referred back to the Committee until we get the correct answers.

I thank you.

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Haji, do you have anything to say about that?

*(Sen. Wamatangi stood up in his place)*

Sen. Wamatangi, let us first finish with this issue.

Sen. Haji, you have said that the matters are pending and investigations are going on. It would appear to me that you have not given a Statement that Sen. Musila can talk about as a Statement if his people should want to know further about this matter. Do you need more time to come up with a Statement that may explain the situation, and that is satisfactory to the House? Remember that this Statement is now not the property of Sen. Musila, it is the property of this House.

**Sen. Haji:** Mr. Deputy Speaker, Sir, I want to agree with Sen. Musila that some of these answers are not satisfactory at all. We cannot keep on saying “pending for investigations” since 2012. Although the Government has tried, in certain areas, by establishing the new police posts and giving new vehicles, I beg the indulgence of the House that I be given 10 more days, so that I can pursue this matter to its conclusion.

**The Deputy Speaker** (Sen. Kembi-Gitura): Thank you, Sen. Haji. You know better than most people the kind of Statement that should be issued on this kind of matter. So, I am leaving it in your good hands, that we will get a proper statement.

Sen. Musila, does that satisfy you?

**Sen. Musila:** Mr. Deputy Speaker, Sir, I appreciate that ruling. In the Statement that he has given, Sen. Haji has indicated that police posts will be established at Malalani, Egamba and Enziu markets when funds become available. That is a common phrase used in Government circles. I do not think this House will accept that kind of a promise. Could Sen. Haji come up with a definite promise as to when these police posts will be established? He should not tell us this will be done when money is available.

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Musila, I have done my best in the current situation. Sen. Haji has promised to give us a proper answer to your question. He agrees that the answer he has given you is not satisfactory. The best we can do at the moment is to agree with him that within ten days he shall come up with a Statement that, maybe, satisfies you and the House.

Sen. Musila, is that in order?

**Sen. Musila:** Much obliged, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kembi-Gitura): Thank you, Sen. Musila.

**Sen. Wamatangi:** Mr. Deputy Speaker, Sir, I wish to seek a Statement from the Chairman of the Committee on Education, Information and Technology---

**The Deputy Speaker** (Sen. Kembi-Gitura): Have you handed in a request to the Speaker's Office, that you want to seek a Statement pursuant to the Standing Orders?

**Sen. Wamatangi:** I have not done so, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kembi-Gitura): I do not think you can just seek a Statement. If you look at the Standing Orders, they demand that you should seek the leave of the Speaker's Office whether or not you can seek a Statement. Otherwise, we shall have all manner of Statements being sought. Right now, I have no control. As I sit here, I do not know what you are going to say. I do not know whether it is something that is constitutional or unconstitutional or one that violates the rules. That is why I think that the Standing Orders require that the Speaker should endorse the Statement that you want to seek. If you look at the order, it says "before 3.00 p.m., you must seek the leave of the Speaker that you want to make a statement which the Speaker can agree with or not."

**Sen. Wamatangi:** Most obliged, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kembi-Gitura): Could we move on to the next order, please?

## MOTIONS

*(Sen. Haji stood up in his place)*

**The Deputy Speaker** (Sen. Kembi-Gitura): Order, Sen. Haji! We are now at Order No.8. Sen. Haji, your Motion is listed as Order No.9. We will proceed to the Division on the amendment that was brought by Sen. (Prof.) Lonyangapuo.

### ADOPTION OF REPORT ON IRREGULAR ALTERATION OF BUDGET ESTIMATES FOR TURKANA COUNTY FOR FISCAL YEAR 2013/14.

THAT, the Senate adopts the report of the Standing Committee on Finance, Commerce and Economic Affairs on the investigations carried out by the Controller of Budget on the irregular alteration to the Budget Estimates for Turkana County for Fiscal Year 2013/14.

*(Sen. Mositet on 2.10.2013- Afternoon sitting)*

*(Resumption of Debate interrupted on 3.10.2013 - Afternoon sitting)*

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**The Deputy Speaker** (Sen. Kembi-Gitura): Hon. Senators, you will recall that under Order No.8, we are proceeding on a Division to vote on the amendment. Before I put the question on the amendment---

*(Sen. Sonko entered the Chamber)*

Sen. Sonko, you may proceed and sit down.

Before I put the question on the amendment, I want to bring to your attention, as per the Standing Orders, that this is an amendment of a Motion concerning counties. So, we shall go to division so that we then vote on it. I believe we have the threshold for going for the division. Am I correct, Sen. (Prof.) Lonyangapuo?

**Sen. (Prof.) Lonyangapuo:** Yes, you are, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kembi-Gitura): I will now go on to put the question that the Motion be amended as follows:-

“(a) By deleting the word “adopt” in the first line and inserting the word “notes” in place thereof.”

(b) By inserting the following words immediately after the figure “2013/2014” in the fourth line; “and recommits the matter to the Committee for reconsideration and preparation of a report with specific observations and recommendations on those responsible for illegal alteration”

Hon. Senators, the Motion, if amended, shall read as follow:-

THAT, the Senate notes the report of the Standing Committee on Finance, Commerce and Economic Affairs on the investigations carried out by the Controller of Budget and the irregular alteration to the budget estimates for Turkana County for fiscal year 2013/2014 and recommits the matter to the Committee for reconsideration and preparation for a report with specific observations and recommendations on those responsible for the illegal alteration.

I order that the Division is rung. We shall then proceed on that Motion. In the meantime, could the party leaders provide the names of the Tellers?

*(The Division Bell was rung)*

## DIVISION

### ROLL CALL VOTING

*(Question of the amendment put and the Senate proceeded to vote by County Delegations)*

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**AYES:** Sen. Abdirahman, Wajir County; Sen. Billow, Mandera County; Sen. Boy Juma Boy, Kwale County; Sen. Haji, Garissa County; Sen. Hargura, Sen. Kagwe, Nyeri County; Marsabit County, Sen. Kajwang, Hom Bay County; Sen. Karaba, Kirinyaga County; Sen. Kembi-Gitura, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County; Sen. Kivuti, Embu County; Sen.(Prof.) Lesan, Bomet County; Sen. Leshore, Samburu County; Sen. (Dr.) Lonyangapuo, Pokot County; Sen. (Dr.) Machage, Migori County; Sen. Mbuvi, Nairobi County; Sen. Mositet, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County, Sen. Murungi, Meru County; Sen. Musila, Kitui County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwakulegwa, Taita Taveta County; Sen. Ndiema, Trans Nzoia County; Sen. Ntutu, Narok County; Sen. Obure, Kisii County; Sen. Okong'o, Nyamira County and Sen. Orengo, Siaya County.

**Teller of the Ayes:** Sen. Mshenga.

**NOES:** Nil

**Teller of the Noes:** Sen. Kanainza.

**The Speaker** (Hon. Ethuro): Hon. Senators, I wish to announce the results as follows:

**AYES:** 28

**NOES:** Nil

**ABSENTIONS:** Nil

*(Question of the amendment carried by 28 votes to nil)*

*(Question of the Motion as amended proposed)*

**Sen. (Dr.) Khalwale:** Mr. Deputy Speaker, Sir, I recall that both at the initial stage of the Motion and also during the amendment, virtually all of us spoke and it is like we are exhausted. So, may I request that the Mover be called upon to respond?

**Sen. Khaniri:** Mr. Deputy Speaker, Sir, I need your guidance here because my understanding of the Standing Orders is that once a Member has contributed on a Motion, he cannot be the one calling upon the Mover to reply. Is it in order for Sen. (Dr.) Khalwale to call upon the Mover to reply?

**The Deputy Speaker** (Sen. Kembi-Gitura): He is out of order.

**Sen. Murungi:** Mr. Deputy Speaker, Sir, I did not contribute to this Motion. Would I be in order to request for the Mover of the Motion to reply?

**Sen. Kagwe:** Mr. Deputy Speaker, Sir, I seek your guidance on this as well because the amendment we have just made has proposed that the matter be taken back to the Committee for further investigation. So, are we voting on taking it back or should it not be simply referred to the Committee before we take the vote since it has not been finalized?

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**The Deputy Speaker** (Sen. Kembi-Gitura): Let me try and make a clarification to Sen. Kagwe's question. In the course of the debate on the Motion as originally drawn, it came to the attention of Senators that maybe the Committee had not done a very thorough--- I mean, there were still very many loose ends in the report they gave on this Motion. If I follow the debate correctly, Members brought the amendment so that this matter can be taken back to the Committee so that they can re-investigate and come up with a report which serves the needs of the Members, pursuant to the debate. So, what I believe is going to happen is that when we vote on this Motion as amended – because we must vote on the Motion as amended –then it will be re-committed back to the Committee to now come and give us information that suffices for purposes of this House. That is what we have to do. There is a Motion which has been amended; we cannot just re-commit it; we must take a vote and then it goes back to the Committee to come up with the absolute findings.

So, it appears that---

**Sen. Orengo:** Mr. Deputy Speaker, Sir, if you allow me. Just for the purposes of my friend, Sen. Kagwe, is that instead of adapting, we are noting it. So, we have done something; we have noted it, and then it goes back to the Committee, and then it will be brought back to us.

**The Deputy Speaker** (Sen. Kembi-Gitura): Indeed. It is just that hon. Members were not quite satisfied with the report. They have noted it and they want it to go back to the Committee so that they can now look at what hon. Members need, and then it is done.

So, now, can we have the Mover to reply; Sen. Mositet?

**Sen. Mositet:** Thank you, Mr. Deputy Speaker, Sir. I thank honorable Senators for their contributions to the Motion and even for the amendment. With that, I think you have really shown that the Senate is not just a House to adopt reports, but also to debate and make sure they are very thorough.

With those few remarks, Mr. Deputy Speaker, Sir, "I beg to reply."

Thank you, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kembi-Gitura): You beg to reply?

**Sen. Mositet:** I am sorry, Mr. Deputy Speaker, Sir. I beg to move.

**The Deputy Speaker** (Sen. Kembi-Gitura): Okay.

Order, hon. Members! In those circumstances, I will put the Question. But before I put the Question, again this is a matter affecting counties and, so, we shall go to Division. But before I do that, because it is a very important and a core Motion, I hope we have the threshold with which to vote on?

**Hon. Senators:** Yes, we have.

**The Deputy Speaker** (Sen. Kembi-Gitura): I will then put the Question.

*(The Division Bell was rung)*

**The Deputy Speaker** (Sen. Kembi-Gitura): Order, hon. Senators! The Division Bell has stopped. So, can we have the doors locked? The teller for the Ayes is Sen. Mvita Mshenga and for Noes is Sen. Daisy Kanainza.

### DIVISION

#### ROLL CALL VOTING

*(Question of the Motion as amended  
put and the Senate proceeded  
to vote by County Delegations)*

**AYES:** Sen. Abdirahman, Wajir County; Sen. Billow; Mandera County; Sen. Boy Juma Boy, Kwale County; Sen. Haji, Garissa County; Sen. Hargura, Marsabit County; Sen. Kagwe, Nyeri County; Sen. Kajwang, Homa Bay County; Sen. Karaba, Kirinyaga County; Sen. Kembi-Gitura, Murang'a County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County; Sen. Kivuti, Embu County; Sen. (Prof.) Lesan, Bomet County; Sen. Leshore, Samburu County; Sen. (Prof.) Lonyangapuo, West Pokot County; Sen. Mbuvi, Nairobi County; Sen. Mositet, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Murungi, Meru County; Sen. Musila, Kitui County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwakulegwa, Taita-Taveta County; Sen. Ndiema, Trans Nzoia County; Sen. Ntutu, Narok County; Sen. Obure, Kisii County; Sen. Okong'o, Nyamira County; Sen. Orengo, Siaya County; and, Sen. Wamatangi, Kiambu County.

**Teller of the Ayes:** Sen. Kisasa

**NOES:** Nil

**Teller of the Noes:** Sen. Kanainza

**The Deputy Speaker** (Sen. Kembi-Gitura): Hon. Senators, the results are as follows:

**AYES:** 28

**NOES:** Nil

**ABSENTIONS:** Nil

*(Question of the Motion as amended  
carried by 28 votes to 0)*

*Resolved accordingly:-*

THAT, the Senate notes the report of the Standing Committee on Finance, Commerce and Economic Affairs on the investigations carried

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out by the Controller of Budget and the irregular alteration to the budget estimates for Turkana County for fiscal year 2013/2014 and recommits the matter to the Committee for reconsideration and preparation for a report with specific observations and recommendations on those responsible for the illegal alteration.

**The Deputy Speaker** (Sen. Kembi-Gitura): I wish to now release the Tellers. Open the doors, then we can proceed to the next order.

INTEGRATION/COMPENSATION OF KENYANS  
CURRENTLY REGISTERED AS REFUGEES

**Sen. Haji:** Mr. Deputy Speaker, Sir, I beg to move:-

THAT, recognizing that subsequent droughts in northern Kenya in the 1970's and 1980's decimated livestock which is the main source of livelihood for pastoralist communities in the area leaving them destitute; aware that neither the Government nor Non-Governmental Organizations effectively responded by extending assistance to these victims of adverse weather; aware that the collapse of the Government in Somalia in 1990 resulted in the displacement of thousands of refugees who fled to camps in Kenya located at Liboi and Dadaab; further aware that some Kenyan pastoralists, due to their abject poverty disguised themselves as refugees and registered in United Nation's camps; noting that the Government recognized that by 2005, such Kenyans totaled over 4,000 from Ijara Constituency alone; cognizant that the number is now estimated at 12,000 in Garissa, Wajir and Mandera Counties; noting with concern that the children of these people cannot access work or obtain ID cards since their parents are registered as refugees; appreciating the excellent work of H.E the President in settling IDPs; the Senate calls on the national Government to conduct a census of these Kenyans with the aim of deregistering them from UNHCR, issue them with ID cards, compensate and integrate them into the community.

Mr. Deputy Speaker, Sir, it is our national duty to ensure that Kenyans live in dignity. We cannot wait any more for the Government to resolve this issue of Kenyans who are not IDPs but are refugees in their own country. The children of these people who were born and brought up in refugee camps can easily be manipulated by enemies of this country, particularly the *Al Shabaab* because they have taken to the culture, habits and behavior of the foreign refugees with whom they live. It would be a national disaster if we lost them to such terrorists. They can be a thorn in the flesh in future if this matter is not dealt forthwith.

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Mr. Deputy Speaker, Sir, we urge the Government to correct this situation. The Government should, without further delay, remove them from the refugee camps, settle them and integrate them with the communities that they live. Their children should also be issued with identity cards. Failure to do so is a sure way of making them access foreign countries. They can pretend to be from Somalia so that they are taken to foreign countries, not out of their wish, but out of the problems they are facing. This is because they cannot access any jobs here and do not have identity cards. Their parents are known and can vouch for them. Their parents have identity cards that they were given before going to the refugee camps. That should be enough evidence for their children to access identity cards and access employment.

This is a very important Motion. I would like my colleagues to contribute to it so that we create this awareness which the Government had not considered earlier. I request my sister, Sen. Fatuma, to second the Motion.

**Sen. Adan:** Mr. Deputy Speaker, Sir, I would like to take this opportunity to second this Motion. First and foremost, this Motion is important to some of us who are from northern Kenya. If we do not rescue this situation, we will lose Kenyans to foreign countries. A research has been done and it is possible for these families to be vetted and we can verify whether they are Kenyans or not. We have the vetting structures in place in this country. The Government should take time to vet these families and ensure that they are issued with identity cards.

The provisions of Article 12 of the Constitution on the Entitlements of Citizens are very clear on the importance of an identity card. This will allow them to access all the facilities in this country. Denying them an opportunity which is a right provided by various legislations in this country is not right. We would like the Government to make a move and ensure that these Kenyans are issued with passports. This is a right and not a privilege.

You will find that foreigners can access identification documents more easily than Kenyans. Kenyans are impeded by very many processes especially those from border counties. Sometimes, one is asked for his grandfather's identity card which is not necessary. If a foreigner went to ask for an identity card, that kind of documentation would not be required. However, if a Kenyan went to ask for the same identity card, they would be asked to present their grandfather's identity card or a log book and many other unnecessary documents that are not provided within the law, just to prove that one is a citizen of this country.

The other point is that the Government and the Attorney-General's Office should provide clear guidelines on how one can prove his citizenship in this country. If those guidelines are not clear, many Kenyans will be denied an opportunity to get these identification documents. I will draw the attention of the House to a report that was done by the Kenya National Commission on Human Rights (KNCHR) on Identity Cards Crisis in 2012. The Report is very comprehensive. It highlights the challenges that Kenyans

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face in accessing identity cards. It also talks about ordinary Kenyan citizens being denied the identity cards. These are the results of corruption.

Sometimes the processes are so impeding that you can wait for almost two to three years before you can access an identity card. This is discriminative and impedes the freedom of movement especially to those who live in refugee camps. These are people who are in refugee camps not out of their own wish but because they cannot afford daily bread. It is important for the Government to look into this matter so that these Kenyans are salvaged from being thrown out of their own country. If they live within refugee camps, they end up being denied all their basic rights in this country.

If a foreigner can access an identity card, why not a Kenyan who can easily be verified and vetted? I second this Motion.

*[The Deputy Speaker (Sen. Kembi-Gitura) left the Chair]*

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

*(Question proposed)*

**Sen. Kajwang:** Thank you, Madam Temporary Speaker. First of all, let me declare my interest in this matter, because in my other life, I was the Minister in charge of this department and may shed some light of personal engagement on this matter.

Madam Temporary Speaker, I support the Motion because I have dealt with Sen. Yusuf Haji on this matter for a long time when I was holding this docket. The facts are simple. It is just that because Somalia collapsed, many Somali people came into the camps in Kenya. We have the largest refugee camp in the world, which is Dadaab. Somehow, although the camps are not very good to live in, those who surround them live a worse life than those who are in the camps. This is because in the camps, even though there are not very nice houses, there is at least some food, clean water, medicine and, sometimes, better schools than the surrounding schools. There is even a possibility that if you are a refugee, you could go abroad and be resettled.

So, there are many temptations that attract otherwise very innocent Kenyans to try their luck in the camps. This is because if you go into the camp, then you can benefit from all those things, especially when there was drought and no food in the surrounding areas. Most families thought that, at least, for the children to survive, they should go to the camp and declare that they are Somali citizens. Since the only thing that is required of you is that declaration, you declare. But because the department dealing with refugees wanted to know who is a refugee and who is not, we decided at certain times to take thumb prints of those who joined the refugee camps. So, if you came into the refugee camp and we took your thumb print, name and face, you would get all rations like everybody else.

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In fact, sometimes they would go back home and come for the rations in the morning, because they did not like the life in the camps. But when they reached 18 years and wanted to join secondary schools or travel, they now wanted identity cards. So, when they come to registration officials, of course, the recommendation is made, but when it comes to our database and we check their thumb prints, we find that they are not Kenyans but refugees. Such a person then says: “No, I am a Kenyan. I just registered there because of this and that.” But we say: “We are not so sure. You could be a Somali or Kenyan. So, we are not registering you yet, until we check.” This checking can take time because there is suspicion already, that since you lied at the beginning, you could very well lie again. So, it has put people into a lot of difficulty.

Madam Temporary Speaker, even the United Nations High Commissioner for Refugees (UNHCR) that deals with this matter is in difficulty. They have said that they do not to feed Kenyans, but refugees. Since Kenyans flocked into the refugee camps and registered and are now caught up in their data as refugees, they cannot refuse them. So, there was a time when they wanted to clean their register and remove those who were not Kenyans. When they started that, actually people volunteered and said: “We are Kenyans and so, remove us.” But even though they had removed them from their data, the Department of Registration of Persons would refuse to register them because they are not so sure.

So, this is the dilemma and we must find a way in which to deal with this matter with the department that is in charge of this. Although we will support this Motion and pass it, it is better if a relevant Committee of this House calls the department that is in charge of registration of persons and deals with this matter at depth. This is because, really, we might not deal with it at depth in this kind of debate.

Madam Temporary Speaker, what is the danger of refusing to register Kenyans because you are doubtful of their citizenship? First, the danger is that you make them stateless. This is because if a person cannot register in Kenya and is a Kenyan and not a Somali, anyway, he becomes stateless. I think that we have debated this at international fora and now even have a law which actually makes statelessness a serious offence. We do not want to see people who do not have a state walking in this world, because they have nothing to lose. If you really do not have a state, you do not have protection. If you do not have protection from your state, then you protect yourself. If you are going to protect yourself, then you can do anything to protect yourself. That is a very dangerous place to be for any person.

Madam Temporary Speaker, so, it is important that if you are a Kenyan and you can prove it, you are registered and then protected by Kenya, irrespective of whether or not you lied. The law does not say that you will not be registered if you lied. It does not even say that you will not be registered if you committed a criminal offence. It says that you must be registered because you are a Kenyan. So, what is important is whether or not

you are a Kenyan. That is the bottom line. I think that the Committee will deal with this in depth.

However, during my tenure as the Minister in charge of immigration, I remember that we had already put in place committees, including security committees and vetting committees in some of these areas where the refugees predominantly stay. We agreed that if they can go back and be vetted or re-vetted, this time with something hanging, that they lied, but now they have come to declare that they are Kenyans, and there are some people who can give evidence that they are actually Kenyans and the parents or uncles can be found, then, of course, recommendations can be made for their registration.

But this has been longwinded and these people are frustrated and have become older. Some of them are now 20 years or 30 years old and do not have identity cards. They cannot move out of their environment, grow or train. That is why they join foreign armies. You will find that the people who have contributed to the war in Somalia even more are Kenyans. I even think that the Americans have arrested some Kenyan somewhere.

Madam Temporary Speaker, the problem again is the euphoria after something like what happened the other day. The first thing that I heard people say is that our borders are not being looked after properly, identity cards are being bought at throwaway prices and passports at Kshs5,000, and I am the one who sold them. I got very angry because at that time we had not even gotten one of the terrorists, to determine whether he or she actually had a Kenyan passport or identity card. But if you read the social media, it is all awash with messages that these things are being sold. The speech was coming from very senior people in Government. Today, I read that administration officers are now supposed to take charge of registration, but there is no law like that. The only law that is there is that registration officials will register, of course, in consultation with the chiefs and so on, who know people.

But when something becomes euphoric and people talk loosely, you now even oppose a very good thing. What do you then do with the 12,000 Kenyans, whom you have not registered and are stateless, dangerous and not protected? It will be a very dangerous thing. So, as the Senate, it is good that this Motion is coming here, because we will look at it a little more soberly and make very good recommendations; that Kenyans be registered, of course, taking care that we do not register non-Kenyans. Kenyans must be registered. That has been my policy and I think it should be the policy of this House.

Madam Temporary Speaker, I beg to support.

**Sen. Abdirahman:** Thank you, Madam Temporary Speaker, for allowing me to contribute to this very important Motion. I want to begin by thanking Sen. Haji for bringing this Motion.

Madam Temporary Speaker, this Motion has come at a time when the Kenyan Government is also contemplating relocating the refugees in Dadaab, Kakuma and any other part of the country. I very well remember, just towards the end of last month, the



Ministry of Foreign Affairs and the Ministry of Interior and Coordination of National Government were consulting Members of Parliament from North Eastern and the northern Kenya in general, with a view to discussing with them how best these refugees can be relocated. I think that it is going to be a win-win kind of situation, if the Kenyan Government can critically examine this Motion. There is no doubt that we have got Kenyans there. I can confirm because in our offices, it is like a daily occurrence. We are visited by Kenyans who we very well know and are certified by the provincial administration officers on the ground, but have been forced to move into the refugee camps in search of food, better education and health facilities, because they could not afford to get this in their neighbourhoods.

Madam Temporary Speaker, drought is a major occurrence. Successive droughts have decimated livestock numbers and made many people move to trading areas, even in Wajir Town, Mandera Town, Garissa Town and Ijara Town. Villages sprung up in these towns after every drought, which usually occurred after a span of about three years. Those who come to those trading centres or towns are those who have relatives. Those who lose their livestock and have no relatives are either in the Civil Service or business people. Passing a Motion in this House is not something that many a times helps. If the relevant Government agency or Ministry can pick up this Motion and somehow, bring up solutions including the formation of a technical team comprising of the relevant Ministries, to go and ask people to voluntarily come out and say who they are, I am sure that it can help a lot.

Madam Temporary Speaker, besides that, we have complained so much in this country about insecurity, the latest being the Westgate Mall attack, which was a very unfortunate incident that has affected many of our Kenyans and people from outside the country. If we can sort out the refugee problem and Kenyans who are actually in the refugee camps, then our insecurity problem will actually come down dramatically. If we can engage as communities and their leadership, I am sure that the local communities in North Eastern, in particular, are more than willing to actually leave the refugee camps.

It is incumbent upon the existing Government to actually resettle these people. We have resettled many other landless people in this country and allocated billions of shillings for this. Why would it be hard, really, to take a census of these people in the camps, allocate sufficient revenue in the budget and relocate them to Garissa, Wajir and Mandera? I think that the Government must wake up. They are not alive to this fact. This business of people saying that they doubt does not help. Why would you doubt somebody who wants to leave the refugee camps voluntarily? Somebody from Somalia is from Somalia and the one from Kenya is from Kenya. The features may be alike but our hearts are not together.

Madam Temporary Speaker, we really want Somalia to be stable. The Kenyan Government has in the past made some good efforts in terms of the intervention in Somalia, with a view to ensuring that, particularly, the region that borders us – the

southern Somalia – becomes stable. If we can have all those activities harmonized by the Kenyan Government, I am sure that our people will embrace virtually the development that they really need.

Madam Temporary Speaker, I beg to support.

**Sen. Elachi:** Madam Temporary Speaker, I also stand to support the Motion and I also want to bring in a perspective that it is not only in North Eastern region but also in Mombasa, Lamu and other counties in the coast region. These regions face the same challenges in terms of parental identification and citizenship. Therefore, it is indeed our responsibility as the Senate to look at the whole issue in broad perspective without narrowing it to North Eastern region. This will also help Kenyans to understand the issue better.

We need to accept that we have faced many challenges while dealing with the issuance of identity cards. This is an issue that the last three governments have not tackled well. The challenge started with Moi's Government although Kibaki's Government was able to deal with it. I know that with the Jubilee Government, due to what has happened, they would wish to deal with the issue. We need to understand our people, take care of them and protect them in terms of security. We should accept that as we move on as Kenyans, there is one challenge we face; we like to take advantage of challenges we face and make them an opportunity for abuse.

Therefore, you will find that those who are really genuine Kenyans and would want to get their identity cards cannot get them just because of that. This is the most serious challenge we face today. How we handle and manage our brothers in North Eastern is a big challenge. Sometimes, we blame the Government but we can also blame ourselves. If you are neighbours then you should know each other. Even if your neighbour will move away for ten years, someone will remember that family and if they come back, they will be welcomed back home.

There is a proposal by the Minister for Interior and Coordination of National Government where we will have ten people within the community to identify neighbours. So, how do you ensure that somebody who got lost for twenty years is identified as a Kenyan and helped to come out of the camps? These people are there because we have worked in Dadaab and we have seen them. As the Senator for Wajir has said, some went there because of food but if you look at also those who have received identity cards, you will be shocked to find that many Somalis used dubious means and sometimes would pay some money at the Immigration offices to get identity cards. This is something that we have to accept and work on it.

If we are saying that we want to deal with the issue, then let us put everything on the table. Majority of our Somali brothers who are real Somalis are Kenyans today yet our own Kenyans cannot afford to do the same and get identity cards. But who helps them? It is our brothers who know that those people are Somalis but they give them identity cards because of money. Therefore, corruption has also messed the process. If we

want to deal with it, we have to go back to the census documents that Mr. Oparanya had requested to relook at. If we do this, we will find out who our real brothers are. This will put Kenya back on track.

The challenge we face in Kenya is the lapses that we have in terms of many loopholes. Someone would choose to take Kshs10 million and sacrifice his or her country. This is one thing as leaders we must work with. I agree with Sen. Haji that we need to bring back our brothers and give them identity cards so that they are not linked to *Al Qaeda* but I also want to urge us to look at it again. We know that corruption is a vice that has finished us and it is going to finish us even more.

Madam Temporary Speaker, as I support this Motion, I think there are many reports that we need to look at including the census report and work on it to make a serious roadmap on how to help our brothers.

**Sen. (Dr) Khalwale:** Madam Temporary Speaker, I want to thank you and congratulate my senior, Sen. Haji, for bringing this Motion. I want to spend the next few minutes trying to persuade the Senators who are here today that out of factual research that I have done on this Motion, there is need for us to appreciate that this problem is really big and that it is above us and that we cannot solve it through this kind of Motion. I want you to bear with me as I roll out the facts.

Madam Temporary Speaker, the first one is that I want to register my sympathies to those Kenyan Somalis who for no reason other than humanitarian relief ended up denouncing their citizenship, so to speak, and pretending to be refugees. I want to draw the attention of this House to the fact that the Government has never been asleep on this issue. Up to and including when the census was done, the Minister in charge, today the Governor of Kakamega, actually nullified results in the same districts that we have talked about. There was a problem and this problem cannot be solved through a Motion.

To claim that these people in the camp are not known is to assume that we do not have a government in Kenya. It is there. I have done research for refugees just for a period of January to April, 2010 and I have it here. Thousands of refugees are on this document. Against each refugee, the Government has indicated that they are in the camp and the day they arrived in the camp, the day their presence was supposed to expire and for what reason. In this record, which is authentic, the Government indicates whenever a refugee leaves the camp to go to Nairobi. They have also indicated the reason why they are leaving. Genuine refugees are here in this form and the reasons for leaving, including taking a child to school, medical attention, travel to Kilimanjaro and so on. The refugees we are talking about are listed here. Whenever they leave the camp, they say, I am leaving for reunification with my family.

**Sen. Haji:** On a point of order, Madam Temporary Speaker. Is the hon. Senator in order to mix up the issue of Kenyans who have gone to refugee camps, refugees from Somali and the census? This has nothing to do with the census. These are real Kenyans and that question was asked in Parliament---

**The Temporary Speaker** (Sen. Ogoro): Stick to your point of order.

**Sen. Haji:** Madam Temporary Speaker, is he in order because the question of Kenyan refugees was asked in the House in 2005 by me and it was answered by the Minister who came and confirmed that there are Kenyan refugees in the camps?

**The Temporary Speaker** (Sen. Ogoro): So, your point of order is that he is misleading the House?

**Sen. Haji:** Yes. He is misleading the House by mixing up the Kenyan issue with the Somalia refugees.

**The Temporary Speaker** (Sen. Ogoro): Sen. (Dr.) Khalwale, are you misleading the House?

**Sen. (Dr.) Khalwale:** I really do know what I am talking about. Why would I want to mislead Kenyans when I know that some of the Kenyans of Somali origin who are Senators here are my colleagues? I am just asking you to bear with me because inside this big bundle, we have the Somali refugees who are in Dadaab. As they are allowed to come out, the Kenyan Somalis who sneaked into the camps for that reason which you have put in your Motion are indicated here that they leave to go and reunify with their families. It is indicated. If you doubt me, I want to tell you that this thing is a bombshell. If you doubt me, I have with me here documents from the Office of the Vice-President of the Republic of Kenya which I have sampled out and all signed for the Commissioner of Refugees showing how refugees leave the camp on a day-to-day basis. I can show you that on 1<sup>st</sup> March, 74 refugees left the camp, and on 7<sup>th</sup> March---

**The Temporary Speaker** (Sen. Ogoro): Sen. (Dr.) Khalwale, are you going to table the documents?

**Sen. (Dr.) Khalwale:** Yes. I am going to table all of them after referring.

**Sen. Hassan:** On a point of order, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Ogoro): I beseech you to allow him to complete his submission.

**Sen. Hassan:** Let him table the documents because this is of utmost importance.

**Sen. (Dr.) Khalwale:** This is serious.

**The Temporary Speaker** (Sen. Ogoro): Table those documents and state your facts, then allow anybody who wants to interrogate them to do so.

**Sen. (Dr.) Khalwale:** Madam Temporary Speaker, I will table a document showing refugees that left the camp on 1<sup>st</sup> March – 74 refugees, 7<sup>th</sup> March – 8 refugees, 15<sup>th</sup> March – 8 refugees, 27<sup>th</sup> March – 60 refugees, on 3<sup>rd</sup> April – 80 refugees, 23<sup>rd</sup> April – 60 refugees.

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

**The Temporary Speaker** (Sen. Ogoro): Take your seat, Senator. Senators, we must stick to the rules of the House and I honestly, as I sit here, find nothing out of order

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in a Senator giving his contribution and tabling documents which we can then interrogate. That is why I directed that he tables the document. If there is anything absolutely out of order, which means he is doing something which is not contained within the Standing Orders, then you just point to that Standing Order and I will act. Otherwise, let us allow him to give us the facts.

What is it, Sen. Hassan? Please, stick to the point of order.

**Sen. Hassan:** On a point of order, Madam Temporary Speaker. I just wanted to ask whether he is in order because the operative word in this Motion is Internally Displaced Persons (IDPs), that is, internally displaced Kenyan citizens and not refugees.

**Sen. (Dr.) Khalwale:** Hon. Senators must see the nexus. These are IDPs who then get internally displaced to the camps where they are all massed together as refugees. But since the Government is forever awake, it has got that document which I have tabled. To show Sen. Haji the seriousness of this matter, the Government allowed the International Peace Institute to commission an expert called Peter Castro in September, 2011, and in this paper which I am going to table, the expert from the International Peace Institute has spoken as follows, if you just allow me to quote on one statement, he says:-

“For many developing countries and fragile states, powerful trans-national criminal networks, constitute a direct threat to the state itself, not through open confrontation but by penetrating state institutions through bribery and corruption and by subverting or undermining them from within. Governments that lack the capacity to counter such penetration or acquiesce to it run the risk of becoming criminalized or captured states.”

This paper examines where and how Kenya faces its threats. So, if the supreme organ of legislation on this land can just try to play “Mr. Nice”, when children and women and innocent officers are being butchered by non-Somali Kenyans as we saw at the Westgate Mall, then we would be sleeping on the job.

**Sen. Haji:** On a point of order, Madam Temporary Speaker. Sen. (Dr.) Khalwale is out of order on the fact that all these refugees he is talking about as coming to Nairobi are not Kenyans. He should prove that because we are not talking about Kenyans. We are not appealing for refugees from Somalia but for Kenyan refugees. Could he prove that these people are Kenyans?

**Sen. (Dr.) Khalwale:** Madam Temporary Deputy Speaker, I intend never to mislead this House and that is why I have brought the documents that I have tabled. When I talk about the threat of ending up being a captured State, actually this international institute on peace gave us a way forward which I would like to share with you and for the hon. Senators who are supporting this Motion to have the opportunity to look at the paper. It says that for us to save ourselves and help those ones who want the kind of help that we want to give, first, we should establish an independent specialized serious crimes unit and secondly, we must enhance research analysis and information dissemination on organized crime in Kenya and East Africa.

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Thirdly, we must carry out a major overhaul of company registration systems to enhance accuracy, transparency and public access. Fourth, we must have significant enhancement of police co-operation in the East African Community. This is how complex this matter is and this issue of company registration, if any of you think that it is easy, Sen. Kajwang and Sen. Orendo are here and they will tell you that in the Ninth and Tenth Parliaments, we were caught up with this kind of thing in respect of Charterhouse Bank. It is so complex that up to now, the issue of Charterhouse Bank has never been sorted out. If somebody is thinking here that this problem is only limited---

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

**Sen. (Dr.) Khalwale:** Madam Temporary Speaker, I beg for only three minutes to conclude.

**The Temporary Speaker** (Sen. Orendo): Maybe you could conclude in a minute.

**Sen. (Dr.) Khalwale:** Madam Temporary Speaker, if anybody thinks that I am saying this because of the Westgate attack, I want to conclude by telling you that it is not. I am tabling this document that shows multiple attacks all over Kenya because of this lapse in security. The Bulla Geneva attack in Mandera, military lorry explosion, hijack of two miraa vehicles in Mandera, KPR killed in Hareri Hoslo, and so on and so forth. I have instances totaling 29, not to mention the recent ones in Mandera, Wajir and Westgate. If this is the Senate, we should be telling the President that we are behind him and that he should seat on the driving seat, his hands on the wheel and not to relax anything and make sure that it is genuine.

I table my last document. How I wish I had enough time.

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

**The Temporary Speaker** (Sen. Orendo): Order Senators! I want to remind you that this is a legislative assembly. This is a debating chamber. One of my responsibilities, as Speaker for now, is to ensure that everybody is given adequate opportunity and time to give his or her views. I want to remind you that however extreme or different somebody's views may be different from your own, it is that person's democratic right to air them here. You will also have your time when given. That is why I ordered that Sen. (Dr.) Khalwale tables this document because we cannot just accept hearsay in this debating Chamber. Having listened to what he presented and his points, you are free to take your time and to negate everything that he presented.

I would like us to proceed in that manner and state that I have taken my time to look at the six documents he has presented dated variously; 7<sup>th</sup> March, 2012, 23<sup>rd</sup> April, 2012, 3<sup>rd</sup> April, 2012, 3<sup>rd</sup> March 2012, 27<sup>th</sup> March, 2012 and 15<sup>th</sup> March 2012. I want to announce to you that these documents are on what to me is an authentic letterhead and all of them are signed by one Mr. Omar A. Dhadho, who has signed for the Commissioner for Refugee Affairs on each page and there is an official rubberstamp. You are in order to

interrogate the documents. I hereby submit to you that they are authentic documents and we are going to accept them.

**Sen. Hassan:** Madam Temporary Speaker, first and foremost, I want to appreciate the Mover of this Motion, and rise to support the Motion. If you recall the history of the Somali people in this country, I have read in history books that just before Kenya got Independence, there was a referendum that was conducted in what was formally known as the Northern Frontier District (NFD). These were the districts of Wajir, Moyale, Mandera, Marsabit and Garissa. An overwhelming number of the members of the Northern Frontier District elected then, through that referendum, to be part of the larger Somalia. But I think as circumstances dictated, they were part of this country and they have surrendered to the fact that they are in Kenya to stay.

There are two reasons why they had obvious fears of why they did not want to be part of Kenya at that time. Among their fears was cultural and religious discrimination and marginalization. They also feared political domination. I think if we critique northern Kenya for the last 50 years, most of these fears have been confirmed and I think it would be reckless of us as a country not to be able to mitigate some of the concerns that were articulated more than 50 years ago and integrate them in our framework of development.

They have been marginalized out of sheer want of Government policy to be able to ensure that they developed Kenya equitably and justly. What has now been the consequence of this? It is a shame and indeed the country is on trial for a Kenyan citizen to slide into a refugee camp and to abrogate all privileges and rights that accrue to him or her under the Constitution merely because of poverty. So the Government must intervene.

Madam Temporary Speaker, I dealt with this matter in a substantive form when I was a commissioner with some of my colleagues at the Kenya National Human Rights Commission (KNHRC). Refugees do have rights and you cannot, just by mere facts of security, victimize an entire cadre of people who are legitimately in Kenya as refugees. You must accord them the rights that we accord people under the Constitution and under our international obligations. To simply vilify an entire community or group of people is not right. Registered refugees are here legally. If there is a failure on the part of the security agencies, it is for us to see how to strengthen the security of the country and not a blanket vilification or victimization of people.

Regardless of their entry and exit into the refugee camps as provided by Sen. (Dr.) Khalwale, the bottom line is to address the real issues surrounding the Kenyan citizens and their offspring. Kenyans should be restored with their privileges and have full rights as Kenyan citizens. The Constitution guarantees them and this Senate must uphold that. What this Motion intends to do is to urge the Government to fulfill its constitutional obligations to ensure that those who are Kenyans and are known, be compensated and be re-integrated back into the community so that they can fend for their families and themselves.

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Madam Temporary Speaker, I think we also need to interrogate some of these issues because we have also contributed to insecurity in some of these areas. Who says that the mere presence of refugees in itself contributes to insecurity? There are so many countries in this world that host refugees. It is the functions of underdevelopment. There is almost a direct correlation between development and security. Where there is less development, there is more insecurity and where there is better development, there is always a strategy by government to protect property and people. Given the fact that this area is largely underdeveloped, we will find prevalence of insecurity.

As a Senate, we, therefore, must do what is rightfully the role of the Senate. We must walk that step while dealing with our issues of insecurity. We must deal with the issues of Kenyan citizens who might have been displaced or dislocated over the years. That is our obligation. Once we integrate them and give them that sense of livelihood, those crimes that we allege them to commit, they will not commit them.

Most of us do not commit crimes because we have opportunities in life. If you sometimes look at the correlation of crime, it is because people lack opportunity in a diverse sense. Therefore, when we restore them, we should compensate them so that we can help them have a take off in their lives. We do not expect to integrate them to commit crimes in this country. That is very simplistic thinking. Just by virtue that this country is facing the kind of challenges that it is facing, it must never underestimate or overlook its obligations under the Constitution. Civil rights and human rights suffer when we have a legacy where these rights are procrastinated or abrogated on account of insecurity.

Madam Temporary Speaker, greatest human rights thinkers, including this person you probably could have quoted know that in the preservation of security or as a right, you do not abrogate other rights that accrue to individuals. Be they refugees, they deserve natural justice and not blanket victimization. When a particular refugee has committed a crime, we should pursue them and punish them because there are hundreds and thousands of others who do not commit crimes. It is simplistic just on account of figures of who has moved in and out of these camps to allege that the entire refugee community is committing crimes and particularly those who are of Kenyan extract.

I want to inform Sen. (Dr.) Khalwale that my wife comes from Somalia. Her origin is Mogadishu and I think it is important that as we pursue life, we also realize that there are potentialities that people bring in this country and the status that we position them on, cannot be used to deny them the participation in terms of living a full life and development in their lives. I know refugees who have graduated from Nairobi and Moi universities with degrees. There is a section of refugees that possibly are committing crimes, but there is a larger section that is doing productive development of their families. There are countless refugees in our classes. There are countless refugees who were in Kenya from South Sudan who are now building South Sudan.

So, I think it is important for us to rationalize this fact; the preservation of security must never abrogate our fundamental obligation to preserve the rights of



everybody. The right of a Kenyan is one that we will defend to the very last. If there are 12, 000 Kenyans in the refugee camps, they must be integrated into the political, social and economic life of this country, with or without security. There are many people who are committing crimes in this country across the board. Recently there was insecurity in Western Kenya. Did we say that a certain group of people were contributing to insecurity in the country? Let us not be simplistic in our thinking.

**Sen. (Dr.) Khalwale:** On a point of order, Madam Temporary Speaker. Is the hon. Senator in order to suggest that when we had a spate of insecurity in western Kenya, the issue of foreign influence did not creep in, when it is on record that we, as the political leaders, cried and complained when our Government was allowing Ugandans to cross through Chepkube and Malaba borders to come and terrorize our villagers? Is he in order to mislead the House?

**The Temporary Speaker** (Sen. Ongoro): Sen. Hassan.

**Sen. Hassan:** Madam Temporary Speaker, I disagree with Sen. (Dr.) Khalwale's argument that merely the presence of people who are non-Kenyans in western contributed to insecurity. There are so many other Ugandans who are doing productive work in this country. Equally, the Uganda Government has allowed many Kenyans to work and do business in Uganda. I keep on saying that if somebody has committed a crime, follow that person; please, do not collectively banish and victimize an entire group of people. Just because a couple of Ugandans crosses the border to commit crimes in parts of Kenya, does not mean that we now disengage from the East African Community. That is what will contribute to that type of rationale.

Madam Temporary Speaker, I want to support this Motion. In fact, I wish Sen. Haji had integrated in his Motion a timeframe, so that it is done and done expeditiously. These people must be given the opportunity in life to be as competitive as us. I believe one day, their sons and daughters will participate in nation building and even become the President of this County. The more we procrastinate on this integration, the more we fail to give them hope in life. These people are capable of fending for themselves if they can be given opportunity to do so. They were pushed in their current situations by adversity of life. Many of us can be pushed to similar situations. So, let us secure Kenya by stabilizing Somalia. If Somalia stabilizes, it also has a direct impact on the security of Kenya as well as the political and, probably, economic development of this region.

Madam Temporary Speaker, once again, I want to congratulate the Mover of this Motion. I am here to support this Motion and urge the Kenyan Government to forthwith start the integration and relocation process.

Thank you, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Ongoro): Sen. (Dr.) Zani.

**Sen. (Dr.) Zani:** Madam Temporary Speaker, thank you very much for giving me this opportunity to contribute to this Motion. It is important that when you are a Kenyan, that you get an identification card to identify you as a Kenyan. However, the situation we

are talking about here is very complex. It is not just a question of saying “I want to be a Kenyan because my parents are Kenyans.” We have a set of people who have changed their status from being Kenyans, for whatever reason. This creates a complexity that we cannot overlook. For one reason or another, their identification and being able to know that these were Kenyans becomes very complex and it has implications on the security situation in this country.

We are not outlining the process of being able to identify who the Kenyans are. Who really sold out their national identities and ended up referring to themselves as refugees? What process are we going to go through to actually sieve and remove those to say that “these are the ones that are validly there?” Because if we are even talking about issues of compensation, we need to be able to identify that group appropriately and separate them. If we are talking about compensation, then what amount of compensation is appropriate? For what reason should that compensation be given, in the first place?

So, let us not be emotional, but let us look at the merit of an issue and call a spade a spade. We have just come from a devastating attack. I am not saying that it is the Somalis who have caused it, but we do not know who caused it. However, let us look at the broader issue of security and the implication on security of giving identity cards to non-Kenyans. We really do not have the mandate, authority or the proof to know whether these are Kenyan refugees or not. So, as we move on with this discussion, we should actually be more streamlined and say what process we will follow in identifying these people.

The whole area of north eastern has really been ravaged by drought. From the 1970s to about 2007, there have been about eight droughts. So, it is understandable to know that a community has had to survive. They moved into the refugee camps so that they could actually make ends meet. But just on the basis of that alone, I think it will be very wrong to say “let us give identity cards to all of them” without carrying out some very serious vetting process. Here, we should be talking about proposals of vetting these people. How do we go about that vetting? How will we make sure that the process of vetting is followed? How are we going to make sure that those who will be given identity cards are really Kenyans or merit, in the first place, to be Kenyans?

It is understandable in the debate which has been put here that there is a group of people who have suffered. Yes, for those who have undergone drought, there have been issues of migration from one place to another, loss of livestock and food security. These are reasons that propelled most of these Kenyan Somalis to give up their identity. It becomes very difficult even for us to know who the Kenyan Somalis are and who the Somali Somalis are. That differentiation becomes very difficult for us to prove in order to move forward.

In their report of 2003, the United Nations High Commission for Refugees (UNHCR) said that there are about 300,000 refugees in their camps and who were not supposed to be in those camps, in the first place. So, we are talking about a large

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proportion or nearly half a million people who are in camps. How did they get to be in camps where they should not have been, in the first place? That causes an issue of identity. We need to talk about issues of identity and the process of going back to identify who is who. We are not chastising anybody here and saying---

**Sen. Haji:** On a point of information, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Ongoro): Sen. (Dr.) Zani, do you wish to be informed?

**Sen. (Dr.) Zani:** Yes, Madam Temporary Speaker; I wish to be informed.

**Sen. Haji:** Madam Temporary Speaker, I just want to inform my sister that the people we are talking about are Kenyans who still hold the old Kenyan identity card. In this Motion, we have asked the Government to appoint a task force to investigate and know the genuine Kenyan refugees who are in those camps.

**Sen. (Dr.) Zani:** Madam Temporary Speaker, I just want to raise a point about whether when you become a refugee after giving up your identity, you still hold on to the identity card. So, what they have done is actually just sold---

*(Sen. Haji interjected while seated)*

**The Temporary Speaker** (Sen. Ongoro): Order, hon. Senator! You cannot be engaging in debate with somebody who is seated.

**Sen. (Dr.) Zani:** I am sorry, Madam Temporary Speaker. I thought this had turned into a lecture room and we were having a discussion. I stand guided.

**The Temporary Speaker** (Sen. Ongoro): You were within the Standing Orders, but Sen. Haji is out of order.

*(Laughter)*

**Sen. (Dr.) Zani:** Thank you, Madam Temporary Speaker.

So, let us go back again to the issue of the actual vetting. If there is actually a very straightforward process for vetting that can be put into place, let those who have a birthright to be Kenyan enjoy this right. But let us look at that process in a very stringent way without emotions, without putting aside the other issues that are very key for this country.

Thank you very much, Madam Temporary Speaker.

*(Applause)*

**The Temporary Speaker** (Sen. Ongoro): Sen. Orengo

**Sen. Orengo:** Madam Temporary Speaker, first of all, I congratulate Sen. Haji for bringing this Motion. I just want him to appreciate a point that I want to make. It is a very

important point because of the new constitutional dispensation. Under the current Constitution, if your citizenship is by birth, you cannot lose it even if you acquire another citizenship. So, what I want to say is this so that we do not send the wrong signals; that purely because somebody has gone to the refugee camp and said that he is not a Kenyan; that in itself is not a basis for revocation or denial of that persons' citizenship.

This is an important point. It is a point that if this Motion is passed the way it is without appreciating that fundamental fact, then we will have undermined the authority and the spirit of the Constitution. I think Sen. Kajwang knows this well because he was part of this process. Now that we have dual citizenship, the mere fact of going into a refugee camp should not be a cause for worry.

I am also worried about what the Motion is spelling out as the solution. It says we issue them with identity cards, compensate them and integrate them into the community. The Constitution itself says that once you are a citizen, all you need is to show that you are a citizen. The question of getting an identity card or not, is not a matter that is in question. Once you show that you are a Kenyan citizen, you should get an identity card and be accorded all the other privileges. These privileges include freedom of movement and all other things that go with the right to citizenship.

So, I would like to ask Sen. Haji to look at the chapter dealing with citizenship in the Constitution because it is very clear. Telling us that we should give people identity cards or integrate them into the community is like undermining their citizenship. Once you are a Kenyan citizen, there are things that you are entitled to automatically. So, why do you ask for an identity card for a Kenyan citizen? I think you are undermining the people of Somali origin who are Kenyans. Why should you plead for their citizenship? It is just like any Luo or any Kikuyu. Once you are a Kenyan by birth, then why should you be pleading for these things? So, I think whereas the spirit of the Motion is arising out of a context where there has been drought and conflict because that area is a conflict area, it needs to be looked at afresh.

I think that Sen. (Dr.) Khalwale should not be dismissed because if you look at what has happened in that area from Mandera up to Tana River in the last six months, there has been a lot of conflict. You need some caution to deal with a conflict area. That happens everywhere. So, I thank Sen. (Dr.) Zani for what she has said because I think she is an expert in some of these things. Let us deal with these things knowing that there is some pride about being a Kenyan. The bottom line is that the Kenyan citizenship should be of some value and it should have some privileges.

So, I would urge hon. Senators to support the amendment that I want to move in this Motion and also to declare that this is not a matter that is just happening in north eastern alone. It is happening in other parts of the country as well, particularly in Bungoma and Trans Nzoia counties, where the situation is like this. Some Kenyans have gone into camps in Uganda. Some have gone there, because that is the only way they can

get food by declaring that they are refugees. They are there because they were either displaced locally or displaced in Uganda.

So, Madam Temporary Speaker, I beg to move the following amendment.

THAT, the Motion be amended by deleting all the words after the words “national government” appearing in the last line and inserting the following words in the third last line; “to vet thoroughly all persons concerned and other deserving cases elsewhere in Kenya with a view of establishing their nationality as Kenyans and where appropriate, restore their privileges as citizens of Kenya, including their integration into their community.”

Madam Temporary Speaker, I want us to get out of this situation. In fact, I am one of the people who sympathize with Sen. Haji’s case because I have done a lot of cases of Kenyans of Somali origin who have been renditioned to Mogadishu after being arrested here. In fact, there are some cases where the Federal Bureau of Investigations (FBI) has even been involved. So, the Kenyans of Somali origin have not had a fair deal in these matters. But to address this situation, I would hope that Sen. Haji would agree with me that the starting line is to enforce and implement the Constitution of Kenya. It is more than the Constitution that we repealed; it spells out what the privileges of a Kenyan citizen are.

Article 12 says:

Every citizen is entitled to-

(a) the rights, privileges and benefits of citizenship, subject to the limits provided or permitted by this Constitution; and

(b) A Kenyan passport and any document of registration or identification issued by the State to citizens.

(2) A passport or other document referred to in clause (1)(b) may be denied, suspended or confiscated only in accordance with an Act of Parliament that satisfies the criteria referred to in Article 24.”

Madam Temporary Speaker, one of such constitutional privileges is that we are Senators here because we are Kenyan citizens. If we were not, we would not be enjoying these privileges. Once you are a Kenyan citizen, you do not need to plead for it. It becomes a right. Therefore, if you read the entire section, you will realise that we do not need to have this Motion, but to ask the Government to implement the Constitution. I also want to beg Sen. Haji to consider compensation as a very difficult subject to deal with. These people went to the camps because they lacked food. If you tell them there is compensation, they will all take advantage of the better deal, instead of being in the camps. They will want to go through the compensation process, so that they get Kshs1 million. I have seen this with the IDPs. They were given Kshs400,000, but they said that it was not enough. They ended up being given Kshs1 million.

The idea of compensation, for any Government, is very difficult to deal with. Sen. Haji wants the Jubilee Government to get into this problem of determining compensation. Compensation must be based on something. I pray that we do not demand it. We will pray for their privileges as citizens. With regard to integration in the community, this is a matter that we can help the Government by assisting our people and taking them into the communities.

**Sen. Haji:** On a point of information, Madam Temporary Speaker.

I want to concur with you. Let us move on with your amendment, please.

**Sen. Orengo:** Madam Temporary Speaker, luckily, this is already in the amendment. At the end of the day, issues of security and identity are very critical. If you go to America, you will find the continent delving into these problems to an extent that elections are won, fought or lost on the issues of identity and borders. Now that we have had these experiences, we must engage each other to ensure that Kenya is a better place to live in. The answer is not to throw away refugees or to make our people live in camps. The answer is to find a place for every Kenyan by making Kenya secure and peaceful for all and sundry.

I urge the National Intelligence Service (NIS) to work harder. We should not have a large body of Kenyans going into camps and remaining there, until Sen. Haji brings their case here. The fact that 3,000 Kenyans in Butere or Kakamega counties, can go into a camp and live there as refugees although they are not refugees raises questions on many things we, as Kenyans, have been talking about.

We are talking about 12,000 people and that is not a small number. Having 4,000 people from Ijara living in camps with no identity cards is not only a bad reflection of how we are operating generally, but how our security establishment is functioning. No wonder people are raising questions. I agree with hon. Kajwang that the Westgate issue was unfortunate and can happen anywhere. However, the bottom line is; how we deal with small things determines how we will deal with big things.

**The Temporary Speaker** (Sen. Ongoro): Sen. Orengo, your time is up.

**Sen. Orengo:** Madam Temporary Speaker, I beg to move and request the Senator for Trans Nzoia to second my amendment.

**Sen. Ndiema:** Madam Temporary Speaker, I stand to second the amendment.

The Constitution of Kenya defines who a citizen of Kenya is by birth, registration or naturalisation. Once you qualify for citizenship, this becomes a right which cannot be taken away even from a robber and murderer, among others.

Who is a citizen of Kenya by birth? A citizen of Kenya is someone who is a citizen by virtue of the citizenship of the parents or grandparents depending on the current and the previous constitutions. The previous Constitution stated that one was a citizen of Kenya if in 1963 one of his parents was a Kenyan. This is one of the reasons Kenyans are asked for their birth certificates if they were born from 1963 onwards. Officers at the Department of Immigration and Registration of Persons have had to go

into these records to determine citizenship. Sometimes, people do not understand why they ask for birth certificates of people who died a long time ago. This is important because it is a requirement in our Constitution.

Why have people acquired citizenships of other countries? One, this is because some people enter refugee camps to get privileges such as food, security, good education and even company. Some have gone there with the hope that foreign governments will recruit people to be resettled elsewhere. Some have also gone to the camps to join their relatives. These people are guilty of giving false information. That is something we cannot deny. They have given false information to get into the refugee camps. But that does not deny them their citizenship.

However, it becomes difficult when it comes to compensation. Can you compensate somebody who has given false information or how do you handle this situation? Do you punish them or take them to a court of law? Those are issues, but the fact is that there are Kenyans who have registered as refugees in the camps. It could be in Kakuma, Dadaab or Liboi. There are also Kenyans who because of forceful eviction or economic reasons have gone to other countries. Some have gone to America. I am aware of some people from Trans Nzoia who went to Uganda and when we were issuing the first generation identity cards, they were not around. They are now thinking of coming back home. They are citizens of Kenya, but are being denied documents.

When the issue of return of refugees arises, definitely, Kenyans who are in refugee camps will not want to entertain the idea. They will resist it. They will claim that if they leave the camps, they will become foreigners. They would prefer to remain in the camps. However, if we can handle their cases and isolate them in way that we can know who is a Kenyan; the Kenyan Government should not deny them their citizenship.

I want to thank Sen. Haji for bringing this issue of citizenship. I support it because I know him as a patriotic Kenyan who has never taken sides in matters of citizenship. He has always stood for citizens of Kenya. I am not aware of any situation where he entertained non-citizens to be Kenyans. That is in record.

The issue of citizenship will continue to be an issue because we are surrounded by neighbours who have caused us disturbances and who would like to join us. We need to have a policy of a population register. Populations should be registered when a child is born. He should be issued with a birth certificate which should be a record so that the issue of vetting them later does not arise. We need to have secure birth certificates that capture all the biometrics.

**Sen. (Dr.) Kuti:** On a point of information, Madam Temporary Speaker. I would like to inform the hon. Senator that births in Kenya are registered. Right from the time that a mother is pregnant, an antenatal card is given. After birth, the antenatal card continues to be used as a postnatal card. In fact, the birth is registered at the hospital. There is a card that can prove the birth at the clinic plus the immunization cards.

**The Temporary Speaker** (Sen. Ongoro): What about those who give birth at home and those who do not attend any antenatal clinics?

**Sen. (Dr.) Kuti:** Madam Temporary Speaker, Sir, those ones are also registered because they are attended to by traditional birth attendants.

**Sen. Ndiema:** Thank you for the information. We know that registration goes on. But that registration does not define the citizenship. Foreigners are also registered and issued with Kenyan birth certificates. There is nothing wrong with the law. The registration we are looking for is where you determine citizenship right from the beginning. Birth certificates can be printed anywhere. There are fake ones and so forth. There is also the issue of the Department of Immigration and Registration of Persons which has been blamed for issuing passports to non-deserving citizens.

I think we must place blame where it lies. Issuance of a passport begins with birth certificate and then identity cards. Vetting of people to be issued with identity cards is done by the administrative department, by the *wazees* and chiefs. Once an identity card has been issued, it becomes very difficult for an Immigration Officer to turn away a citizen who has already been issued with an identity card.

There was a time when identity cards would be set aside and people would be interviewed. However, owing to political pressure, a time came when the issue of birth certificate was put aside and we resorted to giving out passports as long as somebody had an identity card. That issue has to be relooked into so that we go back to vetting people.

Madam Temporary Speaker, I beg to second the amendment to this Motion.

*(Question of the amendment proposed)*

**Sen. Hargura:** Thank you, Madam Temporary Speaker, for giving me this opportunity. I rise to support the Motion as amended, because I believe that the amendment makes it clearer and more inclusive.

Madam Temporary Speaker, the issue at hand affects Kenyans who, out of the situation they were in at that particular time, without even knowing what that meant to them, chose whether to stay hungry in their villages or go to a camp which had been opened, where there were many humanitarian organizations. Maybe, they did not even think about how that would affect their nationality. They just saw it as a way out on that particular day. The situation was attractive at that time. I even know of cases of Kenyans who were within the urban areas and actually went and registered for the purpose of accessing resettlement in other countries. That is why they are many Somalis of Kenyan origin in the United States, Canada and the United Kingdom, who made use of that situation.

Maybe even by then whoever was carrying out that exercise were not keen enough, because it was easy, even from their language, to know that they were Kenyans. They accepted them and now the question is: What happens to the children of those

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people? Their parents went to these camps, because they thought that, that was their way out at that particular time. Now they have children who were born in a refugee camp, but in Kenya and want to access the Kenyan education system and get Kenyan registration. If they want to be registered, they will be told to bring their parents' documents.

Madam Temporary Speaker, I think that the issue is what Sen. Kajwang said; that there is a database where these people have been captured as refugees and that is the hindrance. That is where things have to be brought out. That is the data which needs to be checked. It should not be taken as the gospel truth; that if you are in that database as a refugee, then you cannot argue your case out that you are a Kenyan. That is the data which needs to be revised and checked. Those Kenyans who ended up in that database because they thought that it was better for them at that time to go into the camps, need to be sorted out. That database needs to be checked and that is where maybe investigation needs to be done and those people registered afresh. Their names can be removed from the refugee database so long as there is proof.

Sen. Haji said that they even hold the old identity cards. If they have the old identity cards, the place where they came from can easily be traced. It can be confirmed from those areas that these are actually Kenyans who went to the camps and they can be registered afresh as Kenyans. Particularly, I am talking about the children because those are the people who are affected and yet they did not choose to end up in the camps, in the first place.

Madam Temporary Speaker, for the sake of having those Kenyans enjoy their rights and as the amendment suggests, we need to thoroughly vet all persons by going through the database of refugees. Even if their fingerprints have been captured there, they need to be reintegrated back into the normal citizenry where they belong. Also, regarding the issue of identity cards, those of us from northern Kenya, believe that it is difficult for us to get an identity card, compared to the other Kenyans. This is because we are asked for a lot of information. I am Rendile. There are no Rendiles anywhere in the world, except in Kenya. Despite that, I will be taken through that process. I do not come from a border community. However, the fact that I come from northern Kenya, makes me go through that process. That process has to be objective. There should not be a blanket application of the process. If we can check for the cross-border communities, at least, we will be making the burden even easier for the registration officers. So, we need to check that because we, from northern Kenya, do not believe that we are subjected to the same requirements as the rest of Kenyans.

Madam Temporary Speaker, for example, we are told to get our grandparents' documents. Why do I have to go for my grandparent's document when I have parents? We do not need to go far, because that makes it very difficult for somebody to get documents. That is why cheating comes in. I used to work in Mandera. The complaint has been that somebody from Bulawayo will get an identity card faster than the local Kenyan in Mandera. This person will feel that it is his right and, therefore, not pay for it, while

the other one will pay for it, because it is not his right. That way you will end up having the aliens registered as Kenyans, while the Kenyans are still taken through the grandparents' documentation and all that. So, when this process is done, it is better to also look at the processes which hinder the normal registration of persons and make people to go through the corrupt ways. When there is corruption, foreigners will be ready to pay even more than the Kenyans. But if it is an open and fair process, then the Kenyans will get their documents and it will be difficult for the foreigners to get the documents.

Madam Temporary Speaker, I support the Motion and urge the Department of Immigration and Registration of Persons to actually look at their whole process of registration, especially in the border areas and northern Kenya in totality, so that Kenyans can get their rights and make it difficult for foreigners to get the Kenyan documentation.

**Sen. (Dr.) Kuti:** Thank you, Madam Temporary Speaker. I rise to support this Motion as amended.

Madam Temporary Speaker, sometimes it is only when you live the kind of life that people out there live that you really appreciate what this Motion is about. Some families end up with only a stick when drought strikes. Everything is wiped out and the stick that he uses to herd the livestock is the only thing that is left with him. At such times, you will go through any way to make sure that you and your children survive. If there is a camp in the neighbourhood that provides three meals a day, shelter, blankets and cloths and is able to keep your children fed and warm, then you can appreciate why 4,000 people in that area will all head for that camp.

Madam Temporary Speaker, while we appreciate the fact that this same camp poses a major threat because of corruption, obviously, we must also appreciate the corruption around the border and within this camp, and the threat that this poses to the security of this country. However, the porous nature of the borders of the camp and our own border as a country is a manifestation of how deep corruption has gone in this country. Corruption will make us poor and lead to insecurity, like the one that we just witnessed recently. Corruption is going to actually be our major undoing in this country.

Madam Temporary Speaker, as a five-year-old, I was a refugee in Somalia. I walked from Isiolo to Kismaiyu and came back as a six-year-old. Luckily, I joined school immediately. There are people who walked with me during the *shifita* war who remained in Somalia and trekked back. There is a clan called Sakuye, which I belong to, which does not live in any other country than Kenya. The Rendiles and Sakuyes are not found anywhere else in the world other than Kenya. But some Sakuyes, including myself, trekked to Somalia during the *shifita* war of the late 1960s. All our animals were shot by the Kenyan Army and we walked during the night. At night, hyenas would follow us.

I survived that, came back, started school and managed to be a Kenyan Cabinet Minister. That is big luck. But not many of them are as lucky as that. Many of them remained behind and are trekking back. Just about three or four weeks ago, these peoples'

plight was highlighted on *Citizen Television*. They live in Kenya, in a place called Gafarsa, and have been denied identity cards. Five years ago, some of them came back to Kenya and do not have identity cards. Everytime they go to seek identity cards, the vetting system is not effective and they do not have the money to corrupt the system and get what is rightfully theirs. So, they just live in Kenya without identity cards. They cannot vote or do any other thing that other Kenyans do. So, there is a major challenge in the immigration system.

Madam Temporary Speaker, clearly also, we need to face the giant corruption dragon, both at our borders and in this camps. Kenyans should not be denied their rights because of our inefficiencies and corruption.

Madam Temporary Speaker, I beg to support.

**Sen. Kajwang:** Madam Temporary Speaker, I think the amendment actually cures the problem that we originally had with the issue of compensation. There is really nothing wrong with this Motion; to say that if you can show you are a Kenyan then you should be registered. That is what this Motion says. What I suppose is that after this Motion, we should proceed to the relevant Committee, call the departments, interrogate further and even suggest an amendment to the Registration of Persons Act.

This is because officers in this department are between a rock and a hard place. If they become liberal and register persons and later somebody finds out that it was a mistake, then they will lose their jobs and might even be prosecuted. If they become too strict, they are likely to deny a Kenyan his right to citizenship, including passports and other travel documents. So, we must find a way in which the Registration of Persons Act can say that there is now established a vetting committee at every village.

There is something which we have put in the new Constitution which is very exciting called the village government. If we can give them power that by resolution, the village government can authorize registration, then we know who to go to. If we now find that the village said Kajwang is a citizen if he is not, then there is somebody to hold, but not the officer. The officers are working without anything else other than showing you are a Kenyan. If you give that power to a vetting committee like there exists now in the districts, you can imagine the situation in the bigger districts like the former Marsabit District.

Some officers from all over the country had to sit there, and you were supposed to persuade them. These officers included the national intelligence officer, the registrar of persons, some police officers and some Criminal Investigation Officers (CIDs) officers. All these people are from somewhere else; how many people can come before them in a day and get their cases heard and determined? It is a herculean task.

I support what Sen. (Dr.) Kuti said. Sometimes, I was faced with a situation where I was asked what we could do with a tribe which went to Somalia during the *shifita* war and have come back. What we could do with a clan that went to Ethiopia during the *shifita* war and have come back? What do we do with the people from Nyasaland who carried

*mizigo* for *wazungus* and are now settled in Kwale and have been there even before independence? Some of them have become very good Kenyans, but are still denied citizenship up to now. So we have been grappling with this issue and we even suggested that even though someone might not be a Kenyan, but came from Nyasaland in 1940s---

I know people who have been Members of Parliament who came from Nyasaland. I know people who have been huge broadcasting personalities and yet they came from Malawi. Some are even Ministers. There are also those who are related to them, but cannot get anywhere. It is a quagmire. I think this thing must now go back to the relevant Committee which will call the officers and deal with it as a Kenyan problem. I think administrators are restricted in the way they can deal with the issue. The legislator and the administrators must talk and come up with suitable amendments to allow them to deal with this issue. Otherwise, we are opening our country to a lot of insecurity and it can come both ways. A Kenyan who is denied registration and becomes stateless can be dangerous. A foreigner who buys his identification because he must buy, also becomes dangerous. We must find a solution to deal with this issue, once and for all. I think this Motion as amended deals with the issue.

With those few remarks, I support.

**Sen. (Dr.) Khalwale:** Madam Temporary Speaker, listening to the proceedings this afternoon, one gets the feeling that it is so nice to be in the Senate because without too much ado, the Mover of the original Motion, Sen. Haji has conceded. This is something fantastic, but it is not unique because Sen. Haji is really a guru in matters of security and matters of refugees. That is his profession and that is where he was born.

I want to support Sen. Orengo and the operative reason is what he says. We should vet thoroughly all persons concerned and other deserving cases elsewhere in Kenya. This brings in the reality that as we speak on this issue, those who are driven by tribalism should not think that we are being tribalistic looking at Somalis as Somalis. It is a fact that if you go to Isbania, we have Kurias in Tanzania and Kurias in Kenya, same problem. If you go to Busia and Malaba, we have Luhyas in Kenya and Luhyas in Uganda. In fact, at one point in the history of East Africa, the Vice-President of Kenya was a Luhya from Kenya and his brother was a presidential candidate in Uganda. Same father, same mother. This shows how shared this problem is. I want to congratulate Sen. Orengo for opening debate to that extent.

Madam Temporary Speaker, Kenya is so rich and people are so disturbed with these things that in the last few days, I have been sitting with professionals and former colleagues at the university and we have been talking about what to do because this problem is real. We have talked in those places and we are now talking in the right place and Sen. Orengo captured it right. The issue is vetting. What some patriotic Kenyans are saying is that the chief and the assistant chief should be the one to receive applications for identity cards. When he vets that list in his or her particular area, it is then forwarded to the Office of the County Commissioner or the Governor, whatever will be operative.

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Then vetting should be done at the locational level and all the current vetting committees should be disbanded because they have since become victims of manipulation through corruption and so on.

Madam Temporary Speaker, as you do this, the trouble is the over-age refugees, that is, people who come while they are 25 years old and claim to have come from a certain place. The experts say that these people should be referred to a special committee where the CID and the National Intelligent Service (NIS) sits and further investigations should be done, including DNA. It is not possible that all these people when they ran away into refugee camps, the entire family went there. In some cases we have an uncle who went to graze his cattle in Ethiopia and did not go to the camp. So, when he comes back, they can share the DNA and scientifically establish that these are our brothers and sisters. You remember how retired President Kibaki behaved. He was under a lot of pressure from Koigi wa Wamwere that the man who was referred to as “Mathenge” from Ethiopia should be declared a national hero, but Kibaki said due process should be followed. The rest is history.

Madam Temporary Speaker, the vetting and registration of students should be done in their homes. When it is done in schools, it is open to manipulation. The young Senator who has a Somali wife from Mogadishu has left; I wish he was here to hear me on this one. There are so many Ugandan women who are married to Luhyas. We live with them and we have even forgotten that they were Ugandans. The former Assistant Minister, Mr. Shamala, who is my cousin; his wife is a Pakistani. So, the issue of your wife does not arise because in every African culture, the tribe of a woman is the tribe of her husband where she is married.

*(Loud consultations)*

**The Temporary Speaker** (Sen. Ogoro): Order, Sen. Orengo!

**Sen. (Dr.) Khalwale:** Madam Temporary Speaker, if this is done you will actually find that a noble idea like the one Sen. Haji has brought would make us all proud or less suspicious of each other and importantly, the crooks or *maharamia* will be weeded out. We want them to go because they are spoiling the good image of Kenya. We are now being issued with travel advisories. They are even spoiling the good image of Kenyan Somalis because they are being mistaken and being looked at suspiciously. We must take this bull by its horns.

As I conclude, let it be clear to my colleagues about my fear of having a captured state; that when there was instability in Zimbabwe, the citizens of that went to Botswana, Namibia and South Africa. Today in those countries, they do not know what to do with those Zimbabweans. It has become so complex. The consequence is that the peaceful people of South Africa---- Some genuine immigrants from Zimbabwe were subjected to extreme violence when the native South Africans resisted them. So, if we do not address

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it now, those who feel they are native Kenyans will then visit violence on other immigrants who might be legal at that time. *Waswahili husema kwamba mtego wa panya hushika waliomo na wasiokuwemo.*

So, when this violence will start, the big and small rats will all be swept away. It is this that makes me ask all of us to appreciate that, if we sit on our laurels, we will be breeding a fertile ground for drug trafficking, illicit trade in counter-feit goods, trafficking in wildlife products and so on. In fact, some say today that the poaching that we are seeing today is because of this apparent insecurity. Who are we to refuse to speak to this issue when we know the economic consequences of killing all our elephants? We would be breeding a fertile ground for human trafficking and smuggling. You all remember that hon. Millie Odhiambo-Mabona came up with the anti-human trafficking law in the last Parliament and we passed it. It is because at that time, already, legislators had spotted the problem.

There is also the issue of small arms trafficking. I do not want to table those documents, but I have documents showing the increased volume in the trafficking of small arms into the country, as a result of these lapses at our border points, especially between Duble and Liboi.

Finally, we should not allow our country to be a theatre for money laundering. Who does not know that in Nairobi today, civil servants could afford to sacrifice, get a loan of Kshs4 million or Kshs5 million and over a period of 25 years, they pay for a good house. But today, all property prices are so artificial. My party leader, hon. Mudavadi, was sharing with me the other day that property in Kenya in some instances is more expensive than what you find in places like New York.

**Sen. (Dr.) Zani:** Thank you, Madam Temporary Speaker, for giving me this opportunity to support this amendment and to say that I think vetting is the way to go. I will not go into the details because Sen. Kajwang has done that in detail and so has Sen. (Dr.) Khalwale, but just to add that we could also use technology to identify people. We could take their thumb prints so that we make a follow up of records and that will make it very easy for us to know who is who. Of course, we have done away with the idea of compensation, but the idea of integration is more of a process rather than a concept. You cannot get somebody and force the process of integration. The process of identity; knowing who you are, accepting who you are and understanding the socialization and the values of what it means to be Kenyan will help us to build a very cohesive society.

So, I just wanted to emphasize that it is a process. Secondly, there is a strong correlation. When that identity is there, then it also helps you to protect that country because it makes you feel part and parcel of that country. It also makes you positive towards your country and a better Kenyan. I think that is the direction we should go. We should encourage that identity and integration will be part and parcel of that process.

Thank you.

**Sen. Hassan:** Madam Temporary Speaker, I also rise to support the amendment, but I just want to make a couple of observations that have characterized this discussion. When you see a country where security has become a major focal point, we must know that that country risks the fear of sliding back in terms of its fundamental rights. When I hear very progressive Kenyans raising the height of fear, then that is where democracy is stifled.

As much as we raise our concerns, people have said that the better concept is the democratization of security. Everybody should participate. It scares me when I hear some of my political mentors raising---

**Sen. (Dr.) Kuti:** On a point of order, Madam Temporary Speaker. Is Sen. Hassan in order to say that we are overly heightening issues of security when it is a fact? Also, some of the democracies from which we borrow even our Constitution, take care of their borders in a manner that they use the highest amount of resources and technology to guard them? Is he in order to say that we should democratize and tone down security issues when actually one of the major challenges facing this country is insecurity and the porous borders?

**The Temporary Speaker** (Sen. Ongoro): Sen. Hassan, what exactly did you mean?

**Sen. Hassan:** Madam Temporary Speaker, this is about learning. This is a paradigm shift from what is emerging globally. All the greatest writers in matters of security and human rights and state craft will tell you that we have to abandon those ways where security was always the preserve of a few to disenfranchise the majority even democratically; that Sen. Orengo should not hold a rally because he is likely to be a threat to security. I simply mean a paradigm shift. I did not mean not strengthening border patrols. If he would have waited for me to conclude my presentation, probably, I would have come to that point. I meant that you undertake your responsibility effectively in terms of putting in place a first class security agency that is built on modern foundations and principles of democratic policing in security.

You cannot continue to heighten fear because even in the United States (US) process, as much as it is very difficult to depart from a very securistic policy that the US implements in terms of how it engages with Kenya, people who have come with greater thinking and more refined intellect like Obama who came from the Harvard Law School and was a little more refined, has a lot more grasp on how he wants to approach many matters security. This is clear even in his speeches about how not to abrogate fundamental rights because of security since they say their forefathers fought very hard to institutionalize those rights. But the Bush regime was very barbaric. It came from the conservative ultra republican.

**The Temporary Speaker** (Sen. Ongoro): Order, Senator! You are making reference to a sitting and former President of the United States of America and so you must limit your comments.

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**Sen. Hassan:** Madam Temporary Speaker, I was just trying to broaden and I am really grateful for your intervention. This is a global issue and it must be positioned in the global context. Who are the key players in security matters in the global context who have got us into some of these problems that we are in? What are the causes? Why were we living peacefully 20 years ago, before August 1998? We need to interrogate some of these issues because they are fundamental issues.

We, as legislators, must be guided by best practices in terms of our security management. We must strengthen our border patrols. If we want to erect walls, high fences or bring in the military to ensure that they guard it, then that will lead to victimization of people. We must strengthen our intelligence mechanism in terms of modern intelligence, crime fighting interventions so that by the time I am going for somebody, I am convinced with my intelligence that this is the right person. But to have a blanket suffocation of an institution and a nation is what will lead us to the reversal.

I was never a victim of these excessive security measures, but some of you were; like Sen. Orendo and Sen. Kajwang. The country suffered immensely because of brute ambiguity around security and the preservation of State security. So, I think we must also temper that line so that we do not create a legislation that then gives a *carte blanche* for people to invade our fundamental rights on account of national security. You know national security presupposes an anger within society. When society is most angry, that is when it makes most mistakes. Even some of us must gather the courage to argue against the grain because it is fashionable right now to say that let us intervene, fight, arrest and jail, kill and assassinate because we are all now in a state of anger.

But that is why the Constitution has no emotions; it is neither angry nor responds to a challenge of a certain context. It responds to challenges across time and generations. Through the times, that Constitution will continue to guide us. So, whatever must lead us to our actions, the Constitution itself was never fearful because it realized that in the chapter of national Security, Chapter 14, that if you safeguard national security and build a strong intelligent service and military and a professional police force, everything falls into place. So, the failure of one institution should not characterize the failure of the Senate to be reasonable and objective in its pursuit of the best interests of this society.

So, I support that amendment and I think Sen. Haji has no problem with it as the originator of the Motion. It is important to preserve the objective of the original Motion, because if you in bring an amendment that waters down the objective, then I would have been reluctant to support it. It has also come from a person who knows the thick and thin of this country; Sen. Orendo. He has fought for this country substantially and, therefore, I believe that he believes in the cause of Kenyans, regardless of where they come from.

Even as we go forward to restore our country's national security, we will always continue to keep that paradigm and the broad principle on democratic and accountable security agencies which is the main hallmark of Kenyan security. I would be very fearful



to constantly bombard Kenyans with fear; small arms *zinaingia huku; ile inafanyika vile; wale---*

**The Temporary Speaker** (Sen. Ogoro): Order!

**Sen. Hassan:** Okay, I will revert to English. Madam Temporary Speaker, you have to realize that Sen. (Dr.) Khalwale quoted the Swahilis. In that context, I think I broadly fall in that political group called “Swahilis”. So, time and again, I feel that I am inspired by that very language to make the point more brilliantly with clarity. We should rationalize that fear so that we are able to have a country that sticks to its ideals.

Thank you.

**The Temporary Speaker** (Sen. Ogoro): Sen. Elachi. That should be the last one.

**Sen. Elachi:** Thank you, Madam Temporary Speaker. I also rise to support the amendments and to say that just the way Sen. (Dr.) Kuti said; our challenge is not the institutions because we have very good brains and intentions. Our challenge is how we have decided our country should be run through a corruption process where money comes first. That is the biggest challenge we face; where money comes first and Kenya comes number two. Even when we see what happened at Westgate; even when people are dying, some went and decided they want to become rich. We even decided that we can kill each other so that you get out of my way so that I can become rich.

*(Laughter and applause)*

**An hon. Senator:** Who?

**Sen. Elachi:** Ask Kenyans, because there were Kenyans there at that time. But it is not a laughing matter; it is something we need to ask ourselves, especially for those who now are saying we are here to change with the new Constitution. I believe the Mover of the Motion has worked for the Government for many years. He has looked as his people suffer and he thought that with the new dispensation this time, his people must also benefit, which is true. But then we, as Kenyans, morally, we have to come back and ask God to help us. But do we really love our country? Are we making a secure country for our children? Do we want to see our brothers and sisters in north eastern getting their identity cards? They have to get them so that they can be employed and feel they are part and parcel of Kenya.

When you look at those who are attacking us, they are not just the Somalis in north eastern, but we have our own brothers and sons from the lowlands who have joined *Al Qaeda*. We have some Kikuyus and young men from other communities who have joined *Al Qaeda*. Therefore, it is a security issue which we need to address. Even if our people are poor, do we really need to go that direction? This is not the best way to fight poverty among our people. What has happened to us to make us feel that we have no obligation at all to save our country? That is one thing that will make us forget Westgate

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tomorrow and we will move on. We will wait for another one to happen so that we will remember the Westgate issue. We will also remember the 1998 terrorist attack and frequent attacks in Eastleigh and Garissa.

When it started, they were just bombing each other and we kept quiet since it was happening in Eastleigh. To us, it was business as usual and we moved on. That is why even our own army cannot look at a blueprint and imagine people can use a tunnel to escape because of corruption. It is something that even the President must start addressing. If the young people will save this country, then so be it---

**Sen. Hassan:** On a point of order, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Ongoro): What is out of order, Sen. Hassan? Speak to the point of order; we are now running out of time.

**Sen. Hassan:** Madam Temporary Speaker, in terms of military strategy, Sen. Elachi has just suggested that corruption allowed the terrorists to avoid being captured and that they escaped from Westgate because of corruption. Is Sen. Elachi in order to make such grave insinuations that corruption played a part in the Westgate operations?

**The Temporary Speaker** (Sen. Ongoro): Sen. Elachi, you know that in the Senate, we cannot go by rumours. Could you authenticate your statement?

**Sen. Elachi:** Madam Temporary Speaker, these people came in the country in 2007. They had a shop at Westgate Mall. I know there were some Kenyans who were suspicious of these people. Maybe even some reported to the authorities about their presence, but no action was taken. Probably, their concern was dismissed as *hiyo ni fununu tu*. That is normally what happens in this country.

**The Temporary Speaker** (Sen. Ongoro): Order, Sen. Elachi! You started speaking in English and you must continue speaking in English.

**Sen. Elachi:** They will tell you those are just rumours. That is what they will tell you. They brush you off after giving them information as a Kenyan. It is true because I have done it once. I was told by one person "those are just rumours," but in the end, something very bad happened. This is what happens in our country. It is time we addressed it without fear. For those who want to see our children in Kenya moving on, we will have to say these things without fear. Yes, I believe even if it was not on that day, but let us accept that this thing of *kitu kidogo*, money and corruption has finished our country and it is time the Government and the President must stand firm. Every person who is found engaging in corruption, especially when you are putting the public at risk, you must be sacked and you must go to jail.

I beg to support

(Applause)

**The Temporary Speaker** (Sen. Ongoro): I now call upon the Mover to reply.

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**Sen. Orendo:** Thank you, Madam Temporary Speaker. In reply, I just want to associate myself with what Sen. Hassan has said that we were not going to succeed when dealing with this problem if we make Kenya a closed society. Whether we build walls around the whole of Kenya and it has been done before in China and in other cities of yore--- They used to have walls and gates to keep away people from entering the city or the country. I think that cannot happen now. The most secure nations are the most democratic nations, and that can be seen.

Madam Temporary Speaker, I also want to react to Sen. Hassan by saying that the Constitution, particularly this Constitution; whereas it has no emotions, but it speaks very loudly. If you look at the preamble, the Constitution is almost emotional. Whenever I look at the preamble of this Constitution, I always remember Sen. Kajwang. The very first words, if you leave the word preamble, the next three words in the Constitution; this is the biggest contribution of Sen. Kajwang, because if you look at Chapter One and the rest of the Constitution, it embraces those words “We, the people---

**Sen. Hassan:** On a point of order, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Orendo): Sen. Hassan, what is out of order?

**Sen. Hassan:** Madam Temporary Speaker, is it right for Sen. Orendo to suggest that the biggest contribution to this country that Sen. Kajwang has made to this country are these three words?

*(Laughter)*

**The Temporary Speaker** (Sen. Orendo): Sen. Orendo?

**Sen. Orendo:** No; but I qualified and said that if you look at the entire Constitution, what it embraces are those three words: “All the sovereign power belongs to the people of Kenya;” and if you go to the next chapter, Sen. Kajwang is written all over this Constitution. Look to the chapter on citizenship; again, you will see the footprints of Sen. Kajwang.

But one other thing that I must say is that if you look at what is happening in these democracies, like the group of Africans who came from Eritrea and Somalia who sunk and drowned just two weeks ago near Italy, you will find that the European nations have closed their borders to any emigration. If you look at what is happening in Australia, whereby they are turning people away and taking them away to a place where there are black people known as Papua New Guinea, it is informative and instructive of the fact that whereas we must remain democratic, but we must guard our borders.

Yes; we must open our borders because there must be good movement of traffic of people, goods and services. However, by the end of the day, some element of concern about the security of the country is fundamental and we cannot run away from that. But let us not have stereotypes. I think this is what informs this Motion; that we begin to

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develop stereotypes. Once you have certain fears and get stereotypes, then people are profiled and characterised so that how we deal with our brothers, Kenyan Somalis; we have stereotyped them to the extent that you see the Senator for Marsabit saying that, not because he is a Rendile, but, probably, because he is a Muslim and looks like a Somali, then we begin to take him through vetting in a way that he cannot be proud of being a Kenyan. I know for a fact that at one time I got very annoyed when I went to the USA and my brother from Kenya was stopped just because of his name and his looks.

**An hon. Senator:** *Mheshimiwa---*

**Sen. Orendo:** No; you are wrong there, it was somebody else.

We cannot have that kind of stereotyping in a free and democratic country because it can be a source of a lot of problems. I want to support those who were wise enough to come up with this amendment. I am sure that Sen. Haji is looking into the future because he has been working in this docket; directly and indirectly, dealing with issues that touch on security, refugees and citizenship. We must begin to think about how one incident can be used as an example to deal with future events as Sen. Elachi said.

Very soon, we will forget about the Westgate issue and the loss we had there. Sen. Hassan has said that the military did very well. However, at times I wonder how five people – I have seen them on the CCTV clips – dealt with our security forces that had tankers and even got away after four days. We should deal with such circumstances. Some media houses reported that there is a tunnel under there. There is no comment that has come from the security forces in relation to the tunnel that Sen. Elachi was talking about.

For us to deal with these problems, at the end of the day, we must have a holistic approach to these issues so that we do not have ordinary citizens suffering. The citizens of Ijara should not suffer because we have decided to stereotype everybody of Somali origin. At times, we are stereotyped and Sen. Haji knows that. I will not give examples, but if Sen. (Dr.) Khalwale insists, then I will stereotype him and say that he loves chicken too much.

I beg to move.

*(Question, that the words to be left out be left out,  
put and agreed to)*

*(Question, that the words to be inserted in place thereof,  
be inserted, put and agreed to)*

*(Question of the Motion as amended proposed)*

**The Temporary Speaker** (Sen. Ongoro): The Motion stands amended. At this point, I will call upon the Mover of the original Motion to reply.

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**Sen. Haji:** Thank you, Madam Temporary Speaker. First and foremost, I want to reiterate that when I decided to come up with this Motion, I took into consideration many things, including the national security of this country. I have thought, all my life, about the protection of the security of this country, as a young District Officer and as a Minister. Due to that, I have made a lot of enemies within my own community, I must say.

I was a bit shocked, at the beginning, to see some of my colleagues turning their tongues without understanding.

**The Temporary Speaker** (Sen. Ongoro): Order, Senator, nobody turned his tongue. This is a debating Chamber. Everybody who spoke gave their opinion and did not turn their lips or anything.

You should apologise and withdraw.

**Sen. Haji:** Madam Temporary Speaker, I will apologise, but what I meant is that they did not understand completely the intention of this Motion.

However, I withdraw and apologise.

**The Temporary Speaker** (Sen. Ongoro): Every Senator in this House understands Motions and debates very intelligently.

**Sen. Haji:** Madam Temporary Speaker, you can say that, but as far as I am concerned---

**The Temporary Speaker** (Sen. Ongoro): Senator, you are still insisting? I do not think you want to move your Motion at this time. Withdraw those comments.

**Sen. Haji:** I apologise and withdraw those comments.

**The Temporary Speaker** (Sen. Ongoro): That is good enough. Proceed.

**Sen. Haji:** Madam Temporary Speaker, I want to thank all hon. Senators who contributed, particularly Sen. Orengo who restored my feelings. I was feeling that my integrity and sincerity was being questioned. Most Senators who spoke were in favour of this Motion. I will curtail my feelings and, therefore, move the Motion.

I beg to move.

**The Temporary Speaker** (Sen. Ongoro): Sen. Haji, that was a light moment, indeed.

Hon. Senators, I want to draw your attention to the fact that this is not a Motion that affects counties. Indeed, under the Fourth Schedule of the Constitution, the issue of immigration and citizenship is a national matter.

I will then proceed to put the question.

*(Question of the Motion as amended  
put and agreed to)*

*Resolved Accordingly:-*

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THAT, recognizing that subsequent droughts in northern Kenya in the 1970's and 1980's decimated livestock which is the main source of livelihood for pastoralist communities in the area leaving them destitute; aware that neither the Government nor Non-Governmental Organizations effectively responded by extending assistance to these victims of adverse weather; aware that the collapse of the Government in Somalia in 1990 resulted in the displacement of thousands of refugees who fled to camps in Kenya located at Liboi and Dadaab; further aware that some Kenyan pastoralists, due to their abject poverty disguised themselves as refugees and registered in United Nation's camps; noting that the Government recognized that by 2005, such Kenyans totaled over 4,000 from Ijara constituency alone; cognizant that the number is now estimated at 12,000 in Garissa, Wajir and Mandera Counties; noting with concern that the children of these people cannot access work or obtain ID cards since their parents are registered as refugees; appreciating the excellent work of H.E the President in settling IDPs; the Senate calls on the national Government to vet thoroughly all persons concerned and other deserving cases elsewhere in Kenya with a view of establishing their nationality as Kenyans and where appropriate restore their privileges as citizens of Kenya including their integration into the community.

#### ADJOURNMENT

**The Temporary Speaker** (Sen. Ongoro): Hon. Senators, it is now time to adjourn the Senate. The Senate stands adjourned until tomorrow, 9<sup>th</sup> October, 2013 at 9.00 am.

The Senate rose at 6.00 p.m.