

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 3rd July, 2013

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

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

PRAYERS

QUORUM CALL AT COMMENCEMENT OF SITTING

The Speaker (Hon. Ethuro): Order, Hon. Senators! Could we confirm if we have a quorum?

The Clerk of the Senate (Mr. Nyegenye): Mr. Speaker, Sir, we have 19 Senators in the House; we have a quorum.

The Speaker (Hon. Ethuro): Proceed.

NOTICES OF MOTIONS

Sen. (Prof.) Lonyangapuo: Mr. Speaker, Sir, I rise to give notice of the following two Motions.

COMPENSATION FOR COMMUNITY DISPLACED BY TURKWEL GORGE DAM

THAT, aware that the construction of the Turkwel Gorge Dam by the Kenya Electricity Generating Company (KenGen) led to the displacement of many Kenyans due to the large area covered by the dam; noting with concern that no compensation was given to those who were displaced; further concerned that the dam is a breeding place for mosquitoes which cause malaria and is heavily infested with crocodiles which pose a danger to both livestock and people living around the dam; noting that the area lacks necessary social amenities such as schools, dispensaries and access roads; the Senate urges the Government to compensate the displaced persons and to purchase motor boats and construct access roads, dispensaries and schools in the area in order to

enable Kenyans living around the dam locality to move with ease and to access necessary social amenities.

ESTABLISHMENT OF LIVESTOCK DISEASE-FREE ZONES IN ASAL AREAS

THAT, aware that Kenyans living in counties in arid areas such as West Pokot, Turkana, Baringo, Samburu, Garissa, Mandera, among others, are pastoralists who depend on livestock for their livelihood; concerned that over the years, pastoralist communities have continued to suffer loss of their animals due to diseases that are preventable; cognizant of the fact that efforts by past governments to address the problem have not yielded desirable results; the Senate urges the National Government to urgently put in place an effective policy to create livestock disease free zones in the counties in pastoralist areas.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Ethuro): Next Order.

MOTIONS

APPROVAL OF SENATE CALENDAR FOR THE FIRST SESSION

THAT, pursuant to Standing Order 28, the Senate approves its Calendar (Regular Sessions) for the First Session of the Senate, as contained in Appendix B.

The Speaker (Hon. Ethuro): Where is the Senate Majority Leader or his representative?

He is not here; okay; next order.

AGREEMENT BETWEEN NATIONAL AND COUNTY GOVERNMENTS ON INFRASTRUCTURE DEVELOPMENT AND EQUIPPING OF EDUCATIONAL INSTITUTIONS

THAT, recognizing that the respective functions and powers of national and county governments are provided for in Article 186 and the Fourth Schedule of the Constitution, and that under paragraphs 15, 16 and 17 of Part 1 of the Fourth Schedule, education policy, including promotion of sports, is a function of the national government; further recognizing that Article 187 of the Constitution provides for the transfer of functions and powers from one level of government to the other, particularly if the function or power can be more effectively performed by the receiving government; aware that Part III of the Intergovernmental Relations Act, 2012 requires that agreements on transfer of functions be in writing and Part III of the Transition to Devolved Government Act, 2012 recognizes the role of the Transition Authority in the transfer of functions; the Senate

urges the national government to enter into agreement with county governments with a view to transferring resources, functions and powers relating to development of infrastructure and equipping of institutions of learning, at primary and secondary levels, to county governments.

(Sen. (Prof.) Kindiki, on behalf of Sen. Murkomen on 25.6.2013)

(Resumption of Debate interrupted on 27.6.2013)

The Speaker (Hon. Ethuro): Order, hon. Members! I think this Motion had been concluded. So, what we need to do now is just to vote. Since it is a matter affecting counties, we will take the Roll Call Division and voting is by county delegations. So, ring the Division Bell!

(The Division Bell was rung)

The Speaker (Hon. Ethuro): Order, hon. Senators! The time for ringing the bell is up.

Sen. Murkomen: On a point of order, Mr. Speaker, Sir.

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

Sen. Murkomen: Mr. Speaker, Sir, I rise on a point of order under Standing Order No.51 (3), which says:-

“Despite paragraph (2), the Speaker may, on the request of a Senator, defer the putting of the question to the following day in which case the Speaker shall thereupon nominate a time at which the question shall be put.”

Mr. Speaker, Sir, you had determined that today we will vote on this Motion. My memory is not very clear but I thought we would do this at about 3.00 p.m. Considering the seriousness of this Motion and the fact that even during debate there was minimal opposition and since we do not have the necessary quorum to pass the Motion, I would like to request that using your discretion, the vote be deferred to Wednesday next week at 3.00 p.m.

The Speaker (Hon. Ethuro): Hon. Senators, if you look at Standing Order No.51(3), it says:-

“Despite paragraph (2), the Speaker may, on the request of a Senator, defer the putting of the question to the following day in which case the Speaker shall thereupon nominate a time at which the question shall be put.”

Emphasis here is “deferring the putting of the question to the following day”.

Sen. Murkomen: Mr. Speaker, Sir, instead of the following day, if you could defer the vote for 30 minutes. We will be able to raise the requisite quorum. We only require two more hon. Senators in the House to raise the requisite quorum.

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

The Speaker (Hon. Ethuro): Hon. Senators, let us allow for some consultations. I will defer this Motion until my ruling on this after about half-an-hour.

(Motion deferred for the next 30 minutes)

In the meantime, let us proceed with the next Motion. We had the Motion listed as Order No.8 which we had left pending awaiting the presence of the Senate Majority Leader. This Motion is good for the House. Let us hear any response from the Majority Side; the Deputy Majority Leader, Chief Whip or any person assigned to respond.

Sen. Mositet, yesterday you were acting like one assigned to respond on behalf of the Majority side. Was that withdrawn or are you still on?

(Laughter)

Sen. Mositet: Mr. Speaker, Sir, since the Senate Majority Leader is not in the House and I cannot see the Deputy--- As I was entering the Chamber, I saw a call from him, which I could not receive. I believe he wanted to delegate. With that strength, I now wish to proceed and move the Motion.

APPROVAL OF SENATE CALENDAR FOR THE FIRST SESSION

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

THAT, pursuant to Standing Order 28, the Senate approves its Calendar (Regular Sessions) for the First Session of the Senate, as contained in Appendix B.

We are now in the 11th week of business as listed on the proposed Senate Calendar. Today we have precedence for Majority, Minority and Committee Business. Tomorrow we have precedence for Majority, Minority and Committee Business. The 12th week will also have precedence for Majority, Minority and Committee Business from the week starting 9th July, 2013. On 10th July, 2013, morning sitting, we will have precedence for business not sponsored by Majority, Minority and Committee---

The Speaker (Hon. Ethuro): Order, Sen. Mositet! I know you may have been ambushed, but I think every hon. Senator can read the Calendar for himself or herself.

Sen. Mositet: Okay, Mr. Speaker, Sir. I beg to move.

The Speaker (Hon. Ethuro): Who is seconding the Motion?

Sen. Mositet: Mr. Speaker, Sir, Sen. Wamatangi can second the Motion.

Sen. Wamatangi: Mr. Speaker, Sir, I beg to second the Motion that the Senate adopts its Calendar as proposed by Sen. Mositet.

(Question proposed)

Sen. Khaniri: Mr. Speaker, Sir, I rise to support this Motion. This Motion has been moved under Standing Order No.28 which provides for the Senate to come up with its calendar for the entire year. This is a good development. It is a deviation from what we saw in the Tenth Parliament where the calendar of the National Assembly was literally dictated by the Executive. This is a good move. For the first time we have this kind of Motion. This also goes a long way to prove to the whole country that the Senate has so much business in its in tray. There are those who think that this is a retirement House; that we came here on holiday. It is up to them to look at this programme for the entire year to realise that the Senate is here to stay and has work to do.

I support the Motion, Mr. Speaker, Sir.

The Speaker (Hon. Ethuro): Prof. Anyang'-Nyong'o.

Sen. (Prof.) Anyang'-Nyong'o: Mr. Speaker, Sir, while I rise to support the Motion, I would like to seek some clarifications. I notice that from Week 16, we shall go on a marathon of 13 continuous weeks of meeting and then break at the end of Week 29 to go on a recess for 67 days. In December, we have Jamhuri, Christmas and Boxing days as holidays. We also have new year's holiday. Are those days counted among the 67 days or the 67 are working days, so that we are not deprived of our normal holidays like the rest of Kenyans?

(Laughter)

The Speaker (Hon. Ethuro): Sen. (Prof.) Anyang'-Nyong'o, you rose to contribute to the Motion and then you sought clarification. This is a Motion, you need to give your suggestions and, of course, the Mover will clarify when he is replying.

Sen. (Prof.) Anyang'-Nyong'o: Mr. Speaker, Sir, I was so anxious to make my proposal that I thought I had finished. My proposal to the Mover is as follows:-

One, given that December has at least three holidays in it, 12th December, 2013, 25th December, 2013 and 26th December, 2013 and January has yet another holiday on new year's day, I propose, with the support of the House, particularly that of my Chairman of the Committee on Finance, Commerce and Economic Affairs, Sen. Billow, with his wisdom, that we shall not count those holidays within the recess of 67 days because when you are on recess, you are actually recessing from work not from holiday. I leave this to the discretion of those who calculated these days. But at least, for the holidays that are gazetted in Kenya, my proposal is that we do not count them among the 67 days. That will mean that we stick strictly to working days. I am not sure what proposal I can make regarding the weekends.

Having said that, I wish to congratulate those who worked on this Calendar clearly, so that we know exactly what is happening on each day of the week. This is commendable since it shows the manner in which we should proceed, so that we plan accordingly.

I beg to support, Mr. Speaker, Sir.

The Speaker (Hon. Ethuro): Sen. Karue!

Sen. (Eng.) Muriuki: Mr. Speaker, Sir, I rise to support this Motion. But I also wish to bring to the attention of the Chair that this Motion is coming a little bit late. As a

result, if you look at where we have indicated as “Recess” after Week Six, we actually took recess on the Seventh Week. Whereas I support the Motion, I wish to move an amendment, so that we remove “Week Seven” and make it part of the recess of the 11 days.

Thank you, Mr. Speaker, Sir.

Sen. Karaba: Mr. Speaker, Sir, I support the Motion. However, I have one observation to make---

(Loud consultations)

Mr. Speaker, Sir, if we could have some silence in the House. The consultations are a bit too loud.

The Speaker (Hon. Ethuro): Order, hon. Senators! Sen. Karaba is on the Floor. Please, consult in low tones.

Sen. Karaba: Mr. Speaker, Sir, I was suggesting that much as we support the Mover and the Motion, it is important to note that our last session, as Sen. Karue has said, has many weeks. It is proper if one of the weeks was brought forward, so that we can have a shorter session towards the end.

Secondly, with the two recesses, one in August and the other in December, this is the time when most of the committees move out to compare what they have done in the Senate. This is when the committees have a lot of work. I note that some committees have had time to move out, others have not. On the same note, I seek from the Mover whether it is possible to have a committee’s calendar so that we get to know which committee is moving out and at what time.

Mr. Speaker, Sir, we also have problems with some of the committees which we had said that we would split into two or three. This is a position that we do not know so far. It is proper if that position is known before we commence the recess.

I support, Mr. Speaker, Sir.

The Speaker (Hon. Ethuro): Sen. Wako.

Sen. Wako: Mr. Speaker, Sir, thank you for giving me this opportunity. First of all, I completely support this but I just want some clarification. We were led to believe at the beginning of our sitting that the House Business Committee was considering changing the timings of our sittings to be slightly different from the sittings of the National Assembly. So, I want to know whether by approving this, you are actually telling us that the Committee did not consider that proposal and that we are back to these sittings. Secondly, I would want to know whether it is not feasible that the August holiday goes to mid September as usual to enable committees to do a lot of work during that particular holiday so that when we come back we have a very engaging debate on the work that the Committees have done before we conclude the year. I believe that those extra two weeks can be taken from the month of December; rather than adjourning too early in December, we have an extra week to clear any work done by the committees during the August and September holiday.

Sen. Billow: Mr. Speaker, Sir, I also rise to support the Motion. I think it is in order that we get a one month break in August and two months in December. December-

January are the days for planning for children to go to school and so forth. I am happy that this House, for the two months that it has been in existence, has actually done quite a lot of work in terms of the Motions we have passed. If you look at the Order Paper today, you will find that there are more than four Motions lined up and many more notices of Motions. It is really becoming clear that this is going to be a very busy House.

The other thing that Kenyans have noted is the quality of Motions that have come before this House. As we go forward, all the Committees are working in full gear to try and develop legislation and in particular to amend it to give effect to the implementation of the county governments. This would mean that we would be very busy and this calendar, the way it has been drafted by the Senate Majority Leader, reflects the need for us to ensure that these county governments do not fail. I have just been talking to my friend, the Senator from Kiambu, and it seems there is need to look at the legislation environment in the counties because of the challenges due to the teething problems that are coming up. So, there is a lot of work that is going to be done. I support strongly that we work with the two recesses provided for here.

I support the Motion.

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

Sen. Kittony: Mr. Speaker, Sir, I rise to support this Motion. Personally, I am very happy that we have the programme set out very clearly for us so that we can be organized and be better people. I would like to ask whether this programme is set or are we still in a position to bring in more Motions or Bills in the House? For me, it is good because we know our timings but I think we need to revisit the issue of December. I support the people who said that we need to relook at the programme and the dates for December.

With those few remarks, I support.

The Speaker (Hon. Ethuro): Order, Senators! Since I do not see any other interest in the contribution, I will ask the Mover to reply. As he comes, Sen. (Eng.) Karue and Sen. Wako made certain proposals which should be considered.

Sen. (Prof.) Anyang'-Nyong'o: Na yangu pia.

The Speaker (Hon. Ethuro): I do not remember yours. Yours was not an amendment but a clarification. You wanted to know whether your official holidays have been factored as part of the recess. The procedure, hon. Senators, is that any Senator desirous of making such a proposal would bring an amendment; none of you did so. So, the Chair cannot be very helpful to you. Let me also add that this calendar is generated by the Rules and Business Committee which I actually chair. Sen. Wako raised the issue of recommendations by the Review Committee on the Standing Orders. We were holding this in abeyance pending the outcome of that process. The process seems to be taking a bit too long. Since this is a statutory requirement for us, as a House, we have to do it. Once that process is completed, then we will come back and revisit the calendar by a resolution of the House.

Proceed.

Sen. Mositet: Mr. Speaker, Sir, I thank hon. Senators for supporting this Motion and actually even foreseeing the need for some amendments as per what has already happened. As you know, we have already gone for recess; Week 7 we were on recess.

This was recommended by Sen. (Eng.) Karue and it is already in the draft. The other thing which I would like hon. Senators to see is that if you look at Week 15 and Week 16, the recess has 32 days. This means that when we break on 1st August, we will be back on 3rd September. This means that all days are included there, that is, Saturdays, Sundays or any public holidays. That means the 67 days as per what Sen. (Prof.) Anyang'-Nyong'o was asking, all holidays are also included there. Sen. Wako said that we need to increase the recess by 32 days so that we can come back on the 18th Week. That amendment can be taken. That means that the first two weeks of December will be taken and we will have to be in the House.

Hon. Senators, I beg to move the Motion.

The Speaker (Hon. Ethuro): I appreciate the generosity by the Mover of the Motion but I want to bring his attention to Standing Order No.27 (1) which says:-

“Except for the Session commencing immediately after a general election, regular Sessions of the Senate shall commence on the second Tuesday of February and terminate on the first Thursday of December.”

You may entertain all the rest but on this one, I am afraid I will not allow. So, be advised.

Senators, this is a matter not affecting counties. Therefore, I wish to put the question.

(Question put and agreed to)

AGREEMENT BETWEEN NATIONAL AND COUNTY GOVERNMENTS ON
INFRASTRUCTURE DEVELOPMENT AND EQUIPPING OF
EDUCATIONAL INSTITUTIONS

(Resumption of debate deferred earlier)

Sen. Murkomen: Mr. Speaker, Sir, I think the Bell had been rung. I stood on a point of order and my last request was that you defer the voting for 30 minutes and you were to give your ruling instead of deferring it to the next day as per the Standing Orders. You can accept or decline the deferment, but we are ready to proceed. The Bell had been rung.

The Speaker (Hon. Ethuro): Order, Sen. Murkomen! While the Chair and this House is very sympathetic to your Motion, you cannot have the luxury of having it your way. The procedure is that whenever we take the vote, the Division Bell must be rung. So, let us proceed with the Division Bell first.

(The Division Bell was rung)

I will now put the Question which is:-

THAT, recognizing that the respective functions and powers of national and county governments are provided for in Article 186 and the Fourth Schedule of the Constitution, and that under paragraphs 15, 16 and

17 of Part 1 of the Fourth Schedule, education policy, including promotion of sports, is a function of the national government; further recognizing that Article 187 of the Constitution provides for the transfer of functions and powers from one level of government to the other, particularly if the function or power can be more effectively performed by the receiving government; aware that Part III of the Intergovernmental Relations Act, 2012 requires that agreements on transfer of functions be in writing and Part III of the Transition to Devolved Government Act, 2012 recognizes the role of the Transition Authority in the transfer of functions; the Senate urges the national government to enter into agreement with county governments with a view to transferring resources, functions and powers relating to development of infrastructure and equipping of institutions of learning at primary and secondary levels to county governments.

DIVISION

ROLL CALL VOTING

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

AYES: Sen.(Prof.) Anyang'-Nyong'o, Kisumu County; Sen. Abdirahman, Wajir County; Sen. Billow, Mandera County; Sen. Boy Juma Boy, Kwale County; Sen. Bule, Tana River County; Sen. Chiaba, Lamu County; Sen. Haji, Garissa County, Sen. Hargura, Marsabit County; Sen. Hassan, Mombasa County; Sen. Kajwang, Homa Bay County; Sen. Karaba, Kirinyaga County; Sen. G.G. Kariuki, Laikipia County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County; Sen. Wamatangi, Kiambu County; Sen. Mbuvi, Nairobi County; Sen. Munyes, Turkana County; Sen. (Dr.) Kuti, Isiolo County; Sen.(Prof.) Lesan, Bomet County; Sen. Leshore, Samburu County; Sen.(Prof.) Lonyangapuo, West Pokot County; Sen. Madzayo, Kilifi County; Sen. Mositet, Kajiado County; Sen. Mungai, Nakuru County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Murungi, Meru County; Sen. Musila, Kitui County; Sen. Mwakulegwa, Taita-Taveta County; Sen. Ndiema, Trans Nzoia County; Sen. Obure, Kisii County; and Sen. Wako, Busia County

Teller of the Ayes: Sen. Lesuuda

Teller of the Noes: Sen. Mohamud

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

AYES: 31

NOES: Nil

ABSENTIONS: Nil

You will appreciate that this vote has exceeded the threshold of 24. Therefore, the Motion is carried.

(Question carried by 31 votes to 0)

Sen. Murkomen: Mr. Speaker, Sir, I would like to thank my colleagues for such a tremendous job of ensuring that this very important Motion has been passed. We will follow up on the implementation. Sen. Mbuvi has a greater job because Nairobi already has many schools.

The Speaker (Hon. Ethuro): Order, hon. Murkomen! I know that you are excited that your Motion has passed. However, I will remind you once more that this House has rules. That provision is not there. We will skip the next order which is Order No. 10, the Motion by Sen. Christopher Obure. The voting was deferred to tomorrow. There is an amendment we will be voting on tomorrow from 2.30 pm.

ESTABLISHMENT OF ONE-STOP PUBLIC
COMPENSATION CLAIMS BUREAU

THAT, aware that the State and other Government agencies have been the biggest impediment to payment of dues to Kenyans, including retirement benefits, court awards and insurance claims; recognizing that such delays amount to violation of human rights and undue punishment; noting that claimants spend a lot of money and time travelling to Nairobi and other far off destinations pursuing the claims; acknowledging that the purpose of devolution is to take services closer to the people; the Senate urges the National Government to immediately establish a one stop Public Compensation Claims Bureau to enable victims of delays and all future claimants to lodge their claims for immediate verification and subsequent expeditious settlement through the nearest commercial banks and to ensure that legally confirmed dues are settled within six months of the award.

(Sen. Obure on 3.7.2013 – Morning Sitting)

(Resumption of Debate interrupted on 3.7.2013- Morning Sitting)

(Voting on Motion by County delegations deferred)

The Speaker (Hon. Ethuro): We will now go to the next Motion by Sen. G.G. Kariuki.

ESTABLISHMENT OF SECURITY ROAD NETWORKS

THAT, aware that the country is experiencing rampant incidents of insecurity due to factors such as competition for resources, ethnic tension, crime and economic disempowerment; aware that some of the incidents may spread unabated from one county to another as well as across the

international borders; concerned that many lives and property are lost, people are displaced and the socio-economic set-up of the affected communities and individuals is disrupted; cognizant of the fact that poor infrastructure is the main contributing factor inhibiting the containment of insecurity incidents; appreciating the initiatives recently instituted by the Government to mitigate the enormity of the incidents with regard to budgetary allocations and police sector reforms; the Senate urges the Government to urgently institute special road projects by designing and establishing road networks that will facilitate connectivity and mobility of rapid response teams across the security hotspots including urban informal settlements, arid and semi-arid areas and known disaster zones.

(Sen. G. G. Kariuki on 3.7.2013 – Morning Sitting)

(Resumption of Debate interrupted on 3.7.2013 – Morning Sitting)

Sen. (Prof.) Lonyangapuo: Mr. Speaker, Sir, I rise to support this Motion by Sen. G. G. Kariuki which is very timely. The Motion is coming at a time when we have very many incidences of insecurity in our counties.

Insecurity has become a serious threat in the development and achievement of Vision 2030 that we aspire to achieve as a nation. In some counties, insecurity has become a real menace to development.

It is now four months since devolution took place. The budgets for the county governments are being passed. Soon, the Government will be releasing funds both to the national and the county governments. However, to settle down and propose plans for every county, one major threat that should be faced head on by this Senate is to stand in the gap. The national Government which is in charge of security should begin to work closely with the county governments in particular the governors to ensure that insecurity is checked. In some cities and towns like Nairobi and Nakuru, gangsters raid people's homes and people on the roads to the extent that workers are not secure.

I remember of an incident that happened a week ago at Nakuru Town. A very senior member of Egerton University was murdered by thugs, Dr. Jesse Mwangi. We lost a very senior person in our country, somebody who did Mathematics from the beginning to the end. We do not have a replacement to that person just because of some loose people in our society. We do not know where they get weapons.

This Motion comes at a time when we need to have all the estates where people live to be well lit. I hope that both the national and the county governments will make sure that these estates have security lights on the highways and inside. We also need to form security groups in the estates which should liaise with the police.

I come from West Pokot where a few characters, we call them bandits who are extremely few, came and killed three people in Sarmaj in West Pokot County. This is at the border of West Pokot and Turkana County. For people who do not know, they can easily summarize and say that Turkanas are out to kill us and yet these are just a few loose people, characters and bandits who should just be treated as such.

We need to think, as a Government - both the national and the county governments - seriously on how insecurity can be brought to a standstill. When I asked what happened in Sarmaj and why our security officers did not follow the bandits, they said that they had only three administration police officers at Sarmaj Camp. They have no vehicles and owing to this, they are experiencing many challenges on the ground. In supporting this Motion, I want to say that we need to support security in totality so that we do not look at ethnicity as we address issues of insecurity. We must look at it and come up with ways to deal with it.

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

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

For instance, Madam Temporary Speaker, we are proposing, I and my brother from Turkana, those officers who have been identified by the Government and who are being referred to as Kenya Police Reservists (KPR) need to be formalized, paid salaries and put in strategic camps. They should be put in camps that are five kilometers apart where we have the two communities living together.

This is a local arrangement that can work because we take direct responsibility should anything go wrong. By this, we are telling county governors to take total charge of security situations in their areas. The areas are not the same. There are certain areas in Nairobi where you cannot walk at night and yet during the day, the places are very secure. These are some of the incidences that we have.

I am calling upon the two levels of government to ensure that what is required by the local *wananchi* is done. In some areas, we do not have roads. Three days ago, I went to Turkana County. However, there are no roads there. For us to manage insecurity and incidences of cattle rustling, we must have a road network that can easily be reached.

One other thing as we attempt to look at the issue of insecurity is the communication network which is lacking there. There are areas where you may want to know what is happening but you cannot do that since there is no communication network. There are no boosters and in some areas you cannot even access the radio including the famous Kenya Broadcasting Corporation (KBC). You cannot get the KBC signal.

We call upon the national Government charged with this responsibility, as Sen. Murkomen proposed, to hand over some functions that they cannot perform. We also have village elders who play a very crucial role. Have we ever thought about those people who risk their lives so that they are honoured by the Government by being given an amount even as little as what they have been giving the elderly people?

I am told a few counties benefited from that. Elderly people from the age of 65 and above are given Kshs2,000 per month. How much would it cost to honour a few elders who are champions of peace? If we gave them that little money, we may curb this problem which has become a menace in some areas.

This also gives a bad picture especially when investors want to come to our counties. The minute insecurity appears or is assumed to be an issue, then you can be sure that investors become wary.

Madam Temporary Speaker, I rose to support this Motion and inform the Mover that it is not only roads that will curb this. What other ideas are going to be built here, so that insecurity will be totally arrested? Like I said, we need to formalize the Kenya Police Reservists (KPRs), so that they become a serious and strong arm of the Government that can fight this problem at the grassroots.

Madam Temporary Speaker, I beg to support.

Sen. Munyes: Madam Temporary Speaker, I want to start by thanking Sen. G.G Kariuki for bringing this Motion. I also want to appreciate the fact that he understands the Arid and Semi Arid Lands (ASALs) in northern Kenya, where insecurity has actually affected us for many years.

Madam Temporary Speaker, security roads are a critical link in the fight against cattle rustling and conflict. In the past, the Provincial Administration was given money in all the previous budgets to provide security roads, but we saw a situation where those funds were not used. I have not seen any security road under that budget in my area. We need to open up these roads. Northern Kenya was left out in the old era. Historical injustices have shown that while they wanted to develop, those areas were left out and the roads were not done. During the rainy season, you cannot reach villages because there are no roads. The area is flat and bushy. In places where we have a difficult terrain, like in West Pokot, it is a challenge for the security officers to fight crime. This has discouraged or affected our security forces. A good example is the Baragoi incident. To go to the Suguta Valley is a nightmare. We need a road that will link Turkana and Samburu. Without those roads, we cannot fight insecurity.

Madam Temporary Speaker, proliferation of small arms in the region is something that the Government needs to curb. While we want to curb this, when the public is told that there will be disarmament, they go up the mountains. You cannot disarm a Turkana or a Pokot because they will climb the mountains. It has become a problem in this country. These guns are coming from Sudan, Uganda, Ethiopia and other countries. So, the only thing to do, as a Government, is actually create these roads that will link us and help the Government to disarm communities and thus fight crime and cattle rustling.

Madam Temporary Speaker, the infrastructure that we have now was actually achieved through the Constituencies Development Fund (CDF). The CDF has done so much, but it is very expensive to construct roads in Turkana, Samburu, Western Kenya and many other parts of this country. Maybe we need a way of actually encouraging some Value Added Tax (VAT) arrangement that will reduce the cost of tractors or machinery, so that many investors can get into this business.

Madam Temporary Speaker, the Government of Kenya is about to spend Kshs4 billion to improve security and equipment. That equipment, if bought, will not achieve very much, because there are no roads. You will have them in places like Lodwar, Samburu, Maralal or Kapenguria, but they will not get out of those towns, because we have not fixed the roads. I could compare this with the laptops project; that you are buying vehicles but there are no roads. I think that most of this money should be put into opening security roads. I am talking about vast areas like Turkana, which covers 77,000 square kilometers. We have oil exploration taking place there and also the Ellemi

Triangle, yet we have no roads. Our neighbours have access to the northern part of this country. In fact, if somebody builds a road, then that is a claim to that territory. South Sudan, Uganda and Ethiopia have done better roads inside our borders. If we cannot do these roads, as a country, then our borders will actually be taken away by other countries.

Madam Temporary Speaker, I want to support Sen. (Prof.) Lonyangapuo who has told us this afternoon that we need to improve the operations of the KPRs. The KPRs have done a good job in this country, because they can walk in those bushes and have passion for fighting crime in our areas but they need some bit of allowance or facilitation. We need to combine this approach with that of supporting KPRs and providing mobile telephone services, so that if a problem affects a village, then as cattle rustlers run away, we can link the other neighbouring villages through mobile phones. With a good road network, we can secure or intercept the cattle rustlers.

Madam Temporary Speaker, Turkana is an area which has a potential of oil exploration. This afternoon we have just been told that another well has been struck in Turkana. We hope that very soon, we will get to ten wells in Turkana. The discovery of oil in Turkana is something that we want to protect, but the capacity that we have in terms of officers is not enough. As we provide officers to secure the wells, the local person is left without security. Therefore, we need to provide more security officers to protect these villages, or support this Motion, so that we can have better roads that will enable the few policemen that we have in the region to quickly get into any area which is affected. This is because much of the capacity has now been transferred to protect the oil exploration in the region.

Madam Temporary Speaker, I support this Motion and hope that the Members will pass it. By passing this Motion, our country will develop and get some confidence in northern Kenya, which has actually been feared for so many years. Investors have refused to come to our areas because of insecurity. Likewise, tourism has gone down. You cannot travel from Kitale to Lodwar for fear of being killed on the road. Therefore, opening of lodges is becoming an unprofitable venture because people fear to be killed in hotels. We want to ensure that we curb insecurity in our areas, and I think that this Motion is going to be a breakthrough and develop areas in northern Kenya.

Madam Temporary Speaker, I beg to support.

Sen. Hargura: Thank you, Madam Temporary Speaker, for giving me this opportunity to contribute to this Motion. I rise to support this important Motion and also thank the Mover for bringing it.

Madam Temporary Speaker, insecurity in northern Kenya has been so rampant that it has reached a point where it is taken to be a normal occurrence. But the earlier we address it, the better. This Motion could be a better way of addressing it because it is a matter of how quickly the security personnel can respond to any incident. As has been said, there is a challenge of the number of security personnel and terrain. But it is made worse by the lack of means of communication. For example, if you are to move from Maralal in Samburu to Lodwar, which is just across, you have to come down to Nakuru and then go up again. If you want to travel from Isiolo to Moyale, it is just one way. If you are to travel from Marsabit to Wajir, you basically have to go back to Isiolo and then go up. So, those areas are not connected at all in terms of the road network. So, if

somebody committed some cattle rustling between Marsabit and Wajir, he cannot be intercepted by road. You have to maybe follow him on foot. So, the cattle rustlers are having a field day because if they take off, then there is no way of following them up.

Madam Temporary Speaker, this is a timely Motion that will enable us improve the security situation. As it was stated by the Senator for Turkana, actually, the security part has always been with the Provincial Administration. The funding comes through the District Commissioner (DC) and he is the one to ask the District Works Officer or District Roads Engineer where they think he can use the money for security roads. Actually, it should be under the Ministry of Roads. Likewise, it is the DC who handles the funds for the airstrips. We do not know whether it will be done better under the devolved governments.

Madam Temporary Speaker, to improve the security situation, we need to address not only roads, but also the communication path. This is because sometimes the incidents are such that we require people to be evacuated for medical treatment. So, we need to have proper airstrips at strategic locations. Then, we also need to have proper telecommunication. With the vastness of the area, sometimes an incident can occur and you get the information after a day or two, because you will require somebody to move either by road or on foot, to the nearest point where that information can be passed. By then, the incident will have occurred. If it is livestock theft, it will have occurred and the animals will have been taken away. So, the response will not be effective. The companies which provide mobile telephony services should be made to provide these services throughout the country. When somebody has a licence, then he should have that social responsibility also to cover all the parts of the country and not only where he thinks he can get some returns. That will improve security because information will be communicated quickly. As stated by the Senator for Turkana, it is costly to do a road in those areas, but if we have mobile telephones, I am sure that they will complement very well, because what is missing is that information. If we can get the information quickly, then the reaction will be faster.

The roads are necessary because even if you get the information and you do not have roads, then you cannot also react to that information. The security roads should be done in such a way that they cut across the normal roads because in case of cattle rustling, the rustlers normally use a particular route because they are moving animals, so they have to pass where they can get water. If you check, cattle rustling is normally high during the rainy season because that time water is available everywhere. During the dry season, they have to go through particular routes. So, if we have roads done in a way whereby they cross the normal banditry routes, it would be easier to intercept them. That would discourage rustlers and would restore security.

Madam Temporary Speaker, the other one is to involve communities in policing their areas. The Government should involve the local elders from the warring communities so that they can develop some relations between the communities to bring down incidents of insecurity. As you know, security officers who are posted to these areas are very few. A case was mentioned by the Senator for West Pokot whereby in a certain area there were only three officers. These officers cannot do anything to protect the local community, leave alone following the rustlers considering that the rustlers are as

armed as they are and have the numbers. So, it would be of no use. So, the best thing would be to arm the local communities, that is, the Kenya Police Reservists.

Right now, the problem we have with reservists is the kind of weapons they are carrying. You will find that a reservist is given a Second World War rifle while the bandits have automatic weapons. To make matters worse, you will find a reservist with only five bullets. These rifles are normally out of production so even getting bullets is a problem. When you go to the police, they will tell you that they do not have the bullets and cannot change the rifle for an automatic gun. So, you end up with a rifle which is of no use to you. So, they need to train and arm the reservist properly, and even give them incentives. They should get some stipend or pay just to motivate them so that they can also commit their time because this is somebody who has his own life to lead and his own animals to take care of. He will not be just there to provide security to the community but if he gets some payment, then he can spare some time and provide security to the community which he is supposed to protect. So, there is need to look at the issue of the Kenya Police Reservists because that is the main protection we have as a community. It reaches a point where when you go to the police, they will ask you about the reservists.

Madam Temporary Speaker, even the issue of small arms is a big issue. I can remember in 1992, in my area, there were many raids. We used to call the police and they used to ask us why we cannot arm ourselves. That is how these guns are coming in because it is a matter of life and death and you have to protect yourself. If the Government is not there to protect you, then you have to protect yourself. The best thing is, if the Government cannot have enough personnel, then it has to arm the locals in an effective way so that they can protect themselves.

I support the Motion and hope that the Government will heed our call and improve security in our areas.

Sen. Mburu: Bi. Spika wa Muda, nafikiria Hoja hii inagusia sana maswala ya akina mama, mbali na visa vinavyozungumziwa kuhusu ujambazi pekee. Tunaona kwamba kuna umuhimu sana wa barabara hizi haswa inapofika wakati ambapo kina mama kule vitongojini wanapokuwa na uchungu wa kuzaa. Wengi wao hufa kwa sababu ya ukosefu wa barabara. Kwa hivyo, *security roads* zinaongelewa ni muhimu. Lakini barabara hizi zinahitajika kwa mambo mengi sana na sio tu kwa *cattle rustling* ama vita dhidi ya ujambazi. Kuna umuhimu wa barabara hizi kwa watu walio wagonjwa mahututi mahali hakuna barabara kama kwetu ninapotoka, Ugiriamani. Barabara tunazotumia ni hivi vibarabara vyembamba sana. Wakati mtu anapokuwa mgonjwa ni lazima abebwe na wheelbarrow. Ikiwa ni mama mja mzito wakati anapofika hospitali pengine amezalia njiani ama amekumbana na hatari zingine.

Pia barabara hizi tunazozongumzia hapa zinalenga yule mhukumiwa kortini; watu ambao wako rumande kesi zao zinasikizwa. Kwetu tunapata kwamba kuna shida nyingi sana za mashahidi kufika kortini kwa sababu ya ukosefu wa usafiri. Kesi ambayo ingechukua miezi miwili inachukua hata miaka mitatu kwa sababu mashahidi wana kila sababu ya kutofika kortini kwa sababu hakuna usafiri wa kutosha. Kwa hivyo, barabara hizi zina umuhimu sana.

Tukiangazia mambo yaliyotokea Baragoi wakati askari wetu waliuawa, kati yao, kulikuwa na kijana mmoja askari ambaye alifikiwa baada ya siku tatu. Kama barabara hizi zingekuwepo, kijana yule angeokolewa.

Nikiongezea, naona kuna umuhimu wa simu ya dharura ya 999 kurudishwa. Pia, inafaa Serikali iwe na helikopta wakati ambapo tunaendelea kungoja barabara zitengenezwe. Wakati tulikuwa na 999, ilikuwai rahisi sana kuwasiliana na walinda usalama. Wakati huu tuko na laini ya safaricom na wakati wa hatari mpaka ukae uanze kufikiria namba kwa sababu sio rahisi kuijua kwa kichwa. Kwa hivyo, kuna umuhimu wa Serikali kufikiria kurudisha simu ya dharura ya 999 na kuwa na helikopta ya kushughulikia maswala ya dharura.

The Temporary Speaker (Sen. Ongoro): Sen. Lesuuda!

Sen. Lesuuda: Madam Temporary Speaker, thank you for giving me this opportunity to contribute and support this very important Motion. I would also like to congratulate and thank distinguished Senator, Sen. G.G. Kariuki, for moving it. It is very important because when you talk about security, it is about the lives of Kenyans. We are talking about their livelihoods and their property, especially livestock. It is important to note that even most of the speakers who have spoken here are Senators from arid or areas which experience cattle rustling or perennial raids. We know for a fact that poor infrastructure has been the greatest contributor to the prevention, rescuing of people and foiling some of these planned attacks. There are times that we know for a fact that a week before a raid is done, 100 or 50 young men would be meeting somewhere to eat a goat or a bull before they go for a raid. Even the raiders themselves know that they have to go somewhere where it is impossible to reach them. These are areas where they know there are no roads. If the intelligence personnel get that information, then it is easier to reach those areas and probably foil some of these planned raids.

Madam Temporary Speaker, we also know that in terms of rescue, Sen. Mbula has just said here, that sometimes when a raid happens, people are injured and if they could get access to hospitals or to treatment, then their lives could be saved. But there are scenarios where people are reached a week or two weeks later. Fifty years after Independence, there are Kenyans who live in areas which are totally inaccessible. This is not something that we can be proud of as a nation. We also know that there are roads which just come up because vehicles keep on using them until something like a road appears but it takes a big land cruiser to drive there. We know that even our police do not have vehicles. I know various Officers Commanding Police Divisions (OCPDs) and Officers Commanding Stations (OCSs) who are in these areas and they have no vehicles there. So, I hope that as the Jubilee Government, we will keep our promise to ensure that these vehicles are distributed to various security personnel in various part of the country and even roads and other infrastructure will be opened up.

Madam Temporary Speaker, in areas where poaching takes place, there is poor infrastructure. We are losing elephants everyday and the poachers know that we will not get them. It will take you long to get where poachers are. So, it is not only our lives which are under threat but also our economy because if we continue losing our wildlife to poaching and then definitely as a country, we will lose.

There is also the issue of carjacking and highway banditry. We know the slower the vehicle moves, the easier for the criminals to come and terrorize you for a whole hour or even two hours because the road is bad and no vehicles will pass there. Definitely, they will know that it is easier for them to steal and also to terrorize travellers.

It is not only roads that are a problem but even the communication network. It is not understandable why some areas in this country do not have network coverage. The Ministry of Information Communications and Technology should work with the network providers because if we have a network in these insecurity prone areas, then people will be able to send a signal and ask for rescue. Looking at places like Busia and border areas like the Port of Victoria along the Kenya-Uganda border, criminals just cross to the other country and you will not find them until they come back again. So, it is important that we really look into opening areas like those. We cannot just keep on having areas which were there since the colonial era. It is time that we opened up different areas of our country.

Finally, even as we set up other towns, the governors and the county assemblies who will be deciding where the headquarters will be, I propose that before anything is put up, just like in other developed countries, we first put up infrastructure. We should have roads, sewerage systems and other infrastructure before settlement comes up in those areas. We know issues to do with rape are on the increase and we are seeing it in Dandora and in other informal settlements. All this is because there is no access to those areas. So, young men just take advantage of girls knowing that there is no road there. There are so many things that can be prevented when infrastructure like security lights are in place. One will feel safe and confident with his or her business when there is infrastructure.

In conclusion, I would like to highlight the issue of disasters. We know that in the informal settlements, and this Motion also takes care of such areas - when a fire breaks out in an informal settlement, there are no access roads. Sometimes people die or lose their property because there is nothing we can do. This is because of negligence or not taking care of things which we know are necessary.

I would also like to ask our county governments, that is, the governors, the county assemblies and other people that, as they work out their budgets, I really hope that they will put aside some money which will definitely go into matters to do with security because without security and peace, then there will be no development in some of our counties.

As Sen. Mugo has said, as we continue with infrastructure, we should also continue to be agents of peace in areas that we come from because even with infrastructure, if we are not leaders who advocate for peace, then this infrastructure will not help us.

I support this Motion.

The Temporary Speaker (Sen. Ongoro): Sen. (Prof.) Anyang'-Nyong'o.

Sen. (Prof.) Anyang'-Nyong'o: Madam Temporary Speaker, I rise to support this Motion. I really like the comments made by Sen. Lesuuda before she left that if we are not agents for peace, we cannot have security. In Africa, we like pretending and avoiding speaking, as it is. If you remember, in January 2003, Kenya was rated the happiest nation on earth and the most stable nation on earth. I remember driving out of

my residence in new Runda, passing in front of the Village Market and seeing *wananchi* actually arresting somebody because he had committed a traffic offence and taking them to Gigiri Police Station. I remember that year when there was a sense of responsibility on behalf of everybody to build the nation. Why was this? This was because we had had a more successful election; the second free and fair election after the 1963 election. People felt they had a place to feel like home. Even insecurity went down in this nation. Since 2003, we have been committing one mistake after another just like we did after Independence. We have been thinking that if we commit these mistakes of misgoverning the nation and not respecting the will of the people, then we think we will have all these things done. We think that security will be there and we will have people behave well. They will not because they must get examples from their leaders and also feel that they have a nation which produces legitimate authority.

Madam Temporary Speaker, while I agree with Sen. G.G. Kariuki that we need to build infrastructure so as to create conditions for peace, one of the most important infrastructure is Government itself. It is a very important infrastructure to provide peace and security. If leaders themselves get into power without legitimacy as you have seen happening all over Africa, including here, then you do not expect to have security. People would say: Why do I obey the law if people in power have not obeyed that law?

Sen. Mositet: On a point of order, Madam Temporary Speaker. Does Sen. (Prof.) Anyang'-Nyong'o mean that we are having insecurity in this country because CORD lost the elections?

Sen. (Prof.) Anyang'-Nyong'o: Madam Temporary Speaker, I said that when you get to power illegitimately--- but CORD is not in power. Let us learn from the colonialists. The colonialists gave a lot of authority to the chief.

Sen. Murungi: On a point of order, Madam Temporary Speaker. We like the good English from the Professor, but is he really in order to insinuate that the current Jubilee Government is in power illegally after they won the elections and the results were confirmed by the Supreme Court?

The Temporary Speaker (Sen. Ongoro): Sen. Anyang'-Nyong'o your allegations are having quite serious implications. Could you elaborate or tone down your--

Sen. (Prof.) Anyang'-Nyong'o: Madam Temporary Speaker, Wole Soyinka once said that a tiger does not need to shout about its tigrity. If, indeed, Jubilee is in power legitimately, they would not need to shout about it. Secondly, the Independent Electoral and Boundaries Commission (IEBC) which is the body responsible for saying whether somebody is in power legitimately has failed to demonstrate that proper elections were held. There is enough evidence in the public domain to raise this issue.

Nonetheless, let me go back to the Motion. I said that the colonialists were aware that security goes with authority and that is why they gave the chief a lot of authority at the grassroots through the Chiefs Act. The only thing that happened when we attained Independence was that the Chiefs Act was misused. The point behind the Chiefs Act is that in order for security, law and order and peace to be maintained at the grassroots, there must be legitimate power and authority. At the moment, I would like to plead for a

Government infrastructure at the grassroots which will make sure that peace and security is maintained at the grassroots.

Madam Temporary Speaker, therefore, it defeats any sense of logic to deny Governors or ward administrators, the authority to handle peace and security. If you have two parallel systems of governmental infrastructure at the grassroots level, you are going to have tremendous conflict at the grassroots and you are not going to have peace and security. So, however many roads you build or many telephones you provide, those will be made use of effectively by the same people who carry out security. Imagine there are good roads in the rural areas where drug traffickers can ride in Jeeps very comfortably, where thieves can whizz by very fast at a high speed and you do not have an infrastructure of Government to use those roads and infrastructure authoritatively for bringing peace and security, we are going to have a lot of problems.

Therefore, the recent move by the Inspector- General of Police to say that it is upon him to appoint commanders who are going to work at the grassroots level and deny the elected personnel who should have this security personnel under them, so that they have authority to maintain peace and order, this is irrational. I would like to appeal to the Government, while building roads and providing telephones and all these things down there, which is important, governmental infrastructure geared towards maintaining peace and security be developed. The current approach of having somebody in Nairobi commanding heads of police at the grassroots level is not the best way to do it. We should go back to the infrastructure that was built by the colonialists and make sure that they are at the grassroots level. For example, the chief had the power over tribal police and so on; that we have real power and authority at the grassroots level for maintaining peace and order. If we do not do so, all building of roads and accessing telephones, will be better used by the criminals rather than the Government to maintain peace and security.

Lastly, Madam Temporary Speaker, there is something called Rapid Response Units (RRU) which Sen. G.G. Kariuki has spoken about here very well. It is extremely important to have RRU from the village going up to the county headquarters. RRU will only exist if they know that when they respond, they will be protected and listened to. At the moment, I see a great deal of fear mongering in the countryside. If you want to respond, you think that subsequently, the people in charge of security will inform the thieves who will come to your village and finish you. This is what usually happens. The good citizens who inform rapidly, are the ones who are gotten rid of rapidly by the criminals. So, again, the protection of the RRU can only be there, if we have a governmental infrastructure at the grassroots level with legitimacy and with the authority to use power to ensure that security exists at the grassroots level.

This is so important because unless we have all these things from the bottom upwards, and not imposed from the top downwards, very little will happen. This was the logic behind devolution. This is something that we in the Senate who are the protectors and the promoters of this devolution should ensure that it is carried out in the day to day practice of Government. It does not just exist in theory, but it becomes an ethic of administration; a principle of administration in grassroots government, beginning from the village upwards.

Madam Temporary Speaker, that RRU at one time existed in Kenya. We had the so called *Nyumba Kumi* business. I do not know why we are running away from that. This is where groups of ten households came together and handled a lot of things in the villages, including security. If, indeed, we should stop reinventing the wheel and use institutions and structures that have worked in the past so well, I think we shall be doing a lot to ensure that we have peace and security in this nation. As my dear Senator who spoke before me said, without peace and security implemented and carried out properly, there will be very little development of our nation.

I beg to support.

Sen. Murungi: Thank you, Madam Temporary Speaker, for giving me this opportunity to contribute to this important Motion. It is true there has been Government policy to do improvement of roads, especially all weather roads in highly productive agricultural areas. It was a good policy, because we cannot take our produce to the market unless we have good roads in those areas. What I see in this Motion, and I think it is specifically calling for it; is a shift of focus from doing roads in the highly potential areas of this country to the so called marginalized areas where cattle rustling and other forms of insecurity are rampant. I would like to plead with the Senate that we should not do “either or”. It is important for us because we are also interested in development, to do all weather roads both in high potential areas and also in the marginalized areas. I do know that with the new discovery of oil, especially what was announced today; further discoveries of oil in Southern Turkana, a lot of infrastructure will move to that area. It is good because that discovery of oil is going to transform this country. Even the lack of resources we are pleading about when we are faced with the teachers’ strike should be a thing of the past when we increase our revenues through the discovery of oil and gas and mining in this country.

So, we should not deny high potential productive areas good roads. What we should do is add to those roads the roads that will sort out security in this country. I do agree with the two speakers who have spoken before me that really, without peace and security, there can be no socio-economic development and transformation of any country. So, it is a basic need. I remember when we used to fight for human rights and there was war in Somalia. The people were asking human rights groups in Kenya why they were not operating in Somalia where there was massive abuse of human rights. Why are you focused in Nairobi? So, even for human rights groups to effectively perform, they need certain basics as far as security is concerned. So, peace and security transcends other human rights.

Madam Temporary Speaker, I am also convinced that although many people believe that we in Meru have benefited a lot from roads and we should not be talking about them, the Meru County is also prone to insecurity and cattle rustling in the areas where we border our neighbours in Isiolo. Indeed, we have had meeting with Sen. (Dr.) Kuti to try and find out how we can stop the cattle rustling in our region. When we meet with the Boranas, they say it is the Samburus. When we meet with the Samburus, they say it is the Turkana. I remember at one time, 600 cows were stolen in Meru. We tried to follow them and we had a leaders’ meeting in Isiolo. The Borana elders told us that it was true those cattle passed there, but we could combine efforts and follow them. The boys

were followed and, subsequently, the Samburu *wazees* were called. They said that it was true that their boys took the cattle, but they were subsequently stolen by the Turkana. They told us that if we combined efforts, then we could follow them. We then gave up.

There is need for us to do good roads in Samburu, Shaba, Meru North and Isiolo, so that we reduce cattle rustling and insecurity. I think Sen. (Prof.) Anyang'-Nyong'o raised a fundamental point that we must take seriously: That merely doing good roads is not enough. We, as a Government, must take insecurity more seriously. We could be facilitating cattle rustlers to change form, come up with modern methods of cattle rustling like moving in lorries and other equipment which would make them take away more cattle. We need to be very tough on cattle rustlers.

I have been in Parliament for over 20 years, but I have not heard of a single cattle rustler charged in court with either robbery with violence, or even stock theft. The people we meet in court are chicken and goat thieves. People who commit livestock theft on large scale are not arrested. There seem to be two legal regimes in the country. When it comes to cattle rustling, that is left to the elders. We then go and talk about peace. This is taken as a war kind of situation which has to be resolved through other means.

Time has come for us to define a cattle rustler as a thief and as a robber. A cattle rustler should be treated as an armed robber who robs a bank. That person should be arrested, not only by the policemen, but by members of the public and handed over to the police so that the law applies to them just as it applies to others. Unless, in our own minds, we define cattle rustling as a crime punishable by law, then we will not construct roads. We will have a lot of peace meetings and this practice will never stop.

As we construct good roads, therefore, I think we also have to enforce the laws of this country. We have to treat cattle rustlers with as much ruthlessness as we treat other criminals. Look at what happened in Baragoi where 40 police officers died, but no one has been taken to court. That is very embarrassing to us. Last weekend when I was in Meru, I was told that some animals were stolen. The police followed these people, but they ended up in a certain valley where the police did not follow them. When they get to that valley, the police turn back. They do not get into that valley. They say that they need a chopper to follow the cattle rustlers once they are in the valley. The Government has not provided a chopper. Therefore, they are afraid. The cattle rustlers, as the Senator for Marsabit said, are better armed than our policemen. It is time, as a country, that we took not only infrastructure, but also the legal infrastructure more seriously. The laws should be enforced much more seriously.

I beg to disagree with Sen. (Prof.) Anyang'-Nyong'o's generalization that any time there is a problem he has to go into the legitimacy of Government and theorise whether we are legitimately in power or not. I think this matter was closed by the Supreme Court which is the highest court of this land. I would like all Kenyans to know that whether they like the decision of the court or not, once it has pronounced itself, that is, indeed, the position; whether they believe it to be true or not.

Sen. (Prof.) Anyang'-Nyong'o: On a point of order, Madam Temporary Speaker. Is it in order for my great friend, hon. Sen. Kiraitu Murungi to aver that debates are closed simply because courts of law say so when it is well known that Bishop Augustine

of Hippo once said that in the court of conscience, there is no obligation to obey an unjust law?

Sen. Murungi: Madam Temporary Speaker, I do not want to get into jurisprudence here. However, I want to inform Sen. (Prof.) Anyang'-Nyong'o that that even an unjust law is law. Until it is overturned by the court and the constitutionality of the law is effectively challenged, that law remains to be law. There could be the court of your conscience and even judgments. However, that is not for us who are in this world. In the world, we follow the law as passed by Parliament. Whether they like it or not, we are bound by it. So, the pronouncement by the court that President Uhuru Kenyatta won with the requisite numbers cannot be questioned.

Sen. Kajwang: On a point of order, Madam Temporary Speaker. Is it in order for Sen. Kiraitu Murungi to mislead the House and the country that legality is the same as legitimacy? You can be as legal as hell, but very illegitimate. That is the difference that the Professor was trying to bring to his attention.

Sen. Murungi: Madam Temporary Speaker, indeed, Sen. Kajwang who is a lawyer knows that there is a very clear separation between law and morality. Whereas we may challenge a law as unjust, that law is effective until it is overturned. Indeed, you can continue with your debate, but the law is law. In that case, we are saying that this Government is legitimate. Indeed, unless it is removed through a vote in another election or challenged in court, then the Government continues being legitimate. Therefore, it is not open for Prof. Anyang'-Nyong'o to continue saying that there is insecurity in the country because some people are in power illegally. There are no people who are in power illegally. These people are in power legally, constitutionally and with popular mandate.

Sen. Kanainza: Thank you, Madam Temporary Speaker, for giving me this chance. I would like to appreciate Sen. G.G. Kariuki for bringing this Motion to the House. This Motion will enable us open our eyes and to look at the issue of insecurity wholly without leaving anything out.

I would like to address two concerns about insecurity. Apart from curbing insecurity, road networks will open areas for business and investments. However, for us to achieve this, the security apparatus should be devolved and governed by the county governments. The national government should allow the governors to be in charge of security at the county level.

We have witnessed trouble between county commissioners and the governors which has hindered security in our counties. I know that devolving these functions will enable governors to work easily and set up infrastructure such as roads which will hasten security in our areas.

Secondly, in the recent days, we have seen insecurity cases going up. This is with regard to what was happening in Bungoma and Busia. Instead of focusing on these issues, we have witnessed a fight between some individuals. These are the Inspector General of Police and the Chairman of the Police Service Commission. This is a challenge that should be addressed in Sen. G. G Kariuki's Motion, probably, through an amendment. Instead of focusing on how to build security in our country, the Inspector General is

thinking of how he can have more powers. This is one of the things that have contributed to insecurity in our country.

We have seen people dying in Wajir where it is inaccessible. People have been sitting in Nairobi to discuss about the insecurity. That is why I am saying that something needs to be added to this Motion to include all factors that can help us curb insecurity in our country.

I support.

Sen. Mositet: Thank you, Madam Temporary Speaker. From the outset, I support this Motion which has been brought by one of the most experienced leaders we have in this House. This is someone who knows the history of this country.

As I start, it is good to note that many parts of this country are more developed simply because the law favours them more than others. It is good that the Mover of the Motion had conducted his research very well and stated all those facts here.

I represent Kajiado County in this House. Therefore, I equally need to talk about the roads and security there. I believe that a life should not be lost through cattle rustling. There are areas in my county where roads are impassable. I have a constituency by the name Kajiado West where apart from Magadi Road which transverses that constituency there is no other road. People in that constituency have been agitating for roads for a long time. This is the only way we can open up this constituency. Up to now, we are still crying. Kajiado North Constituency consists of Ongata Rongai, Kiserian and Ngong towns. These towns act as the dormitory for Nairobi because most workers in Nairobi reside in that county.

Let me talk about the roads which are there as opposed to the insecurity. You will find that owing to the slow traffic flow of the road, insecurity becomes a problem. For instance, most people who live in those areas school either in University of Nairobi, or in the universities within Nairobi. By the time those students get to their homes, it is almost midnight. You can imagine what they go through simply because of the traffic jams. It is my wish and belief that such roads which connect the counties should also be considered, just like the Mover said.

Madam Temporary Speaker, the roads in informal areas, like the Mukuru kwa Njenga and Mathare or even some urban areas which have really not been planned are quite narrow. Their width is about four to six metres. So, even if you were to call the police and they come by vehicles, it would be difficult for them to assist such areas. So, there is need to expand those roads and also erect street lights along them. I do believe that with green energy, we can still use even solar power to light those roads.

Madam Temporary Speaker, I support the Motion and suggest that we should not just look at it as if it is only meant to cater for the rural areas, north eastern or areas affected by cattle rustling. For sure, let us just look at it from the angle that it affects all counties of this nation. I do believe that in areas prone to cattle rustling you will hardly find a well constructed bridge. Sometimes you will find paths used to drive livestock which have huge valleys, which are quite difficult to cross. So, there is really need to construct good roads that will assist to maintain security.

Madam Temporary Speaker, there are areas which flood when it rains. As a result, some areas are completely cut off from communication. In my county, there is an area

called Pakase. When it rains there, people are supplied with food using helicopters for two months. It is a pity that we do not even have airstrips. So, we have major challenges in my county. This is a good Motion which will favour the dry areas and those areas where communication and security is a major problem.

Madam Temporary Speaker, I support this Motion.

Sen. Karaba: Thank you very much, Madam Temporary Speaker, for giving me this chance to contribute to this wonderful Motion. It is wonderful in the sense that the Mover of the Motion articulated it very well why some areas are said to have well developed infrastructure. That is as a result of other opportunity costs which were seen by the then settlers. That was the reason the railway from Mombasa to Kisumu was constructed from 1894 up to 1901, when it got to Kisumu. After that, other branches were also constructed, including the one from Nairobi to Nanyuki. Other feeder roads were also constructed to various places like Nyeri and so on. Consequently, the produce of such areas like coffee, tea, cotton, sugarcane and also cattle, were easily transported to the market. According to the whiteman's dream, the railway which was constructed by the whites had to be paid for. That was the initial reason that the great railway was constructed. Today, apparently, that is a dream. Even the children who are born now will not claim to have seen a train; something that was seen by people who were there before Independence. This is very sad because it has been abandoned by our good Government, yet it is a very important infrastructure which should have been salvaged.

Madam Temporary Speaker, it is also notable that in some of the areas covered by this Motion, it is impossible sometimes even to have good education. We have had cases of cheating in examinations in some areas, where it is very hard for the police or even invigilators to get to the examination centres, just because there are no roads. By the time they get to the examination centres, a lot of things would have happened under that roof. That is why you will find that most of the results are cancelled in areas which are under question.

Madam Temporary Speaker, we still have problems of insecurity, more so, on inter-state roads. For example, you will find that the roads on the Tanzanian and Ugandan sides are not very well done, because of the fear that tourists from Kenya would find it very easy to crossover to their territory. So, it is also important, as we debate this Motion, to think about how we can harness the wealth and understanding of our neighbours, so that we can also connect with them easily through a good transport network. We will have very many problems with our neighbours, especially when the roads are not very well maintained. So, in this case, I would also find out from the Mover whether it is possible to include this in the Motion.

Madam Temporary Speaker, even after we have developed the roads, railways and ports, it is important to note that construction of some of these roads is not difficult at all. It is just a matter of apathy which is there, particularly from the Government. Recently I travelled from Nyahururu all the way to Maralal and found that the road there is pathetic. If someone is sick and traveling to Nairobi, by the time he gets to Nairobi, he will be dead because the road is bad. Why do we not even make use of the local construction materials which are available in such areas? We have good murram and

stones. We even have young men who are unemployed who can be engaged in such constructions. It is very possible to construct roads without even spending a lot of money.

Madam Temporary Speaker, when good roads are constructed and they turn to be superhighways, like the one that we have to Thika, we will also have problems of motorists driving junks on them. Such vehicles cause delays on the roads. When the Southern Bypass was constructed from the airport to Ruiru, it was supposed to ease the traffic jam that was related to the airport. But today, even moving on that road is a problem. This is because there are very many vehicles and a lot of traffic jam. That is something that has developed. So, we need also to be careful as we plan.

Madam Temporary Speaker, as we plan, it is also important to get to know what happens in cities, like Nairobi, Mombasa, Kisumu, Nakuru and Eldoret. There should be a lane which can be marked red, green or blue, which is reserved for emergencies only. That is for the RRU where if there is an emergency and somebody is being transported from Nyeri or Thika, it will be possible to reach referral hospitals like Kenyatta National Hospital (KNH), using ambulances. At the moment, it is almost impossible for anybody to be rescued in Nairobi because of the traffic jams. But with proper planning, it is possible to have one lane that is reserved for the police vehicles, fire brigades or emergencies only. If anybody is found driving on that lane, that person should be arrested by the police, because that lane can save a life. Therefore, we need proper planning much as we talk about infrastructure.

Madam Temporary Speaker, we also need to have express roads to some important areas like the airports. For example, it would take a longer time to travel from the City of Nairobi to the airport than it would take somebody who is flying from Cape Town to Nairobi, because of the traffic jams. So, we are calling upon the Mover to include some of these ideas through an amendment. If there is anything to be paid for these services, we can introduce what is called express tolls, for example, in Mariakani, instead of letting the vehicles stay for that long before they are allowed to move to the inland ports.

Madam Temporary Speaker, it is also important to talk about insecurity. Much as we talk about a developed society or infrastructure, there is also need for sophisticated security systems to assist in moving on such roads. We need to be ahead of people who have wayward ideas, so that as we develop the roads, we also develop our security systems and stop those who can otherwise be dangerous to our lives. These include the thugs, thieves, cattle rustlers and even smugglers. Drug traffickers may use the same roads. So, we must have very sophisticated planning. This will include CCTVs and radar stations which can help us monitor even those vehicles which are driven carelessly. This is what is happening in some welfare states in Europe and America. If we borrow a leaf from there, we can be much ahead of other African States.

Madam Temporary Speaker, I beg to support.

Sen. Kajwang: Thank you very much, Madam Temporary Speaker, for giving me this opportunity. I also want to thank Sen. G.G. Kariuki, the most powerful Minister of State for Internal Security in his days, who still lives.

(Laughter)

Madam Temporary Speaker, the Motion raises two issues. One is on the network of roads in marginalized areas and, two, is on crime. There are also the inter-linkages between those two. If you want to colonize anybody, you must have a road to where he is. That is in the negative way. If you really want to colonize Africa, then you must build a railway line and do roads. They must be done even by hand so that you reach where those guys are. After that, you can now put in place some law and control him. If he refuses to be controlled then, of course, you can take certain action.

If you want to rule a country like ours, then you must do roads. There is no other way in which you can bring people to obey the law if you cannot reach them. However, we are realizing this after 50 years. We thought we were doing roads to bring in our produce to the market, which, of course, was a good policy. But we should have also known that if Kenya is one territory and we have to have dominion over it, then you must reach every place of this country. It is unfortunate that now crime can happen and security forces cannot reach the site because, first, there is no road and, second, they fear. Now, what can we do? Because this is the problem that is bothering every county now; what do we do to do our roads? You do not even need to have tarmac roads, but you have to open them so that there can be some movement.

Sometimes in the last Parliament, I think, the Government decided--- No, I do not think it was the last Parliament; it was the other one – I have been in so many of them.

(Laughter)

I remember that hon. Raila Odinga was then the Minister in charge of Roads. He realized that our roads were in a very bad state all over the country. However, there was a rule, not quite written, but there was some agreement with the donors that roads will be done by contractors. This was not going to be because we could not afford to hire contractors all over the country to do roads in Mfangano Island where I come from, Moyale, Loitokitok and Turkana, at the same time. We could not afford it. Even if we had a pothole, you would have to wait to do a contract in another financial year to fix that pothole. By the time you come back, you would find that there was no road. So, you would have to spend even more money to do a whole road which you could have fixed. So, what did he do? He said; let us have some road maintenance machinery in almost every region in this country that could then respond to some of these things. I remember we negotiated with the Government of South Korea, at that time, and we were availed some long term loan which enabled us to have some equipment in our regions. In the region called Southern Nyanza, we had them in Kisii. They were put all over the country in 16 or so regions. They have been helpful, but not quite.

Madam Temporary Speaker, I want us to go back to where we were at Independence, because every county council had equipment. We had graders, compactors, tippers, among other machines. Tippers used to collect the murram next to my home. I knew the driver by name because every morning, he would be picking some murram there and dropping it into some place. Our roads were very good. I saw that before Independence; each county council had a grader, a tipper, a shovel and all those

things that can help you, at least, have a motorable road. Then I think we completely wound up our county councils because we never gave them money to maintain those things. I still see the *chuma kubwa ya* compactor somewhere on the roadside which was dropped there 40 years ago. I still see it when I pass there. It is evidence that we have neglected our country.

Now, we have reinvented ourselves and we have created counties. The counties can now go back to where we were and because now there are more roads, we can go not only to each county, but also to each constituency which are now districts. So, I am sure the counties cannot afford some of these things with the money that we are giving them to buy equipment to open these roads and maintain them. So, what the central Government must do is to negotiate with these countries that are rich, but at the same time, they repair the equipment. We can go back to South Korea and agree what each constituency should have in terms of machinery. They will have a grader, an earthmover, a compactor, a shovel and tippers. They will have all those things that can be used to make a road. The money we give them every year will now be used for fuel, oils and allowances. Since the people who will be doing these things will need them, we will have roads again in areas where we have not had roads before. It will be our primary responsibility to maintain our roads. If the governors and the sub-county managers will not do that work, the villagers will be on them because they will see the equipment lying idle and nothing is being done. If we do so, within five years alone, nobody will be complaining that we cannot reach certain places because roads will have been opened. I am telling you that the thieves and the cattle rustlers we are talking about here, will flee because there will be nowhere to hide with 600 heads of cattle. They will be seen very quickly and be apprehended by the security forces.

Madam Temporary Speaker, the second thing we must do to sort out this issue is to give security back to the people. There is no security that can come from “above” and be effective. I have a young man whom I found when I went to Turkana; there was a war there with the Ethiopian militia and he comes from my village. He told me: “You know when those people came here, there were 100 of them and only five of us. We just surrendered because we could not even try to fight.” So, they surrendered, gave them the food and water they had and told them “gentlemen, good luck” because that was the most sensible thing to do. But if you give the people who live there authority to manage their own security, they will do it.

So, when we talk about the Kenya Police Reservists (KPRs), we talk about them as if they are members of another country. I have heard the Commissioner of Police and all these other officers of police say “if you give them guns, you do not know what those people will do with the guns.” They talk about them as if they are people who cannot take care of their own protection and their own livelihoods. Sen. Munyes has just spoken. He told them that they are the only people who are courageous enough and who know the roads that they need to follow and they can follow the cattle rustlers. That young man told me “Please, talk to the bosses there so that I may be taken somewhere safe”. According to them, it was as if they were taken there to be punished. Now, as a young man who is in that place and who feels punished, he does not have enough equipment to fight and they are too few in that environment, do we expect them to chase after 100

cattle rustlers who are armed with automatic guns and who know the terrain? They cannot. The Toposa who are the Turkana on the other side of Sudan, will not attack the Turkana on this side if they know that the Turkana villagers are well-armed. So, we will solve this problem by democratizing, devolving and decentralizing security. The only little thing we need to do is to supervise them because if you have to give somebody a gun, then you must know where he is. What he is doing with the gun and the ammunition. These five officers you have put there, who are hopeless, can do the job of monitoring them. We can then have good security, because it is democratized, because it is our security and we have taken it into our hands.

I will give you an example which is illegal, but a good one. In those days, there was a lot of cattle rustling between the Luos on this side and the Kuria and Maasai on the other side. The villagers resolved that they were going to solve this problem. So, they knew the young men who were doing that. Because those guys cannot just come into another territory and steal; they must have agents inside this other community. So, they called them one by one; the youth organized themselves and told them; “We now know that you are the one who is doing all this, so can you confess quickly because we want to kill you?” The guy would deny and then, later on, admit. After admitting, he was told “Now go and talk to the elders; whatever they decide, we will execute.” So, the elders may decide that you are killed, beaten or whatever it is. Sometimes they would decide that you should actually be executed. A few people were executed. In those five years, there was no insecurity. There was no case of cattle theft or cattle rustling. This is because the community decided that they were going to protect themselves.

What about all these arrangements that you see in estates in Nairobi, of neighborhood committees? It has helped a great deal. The only thing it has not helped is that we have not armed the people whom the communities in our estates have given the power to protect them. If we armed them and it was disciplined, and everybody knew that we are participating in this thing as a joint effort for our own security, there would be security everywhere. There was insecurity in Eastleigh in a big way sometimes back. Eastleigh is a dangerous place if you do not know the terrain very well. Do not try to go there. So, the elders from Eastleigh complained that they were being raided by the policemen every night and they were asked for their identification cards. They were asked whether they are refugees. If so, they were asked whether they had papers identifying them as refugees because the business community was tired. So, they came out and said, “What do we do? This is now too much; hundreds of us are being taken to the cells and we pay a lot of dollars to be released. So, we do not know whether we are supposed to be paying some tax, or what is all this?” So, I suggested to the security and the then Commissioner of Police, who was there in the meeting, and I told him: “Do this; give the security job to these old men, each one of them to head ten flats or apartments in Eastleigh and get a report from them. If there is a bad report, then he is particularly responsible if it happens in his area.” They went and did exactly that and within one month, there were no cases of insecurity in Eastleigh.

Please give security back to the people. This idea that you can have security up here and force it downstairs is not going to work. The issue that the central Government can build roads everywhere and maintain them with money from the Kenya Urban Roads

Authority (KURA) will not work. Give the counties or the sub-counties the capacity to build their own roads. With little support, we will solve the dual problem that we have here.

With those few remarks, I support.

Sen. Adan: Madam Temporary Speaker, I rise to support this Motion. I believe that it is very important, especially to the area where I come from and the country at large. A lot has been said about insecurity and about the roads. I just want to add a few points. Over the years, the Government has established District Security Committees (DSCs), but unfortunately, these committees have never been formalized and empowered. Personally, I would urge the Government that if they really want these committees to work effectively, they should be formalized, empowered and also facilitated.

Regarding the issue of illegal firearms, these firearms come in through areas where infrastructure is poor, especially in Isiolo, Marsabit and other parts of northern Kenya. At one time, KTN crews demonstrated how they brought in a firearm all the way from Turkana to Nairobi. Despite so many barriers on the way, they passed them without security agents checking them. This means that we are not vigilant in terms of how the illegal firearms are coming to our country. So, I think we need to do something about the illegal firearms coming through our country which partly contributes to insecurity.

The other point I wanted to talk about is the facilitation of security agents. Mostly in the areas where there is insecurity, you will find that the OCPDs or the County Commissioners have Land Rovers. But the problem is that they might not be having fuel. The budgetary allocation is normally very low. Therefore, if there is cattle rustling or insecurity in those areas, they will be unable to attend to it effectively. Over the years, we have sung about issues of insecurity, budgetary allocation and facilitating security agents. We keep on blaming the security agents, but if they are not facilitated, then who is to be blamed. So, it is really important for the Government to provide proper budgetary allocation to security in our counties.

Lastly, I would like to say that in Isiolo, we have so many game reserves, so many hotels, but unfortunately, we do not generate any income. If we really want to develop these counties it will not be possible because foreigners or investors will not visit our counties because of insecurity. Most of them actually feel that if there is insecurity then those parts are not part of Kenya. Kenyans who live in those areas feel like they are not in Kenya simply because there is no infrastructure, security and development. That is why people from my area say that they are going to Kenya if they come to Nairobi. They feel they are not part of Kenya.

Therefore, it is important that the Government has to take serious action in terms of improving infrastructure and security in our counties if we want to devolve services in this country.

With those few remarks, I beg to support.

The Temporary Speaker (Sen. Ongoro): Hon. Senators, since there is nobody else interested in contributing to the Motion, it is now time to call upon the Mover to reply.

Sen. G.G. Kariuki: Madam Temporary Speaker, I do not have a lot to say because the hon. Senators who have contributed to this Motion have talked quite a lot. I want to say that I have learnt a lot from their contributions.

Having said that, I think it is important for the Senators to know that the Inspector-General applied for Kshs150 billion to be allocated to the police, but what he got, according to the Estimates, is Kshs80 billion. So, there was a short fall of about Kshs70 billion. That means that a lot of what he wanted to do cannot be done this year.

I want to agree with quite a number of my friends starting from Sen. Mugo who talked about whether this matter can be committed to a Bill so that it can be more effective than just a resolution of the House. Sen. (Prof.) Lonyangapuo, also my great friend, said that the Kenya Police Reservists need to be paid. As the last speaker has just said, you cannot have a district security committee or security elders, but they are not given anything by the system. They meet and after meeting, they start looking for their Members of Parliament and ask whether they can get something. They argue that they have been working, but they do not get anything from the administration. All these committees were started because of the failure of the central government to manage security. They shifted the managed of security to the people on *ad hoc* basic without really formalizing that kind of system. There is also another group known as public security committees. The Government has been trying to talk too much about security, but I want to agree with Sen. Kajwang that the Government should give authority to the people to determine what kind of security they want in their own areas. They should be given support and also they should be given whatever they want. Human beings just like me and you need facilitation. If you send to Turkana a young man who is newly married with two children, to chase criminals up to the border and he is ill-equipped, do you think he will risk his life? The young man needs facilitation to be able to deal with such a situation. You cannot change other things and leave others because they are interrelated. If we want to train our people differently, we have to come out and decide to spend whatever is supposed to be spent. A lot has been said by Senators and that is what I am underscoring and everybody is convinced that this Motion is appropriate and it came at the right time.

I beg to move.

The Temporary Speaker (Sen. Ongoro): Sen. G.G. Kariuki, since we do not have the requisite number to call for voting, we shall postpone it to tomorrow.

Sen. G.G. Kariuki: Madam Temporary Speaker, I was going to request that, but I was wondering whether I should have stated it when I was speaking. I thought I had to sit down and then stand up on a point of order to make that request. I think that is the procedure.

Under Standing Order No.51 (1), I wish to request that this matter be postponed until tomorrow or at your convenience, so that we can all be here to vote for it. Thank you.

The Temporary Speaker (Sen. Ongoro): Sen. G.G. Kariuki, I believe you are making reference to Standing Order No.51 (3). Yes,

Sen. G.G. Kariuki: Yes, Madam Temporary Speaker.

The Temporary Speaker (Sen. Ongoro): That is in order even though this matter does not affect counties. So, voting will not be by delegation. But we do not have a requisite number to vote. So, I direct that I put the Question tomorrow at 3.00 p.m.

(Putting of the Question on the Motion deferred)

(Debate adjourned)

ADJOURNMENT

The Temporary Speaker (Sen. Ongoro): Hon. Senators, there being no other business, the Senate stands adjourned until tomorrow, Thursday, 4th July, 2013, at 2.30 p.m.

The Senate rose at 5.35 p.m.