

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Wednesday, 9<sup>th</sup> April, 2014

*The Senate met at County Hall,  
Parliament Buildings at 2.30 p.m.*

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

### PRAYERS

### NOTICES OF MOTIONS

#### RESTRUCTURING AND EXPANSION OF MANDATE OF KURA

**Sen. Mositet:** Mr. Speaker, Sir, I beg to give notice of the following Motion to the Department of Transport and Infrastructure:-

THAT, aware that the Kenya Urban Roads Authority (KURA) is vested with the responsibility of developing roads in cities and former municipalities; noting that a number of county headquarters are located within areas formerly known as county councils and therefore road maintenance within such county headquarters would not be the responsibility of KURA; concerned that this arrangement gives undue advantage to county headquarters located within cities and former municipalities compared to those located within the former county council areas; the Senate calls upon the national Government to restructure KURA and expand its mandate to cover road infrastructure in all the forty seven county headquarters.

#### CONSTRUCTION OF BOARDING SCHOOLS IN ARID AND SEMI-ARID AREAS

**Sen. Mohamud:** Mr. Speaker, Sir, I beg to give notice of the following Motion to the Department of Education, Science and Technology:-

THAT, aware that 80 per cent of Kenya's land comprises arid and semi arid areas; further aware that nearly 30 per cent of the 47 counties are inhabited by pastoralists who live in arid and semi arid areas; concerned that these pastoralists are marginalized and face a myriad of socio-

economic and physical constraints that make it difficult for their children to access education; appreciating that Article 56(b) of the Constitution of Kenya obligates the state to take affirmative action measures to ensure marginalized groups are provided with special opportunities in educational and economic fields; the Senate urges the National Government to construct boarding facilities in at least one established school in every ward in arid and semi arid areas as a means of facilitating nomadic children to access education.

Mr. Speaker, Sir, I beg to move.

**The Speaker** (Hon. Ethuro): Order, Senator! You are giving a notice, not moving the Motion.

**Sen. Mohamud:** Sorry, Mr. Speaker, Sir.

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

### STATEMENT

**The Speaker** (Hon. Ethuro): Sen. Karaba, you had a matter.

**Sen. Karaba:** Mr. Speaker, Sir, I am here as the Chairman. We are---

**The Speaker** (Hon. Ethuro): Order, Senator! Do we have any chairpersons with statements to issue? Are there any requests?

*(Sen. Kittony stood up in her place)*

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

**Sen. Kittony:** Mr. Speaker, Sir, I have a request for a statement directed to the Committee responsible for farmers' welfare. That should be to the Committee on Agriculture, Livestock and Fisheries.

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

### MEASURES TO ADDRESS CHALLENGES FACED BY FARMERS IN THEIR ENGAGEMENTS WITH THE NCPB

**Sen. Kittony:** Mr. Speaker, Sir, I rise to seek a statement from the Chairperson of the Standing Committee on Agriculture, Livestock and Fisheries.

Maize is evidently a crucial staple food for most households in Kenya and occupies an important position in sustainable food security for the country. Increasing food insecurity in Kenya is largely attributable to poor post harvest handling and storage infrastructure, policy gaps in grading moisture content and persistent delay in payments to farmers by the National Cereals and Produce Board (NCPB) which leads to an almost negative implication on maize production in this country.

In this statement, I would like the Committee to:-

(1) State and explain the measures that are being taken to address the above systematic challenges within the NCPB.

(2) State and explain the measures that are being taken to reengineer and transform the NCPB operations both as a supplier of last resort and a custodian of the country's strategic grain reserve.

(3) Explain the measures that are being taken to cushion farmers from adverse suffering from erratic market forces.

**The Speaker** (Hon. Ethuro): Is the chairperson here? What about a Member of the Committee?

**Sen. Mositet**: Mr. Speaker, Sir, since I cannot see the chairperson or the vice chairperson. I will take the responsibility that within three weeks we shall make sure that we bring the answer.

**Sen. Kittony**: Mr. Speaker, Sir, we shall be on recess then.

**The Speaker** (Hon. Ethuro): Order! Sen. Kittony, you are on your feet while a Member of the Committee is trying to respond to you.

**Sen. Kittony**: Mr. Speaker, Sir, I had not reached my seat.

**Sen. Mositet**: Mr. Speaker, Sir, I was doing her a very big favour, committing myself without the chairperson and the vice chairperson being around. Well, let me say that if I can get it faster or if the committee can get it faster, we will make sure we bring the statement.

**The Speaker** (Hon. Ethuro): What do you have to say Sen. Kittony?

**Sen. Kittony**: Most obliged, Mr. Speaker, Sir.

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

Next Order!

## MOTION

### NOTING OF ANNUAL REPORT BY THE PRESIDENT ON THE STATE OF NATIONAL SECURITY

THAT, the Senate notes the Annual Report to Parliament on the State of National Security, submitted by H.E the President on Thursday, 27<sup>th</sup> March, 2014, pursuant to Article 240 (7) of the Constitution and Section 16 of the National Security Council Act, 2012.

*(Sen. (Prof.) Kindiki on 8.4.2014)*

*(Resumption of Debate interrupted on 8.4.2014)*

**The Speaker** (Hon. Ethuro): Who was on the Floor when debate on this Motion was interrupted? Yes, Sen. Obure!

**Sen. Obure**: Thank you, Mr. Speaker, Sir, for giving me this opportunity to make a contribution to this Motion on the Annual Report to Parliament by His Excellency the President. In this Annual Report on National Security the President correctly identifies the major threats confronting this country and its citizens, namely; terrorism and increasing radicalism, kidnappings, abductions and all the blackmailing that accompanies

that. There is also conflict amongst pastoralist communities who may be competing for resources, organised criminal gangs, increasing numbers of illegal arms, road accidents, emerging criminal activities from such activities as cyber crimes and so on. The Report is actually a narrative of the problems which Kenyans are familiar with, challenges and threats which they face and experience on a daily basis.

Once again, the Report is accompanied with promises of action and assurances to the effect that everything will be fixed. This is actually a repeat of what we have been told many times in the past. Many people are not even sure now that these promises and assurances will, in fact, make any difference. The President's Report acknowledges recent landmark reports which contain far reaching recommendations. These are reports emanating in particular from judicial and official inquiries made as to why the police fail to enforce security. Here I am referring to the Ransley Commission Report and the Philip Waki Report. Both reports made far reaching recommendations which, in fact, formed the basis for restructuring our security agencies, especially the police force.

In this Annual Report the President has failed, in my view, to address the real issues. He has failed to identify and flush out the elephant in the House. The elephant, in my view, is actually the hijacking of police reforms by people in top positions in Government, working closely with top level officers in the police service. The failure or slow pace of implementation of both the Ransley and Waki commission reports is also part of that animal.

We have recently watched in dismay and disbelief the recent vetting of senior police officers which appears to have been turned into a public relations exercise. We have actually been told recommendations by commissioners are ignored while those with questions on their credibility and professionalism are actually cleared and allowed to proceed to work. We are all aware of the strong resistance and opposition to the National Police Service Commission (NPSC) and the Independent Policing Oversight Authority (IPOA) both of which have now been turned into ineffective units.

**Hon. Senators:** Shame! Shame!

**Sen. Obure:** Mr. Speaker, Sir, the NPSC is gradually being dragged back to become an appendage of the security department within the Office of the President. We all know that is the way it was before the new Constitution was adopted. This will be unconstitutional and will greatly undermine the police reforms which were instituted to bring about sustained security and public order going forward into the future.

The second issue I want to debate very briefly on is the issue of the role of county governments in matters of security. As you know, the national Government cannot provide security throughout the country from its seat in Nairobi. In fact, the *Nyumba Kumi* model, though it has not been clearly spelt out, will hopefully involve the communities and residents to secure their localities, to enhance security and safety in the areas where the people live. It, therefore, defeats logic that the same Government which has introduced the *Nyumba Kumi* concept is unwilling to allow county governments to have a direct role in managing security in their own areas of jurisdiction. We all accept that we have 47 county governments in this country. These are governments of the people and elected by the people themselves. But what kind of governments will they be if they

cannot offer security to the citizens in their own areas of jurisdiction? They need to ensure their environment is secure, so that they are able to execute their mandate, namely; delivering services to those who elected them. I know that is a big constitutional issue. But I am flagging it so that it can be subjected to some thinking and discussion by the people themselves.

Mr. Speaker, Sir, the President did not effectively address the question of alcohol, drug abuse and its impact on the lives of many Kenyans and their families. I am sure the President is fully aware of the devastating effect of drugs particularly on our young people. Drugs have ruined more lives in Kenya than even terrorism and road accidents put together. The drugs are a huge menace in our schools, streets, work places, slums, villages and in the homes where we live. They are a menace everywhere. Drug abuse has turned our people into criminals and contributed to the insecurity which is worrying all of us today. We are told that this vice is sponsored by rich and well connected Kenyans. These are individuals who operate untouchable cartels. The time, in fact, is long overdue for our security agencies to profile and hunt down suspects and bring them to justice.

Mr. Speaker, Sir, on the issue of unemployment, I was listening to one of the Senators yesterday and he pointed out rightly that there are 11 million unemployed Kenyans, the majority of whom are in the category we normally describe as youth. This is clearly a time bomb. We cannot leave that situation to continue as it is. We need strong and pragmatic economic policies which will help us to strengthen the economy, to provide jobs, so that some of these unemployed people can be usefully engaged.

Mr. Speaker, Sir, we need to protect jobs in this country. Today, even manufacturing units and so on which operated in this country have now relocated. This means that jobs are being created elsewhere. We are becoming a country of consumers. In my view, this is a very dangerous trend which we must curb immediately. We know the policies of the earlier days in the 1960s and 1970s. Every effort was made to ensure that jobs were created here and that industries were protected. While the trend may have changed, there is still need, in my view, to protect jobs, industries and our markets. Today, if you go to the streets of Nairobi, foreigners are roaming around. The Chinese have virtually taken over. They are doing the hawking business, they are on Biashara Street, and they are everywhere. If we support our youth, I am sure they have the capability, they are willing and have the capacity to engage in these activities and earn themselves a living.

Mr. Speaker, Sir, finally, I want to comment on the co-ordination between our security organs. In particular, I want to emphasise that there is urgent need to strengthen the investigations arm of the police force because that is where we have witnessed failure. I do not know whether it is as a result of lack of capacity, personnel or training. But for some reason what we used to know as the CID has lost its capacity to investigate cases. As a result, you see people taking the law into their own hands because they have lost confidence in the criminal justice system.

Mr. Speaker, Sir, I also strongly agree with what the President has said, to reorganize some of the security agencies. There is urgent need for that reorganization to encourage closer coordination between the various security apparatus in this country, to

ensure they are effective and they have developed the capacity to protect Kenyans and their properties.

Mr. Speaker, Sir, with these few words, I conclude my remarks.

**The Speaker** (Hon. Ethuro): Sen. (Prof.) Lesan.

**Sen. (Prof.) Lesan:** Thank you, Mr. Speaker, Sir, for giving me the opportunity to make a contribution on the President's Report on the status of security in our country. Insecurity is, of course, one of the very serious concerns of this country at the moment. It is appropriate that the President gave a breakdown of what has transpired. The Report of the President is heavy on what has transpired but very minimal on the challenges and the possible mechanisms of resolving some of the problems that we are facing.

I just want to speak on the criminal justice system. Although this country has had significant reforms in the Judiciary, the levels of convictions in this country in matters of a criminal nature are very low. This is perhaps because our system of attempting to arrest and convict the criminals is very weak and unprofessional. I am happy to know that the President said that the forensic lab is on course to be constructed in this country. This will go a long way in convicting some of the criminals who have escaped criminal justice. This needs to be commended. But we still have big issues about the prosecutors at the courts. In our courts, the prosecutor is perhaps a trained person at the level of education of Form Four facing against some of the very experienced lawyers in this country who are representing the criminals. Often, because of their professionalism and capacity in terms of the knowledge of the law, they are able to make these criminals escape.

It is time in this country that some lawyers became policemen. This is possible. That the terms and conditions can be improved in such a manner that intelligent criminal lawyers can actually be in the police force and be able to act as prosecutors. This way, the state which is taking the prosecutions, can be able to succeed in the cases that are before the courts.

Mr. Speaker, Sir, it is also important that there are unnecessary delays in metting out justice. Cases take far too long and criminals can get away with having a good rest at the remand areas where they learn new tricks because they know they will get out and commit crimes again. The delays in meting out justice should be reduced in this country in order to get the criminals out of the mischief in a very short period of time.

Mr. Speaker, Sir, the other thing the President mentioned, of course, is the very difficult thing about the decay in the social fabric of society. The values of the society have deteriorated to the extent that this is starting to become a big challenge. This can be seen in this Report. Last year alone, there were above 24,000 cases of domestic violence. This, of course, is a manifestation of the social decay in the fabric of society. This goes hand in hand with the rising number of homicides that we see as a result of the domestic violence or the failure of values in the society. This failure also goes hand in hand with other things like unemployment and corruption. They are intertwined. These are things that we do not just need to mention. We need to find a way in which we can address some of them. We know that this moral decay in society is a slow process that goes on for many years before it manifests itself.

Mr. Speaker, Sir, in the last two years, the Ministry of Education, Science and Technology has stopped recruiting chaplains in schools. Chaplains used to play a very

important part in moulding young individuals in schools. Now that they do not exist in schools, this is a little window in which we are opening moral values of young individuals to prosper even at a very young age. We know that churches at the moment are perhaps more interested in other things other than moral upbringing of society. Instead they are pursuing the prosperity gospel where they talk about money and getting rich quickly without indoctrinating members of the society who attend their churches. Some of the others as we know are busy radicalizing youths. This, again, is a failure in the morals of society. This is an area that the President did not quite address as to what sort of action the state needs to take in order to address some of these things that are ongoing over long periods of time.

Mr. Speaker, Sir, we know that poaching, of course, is a big phenomenon that is going on at the moment. This is the first indicator of a failed security system in this country in particular. Whenever we have serious insecurity, there is a concurrent rise in the amount of poaching. The amount of insecurity that is in place to guard our wildlife makes us conclude that there is collusion between members of security in the wildlife sector with those who are poaching.

Mr. Speaker, Sir, to bring down an elephant, extract ivory tusks, transport it and export it is perhaps made very easy here. It is easier to do this than to export a crate of manufactured tea. I am sure that Sen. Obure will agree with me that exporting some of these things is very difficult even when they are legal. It is noticeable here that poachers can do this very easily through the whole system. So, we can easily conclude that there is some collusion here. Therefore, this must be addressed, as we look at our own security and while we look at the possible professional poachers that are on the loose in the country.

Cattle rustling has been mentioned as a menace that has disturbed the country over many years. There is some technology at the moment and I see no reason why this country cannot invest in it, track and return all the stolen animals. In this particular case, we are aware that there is enough technology that we can use to trace and track stolen animals. Unfortunately, from the Report that has been given here, a total of 10,391 animals were stolen and only 1,031 were returned. This indicates that this is a lucrative business because 9,000 animals went unnoticed. Therefore, cattle rustling is likely to continue because it is definitely a big business. I want to urge that since we have technology, we should use it because it works. It has been used in other countries that deal with cattle and I see no reason why we cannot use it to enhance our own security or reduce wastage of resources on manpower who are employed to run up and down hills, chasing after the cattle rustlers.

I want to note, like all my other colleagues, Senators, that we hope that we can use this Report by the President. We hope that this is a Report that we can look at and find areas that we can improve.

With that, I want to thank you.

**Sen. (Dr.) Machage:** Bwana Spika, nashukuru kwa nafasi hii. Leo, tuna bahati kupata Ripoti ambayo Rais wa nchi ya Kenya alitoa kuhusu uongozi wake wa mwaka uliopita. Ripoti hii inatufanya tujue hali ilivyo nchini kuhusu usalama. Aliangazia maswala ya usalama. Aliongea kuhusu wakimbizi wengi nchini, usalama wa magendo,

chakula na kutopata ajira, biashara na kutokuwepo na hela. Nitatangaza mawazo yangu kwa machache.

Nafikiri Ripoti aliyopewa Rais ni ya kweli ingawa mawazo yake hayakutupa suluhu. Ametupa mawazo ya kufikiria ili Seneti hii imsaidie. Ni kweli nchi ya Kenya ikiwa na watu 42 milioni hawana chakula cha kutosha. Kuna thumni ya Kenya ambayo inaweza kutumika kama ardhi nzuri ya kulima na kutoa chakula na nafaka zote. Serikali inatoa kiwango gani cha hela kuwasaidia wakulima ili wawe na uwezo wa kulisha taifa hili? Wizara ya Kilimo haipati pesa za kutosha kufanya kazi hii. Wakati tuna janga la njaa, Serikali huagiza chakula kutoka nje na ambacho huuzwa kwa bei rahisi na kumpokonya mkulima haki aliyokuwa nayo kwa kuzalisha chakula wakati wa janga la jua ama baridi. Hili ni jambo ambalo linafaa kufikiwa.

Sasa hivi, tuna sukari nyingi kupita kifani na mkulima wa miwa, Nyanza na magharibi ya Kenya hawezi kujimudu na kutoa miwa inayohitajika kutengeneza sukari ya kutosha kwa sababu sukari ni nyingi mno. Bei ya mahindi wakati huu katika Ghala la taifa; mfuko ni karibu Kshs2,800. Gharama ya kukuza na kutoa gunia moja la mahindi ni karibu Kshs2,600. Ukimwachia mkulima Kshs200 kama faida na gharama alizotumia kukuza mahindi, kulisha taifa hili, wakulima wengi wameacha kulima mahindi.

Gharama ya mifugo imeenda chini na kiwanda cha nyama kimefifia. Hatuwezi kuuza ngozi na hatuna gharama ya maziwa. Wakati mwingine, Wakenya walimwaga maziwa kwa sababu hatukuwa na soko. Hili lilikuwa jambo la aibu sana. Mkulima pia hawezi kuomba mkopo kutoka benki kwa sababu riba yake iko juu. Karibu faida yote unayoipata yaenda kwa benki. Unapokuwa na mkopo na wanakudai asilimia 24 ili upate mkopo nawe ukihifadhi hela zako kwa benki, wanakupatia faida ya asilimia 3. Haki iko wapi?

Ni lazima Rais aangaze mawazo yake na aokoe wananchi kutoka janga hili. Ningependa kutangaza mawazo yangu kwa mambo ya barabara na vifo barabarani. Stakabadhi tulizoo nazo sasa zaonyesha kwamba katika mwaka wa 2012 kulikuwa na majeruhi 3,000 na zaidi ambao walikufa barabarani. Katika mwaka wa 2013, watu 3,191 walipata majeraha. Nadhani idadi ya watu waliokufa barabarani mwaka wa 2014 imezidi 3,191. Hii sio kwa sababu ya uzembe wa madereva lakini kwa sababu ya hali ya barabara nchini.

Watu wengi wanafikiri kwamba ukitembea hapa mjini Nairobi halafu uende Thika Road, utakuwa umeitembelea Kenya nzima. Ukifika Mombasa Road, Waiyaki Road, Muthaiga na Karen, unaweza kudhani Kenya yote iko kama sehemu hizo. Ukifika Migori, utashikwa na bumbuzi, utashanga kama sio kustaajabu na ulie. Barabara zilizopo ni kama yale mashimo yaliyochimbwa na ng'ombe zikienda mtoni. Hakuna barabara bali ni makongoro ya barabara. Hapa ndipo wananchi wanapopita na hii ni barabara iliyojengwa, kukuzwa na kuhifadhiwa na Serikali kuu ya nchi hii. Ni jambo la aibu.

Ni lazima uchumi utawanywe nchi nzima ili tusidhani kwamba Mkoa wa katikati ndio Kenya. Tuna pwani, mashariki, kaskazini ambapo ukitaka kumwona daktari kwanza hakuna barabara ya kupitia. Utakufa kabla hujafika. Kiwango cha kuishi kaskazini mwa Kenya ni miaka 46 kwa maisha ya binadamu lakini hapa katikati ni miaka 68. Kiwango cha vifo vya watoto huko Migori, kati ya 1,000 wanaozaliwa, 128 hufa kabla ya kufika



mwaka mmoja wa maisha. Kumfikia daktari ni vigumu. Hawapo. Mambo haya lazima yaangaziwe. Nashukuru askari wameangalia mambo ya ulevi. Hawana haya kwa sababu wanavitumia vifaa vyao kwa wanasiasa. Wanafaa kuenda mashinani kwa sababu pia huko kuna walevi.

Kumekuwa na kiwango kikubwa cha mambo ya kuvunja sheria. Mwaka huo, uvunjanji wa sheria, ulionekana sana. Askari 64 waliokuwa kazini mwaka uliopita walikufa sio kwa ajili ya majanga, magonjwa au vifo vya kawaida bali kwa sababu waliuwawa na wananchi wenyewe kazini. Baada ya kuuwawa, risasi 21 zilipigwa nyumbani kwao na kuwashtua wananchi bila sababu. Baada ya hiyo, askari hawa huhama na kuwacha familia hiyo bila namna ya kujinukulu. Wakishaomba wao huondoka na hakuna riba inayosaidia familia hizi za wafanyikazi wa Serikali ambao hufa wakiwa kazini.

Hilo ni jambo ambalo sio la kufurahia. Ni jambo ambalo lazima tulikemee na kulilaani. Kumekuwa na silaha nyingi nchini ambazo hazina vibali vya Serikali kupita kifani. Ni kweli kwamba Serikali hujikaza kisabuni na kutisha na kuadhibu na kusema watapata wavunja sheria. Kule Easteleigh, ni kweli wale ambao wanavunja sheria ni wa asili ya Kisomali. Lakini sio kila mtu ambaye ana nywele aina ya Msomali anafaa kugongwa bila heshima. Jana Seneta alishikwa bila heshima. Wafanyikazi wa Serikali hawajui viongozi wao ni akina nani. Ingawa twafurahi kwamba Serikali imegutuka kutoka usingizi, ikaanza kutafuta kwa nini kuna mabomu hapa na pale, haifai kuvunja haki za kibinadamu na kuwadhulumu wananchi wazalendo wasio na hatia.

Ni lazima wafanye jukumu lao hilo na kazi yao hiyo nzuri kwa heshima na taadhimu. Wale ambao waliathirika na kushikwa wanafaa kuwekwa pahali pazuri kwa sababu wao sio ng'ombe wa kuwekwa zizini, wakinyeshewa na kupigwa na baridi. Hawa ni binadamu kama wao wenyewe. Ni lazima Rais aifanye kazi hii, lakini jukumu la kutunza haki za binadamu ni lazima liwekwe maanani. Tukiwapoteza watu kwa sababu hiyo, ni yeye atakayejipaka hiyo damu.

Bw. Spika, nikiangazia usalama nchini kote, ukienda Mombasa wakati huu utaona kwamba utalii umezorota. Hoteli nyingi hazina wateja kwa sababu vyombo vya habari pia nchini vinaangaza kila takataka. Ni lazima wawe wazalendo na kuchuja yale wanayoyaandika; sio kuchafua hali. Ni mangapi ya Mwingereza unayojua leo? Ukiangalia BBC au CNN, huwezi kupata taarifa nzuri za Kenya. Utakayoyapata ni yale mabaya yanayochafua nafsi na utu wa Mkenya. Yale wanayoandika ndio yatawapatatia vijana wetu ajira na kutupatia rasilimali na pesa za kujenga taifa hili? Hatufai kujulikana kama taifa la kuwa na Rais kule Hague tu. Tuna uzuri wetu pia. Hata wale ambao wako Hague; ni nani aliwaona kuwa wana makosa? Ni kuonewa, kudhulumuwa na kusukumwa kule kwa sababu sisi ni weusi. Ni lazima haki iweko. Wanafaa kurudi nyumbani na kuangaza maoni yao na kujua ukweli kuhusu kilichotendeka mwaka wa 2007. Mimi mwenyewe nilipoteza mali ya karibu Kshs25 milioni kwa siku mbili tu kule Migori. Mali ilichomwa kwa sababu mimi niliwapa hifadhi Wakikuyu waliokuja Kuria. Ni nani amekuja kuniuliza mawazo yangu kuhusu ni nani aliyekuwa mwenye matatizo?

Asante sana, Bw. Spika.

**Sen. Billow:** Thank you, Mr. Speaker, Sir. I also rise to support the Motion.

Mr. Speaker, Sir, I must also congratulate the President for complying with the Constitution. I think that under the new dispensation, it is the first time that the President has submitted a report on the status of national security in the country. I think that it is an important thing and we encourage him to comply with all constitutional provisions in that regard.

Mr. Speaker, Sir, insecurity is a major national issue. It occupies a significant amount of our time in this House and, in fact, in both Houses of Parliament and every engagement that Kenyans have. The lives of Kenyans are at stake in many parts of this country. It has also adversely affected our economy. We were told by none other than the Minister in charge of tourism recently that it has affected tourism and the flow of tourists into Kenya has reduced by more than 10 per cent because of insecurity in the last few months. But that is a gross understatement. The Senator for Mombasa is seated here and will tell you that the occupancy in hotels in Mombasa is down by more than half. There is no tourism going on. It is because of the negative information that goes out, as Sen. Machage has just said, unfortunately, largely due to the media always taking the negative aspects of the story.

Mr. Speaker, Sir, also, the other aspect of the economy that is significantly affected is investors. There are few investors today who are willing to come to Kenya because of the negative stories they read about this country on security. Anybody who wants to put his money into a country, first and foremost, will want to know the security status in that country and not just the political stability. In our case, political instability has been an issue post-2007, but today the single most important factor that investors are looking at--- I am saying this based on information as the Chair of the Committee on Finance, Commerce and Economic Affairs. It is really affecting the inflow of funds.

Mr. Speaker, Sir, the diplomats in this town recently held a meeting with Government security forces. They made it clear to them that if things continue the way they are in Nairobi, after the spate of robberies in Karen and Runda suburbs in the last couple of months--- They had a meeting and said: "We cannot allow this. The Government must do something about security." So, really, it is our lives and our economy that is at stake. This is a matter that the Senate took so seriously. Only a few months ago, we had a meeting with all the security leaders in this country.

Mr. Speaker, Sir, if you read that Report, you will find that all forms of insecurity are actually on the rise. There are robberies, carjackings, murders, conflicts, drug-related problems, extra-judicial killings and so on. This is happening after what we believe was a reform that was carried out in the police service. We established the National Police Service and competitively, or so we thought, engaged the Inspector General of Police and his deputies. We thought that this was really going to change the way security will be managed in this country. But, unfortunately, as they say: "The more things change, the more they remain the same." There is not much change.

Mr. Speaker, Sir, there are a number of challenges that I will talk about, but the single most important challenge facing security in this country is leadership. For a long time, we have been talking about the regulatory environment, but when we put in place laws, including very stringent--- By the way, I was actively involved in the enactment of the Anti-terrorism law a couple of years ago, even in my private capacity in the Office of

the President. A number of us were representing the Muslim leadership. But even after we put in place that law and so many other relevant laws, including laws relating to combating terrorism, finance, anti-money laundering, anti-organized crime laws--- If it is the institutions, we have put institutions in place.

Mr. Speaker, Sir, the hon. Members here know that last year the budget that went into security – the police – was Kshs66 billion. That was a record amount of the budget. In my view, the single most important thing that did not change is the leadership. When you put the wrong people in charge, it will not change, whether or not you improve the regulatory environment. You can put in the money that you want and so forth. Today what we hear is the leadership in the security sector telling us that laws need to be changed. They say: “Change the Police Service Commission. I do not have powers to shoot. I do not have equipment.” So, it is really a game of musical chairs. If you say “go this way,” they want again to go the other way.

Mr. Speaker, Sir, the reality is that we need leadership. Unless this country is determined to put competitively sourced leadership in the security system, because the Constitution allowed us, for the first time, to engage a non-police career person to be in charge. What we need there is management; it is not about carrying guns. But when you put a former police officer in charge of the security system, and he is used to taking instructions, that is the only thing that he knows. Members here will remember very well the response of the Inspector General to the Statement that was requested here by the Senator for Machakos, when his security was withdrawn. So, in my view, really we have an incompetent team in charge of security in this country.

Mr. Speaker, Sir, after the Westgate attack, His Excellency the President promised us that we were going to see change. If there is one change that Kenyans are looking forward to, it is change in the security leadership. That is the change that he promised and it is not addressed in this Report. We want to hear that, today, as the Commander, he wants to do this and that and put in the right people to be in charge. Otherwise, we will not go anywhere. All the way from the Cabinet Secretary down, I think that we really need people who can take leadership of the situation, because we cannot continue the way that we are doing.

Mr. Speaker, Sir, secondly, there is a dysfunctional leadership. We saw it during the Westgate attack. Even today, that leadership is not coordinated. They do not talk or listen to each other or share information. If you ask about what is going on here, the other one says: “I am not aware”. I saw it in Mandera. Information was submitted by the National Security Intelligence (NIS) of an impending attack. In fact, it was provided, yet the police said: “No, it has not been given to us.” You saw what happened when the National Assembly Committee called the security bosses post Westgate attack. So, it is still as dysfunctional as it was on that day. How do you expect to address security when those who are in leadership of the key organs of security in this country, are not coordinated or taking instructions from each other, working together or collaborating? I think that, that is something that needs to be addressed.

Mr. Speaker, Sir, the third issue in the leadership is accountability. If a leader is not accountable, you cannot expect any change or progress. I want to see the day that the leader of a particular security organ will be held to account for the failure of his officers

or department. We are not seeing it. When you continue making a mistake and your team continues failing, you are just told: “You have done well, but could do better.” That is not enough. People must take responsibility for their actions and there has to be accountability.

Mr. Speaker, Sir, a vetting exercise is being done for the top security forces in this country. None other than those institutions that are involved in human rights, that have experience in the security sector, have actually rubbished that exercise as cosmetic. We have seen what is happening. More or less the same people are being retained. Even when they have not been able to account for the resources, including bank accounts, no action is being taken. Some were left to continue. That vetting exercise also did not change the leadership. So, leadership is a major issue.

Mr. Speaker, Sir, the other point, in my view, is misplaced priorities. I am glad that the President recently said that the matters of their tools, vehicles and so on, have been addressed. A total of Kshs4 billion worth of equipment and tools has been provided. If tools and logistics have been provided, really, then we all can see clearly that the challenge is in leadership.

Mr. Speaker, Sir, the important point is the issue of corruption in the security forces. Every year when the Transparency International (TI) publishes its report, number one is usually the police. So, where do we go in a place where the security forces – who are supposed to provide us with security – are deemed to be the most corrupt and yet you cannot see any action being taken?

**An hon. Senator:** Shame!

**Sen. Billow:** So, I think, Mr. Speaker, Sir, the point that has been raised and which I mentioned earlier – the political influence – the Police Service is still an appendage of the Office of the President (OP) as far as we are concerned. As long as the police cannot be independent; as long as they do not have an accounting officer and as long as they rely on the Principal Secretary (PS) in the OP, who becomes the accounting officer, and they wait for some crumbs from that office – the office which the President said is one of the most corrupt, and the police will rely on that office – then we are not going anywhere! We need structural change in that regard.

Again, Mr. Speaker, Sir, we are using the same old system and way of resolving problems. For example, in the conflict areas of pastoralists, the same tradition of “*Mlipigana?* Yes; are you fighting? Yes. Disarmament!” They have tried the same thing over and over again and there has been no change!

*(Applause)*

“Is it terrorism in Nairobi? Yes. Let us go to Eastleigh.” They did it in 2010, they did it in 2012 and they are doing the same in 2014; there is no change! You will arrest people, ask them for their identification cards, lock them up, release them, and we are still back to nowhere.

Clearly, Mr. Speaker, Sir, there is need to change the way security is managed; and what is happening today is really unfortunate; and that the whole world is party to what the Government is doing in Eastleigh.

**An hon. Senator:** Shame!

**Sen. Billow:** I mean, if you want to look for terrorists, you need investigations, like Sen. Obure said. Where are our investigative forces? Where is our intelligence service?

*(Applause)*

We were told that the vehicle that was caught in Mombasa came in from Mandera. We have been asking; the whole of Mandera Town police, they are 18 people and the Anti Terror Police Unit (ATPU) is not there. Some of the guys who were at Westgate entered from Mandera; you do not want to invest in human intelligence; you do not want to invest in ATPU in all those border areas; you sit here and you look for identity cards and you think that if you arrest all the aliens--- Who said that terrorists do not have identity cards? A majority of them have identity cards! So, when you focus your attention on this issue, you are really missing the point.

So, Mr. Speaker, Sir, we think there is need to strategically review the way we are handling our security. I think His Excellency the President has been given the mandate and I think he needs to take advantage of the time he has. This county will go to the dogs, not because of anything else. If you retain an irredeemably corrupt security force, headed by an irredeemably incompetent leadership, you do not expect any progress; you cannot expect any progress!

*(Applause)*

You will be talking about how anybody who wants to come to Nairobi is scared of walking. So, we need to something about it.

Mr. Speaker, Sir, with those few remarks, I beg to support.

Thank you, Mr. Speaker, Sir.

*(Applause)*

**The Speaker** (Hon. Ethuro): Sen. Bule.

**Sen. Bule:** Thank you, Mr. Speaker, Sir.

Bw. Spika, nashukuru kwa kunipa fursa hii kumpongeza Rais Uhuru Kenyatta kwa kutupatia ripoti nzuri na ya kupendeza. Nimesoma mambo mengi ya ukweli katika ripoti hii, lakini kuna mambo mengine ambayo siwezi kusema sio ukweli, lakini bado yanahitaji kurekebisha zaidi na kuangaliwa kwa undani.

Bw. Spika, jana nilikuja hapa na nikatoka nikiwa na homa ya kushtuka. Mimi kama kiongozi anayewakilisha Kaunti ya Tana River, nafikiri najulikana na ninaonekana na wengi. Vile vile, mimi ni mtu mzima kabisa; mimi sio mfupi kamwe. Hali kadhalika, niko na stakabadhi zote kuonyesha mimi ni Mkenya; niko na stakabadhi yangu kuonyesha mimi ni Seneta aliyechaguliwa nchini Kenya katika Kaunti ya Tana River. Nikiwa njiani kuelekea Eastleigh, nilisimamishwa na askari waliokuwa wamevaa sare za msituni. Nilisimama kando, askari hao waliwaangalia maafisa wangu wa usalama na

kutuamrisha tutoe stakabadhi zetu za usajili. Nilitoa stakabadhi yangu ya usajili kama Mkenya pamoja na stakabadhi ya usajili kama Seneta. Niliambiwa “haya yote nyinyi Wasomali mnajitengezea!

**An hon. Senator:** Shame!

**Sen. Bule:** Bw. Spika, nasema hivi; mimi ni Msomali, lakini mimi ni Seneta wa Tana River. Hata hao Wasomali wengine wako uongozini na tuko Kenya. Basi niliwaauliza:- “kwa hivyo, nyinyi mnatafuta wahalifu au mnatafuta Msomali?” Wakasema “Ukizidi, tutakuvunja vunja na utaishia vibaya!”

**Hon. Senators:** Shame! Shame!

**Sen. Bule:** Askari huyu ni kijana, na kulingana na sheria, anafaa kunipigia saluti.

*(Applause)*

Hivi sasa nimesikia ripoti ya Mhe. Rais inasema kwamba mambo ya usalama yamesahihishwa na kugeuzwa; lakini sikubaliani na wazo hilo kamwe.

*(Laughter and applause)*

Sisi kama Wakenya tumetumia raslimali zetu zote na tukawapatia pesa za kutosha; tumewapa elimu ya kutosha na leo hii, hawawezi kutofautisha kati ya mhalifu na mheshimiwa!

**Hon. Senators:** Shame! Shame! Aibu!

**Sen. Bule:** Hiyo ni aibu!

Bw. Spika, kuna wakati Rais Siad Barre, wakati Somalia ilipokuwa inataka kuharibika, alisema kuwa akiwatuma askari wake, hapa chini ya mguu kuna miba; itoeni ama wataukata mguu wote. Askari hao walienda wakasema kuwa Siad Barre ametoa amri kuwa huo mguu ukatwe; ilhali yeye alisema “toeni mwiba huo.” Kwa hivyo, maneno kama haya, Rais akisema “muende mkafanye kazi,” wanakata mguu na kusema kuwa Rais amesema mguu ukatwe! Kwa hivyo, tunataka Rais aelewe kwamba kuna biashara inayoendelea hapa.

*(Applause)*

Hivi sasa ukiwatuma askari wetu waende Kiambu, hawataki kwenda huko; wanasema “Wacha twende Eastleigh;” kwa sababu kuna pesa huko!

*(Laughter)*

**Hon. Senators:** Shame! Shame!

**Sen. Bule:** Kwa yale yanayofanyika, mimi sisemi kuwa kuna magaidi; hakuna magaidi Kenya! Ni biashara iko – kuna wa kuweka na wa kuwapata ili pesa itafutwe!

*(Applause)*

Na hiyo---

**Sen. (Dr.) Khalwale:** On a point of order, Mr. Speaker, Sir.

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

**Sen. (Dr.) Khalwale:** Mr. Speaker, Sir, I am sorry to interrupt my brother, Sen. Bule. In view of the loss of lives and destruction of property under the hands of terrorists that has been taking place in Kenya, is it in order that the Senator claims that there is no terrorism in Kenya? I beg that if he does not mean that, he should apologize to those families and withdraw his remarks.

*(Applause)*

**Sen. Bule:** Asante, Bw. Spika. Kusema kweli, ni hasira niliyo nayo; na hasira ni hasara. Yale niliyozungumza sio ukweli hasa; lakini inaonekana ya kwamba kuna mambo mengine ambayo ni ya kuchangia na ya kuongeza chumvi. Kweli, kuna ugaidi uliofanyika na tunasema pole; lakini pia kuna mengine yaliyofanyika. Lakini jambo kama lililotokea jana, tunasema kwamba kuna siasa ya biashara!

*(Applause)*

Kwa hivyo, hata huu ugaidi tunaosema ni biashara iliyoanzishwa na Amerika kama biashara fulani ya kutaka kuharibu dunia hii kwa kusema “huku kuna magaidi, huko kuna magaidi na huko pia kuna magadi.” Ukweli ni kwamba, mwanzo wa ugaidi ni jambo lililowekwa ili kutatiza dunia hii. Kwa hivyo, ugaidi ni biashara ambayo ni wachache wanaofaidi – wengine wanataka kuuza kamera za CCTV; mwingine anatakakuuza hii nini – na lazima Serikali ifanye uchunguzi katika mambo haya yote; sio tu kupeleka askari waliovaa nguo za *jungle*---

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): On a point of order, Mr. Speaker, Sir.

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

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Mr. Speaker, Sir, with due respect to the Senator for Tana River, is he in order to impute or to claim that terrorism was manufactured by a friendly country; a country that is friendly to Kenya? Because this is a House of record and I am sure that this is something that will go into the records of this House. Is he in order to suggest that terrorism is an artificially manufactured phenomenon from the United States of America (USA), which is a country that is friendly to Kenya?

**The Speaker** (Hon. Ethuro): Sen. Bule?

**Sen. Bule:** Bw. Spika, nazungumza kwa niaba na maoni yangu binafsi kama Sen. Bule. Ugaidi ni jambo lililoanzishwa, kihistoria, na hizo nchi za kibeberu.

*(Applause)*

Na kama mtu yeyote anataka kusoma, basi asome historia ya ugaidi ili ajue imetokea wapi na imeishia wapi.

**The Speaker** (Hon. Ethuro): Sen. Bule, umeulizwa na mwalimu wa waalimu – Profesa na mkufunzi mwenyewe – ya kwamba umesema mambo ambayo hayastahili kusemwa katika Bunge. Na umeyarudia maneno yale badala ya kuyakanusha na kuomba msamaha. Hali kadhalika, umekubali zaidi ya kwamba hayo ni maoni yako. Ndio, ni maoni yako, ndio maana tunasema maoni hayo sio sawa.

**Sen. Bule:** Bw. Spika ni sawa; na pia naomba msamaha. Hali niliyo nayo ni ya hasira niliyo nayo kwa sababu nimeathiriwa. Kwa hivyo, nikizungumza hapa, sisi tumeathirika na tunaathirika kila wakati na hata nikitoka hapa saa hii, mimi naogopa polisi wakanipiga risasi---

*(Laughter)*

**Sen. (Dr.) Machage:** Hoja ya nidhamu, Bw. Spika.

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

**Sen. (Dr.) Machage:** Bw. Spika, je ni haki kwa mheshimiwa kutumwagia hasira zake za mkizi?

*(Laughter)*

**The Speaker** (Hon. Ethuro): Je, ana faida?

*(Laughter)*

**Sen. Bule:** Bw. Spika, nimeteremsha hasira yangu kwa sababu inanipotezea wakati. Lakini nasema ya kwamba mambo yanayoendelea Kenya hii, lazima Katiba itumiwe vilivyo, na lazima Wakenya wawe sawa. Sasa hivi, nikitoka hapa nikiandamana na Sen. (Dr.) Khalwale, yeye atapigiwa saluti na mimi nitapata bunduki!

*(Laughter)*

Maneno haya yasiporekebishwa, nawaambia kwamba nitatafuta hifadhi mahali popote duniani kwa sababu hatutoweza kuishi katika Kenya hii jinsi ilivyo.

Kwa hayo machache, nasema ninaunga mkono ripoti hii, lakini tunataka urekebishaji.

**Sen. Hassan:** Mr. Speaker, Sir, like all Senators before me, I want to commend His Excellency the President for meeting his constitutional obligation to present before this House the state of the nation's security. I believe that constitutional requirements are there to open up the basis for dialogue. If you look at the Constitution, Article 22(38) says that national security is subject to the authority of the Constitution and Parliament. Therefore, by bringing this report here, it means that the President is fulfilling his obligations under the provisions of the Constitution which this Parliament and particularly the Senate must discharge.

Secondly, Article 239(5) says that national security agents are subordinate to civilian authority and we are part of that authority that has oversight over arms of



national security. Like those before me, I want to commend the President for highlighting some of the core issues around security but also fault it. We were not only interested in statistics about how many people have been arrested, how many died and so on but I believe that it was important for us to have tacit recommendations as to how we intend to resolve elements of national security in this country particularly at a time when national security is becoming a nightmare for all of us. Those of us who have an idea about how to intervene in matters of national security will tell you that sustainable security is a function of justice and equity. You have to treat people justly, with fairness and equity in order for everybody to feel that they have ownership and belonging to the nation state. I recall Sen. Bule's parting remarks that it is untenable to have a situation in this country, whether real or imagined, where any section of this community or society will feel marginalized, humiliated or oppressed by organs of national security.

Mr. Speaker, Sir, I also share in those who raised very fundamental issues of police reforms. The world is getting to a point where we are shifting paradigm from the securitization of our democracy, which has existed to date, that our democracy has been made subject to national security, to the democratization of our security so that every Kenyan is able to participate in national security. That is democratization. Every Kenyan is a stakeholder. We have 60,000 or 80,000 police officers against a population of 40 million people. It requires the responsibility of every Kenyan to ensure that we keep national security. It cannot only be the police.

As Sen. Obure alluded, there were reasons why we created the broad principles of national security and in addition to that, why we created the National Police Service Commission. It was acknowledged in this country that our security forces were either politicized or ethnicized. Therefore, the National Police Service Commission was to undertake the strategy of the de-ethnicization and de-politicization of the police force contrary to the views of those who continue to have hangovers of the one party state of the old Constitution. The President does not and is not able to direct the police force within the current arrangement. If you refer to the articles on national security, it allows a limited role for the Cabinet Secretary in charge of national security to direct in writing the Inspector General on certain matters that relate to policing.

Therefore, unless and until that time when the directive is given in writing, the Inspector General and other organs of police must appear to act independently. They must appear to act in a manner that discharges and fulfills the mandate of the Constitution for which we created a competitive process of appointment. We made it possible that even a civilian can head the police force. At the helm of the police service is a person or manager who is able to coordinate and manage the police service and not necessarily an operational commander. The deputy inspector generals of the two police services are the ones who are supposed to be police commanders.

Mr. Speaker, Sir, I want to go specifically to matters of Mombasa County and the entire coast region. Insecurity is not only a manifestation of issues that we talk about like youth unemployment and under-education but there are historical issues that have been allowed to degenerate into a position that today we find it difficult to manage national security because they have permeated every vein or soul in the coast region. Everybody feels humiliated, oppressed and dispossessed. There is a consequence to land ownership

with security. You cannot continue to have a position of tranquil when you do not address issues of historical miscarriages and dispossession of land. Therefore, just issuing 60,000 title deeds periodically will not alleviate issues of insecurity. It means you have to do a wholistic land reform programme that tends to transfer all land that was acquired through fraud to the national government and to county authorities.

Therefore, we need to reclaim what was taken from the people. You cannot expect people to keep peace and security when you dispossess them. That is simple. Therefore, it is expected. It is very easy to comprehend these things. It is a matter of logic and not even a matter of deep planning. Political scientists have written about it extensively. Any feeling of marginalization and exclusion leads to social instability and elements of insecurity. This insecurity now is manifesting itself in all other forms. Mombasa Republican Council (MRC) is an organized criminal gang which has been banned but the truth is that they have legitimate concerns which a number of people of the coast identify with.

The young people feel alienated in terms of their citizen rights and religious rights. At Kenya's Independence, we tried to guarantee and secure the rights of freedoms of worship, freedoms to administer some areas and representation in Government but all these guarantees have been eroded systematically over a period of time. Yes, we want to build this nation but I have said here and again that it will be possible if the leadership is able to tackle these challenges head on and be able to readdress the matrix that have hitherto informed our politics in this country. Even if you go into arrangement of tribes or coalitions, you do not exclude others because that way, you will never create national security in this country. You cannot tell us you have a government of a few people or a few tribes, then you tell us that you have addressed issues of inclusivity. When people feel excluded, then they will not feel the ownership of that state. I can tell you that President Kenyatta and the Jubilee Government must address that matter of inclusivity with a lot of speed and the delicacy that it deserves. You cannot leave sections of this society out of government principally because they did not elect you to power.

Mr. Speaker, Sir, as I said, it is not just about statistics but what do you intend to do to reduce these statistics. It sometimes comes to us almost like the national government is clueless when it comes to matters of national security. Today, I saw the Leader of the CORD Coalition, the head of the ODM party also critique the manner in which the security operations have been conducted. It is not a question of flushing out criminal activities. It is a question of how then do you build the nation as you rise from that crackdown. He also indicated that it targeted a certain community which is the Somali Community which has been a victim of one successive government after another. We have branded them *shiftas*, *wariahs*, pirates, terrorists and so on and yet they are an entrepreneurial group of people who are an integral part of this society.

Until and unless the President becomes candid on matters of security, we shall not build it simply by patting people on the back. He has named us from his own coalition who took him to that power because this election was decided by 0.2 per cent which is about 8,000 votes. I have heard people saying that people can walk out of their coalition. Those 8,000 votes were extremely critical when you needed 50 per cent +1 but now have they become so suddenly insignificant in this country. Every vote and every

Kenyan matters even if he or she did not vote for you and we must protect them with zeal.

What is bothering me about this digital government, because some of us also believe we are so digital in our values where we represent a cadre of Kenyan politicians that enunciate new political values, what bothers me is their lack of candor to take up hard issues of governance. They go with these patterns of interventions and excesses that have been the basis of Muslims of this country to rally political support against successive governments. We did the same with Mwai Kibaki in 2007. We feel marginalized and excluded in this country. When we raise these issues, people tell us that we are not Kenyans and that we are sympathizing with terrorists. That is far from the truth because we love this nation more than anybody else but we want to be respected in this nation because we have a birthright and we are not here on anybody's invitation.

Mr. Speaker, Sir, I love the fact that some of our political actors at the top political leadership particularly of my coalition have internalized all these views and have offered support and direction. The CORD Coalition said that the attack on Masjid Musa was wrong because it violated certain cardinal fundamental issues around security and issues of national cohesion. They have said it again and we shall reiterate it. We shall support anybody whether they voted for this coalition or not. We have a responsibility as Senate to everyone.

Mr. Speaker, Sir, I wish the Senate Leader of Majority was here because he says that in his privileged position, he is able to take some of these issues there. So, I wanted to tell him that they have to be a bit more audacious. Sometimes, matters of justice are not about public opinion. It is about what is right and what is just because you always follow public opinion. Since people are telling you about something, you feel it is okay to violate an entire community because there is a non-critical public mass that supports you. In leadership you have to learn how to stand together but when necessary to stand alone. I think this Government must learn how to stand alone in matters of justice and human rights by all Kenyans. This coalition is about social justice. Today I talk as a coalition because we were there when these manifestos and the lip systems were being crafted and we knew what we were going to represent in the Senate.

In every action, we see a total departure from those very cardinal values that propel us within the positions that we sit in. Unfortunately today because we are Muslims, when it touches on Somalis, it seems as if Muslims are fighting one cause but tomorrow if it touched on anybody else, we will do the same. When nobody else talked about Mungiki, I spoke about it.

**Sen. (Prof.) Lonyangapuo:** On a point of order, Mr. Speaker, Sir. Is it in order for the distinguished Senator for Mombasa to talk as though we are trivializing this security matter to the extent that he introduces religion and ethnic angle? I thought that has nothing to do with security.

**Sen. Hassan:** Mr. Speaker, Sir, I do not know how to state some of these things. There is a saying in Latin *contrafact nepodios*; that even God cannot deny a fact, he can only change it. So, what I am stating is a fact. It is blasphemous but it is the truth. Only a few people can speak the truth because we have a hostile public. It is only Raila who can speak, it is only Hassan Omar can speak, it is only Machage who can speak, it is only

Billow who can speak it and even Duale can speak it. This is the hard reality of the situation that we are in.

**The Speaker** (Hon. Ethuro): Order. Your time is up.

**Sen. Wangari:** Mr. Speaker, Sir, I want to begin by thanking the President for undertaking his constitutional duty of tabling this report to this House. When I looked at this report the day before yesterday, I thought it is more of a self-audit and that is very courageous. It is very courageous to point out what you have been able to do, what you have failed to do, why you have to do it and so on. You need to enumerate things that you think can help to achieve what is supposed to be achieved. The Constitution's stand on this Report shows how important security matters should be taken. It is because even as we speak of Vision 2030 and envisage that this country will transform to a higher standard of living with medium income earners, this can only be achieved if we are able to create a strong economy. We cannot talk of growing the economy when investors are not sure whether it is safe to invest in this country.

The President has noted very many challenges why the situation is the way it is right now. As a Senate, we have spent a lot of time talking about insecurity in this country. We have had all morning sessions meeting the security leadership and we are still talking about it many months later. We have even had Motions of Adjournment to discuss insecurity in this country. We should move from rhetoric to action.

Mr. Speaker, Sir, from the statistics shown in this Report, to me, it is not as simple as it appears. When we talk about fatalities and murders, we are talking about children's fathers, mothers and wives. These are real people and not merely figures. As I speak, I received a very disturbing message of some gentleman who was shot last week in Kahawa West. He is a gentleman I know who has a young child who is not even one year old called Maina. That is the second time the mother of Maina is losing a child in such circumstances. I do not think there is any greater heartbreak than this. When I listened to the Senator for Tana River complaining that he also fell victim, I dare say that I would rather be a victim of being asked to give out my identity card than to be a victim of thuggery. We saw baby Satrine Osinyo lose his mother before he was even two years old. I think as a country when we stop taking these issues casually, then we will be making progress. Elbert Einstein said that when you define madness, it is behaving the same way and expecting different results. Mathematicians will tell you that that is exactly true. If the formula is still the same, then you expect the same output.

As I support and appreciate this Report, I think we still have a long way to go and we can talk here and blame each other but nothing will happen because some of these issues have piled up over time. When we say that some foreigners have Kenyan identity cards, how do they get them? This is because of a decayed society. This did not start yesterday but was even happening during the Grand Coalition Government. We know it and it has been said over and over. How did the immigration officers who gave out these identity cards do it and why did they do it? I think it is because of corruption.

I know when a President starts his leadership, they usually start on a clean slate although it is not written in any book. I listened to the President yesterday on a television interview saying that you cannot wake up and fire everyone in the Civil Service. I also appreciate that you inherit a system that has been there for over 20 years. It can only take

courage to tackle some issues and there must be participation by everyone. When I see the squabbles in the police service, I sometimes just feel that we should lock them in some room so that they can fight until they give us a way forward. Kenyans are not interested in their drama. What Kenyans want is just security. We have even seen Members of Parliament being shot. Nobody is safe in this country and not even animals. It is that bad.

Mr. Speaker, Sir, I want to agree that the issue of terrorism is an international issue and not just a Kenyan issue. What we have seen in this Report is what we have always talked about in our Motions of Adjournment to discuss insecurity and what we have discussed in meetings with security officers. It is still the same thing. Until we see heads roll, this country will not be confident enough to be able to attract investors. That will not happen until we are able to deal with insecurity issues. It is annoying that when you travel outside this country and people notice that you are a Kenyan, the first thing they remember is the 1998 bomb blast and then next is the Westgate Mall siege. They actually think that we are a country always under siege. As much as we want to blame the international media for not giving out balanced news, as a country, we need to get our act together. Even in the East African region, we were ahead in all fronts, but we are now being overtaken by the other countries even in the tourism sector. I read somewhere that we are second to Tanzania. These issues cannot continue to be taken so lightly.

When I look at this Report, the President has put in place some measures on how we should deal with the social fabric of our society. Sen. (Prof.) Lesan had talked about it. It is an interesting bit because it needs more divine than legal interventions. When I look at the *Nyumba Kumi* Initiative, it may be good, but we need to develop the structure on how it is supposed to be implemented. As it is, it has really not kicked off especially in the urban set up. We even do not have a residential mapping as a country. We also keep moving from one place to another. I do not know how this initiative can be monitored. I think it needs to be thought through again. I have seen some measures put in place in this Report.

Mr. Speaker, Sir, last week, I listened to a county commissioner from Kirinyaga saying that if people have to deal with issues of land, they should stop taking alcohol. What he meant was that there is a correlation in terms of drugs and substance abuse and what is happening in the homes. I do not think any rational man – like what happened in Embakasi the other day – could actually take a six month old child and hit his head on the floor. I think this needs more religious guidance.

The problem of drugs and substance abuse in this country has to be tackled seriously. Sen. (Dr.) Khalwale said that a drunk man cannot rape a woman but I think crimes that are committed in homes are committed by people under the influence of alcohol or some drugs. This is something that we should restructure in order to deal with the issues of the broken social moral fabric decay. I know it has been proposed that we should re-look at several legislations and I have gone through the Prevention of Terrorism Act and it is true that we should re-look at some issues like how people are bailed out. It is becoming very easy to bail out hardcore criminals; you just pay Kshs100,000 and they are released and before long, there is another attack. We should

have serious discussions in terms of creating the right framework of dealing with issues of insecurity.

Mr. Speaker, Sir, the other issue which the President has noted is unemployment. I have said it before in this House that I think the biggest challenge of this Government five years down the line will be unemployment. About 11 million unemployed youths is almost 30 per cent of the population of this country. I am imagining them put in one place like Uhuru Park where you would see a multitude of people. We cannot deal with unemployment by building *vibandas* for shoe shiners. I think we need more innovative ways of dealing with unemployment. This can only happen if we grow the economy. The economy can only grow if investors are confident. We should assure them of their security and provision of cheap energy.

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

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

I believe you are my friend if you are able to tell me to my face that this is right and this is wrong. We should not take a partisan approach because terrorism and carjacking do not discriminate whether you are from CORD or Jubilee. I hope that we can be able to implement the discussions we have had in this House to the right people and the Committee that is concerned with matters of defence in order to make this country safe so that we can be able to walk home freely and our children are also safe.

I support.

**Sen. Omondi:** Thank you Mr. Temporary Speaker, Sir, for this opportunity to give my observations on this Report by the President on the security situation in this country. Having read this Report, I want to first thank the President for giving us this information. However, I want to say that I am not in agreement with this Report because it has a lot of gaps. I as a Senator representing persons with disabilities and a leader in the disability movement, I have not seen any single word describing the effects of terrorism on the disabled.

When you look at Page 8 with regard to anti-poaching measures, it is so sarcastic that the Government can afford to give the percentage of animals that were poached and fail to give the percentage of people who became disabled as a result of terrorism and road accidents. When a Report comes out about the number of accidents and the victims, they only give us the number of people who died and those who were injured and hospitalized, but they do not give us the number of people who acquired disability as a result of the accident. I am wondering how we will mainstream disability. After the life of a person shifts from being normal to acquiring disability, it calls for someone to be informed and to be rehabilitated so as to suit in the new life that someone has acquired. The Report says that the Government will rehabilitate the affected youth. I have been asking myself about victims of terror attack who have acquired disability. Why is it that the Government has no plan to rehabilitate these people who are Kenyans so that they their lives can continue even if they are living with some form of disability?

I appreciate the Government efforts on the ongoing campaign on polio that is ending today. However, this does not mean that in this country, everybody with disability acquired their disability as a result of polio. We have many causes of disability. We must have some measure or plan on how we will to support the disability for people who acquired disability as a result of various causes.

I want to flashback when the former President acquired some form of disability as a result of a road accident. He was given a perfect wheelchair and Kasarani Sports Centre was made accessible for people with disability so that he could also access it. Why is it that that kind of initiative cannot be carried out on all buildings? During the Kenya at 50 celebrations, the cameramen there showed me being lifted on a wheelchair and the message I received from people was; shame on you. How can a Senator be lifted like a bag of maize to attend a presidential function?

Those are some of the issues that we must look at as a country. When we do not talk about disability and yet it is with us, then we should not pretend about it. Disability, HIV/AIDS infection in this country and poverty are like brothers and sisters. I want to voice that the issues of disability should not only be tackled by people with disabilities. This should be the responsibility of the Government to put in place infrastructure that will allow Kenyan citizens because today, it is Godliver but tomorrow, it will be you, the Speaker. So, prepare the country.

When we talk about disaster preparedness, how are we prepared to handle the disaster and the victims that suffer? I feel frustrated when victims of terror attacks and road accidents call me asking for wheelchairs because I do not have the capacity. It is the duty of the Government to talk about challenges faced by the Government in addressing security threats.

If I were allowed to edit the report, I would indicate that the Report lacks information. If you lack information on disability and the persons that you want to address, then you will not address the problem seriously. Why is it that the Government does not address issues of disability? This is because we are not given the opportunity to give the Government information. Therefore, we are lacking information on disability in this country. That is why in anything that we do, disability does not feature. I want to say that it is there and we should not pretend that Kenyans are not acquiring disability. The effects of terror attacks and insecurity in this country are such that if an expectant woman is affected, and then that is when we have children being born with mental disability. Kenyans are not ready take information.

I remember when the National Assembly was discussing the Marriage Bill, they said that a person with mental disability should not be given a chance to either marry or to get married. They confused mental illness with mental disability. These are two different things. I want to ask that sensitization be done so that when we are handling matters, we handle disability cases well in this country. We should handle them from an informed perspective but we should not put things together and to confuse the whole country. We are lagging behind in putting in place infrastructure and plans.

I managed to go to South Africa two years ago. I was amazed when the Government took the initiative of coming up with a housing plan for people with disabilities according to the type of disabilities and making them access everywhere

despite their disability. Why is it that this country cannot afford that? This issue is left to the families of the victims and the people who are suffering. You have to go an extra mile to adjust a house set up to suit you.

As the country is working very hard to put up measures to curb poaching of animals, it will be good for them to come up with plans to rehabilitate and sensitise the country on disability related cases. If someone becomes a victim of terror attack or after a road accident, this person should be taken through a rehabilitation process so that he does not lead a miserable life. It is because of lack of visibility and awareness on issues that affect people with disability in this country that we keep on making noise. People with disabilities keep on making noise so as to be heard.

As we make noise, we are given names. They say that we are stubborn people. You will make noise for a *matatu* to carry you but you will also hear the conductor telling the driver; *twende hawa wanasumbua*. We have a right to use public transport. Who applied to be born or to acquire disability? This comes about unexpectedly and everybody is a potential candidate. You never know. You should take this seriously.

I want to oppose this Report simply because nothing has been said about us. As a result of road accidents and terror attacks, we have very many people with disabilities. If a survey was to be done today, you will find that we have very many people with disabilities. If you interact with people with disabilities on a friendly basis, you will get information. They will tell you that probably the disabilities came about as a result of an accident, polio or other things. From this, you will know where we are placed and how to come up with structures.

With those few or many remarks, I oppose.

**The Temporary Speaker** (Sen. (Dr.) Machage): Unfortunately, Sen. Godliver, the Motion just wants you to note and nothing more than that.

**Sen. Omondi:** I note, Mr. Temporary Speaker, Sir.

**Sen. Murkomen:** Mr. Temporary Speaker, Sir, from the outset, I note the Report of the President with gratitude. This is for the simple reason that for the first time, in the history of our country, as Sen.G.G. Kariuki said, we have an opportunity under our new Constitution to require the Commander-in-Chief of the Defence Forces to appear before this House, both the Upper and the Lower House, to give a Report on the state of security of our country.

The statistics are discouraging. It is sad to see that we lose very many people as a result of robbery, terrorism and all manner of offences including primitive ones like cattle rustling. I want to talk about cattle rustling because it is very primitive, in the 21 Century, 50 years after Independence, for a group of Kenyans, as I saw in a report aired by the NTV to kill and maim each other.

These were friends and communities that are living together like the Turkanas and Samburus. All of a sudden, because of chasing very emaciated animals, Kenyans who should understand the economy of today find themselves in a situation where they kill each other for animals that they keep for prestige. The animals have very little economic value, but these people have never been given an opportunity to exploit the resources that make them kill each other.



As a result of the determination, policies and manifesto of this Government, we must take the issue of cattle rustling very seriously because this is something that we can deal with. This is something that is within our ability as a country. We must do away with cattle rustling. The best way to do this is to open up the marginalised areas. The reason why we cannot stem insecurity is because of insecurity. In my thinking, there is a link between better security and better infrastructure. There is a limit between better status of life and such kinds of acts like cattle rustling. Therefore, going forward, this year, we want to see the Government invest in infrastructure in terms of implementing the Jubilee manifesto with regard to roads so that someone moving from Samburu can easily go to Turkana, Marakwet and Marsabit. It would also be easy for the police to access these areas. It is important that we give these people---

**Sen. Kajwang:** On a point of information, Mr. Temporary Speaker, Sir. Just to mention, before we forget, one of the very eminent leaders from that area called me. The quickest way of eradicating this primitive practice is to give every child basic education. Do you think that is where we should go?

**The Temporary Speaker** (Sen. (Dr.) Machage): Sen. Kajwang, do you want to inform him or ask him a question?

**Sen. Kajwang:** I think he has already understood the information. I did not intend to ask a question but I finished it with a question.

**Sen. Murkomen:** Mr. Temporary Speaker, Sir, I accept that information. It is true that investing in education is one way of dealing with this. Some of us would have been in the same situation were we not lucky. I would now be loitering somewhere probably married with four wives and living as a squatter.

**Sen. (Dr.) Khalwale:** On a point of order, Mr. Speaker, Sir. Did you hear the distinguished Senator from Elgeyo-Marakwet impute that lack of education results into having four wives? Polygamy is a respected African cultural practiced by highly educated people like Boni Khalwale and illiterate people like the ones in Elgeyo-Marakwet. Is he in order?

**Sen. Murkomen:** Mr. Speaker, Sir, it is true that the more people are educated, the lesser they acquire wives and the lesser children they have. Of course, there is an exception. In law, we say that for every rule, there is an exception and Dr. Khalwale is an exception.

**Sen. (Dr.) Khalwale:** On a point of order, Mr. Speaker, Sir. I am glad that the carrier of that statement is a highly learned person. The rules of this House require one to substantiate his or her allegations. The only way he can substantiate that allegation is to take a scientific report that backs his claim. Otherwise, that will remain nothing more than a claim.

**The Temporary Speaker** (Sen. (Dr.) Machage): Order, the highness or lowness of education remains a subjective matter.

**Sen. Murkomen:** Mr. Temporary Speaker, Sir, from my personal observation in the village, I have realized that the more people go to school, the more they reduce the number of wives they marry. So, it is an observation that I have seen; that those who pass through Form Four and join universities marry less wives. As I said, it is not a bad thing.

**Sen. (Dr.) Khalwale:** On a point of order, Mr. Speaker, Sir. The distinguished Senator for Elgeyo-Marakwet comes from a village that lives in a forest called Embobut. What evidence is he giving to this House to demonstrate that Embobut village in the forest is a representative of the prototype village in the common village of the African community?

**The Temporary Speaker** (Sen. (Dr.) Machage): Order! Order! I think that we have heard enough of polygamy.

Continue, sen. Murkomen.

*(Laughter)*

**Sen. Murkomen:** Thank you, Mr. Temporary Speaker, Sir. So, I agree with Sen. Kajwang that education is able to assist people to leave the kind of practice that they have, like cattle rustling, because they will have a better economic activities and way of exploiting their livestock and crop farming.

Mr. Temporary Speaker, Sir, if you look at the President's Report, there is a link between the projects that the Government needs to invest in terms of irrigation, infrastructure and being able to eradicate certain crimes like cattle rustling and many youth being involved in robbery.

Mr. Temporary Speaker, Sir, you will realize in this Report that there is reduction in crime in Elgeyo-Marakwet by a good percentage. But still it bothers me that if you go to that county, you will realize that some of the crimes that occurred last year were directed to some of the young people who were doing the *boda boda* business. There was a gang that was developing in Elgeyo-Marakwet in places like Kapcherop in Iten. They would target these young people, kill them and take away the motorbikes. These kinds of activities must come to an end. The only way that we can do that is to ensure that the economic activities in their areas are improved and devolution works in our counties, so that our youth can be involved in economic activities.

Mr. Temporary Speaker, Sir, I believe that there is a link. Security is a sum of various issues that need to be done in the economic and development side, so that we can eradicate insecurity. Whereas I agree that we need to invest in more police equipment, it is also important that we invest first in terms of people's lives. There is something that Sen. (Prof.) Anyang'-Nyong'o said here yesterday that I agree with. I wish he was here to hear. I totally agree that our policemen must be retrained. We must be able to instill values and create a friendly environment for citizens to report information that they have. Two weeks ago, there was an incident in my county. Iten is an area that we pride ourselves as a place of champions. Iten is the place where the First Lady went to train the other day. It is also the place where Mo Farah was training until last evening when he went back to London to run. It is the place where Ezekiel Kemboi and Lorna Kiplagat come from. That place has produced the best athletes in this country, with the best coaches, like Brother Colm O'connell.

Mr. Temporary Speaker, Sir, the other day the athletes spotted a particular character who went to Iten with the intention of training, but they realized that he is not a runner. He would run for about 100 meters and then sit down and say that he had an

injury. When he was approached by some of the athletes they found out that he did not understand the vocabulary of athletics. The man had come from Norway. So, they were so suspicious that they decided to report the case to the County Commander of Police. They said: "This is a suspicious man. Can you investigate his activities?" Unfortunately, the same person went to report the information to a junior officer. The junior officer took that information to the same person being suspected and the athletes began living in fear. Those who own hotels and training camps began to live in fear. It only took my intervention, because I had connections to the higher offices. I called the senior police officers who were able to send other investigators. When they finally sent the investigators, they found out that, that man was one of the terror suspects. What could have happened had they blown Mo Farah or a hotel where the First Lady was training a few weeks ago?

Mr. Temporary Speaker, Sir, we, as a country, must ensure that our police men are well trained and have ability to receive information and process it. They should protect those who inform them, so that we can take our security forward. I agree with all of us who have debated here and said that this issue is not a CORD or Jubilee issue. It is not for us, who are the Jubilee Government, to stand here and behave defensively. Security is an area that we are facing the greatest challenge as a country and we must be able to listen to everybody. If Sen. (Dr.) Khalwale has information that is useful to change the security situation, we must listen to it. Sen. G.G. Kariuki brought a Motion here last time, that said that we need to relook and re-audit our security. We need to relook at our strategies and those who are advising the President. We should change strategy, focus and ensure that we support each other.

Mr. Temporary Speaker, Sir, for the religious leaders that are presiding over radicalization of the youth, whether they are Christians, Muslims or Hindu, they must be condemned. For us who are Christians, we are told that if we want to live a better life up there, we must make even the life down here an example or reduced magnification of a good example of what we are going to live up there. It is this moment that Sheikhs, pastors, cardinals and all other people must seize and become the Tutus of Kenya. When we are facing this kind of strange phenomenon of terrorism, it is time that we saw great men who are qualified to have a Nobel Peace Prize to come from the religious sector, instead of us dividing ourselves between Muslims and Christians or Hindus and pagans and all other kinds of religions. We, as a country, must ensure we pull together and put all the strategies together and ensure that our country is safe. This is because we have only one country called Kenya that we are proud of.

Mr. Temporary Speaker, Sir. I beg to note.

**Sen. Nabwala:** Thank you, Mr. Temporary Speaker, Sir. I stand to note the Annual Report on the State of the National Security by the President.

Mr. Temporary Speaker, Sir, this is a constitutional requirement, under Article 240 (7). First and foremost, I would like to thank the President for recognizing the fact that security is a critical concern and challenge in Kenya. He accepted that it is historical and pointed out that his Government had inherited it. However, this is passing the buck. I would have expected him to be precise about the leaders that he has put in positions who are not performing, so that he can take action. I remember at one time the late Matano

was travelling by train from Mombasa to Nairobi and was not aware that the President then had sacked him. When he alighted from the train, he expected his bodyguard and driver to meet him, just to be told that he had been sacked. I think that if that happens, then we are going to see a big change in the way people do things. We particularly note that people have carried forward their old habits. The way they used to do things, is the same way that they are doing things now. That is why there is no real change, particularly in security.

Mr. Temporary Speaker, Sir, peacekeeping and terrorism are major issues. We have our Kenya Defence Forces (KDF) who are in Somalia and South Sudan to keep peace. We have been told that over 500 small arms have found their way into the country. Why is this happening? Where are our forces? Where is the security to check on what is happening in the country? These illicit firearms are in the wrong hands and that is why we have insecurity. One wonders why Kenya should be a target for terrorism, when we have countries like Ethiopia and Djibouti which have their security forces in Somalia, under AMISOM. Djibouti is 100 per cent inhabited by the Somali people, while Ethiopia has five regions inhabited by the Somali ethnic community. So, why is it that the *Al Shabaab* nuisance is something specific to Kenya when the three other countries also have forces in Somalia? I think that this is one question that our security forces need to answer. They need to go back to the drawing board and ask themselves what is really happening. What is wrong with our country? Maybe it is the way that we do things.

Mr. Temporary Speaker, Sir, the *Nyumba Kumi* initiative through which Kenyans are encouraged to know their neighbours, is a soft approach to our security challenges. Terrorism is real and the *Nyumba Kumi* approach will never be sufficient to respond to it. Kenya needs some proactive and radical approach for handling security issues. Apparently, for those of us living in Nairobi, especially those in non-gated communities, it is a bit difficult to know your neighbours. One might ask what business you have in inquiring into whom or what he is. In my neighbourhood, for example, people do not know one another. In the morning, people leave for work and come back in the evening. You will see parties being held, but you are not even invited, because that neighbour does not know who you are. So, I really do not know how this *Nyumba Kumi* initiative can work for people in Nairobi. It can work, maybe in the rural areas.

Mr. Temporary Speaker, Sir, one time I went to the United Kingdom (UK) and found that there is neighbour watch, where if a neighbour sees something strange, he or she simply presses a button which is connected to the police. The police will respond within five or ten minutes and come to the rescue of that neighbourhood. But in Kenya, I do not know how well this *Nyumba Kumi* initiative can work. In the rural areas, it can work through gossip because one would say: "I have seen somebody here and there doing this." But what about when you are attacked and you are not connected to the police? Maybe you do not have a mobile phone or electricity. It is very difficult for somebody to even come out of their homes and assist their neighbour.

Mr. Temporary Speaker, Sir, regarding the radicalization of the Muslim youth, I feel that there are other underlying issues that contribute to this. Poverty and the increasing cost of living are key issues that the State must address, if we are to contain our youth who are affected by hopelessness and are being recruited into groupings that

are dangerous to our security. For instance, the Uwezo Fund was rolled out a year ago, but the President, in his own address, accepted that not all youths have had access to this money.

I remember last year I brought a Motion to this House, urging the State to devolve this money to the counties, so that the youth can have quick access to it. However, we did not achieve our goal because I think some people thought it was a CORD agenda, although it is also in the Jubilee Manifesto. So, I think the Government side of Jubilee has a challenge. I wish that you devolved these funds, including even the fund for the old people and the youth. If you go to Trans Nzoia County, you will find that old people have actually never accessed this money for the aged. Similarly, you will also find most youth getting into drugs and doing many other funny things, which are now proving to be adverse for our security.

**Sen. Mburu:** Kwa hoja ya nidhamu, Bw. Spika wa Muda.

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

Yes, what is your point of order, Sen. Mburu?

**Sen. Mburu:** Bw. Spika wa Muda, nataka kuuliza kama Seneta yuko sawa kwa kusema kwamba Serikali ya Jubilee iko na changa moto. Je, Kenya ni ya Serikali ya Jubilee peke yake au ni yetu sisi sote, hata wafuasi wa CORD?

**The Temporary Speaker** (Sen. (Dr.) Machage): Sen. Nabwala ako na haki kuwa na mawazo yake na fikra zake kusema hivyo.

**Sen. Nabwala:** Mr. Temporary Speaker, thank you for bringing that up. Jubilee is the Government in charge.

*(Applause)*

The CORD Coalition is a watchdog. That is why we are here to tell you, where we feel you are not doing well, so that we can correct you. If you can take it positively, then maybe you can make out where you have gone wrong.

*(Applause)*

Mr. Temporary Speaker, Sir, I want to talk about border security. You will find that some people in an area like Eastleigh according to the media reports have acquired fake identity cards. They are in possession of passports which have not been issued by the Immigration Department. We are also told about the issue of the 500,000 small firearms which have found their ways in wrong hands. Maybe the Government needs to move the security closer to the borders. This is because it is better or easier to deal with the problem at the borders than to let these people who have got these documents or who are printing the documents in Kenya to get into the country and then mix up with our own people. So, when the security forces are trying to investigate, maybe they end up arresting the wrong people.

Looking at the Report which was submitted before us, there is one issue which I want to talk about. It is about road accidents. I realized this situation is getting worse. The comparison of statistics between 2012 and 2013, shows that the victims in 2013 were

3,191 and 6,299, respectively. This is serious enough; the Government truly needs to check this trend, particularly on these serious victims. Who are they? Are they already dead or are they maimed? We heard Sen. Omondi, who touched on disability. Maybe the 6,299 people are disabled or they are lying sick in hospitals. When these statistics were being taken, I do not know where they got them from, but I think it is from the police stations. Maybe, those who did the statistics went from village to village so that they could really know the state of affairs.

Mr. Temporary Speaker, Sir, when I looked at the statistics of the serious attacks that have taken place--- I saw statistics for Bungoma, but I have not seen Trans Nzoia. I know that there are people who actually died in Trans Nzoia after being attacked by gangsters. I particularly remember that there was an old lady of 82 years, by the name Musundi who was murdered. We had another Kenya Police Reservist (KPR) who was also murdered. Many others, including even police officers, who were murdered, but nothing has been mentioned about that. The report also says that nobody was killed in Bungoma when it is on record that the lawyer who was representing hon. Musikari Kombo was actually murdered. So, what we are seeing before us is just a tip of the iceberg; the problem could be bigger. But it is good because this has been put before us as per the intelligence. Generally, it is a problem affecting the whole country. So, it is actually all of us who should work together with the security, if they allow us, to give them the ideas of maybe how they should work towards reducing crime in Kenya.

I laud the report.

**Sen. Mositet:** Thank you, Mr. Temporary Speaker, Sir, for allowing me to also contribute to the President's Report to Parliament on the state of national security. This is the first Report which has been given out by the Head of State. To us, it is a very positive one. For one, it is very honest and it is really giving out figures the way they are.

Mr. Temporary Speaker, Sir, I just want to let the hon. Senators know that the issue of security falls upon all of us across the political divide. We must make sure that all Kenyans and their properties are secure.

Mr. Temporary Speaker, Sir, while it is the duty of those in power to make sure that responsibility is carried out, it is also incumbent upon us to make sure that we secure our areas. We, as leaders, can contribute greatly to the wellbeing of this country. If we speak recklessly, we will end up contribute to insecurity in this country. We must avoid dividing our people along tribal or religion lines.

Mr. Temporary Speaker, Sir, the Report is calling upon us, as lawmakers, to come up with mechanisms of reducing crime. It asks us to dig deeper and know the causes of crime. The major cause of crime in this country other than terrorism, is poverty. Those who are really involved in the crime in this country are between 14 years to 26 years. They are quite young. We must ask ourselves what is ailing our education system. After our children have sat for the Standard Eight examination and some do not join secondary schools, what happens to them? Almost 80 per cent do not join secondary schools. They are condemned to remain in villages. They do not even join village polytechnics. Therefore, we need to ask ourselves how we can cater for such a big group. How can we make sure that, at least, they will not go and involve themselves in crime due to idleness because at their age, they cannot even be employed even if there could be some formal

employment? So, I call upon ourselves, as Senators, to see whether we can come up with Bills or even Motions which will abolish Standard Eight examination. This will allow many of our children to go up to Form Four level before they can do the national examinations.

Mr. Temporary Speaker, Sir, during colonial time, education system was that a student would sit for the Common Entrance Examinations (CEE) in Class Four. However, in 1968, this examination was abolished and replaced with the Intermediate Examination which was done in Class Eight. Since that time, we have never revised it because our pupils do their national examinations in Class Eight. I think it is high time we looked at that to see whether we could restructure our education system.

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

**Sen. Mositet:** Mr. Temporary Speaker, Sir, I am ready to be informed.

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

**Sen. Karaba:** Mr. Temporary Speaker, Sir, the very important Senator for Kajiado is trying to mislead this House---

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

**An hon. Senator:** You are on a point of information, not a point of order!

**Sen. Karaba:** Oh, it is a point of information!

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

Proceed, Sen. Mositet.

**Sen. Mositet:** Mr. Temporary Speaker, Sir, I was saying the last time we did the revision was in 1968. It is high time that we came up with---

**Sen. Karaba:** On a point of Order, Mr. Temporary Speaker, Sir. Is the Senator in order to suggest and mislead the House that the CEE was abolished in 1968 when it was abolished in 1961?

**The Temporary Speaker** (Sen. (Dr.) Machage): You know you, Sen. Karaba, you would have actually made it a point of information if you had executed it properly. But all the same, he has taken note of it.

**Sen. Mositet:** Yes, Mr. Temporary Speaker, Sir. I have noted it was abolished in 1961. So, you can imagine from 1961, we have never revised it to make sure that we do not waste our youth at a very early age. If we can do so, we will see a drop in terms of crime rates in this country.

Mr. Temporary Speaker, Sir, many of the Senators have spoken on this Report about the security. Therefore, we do not necessarily need to go on talking about it because we may end up repeating ourselves. However, the education level of the officers who are recruited as policemen, rangers or in the armed forces is wanting. It is also an issue which needs to be revised in this country. We need to make sure those recruited understands their environment and the people they are dealing with. This is because the security situation of this country needs all of us to be on the lookout.

Mr. Temporary Speaker, Sir, I support devolution because it is assisting our people. We have devolved a lot of resources. However, unless some institutions are given more resources and power, we will mess up the economy of this country. The Media Council of Kenya (MCK) needs to control whatever is reported in the media. Sometimes it is as if we glorify criminals in this country. The headlines of the newspapers for the last

one month are, in fact, quite worrying. This area needs to be monitored because this country belongs to all of us.

Mr. Temporary Speaker, Sir, as I come to the end of my contribution, I just want to say that when it comes to terrorism, let us not put ourselves in a position in which terrorists want to see us. Terrorists would want to see this country divided religiously or even in terms of whom you are. If the Sheikhs and the Imams can speak loudly against terrorism, then we will go far in fighting it. Why should the leaders feel that their communities are targeted in this war of terrorism? We should not see as if it is our communities being targeted. Even if it were my brother who was doing this, I will reprimand him and tell him to stop it.

Mr. Temporary Speaker, Sir, I support what the Government is doing to fight terrorism in this country. The crackdown in parts of Nairobi and in other parts of the country needs to continue. I believe that we need to correct and make sure this country will not continue living in an uncertainty. One is always worried that bad news might be coming. I call upon the leaders of this nation not to fall in the trap where some people think it is their religion or community being targeted. Let us not feel that if one is a Muslim or a Christian, he or she cannot correct people in that religion.

With those few remarks, I note the report.

**Sen. Ong'era:** Mr. Temporary Speaker, Sir, thank you for giving me this opportunity so that I can also note the report. Like my other colleague Senators, I would like to, first of all, congratulate the President for timely submitting this Report that is a statutory requirement under Article 240 of the Constitution and Article 6 of the National Security Council Act. On page 84, the President has candidly accepted that, indeed, there are challenges. However, this is an academic exercise. This Report does not delve into the real critical issues of national security.

As we all know, this country is almost on its knees because of issues of security. I did not expect to see in a Report submitted by the Head of State whereby we are being told where cannabis is grown in Kenya. I would have expected to see a Report that is telling me what we are doing about the issue of drug abuse and substance intake in this country. I did not expect to be told that heroine is being transported through Jomo Kenyatta International Airport (JKIA). I expected to see a Report that would tell me what we are doing to seal the loopholes in JKIA so that drugs are not exported or imported into this country.

Mr. Temporary Speaker, Sir, it is not enough to hear some of my colleagues saying that security is a responsibility for all of us. We know that security is a function of the national Government. We expect them to ensure that they reduce the levels of insecurity in this country. If you look at this Report, there are no concrete solutions that can tell us what we could do with security. I expected, for example, to see that when the President admits that, indeed, there is no coordination and that the left hand does not know what the right hand is doing in terms of security, I expected him to fire all the top security officers in this country. He would have told us that he has brought in a new group of people who can ensure that we have adequate security in this country.

We know that the disciplined services in this country need to be properly remunerated. It is not just enough to say that we are going to pay them high salaries or we



are making efforts to improve their pay and working conditions. We want to see how much have the police been paid? Have their services been improved? Do they have sufficient vehicles and so on? It is not just enough for the President to give us regional distribution of levels of insecurity or regional crime trend analysis. I expected to see a Report that would say, for example, how we are going to devolve security.

Recently, I had the chance of travelling with our Speaker to New York and the level of services offered by the police there is great. We do not need to have police services under the appendage of national Government. The security of our people in the counties is at a dismal level. I know that if only this Government can be honest and devolve security, including police services to the counties, the level of regional insecurity will go down.

Mr. Temporary Speaker, Sir, we know that one of the cardinal reasons crime has increased in the countryside, especially in the counties, is because of the parallel organs that are handling security. We have the provincial administration, the administration police, the regular police and everybody is a boss. So, nobody wants to admit that they are civil servants who should do the job. If the provincial administration could actually be abolished in this country in accordance to the Constitution, then the situation will improve. This is not just an exercise in futility that we are requesting it to be abolished, but it is a constitutional requirement.

The Constitution that was enacted in 2010 calls for abolition of the provincial administration. This Government, as a matter of urgency, must abolish the provincial administration. We should stop having parallel institutions. That is why we do not have sufficient money. That is why you can see on 5.2 of his Report saying that there are financial limitations. They are there because we have so many parallels. We have a provincial administrator who is now called a county commissioner. We have another person who has been established by the county government which is constitutionally in place, somebody they are calling a county coordinator. This money is coming from one purse. We cannot have a situation like this in this country with limited resources.

Finally, Mr. Temporary Speaker, Sir, I want to propose that this country needs a national conference on security. This will give us a forum where we can sit and reason so that we find out the real issues that affect our country to such a level where we have high incidents of insecurity. As you are aware, in our CORD manifesto, we had ensured that security was one of the areas that we were going to tackle when we ascend to person. It behooves the Jubilee Government to take this matter very seriously.

With those few remarks, I beg to note.

**Sen. Elachi:** Mr. Temporary Speaker, Sir, I also rise to note and appreciate the Report tabled before Parliament by the President in accordance with Article 240 of the Constitution. I thank him because he was able to do so. This is the first time we are implementing Article 240 of the Constitution. By laying the Report on this Table, he adhered to the Constitution. I rise today not really to look at the issues in the Report, but to note that the President was able to bring out ten thematic areas. These are issues that we have been having challenges with for the last 20 or 30 years. Here in this Senate, we come from different backgrounds. I think the root cause of all our challenges in this country is love for money. We believe that money can do anything for us.

When the President stands and points out such challenges, you can laud him for touching on different sectors in this country. Even if we want him to strengthen the National Police Service (NPS), we must ask ourselves what happened. If the police were able to manage things when they were under the command of a police officer like them, is it that they are sabotaging each other because we have a different way of doing things? That is something we need to ask ourselves without hiding or playing games.

I want to talk about our brothers in Eastleigh. There are many ways in which we can manage security. There are many ways in which we can know who is a criminal and who is a good citizen. Our Muslim brothers have their own way of managing these things. The Government has to look and decide whether to build the capacity of the elders who live in Eastleigh so that they can manage some of these issues. Maybe they will manage it the way they managed North Eastern Province when we used to have serious challenges of shiftas. When they got their own provincial commissioner they calmed down.

Mr. Temporary Speaker, Sir, we need to look at what happens in the Immigration Department. The issuance of identity cards in Kenya is something that should be checked closely. You walk in with some Kshs15,000 or Kshs20,000 and walk out with an identity card. Now that the President has come and enumerated our challenges, then we must look at the root cause of them. Every Kenyan, especially the one who has been given an opportunity to be a leader in this country, should be assessed to determine whether he or she played a role in either bringing down this country or trying to build it positively.

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

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

**Sen. Kajwang:** Mr. Temporary Speaker, Sir, I just want to inform my sister that sometimes last year when I was still fortunate to serve in the Government, we actually had serious problems in Eastleigh---

**The Temporary Speaker** (Sen. (Dr.) Machage): Sen. Kajwang, did you serve in this Government?

**Sen. Kajwang:** Mr. Temporary Speaker, Sir, the other one. At that time, the Government was much more consultative. We had a meeting with the leaders in Eastleigh. We agreed the best way to move forward, was to get the people in Eastleigh to police themselves. They should be grouped into villages, streets or blocks and get them to elect their own leaders who would police themselves. However, when we go there with terror in response to terror, we shall not get security. That is all I wanted to say.

**Sen. (Dr.) Khalwale:** On a point of order, Mr. Temporary Speaker, Sir.

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

**Sen. (Dr.) Khalwale:** Mr. Temporary Speaker, Sir, because we are recording our proceedings, it is important that we attempt, on this very sensitive issues, to have the proper facts on record. Any attempt to portray the entry of the President and his Government into Eastleigh as either a fight against a particular community or religion cannot be the truth. I recall very well---

**The Temporary Speaker** (Sen. (Dr.) Machage): What is not in order, Sen. (Dr.) Khalwale?

**Sen. (Dr.) Khalwale:** The point of information, if you will bear with me.

**The Temporary Speaker** (Sen. (Dr.) Machage): Are you informing or are you on a point of order?

**Sen. (Dr.) Khalwale:** Mr. Temporary Speaker, Sir, I am on a point of order. That what we put on our record should be factual. You and I recall in the last Parliament when *Mungiki* was a very serious problem, the late Michuki moved into Mathare and nobody that time shouted that it was a fight against Kikuyus. He did the job, he gave us security and we have all reaped the fruits. In this sensitive matter, it is important that all of us unite behind the President in ensuring that we bring peace to our country. The point of order is that the record should reflect the truth.

**Sen. Kajwang:** On a point of order, Mr. Temporary Speaker, Sir.

**The Temporary Speaker** (Sen. (Dr.) Machage): Proceed, Sen. Elachi!

**Sen. Elachi:** Mr. Temporary Speaker, Sir, I want to say that the security agents will not get tired in this operation. They should also move into other estates, including South C and South B. There are many areas where there is insecurity and we fear talking about it. We should not fear because today our country is on fire and that is why we are losing tourists and investors are shying away. When we stand here and start courting them, we will have bigger challenges than we have.

As a country, it is time we called a spade a spade. When we see a country going down and we start getting into our various tribal groupings, then we have a big challenge. Today if you see how President Museveni is managing security in Uganda, is because he has stood firm. When you see President Kagame managing security in Rwanda, he has also stood firm. On insecurity, the President does not need to wait for Kimaiyo or Muhoro, but stand firm and tell them to do their work. We are telling Kimaiyo, Muhoro and ole Lenku---

**An hon. Senator:** To go!

*(Laughter)*

**Sen. Elachi:** Mr. Temporary Speaker, Sir, we are telling them to support the President and to stop sleeping on a job they were given to do. They have the privilege of serving this country. Every time we are blaming the President and yet there is an institution in place to manage these matters. The Ministers who are responsible for the ten thematic areas must wake up. The President has opened up and said that he is not going to hide issues in the closet the way others would do. He has put everything on the table and it is up to Kenyans to look at it in order to know where to knock. If you have been given a privilege to serve within the Jubilee Coalition Government, then you have a responsibility to serve every Kenyan wherever they are regardless of who they voted for.

*(Applause)*

That is what we expect the Cabinet Secretaries to do.

I want to give an example of the National Social Security Fund (NSSF). I know Bruce House is being managed by the NSSF. In that building, there are two young men doing business there. Today they are now being threatened by somebody with a lot of

money. That is the culture that we have; that somebody can just come and buy the whole of County Hall and evict all of us. This does not cater for the interests of the country at all. That is what is ailing us in this country. We have decided that money can be dished out in paper bags and then we are compromised.

Mr. Temporary Speaker, Sir, we wanted a forensic laboratory to help us have the best, but it was killed because of corruption. We now have county governments. We cannot keep on crying about marginalization because today nobody is marginalized. We all have the opportunity to do what we want in our counties. It is time we stood firm with investors in this country. In this country one person simply becomes a billionaire or a trillionaire overnight and we do not even question how he acquired his wealth. That is why we are facing the challenges we are facing today. People have taken advantage of the kindness Kenyans have until we have reached where we have reached. We want an identity card that has a chip so that when you walk into a bank with that identity card, they will automatically identify you. If you try to implement that, you will find the corrupt individuals blocking the whole process. If we want good security, then we must invest in the whole process.

When you look at road accidents today and then look at a ruling by a judge stopping a process to bring order on our roads, you just wonder what is happening in this country. The other day 13 people died in Masii because they had travelled by road at night in a matatu. They all perished. You want to please a few investors and now you have 13 people and many others dead because of your ruling. We should have a holistic approach to issues. When criminals are arrested, the criminal justice system should also stand firm and deny them bail. Kenyans are undecided whether to take these criminals to courts or to lynch them. It is time we became bold and dealt with criminals as individuals and not fight the system on ethnic grounds. We should revert to the late Michuki way of dealing with issues. He never favoured or feared anything. You must have courage.

We may be talking about one religious group being bitter about certain actions being taken by the Government, but we must know that there are other religions which are also bitter, but quiet. I believe they should also wake up and talk about it so that we can harmonize the situation and have peace in our country. We need solutions and people should respect the law. The biggest challenge we also face as Kenyans is that we do not respect the law. We are always thinking of using the back door means in everything we do. This is happening in the judiciary and everywhere else and it is killing us. Some Senators here have been in Government and they know that sometimes you are left wondering with your technocrats how to deal with some issues.

Now, that God has given us the opportunity to belong to a House where solutions can be found, we should not just say that the buck stops with the President. However, it is time we sat on the table, dialogued together as leaders and found a way forward. We may talk about doing away with the provincial administration, but we should not forget that there are communities in this country who cannot do without these people because they are their only hope. These are communities where we have issues to do with cattle rustling and cultures that are affecting them. We should strengthen their services. The country is so polarized that sometimes I wonder whether we really love our country. Are

we patriotic to our country and do we really believe in this country? Are we preparing this country for the next generation?

The Bible says in Genesis: And God told the Israelites, you must lease your land, but do not sell your land. Lease your land and at the time of Jubilee, you will take back your land. I think time has come within Jubilee for us to take back our land as we move on. The Bible is not just there for the Archbishops, but it is there to help all of us. It is a book that we need to read.

**Sen. Kajwang:** On a point of order, Mr. Temporary Speaker, Sir. Is it in order for our sister to give us some biblical quotations which we do not quite understand and which confuse us? Which land did we lease and who is supposed to bring it back to us?

**The Temporary Speaker** (Sen. (Dr.) Machage): Sen. Kajwang, that is not a point of order.

Proceed, Sen. Elachi.

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Mr. Temporary Speaker, Sir, is it in order for Sen. Kajwang to refer to Sen. Elachi as his sister without qualifying that she is, indeed, his sister, in accordance with the Standing Orders?

**The Temporary Speaker** (Sen. (Dr.) Machage): I am sure Sen. Kajwang is a very fast learner and he has noted that.

**Sen. Elachi:** Mr. Temporary Speaker, Sir, it is very clear in the five books that made the Israelites move to Egypt and that is Genesis, Numbers, Leviticus, Deuteronomy and Exodus. When you read those five books you are able to understand why we have a Bible and why this country needs the Bible more than the laws we have.

**The Temporary Speaker** (Sen. (Dr.) Machage): Sen. Elachi, which of those books talks about title deeds and all that?

**Sen. Elachi:** It is Genesis, Mr. Temporary Speaker, Sir.

**The Temporary Speaker** (Sen. (Dr.) Machage): Which verse?

**Sen. Elachi:** Verse 52, Mr. Temporary Speaker, Sir.

**The Temporary Speaker** (Sen. (Dr.) Machage): Which chapter?

**Sen. Elachi:** Mr. Temporary Speaker, Sir, I will check and give you. It is very clear that God told the Israelites to give their land. First of all, he said: "You should not make your brother your servant". Then he moves on and says: "You have been given land within the Promised Land, but if you will not use it, you can lease it out. If you do not have money, ensure that in the year of Jubilee, you will bring back your land to your people so that your generations can benefit".

This is very clear in the Bible. So, Kenyans are now celebrating the year of Jubilee. Therefore, it should not just be the issue of land, but ethics and values. You may just think about the land of soil, but the land of heart is also very critical. When you look at how we are very corrupt, we should know that it is unethical and that we should stop it.

Finally, as much as we have talked about the Report, we now need to go beyond and ask ourselves what we have done as Senators for our people. It is also important for us to evaluate ourselves; whether we have been there, responsible to the people and a servant to the people other than just questioning the President and back home they are also questioning you.

I beg to note.

**Sen. Khaniri:** Mr. Temporary Speaker, Sir, I want to thank you for the opportunity you have given me to join my colleagues who have spoken earlier in noting the earlier Report to Parliament on the State of National Security submitted by His Excellency the President.

I will begin by saying that noting this Report is not good enough. Moving forward, we need to change the relevant statutes so that whenever His Excellency submits this Report, he also comes up with recommendations that we can critique and even amend so that we find a way forward. However, I think we are wasting too much time of this Senate by just noting.

**The Temporary Speaker** (Sen. (Dr.) Machage: Order, Sen. Khaniri, this Senate does not waste time.

**Sen. Khaniri:** Mr. Temporary Speaker, Sir, we are spending too much time noting this document; time that we would have, probably, used better. Noting is not good enough.

I want to start by saying that I have listened to many of my colleagues thank and congratulate the President. I will congratulate him on two issues only. The only thing that I will congratulate His Excellency the President on is for fulfilling the constitutional requirement that he submits this Report to this House, which he did.

I also want to congratulate him for his sincerity. In the Report, he has admitted that crime has increased since he took over the governance of this country. I congratulate him for that. I want to remind President Uhuru that as the Head of State; the first and foremost responsibility he has, together with his Government, is to ensure the security of Kenyans and their property. That is the number one duty. In fact, if I were the President, there are just three things that I would look into. He seems to have failed in very many other things, but if he could just succeed in three things, then he would be halfway through.

Number one is security; two, economy; three, infrastructure. There are only those three things and he will have left a legacy. We encourage him to continue following the rule of law. We encourage him to continue walking that path of abiding by the Constitution. However, we want him to give Kenyans security. If I were to rate the Jubilee Government on security on a scale of one to ten, I would give President Uhuru two, being very generous. I would give him a score of two which is a big shame considering that security is everything.

Going by statistics and his own admission he gave us on page 18 of this Report; Trend Analysis from January to October, in 2013, offences involving police officers increased from 69 to 95 which is a plus of 26 per cent.

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

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

The vice that has brought this country to its knees is corruption. It has increased from 49 per cent to 57 per cent. Robbery cases increased from 3,262 to 3,551. That is an

increase. Homicide was at 2,761 and shot to 2,878. That is also an increase. The use of dangerous drugs increased from 4,181 to 4,316. This shows that retired President Kibaki did much better than this Government that calls itself a Government of young people or young turks. It is a big shame; an embarrassment to this nation. We must all stand up as leaders and encourage the President to sort out the mess regarding security of this country. If he cannot give us, then he should pack and go.

**Hon. Senators:** Yeah---

*(Applause)*

**Sen. Khaniri:** Mr. Temporary Speaker, Sir, I know that there are very many threats around. However, the biggest threat we are faced with at the moment is terrorism. We want to encourage the President and his security apparatus to continue with the war they are putting up against terrorism. Let them not relent on the war on terrorism. We want security agencies to do their work. We do not want press conferences. *Mambo ya kuja* and telling us that you shall shoot to kill is not something you should tell us. You do your job and make sure that we are safe. I know that Sen. Hassan may have a problem with this; the human rights activist. However, whatever it takes for the security apparatus to give us security, let them do it. We do not want them to come on our screens during press conferences to tell us that they will shoot to kill. Just do your job!

**Sen. Hassan:** On a point of order, Mr. Temporary Speaker, Sir. First of all, I am elated that Sen. Khaniri recognizes the values I stand for.

Secondly, is he in order, in his own submission, to encourage lawlessness in extra-constitutional and extra-judicial means and yet as an officer of the Constitution under Article 10, he is duty bound to protect the Constitution, interpret it and enact it as provided?

**Sen. Khaniri:** Mr. Temporary Speaker, Sir, my brother Sen. Hassan is misinterpreting what I said. You heard me very clearly. I said that we pay our security agencies to give us security. We do not want them to come on screens to come and tell us what they are planning to do. We just want them to give us security. Whatever they do---

**The Temporary Speaker** (Sen. Murkomen): Sen. Khaniri, you invited this debate by invoking the name of Sen. Hassan in a manner that suggested that you had an imagination of encouraging extra-legal processes.

**Sen. Khaniri:** Mr. Temporary Speaker, Sir, if that is the impression I created, I want to apologise to Sen. Omar. But I still stand my ground that we do not want our security officers to come on screens and tell us how they will give us security. The Constitution mandates them to do it. We have given them what is necessary. Let them give us security.

After the killings that happened in Busia and Bungoma counties; where our people were butchered, hacked and lives were lost, the President came to tell us that one year down the line, the Government does not know the motive of those killings. What kind of Government is this?

**Sen. (Dr.) Khalwale:** *Bure.*

**Sen. Khaniri:** Mr. Temporary Speaker, Sir, every year, Parliament votes in a lot of money to our security agencies like the investigative and the NIS, among others. How can they tell us that a year down the road, all the apparatus have failed to come up with the motive of this particular incidence? Someone somewhere is definitely sleeping on their job.

**An hon. Senator:** Kimaiyo!

*(Applause)*

**Sen. Khaniri:** Somebody is sleeping on the job. It is high time the President took the advice that we have voiced on the Floor of this House. Some of these heads must roll. People must go home! Let him employ competent people that can guarantee us our security.

*(Applause)*

Mr. Temporary Speaker, Sir, another cause of insecurity, and a major one, is unemployment. We have opened so many universities. Every year, we are churning out so many graduates who end up on the streets. We cannot provide them with jobs and I doubt whether this particular Government has any strategy of creating new jobs; I highly doubt.

*(Applause)*

One year down the road, they have not demonstrated to me that they have any strategy at all in place to create employment for the youth that we are churning out from our universities. There is no dangerous criminal like an educated criminal. So, unless we address the issue of unemployment and make sure that these youth are absorbed, we are going to continue having this problem. The Government came up with a policy where they wanted to give Government tenders to the youth, but I think this has been abused. Dubious businessmen are using these youth to do these jobs and they pay them little commissions, which cannot help them. So, this has to be streamlined as well to ensure that it is genuine youth who want to do business with Government who will get these particular tenders that will come up.

*(Applause)*

Mr. Temporary Speaker, Sir, this Government has not only failed to guarantee the security of its own citizens, but it has also failed to guarantee the security of animals in the wild. It is not only about human beings, the citizens; even for our animals, poaching is on the increase. It is highly suspicious that the very rangers that we pay to protect these animals are collaborating with the poachers. It is high time that the Government investigated this particular claim so that we ensure that our animals are safe because wild animals are one of the most important national heritages that we have, and if we



extinguish them, we are also killing tourism. Our tourism has gone too low. It is almost at the bottom now. This is contributing to insecurity and the wiping out of our animals in our country.

Mr. Temporary Speaker, Sir, I want to end by telling Mr. President that he has not done well in his first year in office. On matters security, he has not done well and we know he could do better. We want to tell him that it is our right to be secure and to live in a secure country. Kenyans have given him that mandate and we are watching him very keenly. If he is not going to sort out our security issues, then he should just pack and let people who are competent enough to do this job do it.

Mr. Temporary Speaker, Sir, to me, what we see in this Report, sounds just like a cry baby. It is not offering any solutions; it is just lamenting and giving statistics. How is that going to help Kenyans?

Mr. Temporary Speaker, Sir, I join my colleagues to note it.

**Sen. Mbura:** Asante, Bw. Spika wa Muda kwa kunipa nafasi hii. Napenda kuchukua nafasi hii kumpongeza Rais wetu, Uhuru Muigai Kenyatta, kwa haya ninayosoma hapa na kwa yalioongewa. Nampongeza; amejaribu. Japo si rahisi kufurahisha watu wote; wengine wataridhika na wengine hawataridhika, lakini kwa yale aliyotaribu, nampatia pongezi zangu. Japo suala la usalama limezua mjadala wa ulimwengu mzima, si Kenya peke yake. Tasisahau kuwa nchi maarufu zinazosifika kama Marikani na Uingereza zimeshindwa kuimarisha suala la usalama. Tuliona wakati wa *Twin Towers* ilivyopigwa bomu kule Marekani. Hii ni nchi ya kimataifa inayosifika ulimwenguni mzima, na walishindwa kujilinda katika nchi yao. Hayo ni masuala tunayotakiwa tujiulize; ikiwa baba wa mataifa yote ya ulimwenguni ameshindwa kujilinda, je sisi?

Nataka kuchukua mfano mzuri wa kwetu, Pwani. Twasema Mombasa ni Kaunti Nambari 001. Ina magari ya usalama zaidi ya mia moja. Je, mbona tumeshindwa kuthibiti usalama? Tulililia ugatuzi; ugatuzi umekuja na kila kaunti imepewa mamlaka ya kujiendesha. Katika Mombasa, twaona mifano mizuri tuliyo nayo; magari shehena ya kulinda. Ukiingia katika Kila kichocho, kuna magari ya kulinda usalama. Lakini kila kukicha, Mombasa ndio inaathirika sana. Je, magari yale yafanya nini? Kama ndugu zetu wa Upinzani wanavyosema wakikashifu upande huu, ni sawa; mnatupatia motisha ili tuzidi kufanya vizuri. Lakini baadhi yenu katika CORD ambao twaamini ni viongozi bora wenye gari zote za kulinda usalama, na mmeshindwa kulinda Kaunti ya Mombasa. Magari haya yanatumia petroli ya kaunti; yatumiza wananchi na kila leo, visa na mikasa vya utovu wa usalama Mombasa vyaripotiwa. Bado tutanyooshea kidole Serikali ya Jubilee? Bado tutamnyooshea kidole Rais Uhuru Kenyatta. Yatakikana hata sisi viongozi tuwajibike. Wakati wa *blame game* umeisha. Wanaokufa ni Wakenya wa upande zote, si wa upande wa Serikali au Upinzani. Yatakikana Serikali ya Jubilee na CORD tushikane pamoja ili tuyazungumzie haya masuala na tuone suluhisho litatoka wapi. Rais Uhuru yuaongoza Wakenya wote, haongozi wana Jubilee peke yao.

(Applause)

Kuna kitu kimoja nataka niwafahamishe katika Seneti; wakati Jubilee ilivyochukua hatamu za uongozi, haikuandika askari wala masekretari. Wale tuliwapata pale pale katika ofisi. Walioingia ni waheshimiwa Wabunge na Maseneta. Idara tulizipata ziko vile vile na uhalifu tulioupata uko pale pale. Kwa hivyo ni jukumu lenu, wana CORD na sisi Jubilee tushirikiane kwa mawaidha bila ya kukashifiana ili tuone madhara haya tutayamaliza vipi.

*(Applause)*

Jambo la pili ni kuwa kuna mashirika Kenya hii yanayotakikana yaangaziwe macho na Serikali---

*(Loud consultations)*

**The Temporary Speaker** (Sen. Murkomen): Order! Order, Sen. Senators!

**Sen. Mbura:** Bw. Spika wa Muda, kuna mashirika Kenya hii yanayotakikana yaangaziwe macho kwa sababu kula kwao, kusomesha kwao, matibabu yao ni mpaka damu imwagike. Bila ya damu kumwagika, mashirika haya yatafanya kazi gani? Wanajiita *Human Rights Defenders*. Mashirika haya yanalinda nini kama ni lazima damu imwagike? Kuna uwezekano kuwa baadhi ya maashirikia haya ya *Non Governmental Organizations (NGOs)* yanahusika na visa hivi vya kijangili.

*(Applause)*

Kwa sababu ikiwa mimi namtetea Muislamu na Muislamu yule hafi, pesa zitatoka vipi nje kuja kwa shirika langu ndio mimi nimtetea Muislamu? Ni mpaka niwashe moto, Waislamu walipuke; Waislamu wauawe ndio pesa ziingie kwa shirika langu, ndio mimi nionekane kuwa nafanya kazi. Haya ni masuala ambayo lazima tuyazingatie na tuyachunguze.

Bw. Naibu Spika wa Muda, naja kwa viongozi wa dini. Pia viongozi wa dini wachunguzwe. Utaona kiongozi wa dini leo ameshatawazwa na amekua Imamu au Askofu, na baada ya siku kadhaa, ana Mercedes Benz, ana Prado V8. Haya ni masuala ambayo lazima tujiulizeni; haya ndiyo yanayochangia Kenya yetu kuhusiana na visa vya kigaidi kwa sababu ni lazima damu imwagike ndio wao wapate pesa za kusaidia.

*(Applause)*

**An hon. Senator:** Toboa!

**Sen. Mbura:** Bw. Spika wa Muda, jambo lingine nataka kuliangazia ni kuwa Kenya yetu haijakuwa na uwezo wa kuwatambua magaidi kwa sababu hawana alama kichwani. Kwa hivyo, ikiwa Msomali atafanyiwa ukaguzi, basi wewe kubali kufanyiwa ukaguzi iwapo wewe ni Seneta au Gavana; hujaandikwa kichwani kuwa wewe si gaidi. Hata mimi naweza kuwa ni gaidi!

(Applause)

Kwa nini wawakague Wakenya wengine na nyinyi mkifanyiwa ukaguzi mwasikia vibaya? Kilichompata Nancy Baraza mkicheza pia nyinyi mtakipata.

(Applause)

**An hon. Senator:** Tell them!

**Sen. Mbura:** Ama tumesahau kisa cha Nancy Baraza? Alikwenda. Kwa hivyo, nyinyi Maseneta mkicheza, pia mtakwenda. Ni mkubali mkaguliwe. Onyesheni vitambulisho vyenu mnapohitajika kufanya hivyo. Kwani nyinyi ni akina nani? Maaskari wa Kenya hawawajui Maseneta wote ama Magavana wote. Wengine wametoka porini baada ya miaka kumi wamekuja juzi hapa mjini. Hawawajui nyinyi. Watatukagua sisi sote jinsi wanavyowakagua Wakenya wengine. Tafadhali nyinyi viongozi, kubali kukaguliwa. Kila wakati tunawalaumu askari kwamba hawawajibiki. Nyinyi mnalala na mabibi wenu kwa starehe na kuwatunga mimba na kuzaa watoto wengi. Anayewalinda mlale vizuri ni nani? Ni hawa hawa askari.

Kwa hivyo Mgala muuwe lakini haki yake mpe. Askari wetu wanajaribu. Wanauawa kwa sababu ya kutulinda sisi. Wamewaacha wajane na watoto kwa kutulinda sisi. Kwa sababu hatuna uwezo wa kuwajua magaidi, leo askari akiambiwa kuwa hapa ndani kuna gaidi na kuna giza, ataingia ndani na kumtwanga kila mtu. Kati ya wale watakaotwangwa, wawili watasema gaidi ni fulani. Lakini katika kutwanga kwao wanaumiza wasio na hatia. Lakini, je, watachukua hatua gani ili kuwajua hawa magaidi? Imefikia wakati ambapo Sen. Wangari atabidi ataje kuwa nilikuwa na Emma. Tuambiane ukweli na tuache kulimbikizana vidole. Tutarudi nyuma na kuumia. Mwisho tutauwawa sasa.

Bw. Spika wa Muda, sasa hivi kuna tisho kule Pwani la kuua mmoja kati ya Serikali kwa sababu alitoa *hate speech*. Lakini kwa sababu ya uhusiano wangu mzuri na vijana na Waislamu, wameniambia: “Mama kuna njama mbaya.” Lakini nauliza: Bali na haya yote sisi kama viongozi ambao tuko mashinani, tunawajibika vipi? Kenya ni kubwa na Rais Uhuru haiwezi peke yake. Mawazo ya Rais Uhuru si mawazo yenu nyinyi. Kila mtu anafikiria kivyake. Ni lazima tuchukue hatua sasa na kuwajibika kama Wakenya. Ni kwa sababu tukisema kuwa tutachukua wajibu kama viongozi, tutakuja hapa tukirusha mawe kwa wale ambao waliturushia sisi.

Bw. Spika wa Muda, kilichoniuma Mombasa ni kuwa askari wetu Wakenya waliambiwa: “Kesho kutakuwa na *darsa* Masjid Musa na litahubiri chuki.” Lakini askari wetu wa Kenya walilala na kungojea mpaka siku ikafika. Waislamu waliingia msikitini, mahubiri yakatolewa na chakula kikaandaliwa na kuliwa ndio askari wakaingia. Kwa nini tunapenda kutibu na si kuzuia? Ikiwa walikuwa wameambiwa kuwa kesho kutakuwa na janga fulani, kwa nini askari wetu wasiende kuzuia? Nakumbuka wakati wa akina Omutata na *Kenans for Justice and Development*, tulipotaka kufanya mikutano, tulikatazwa na siku ya pili uwanja ukajaa polisi. Hatukufanya mkutano. Kwa hivyo, ikiwa waliambiwa kuwa kutakuwa na *darsa* la kuhubiri chuki katika Masjid Musa, kwa nini askari wetu wasiende pale asubuhi na kuzuia watu kuingia? Waliwaacha akinamama

na watoto wakaingia. Hata watoto wa Kikristo pia waliingia kwa sababu walisikia kuwa kutakuwa na biriani ya bure. Watu wa Mombasa wanapenda kula biriani. Inasikitisha kwamba mbali na kusikia hayo yote na taarifa waliopewa mapema hawakuchukua hatua. Hii inaleta picha gani? Haya ndio mambo ambayo yanaleta kuhitilafiana.

Bw. Spika wa Muda, lakini ile ni idara ya usalama na wala si Jubilee. Hata kama ni Serikali ya Jubilee, hata nyinyi mumo katika Serikali. Ilikuwa katika Kaunti ya Mombasa na Gavana ni Joho. Ni lazima ajue ni nini inaendelea katika kaunti yake. Kama kulikuwa na taarifa kuwa kutakuwa na kitu fulani ni lazima Gavana ajue. Ana sauti ya kusema: “Nendeni mkazuie.” Mbona hakuzuia? Kama kweli kitendo kile kilikuwa---

**Sen. Madzayo:** Jambo la nidhamu, Bw. Spika wa Muda. Kwa heshima ya Sen. Emma, je ni sawa kutaja mtu ambaye hayuko hapa ndani na hawezi kujitetea? Tunataka afafanue hiyo.

**Sen. Mbura:** Kwa maoni yangu naona ni sawa kwa sababu natoa mfano wa kwamba ripoti ilitoka, na yeye kama kiongozi wa Kaunti ya Mombasa, ni lazima awe na taarifa hiyo. Ana uwezo na nguvu ya kuamuru hiyo *darsa* isimamishwe.

**The Temporary Speaker** (Sen. Murkomen): Order, Sen. Emma! I think that you were proceeding fine, if you only left at a certain stage. But you should not go to certain details that, perhaps, may cast aspersions on the character of the Governor as a person, unless there is a specific approved Motion for that discussion. But when you were giving you initial example of saying that even the Governor is from this other party, that is enough. So, let us leave it there.

**Sen. (Dr.) Khalwale:** On a point of order, Mr. Temporary Speaker, Sir. Thank you for setting it clear, but I think that it is important, since the people of Mombasa are listening, for them not to be left with the perception that the Governor of Mombasa has got any security role whatsoever. So far, the failure of the national Government should not be passed on to the County government of Mombasa. Therefore, the Senator will do well to appreciate this, so that some of us who are proud of Governor Joho – he supported us seriously during the recent terrorist attack at the Likoni Joy of Jesus Christ Church – do not get mixed up with whatever little politics there might be on the ground.

**The Temporary Speaker** (Sen. Murkomen) Sen. Emma, the problem with the Chair is that it cannot sometimes incite itself to say certain things. I was waiting all along for someone to say what Sen. Khalwale said, that security remains a function of the national Government. That is why Governors were not held to table security reports. It was the President of the Republic who tabled this Report that is before the House. I have heard you in our submission severally saying that the county government should have done enough to contain insecurity. However, remember at all times, like Sen. Khalwale has said, that is a function of the national Government and that is why we are debating this Report. But that is not to say that the counties have no general role in facilitating the process of security. In any case, it is in public domain that the Governor for Mombasa with other Governors have invested in security in terms of vehicles and so forth. So, I think that we should avoid going that direction.

Since your time is also running out, proceed to the next point, Sen. Emma!

**Sen. Mbura:** Bw. Spika wa Muda, ningependa kuomba msamaha kwa hayo. Ulimi ni kiungo kidogo, lakini kina matatizo makubwa. Kwa hivyo, samahani.

Bw. Spika wa Muda, ningependa pia kuangazia kuhusu Kasarani. Msako unaofanywa Eastleigh umenisikitisha mimi kama mwanamke na kiongozi kuona akinamama wenye mimba ya miezi tisa wameshikwa na wako Kasarani Police Station. Hata kuna uvumi ambao katika kuchunguza kwangu una ukweli ya kwamba kuna mama ambaye amelia kwa uchungu wa kuzaa. Alizaa na mtoto akafa. Kwa hivyo, usalama ni changamoto kwetu. Ningeomba Serikali, kupitia kikao hiki cha Seneti, izidi kuangazia kwa kina mambo ya usalama. Ni jukumu letu sote kama CORD na Jubilee. Naamini kuwa kwa pamoja tutafaulu.

Asante, Bw. Spika wa Muda.

(Applause)

**Sen. Chiaba:** Bw. Spika wa Muda, asante sana kwa kunipa nafasi hii ili niweze kuangazia yale ambayo Mhe. Rais Uhuru Kenyatta na timu yake ya kufanya ukaguzi wa kina katika mambo ya usalama ya Kenya mzima. Alikuwa ni mkweli na amesema yale ambayo yanatakikana Wakenya waweze kuyasikia. Ni kweli kusema ya kwamba kuna upungufu mwingi katika ngazi za wale ambao wanahusika kulinda usalama. Kwa mfano, kuna upungufu wa magari, upungufu wa pesa na kadhalika lakini hayo yote hayawezi kupita yale ambayo yamewekwa katika Katiba ya Kenya.

Katiba ya Kenya inasistiza ya kwamba kila Mkenya ana haki ya kupata usalama katika taifa hili. Kwa hivyo, haya yanayotokea hivi sasa ya kufanya misako mikubwa ili kutafuta wale ambao ni wahalifu, magaidi na majangili ambao hawana huruma na binadamu---. Inafaa wale ambao wanahusika katika usalama pia kuona ya kwamba Katiba ya Kenya inampa haki mtu yeyote na hasa yule ambaye hausiki na jambo la ugaidi au ufisadi. Isiwe tu ni kama kutupa nyavu katika bahari na hujui ni samaki gani wataingia. Hakuna sheria yoyote inaweza kufanyika hivyo. Ni maskitiko ya kwamba wale ambao waliwekwa Kasarani wamekataliwa kutembelewa na wale ambao wanalinda haki. Hii ni kinyume cha sheria na kinyume cha Katiba ya Kenya.

Viongozi wakiongea juu ya uhalifu, hawana lazima ya kumtolea kidole mtu yeyote. Uhalifu unafanyika na makabila yote, na dini zote na kila mtu ambaye roho yake imekauka katika kulinda usalama wa binadamu. Kutoleana vidole ya kwamba ni dini fulani au ni kabila fulani haisaidii katika kuleta uwiano katika taifa hili letu. Ni muhimu sisi kama viongozi kusimama imara kuonyesha ya kwamba Kenya imeishi katika hali ya usalama kwa miaka yote 50 na tudumishe hivyo na kuendelea ili tupate watu wa kuwekesha raslimali zao katika nchi hii. Tunataka kuona uchumi wetu umeimarika.

Serikali inawajibika kwa kuzuia biashara ya mihadarati. Hakuna mtu mwingine ana wajibu wa kikatiba kulinda mihadarati isiingie hapa isipokuwa wale ambao wanahusika na idara ya usalama. Yafaa tuiunge hii Serikali mkono. Namshukuru kwa kusema kwamba hili ni jukumu la kila mwananchi wa Kenya. Hii ni kuonyesha kwamba kila mwananchi wa Kenya ana wajibu ikiwa atamuona mhalifu jirani yake aweze kuipa Serikali habari ili asitende kitendo cha uhalifu na kuumiza binadamu. Hakuna haja ya kusema Waislamu au Wakristu bali Mwenyezi Mungu pekee ndio ana haki kutoa maisha ya binadamu. Kwa hivyo, sisi kama viongozi tumewajibika kutoa sifa ile nzuri ya

kuonekana kwamba tunataka taifa hili liwe na umoja, haki na kufanya yale ambayo Katiba inatungazia tufanye.

Kwa hayo machache, naunga mkono yale ambayo yamesemeka katika Ripoti ya Rais.

**Sen. Njoroge:** Mr. Temporary Speaker, Sir, I want to start by thanking you for allowing me to join my fellow Senators in contributing to the President's Speech, especially on security matters. I want to say that we need to appreciate that the Jubilee Government found the security status in a state that it is, whereby terrorists had already positioned themselves in the country. The Jubilee Government has taken measures in correcting the bad status which was left behind by the Coalition Government. It is very clear that the Grand Coalition Government had two Principals whom we really appreciate though the state of security was left badly damaged.

As I support what the President said during the speech and considering the present status of security, it raised a lot of concern even after the President gave directive to the security agents to start wiping out criminals and terrorists in the country. He went further and gave an ultimatum to the gangs and terrorists to give up their guns voluntarily. Afterwards the security agents moved in and started rescuing the bad security situation. It is sad that some of the well known leaders have come out openly to criticize the security agents when they know what has happened in the past. We know that churches have been attacked. I still wonder why mosques have never been attacked since this situation started.

In a real sense, when we look at it thoroughly, the people who have always been arrested in connection with grenades and bombs are of Somali origin from Kenya or Somalia. Most of their activities are done in Eastleigh. You cannot call that Luoland or Kikuyuland. Those who control Eastleigh are people from Somalia or of Somali origin. So, I stand to be corrected if I would get out of the way because I never went through induction as far as Standing Orders are concerned.

I have read several times in the newspaper, somebody like hon. Duale threatening to get out of the Jubilee Government. That is like asking the Government to sacrifice other Kenyans in order to retain him in the Jubilee Government. It is a shame. I would not stop or rest my case---

**Sen. Kajwang:** On a point of order, Mr. Temporary Speaker, Sir. Is it in order for the Senator to discuss the person of a calibre of Senate Majority Leader in another House on the Floor of this House without a substantive Motion? He is effectively a very important leader; the third leader in their Government.

**The Temporary Speaker** (Sen. Murkomen): Sen. Njoroge, whatever is being said about hon. Duale are stories we read in the newspapers and other places which cannot be relied on in this House. You are treading on very dangerous grounds when you attempt to take that direction. It would be important for you to speak in generalities without specifics. You remember what I told Sen. Emma in so far as the Governor of Mombasa is concerned. You want to avoid a situation where you discuss the person of the hon. Member and, secondly, you open up a certain level of discussion about the other House. You remember there is a Committee between the two Houses.

**Sen. Njoroge:** Mr. Temporary Speaker, Sir, I had already stated that at the time the Senate was being taken for induction---

**The Temporary Speaker** (Sen. Murkomen): In fact, for the record Sen. Njoroge, your grace period is over. Induction will not be the excuse for not reading the Standing Orders. In any case, we revised these Standing Orders. Therefore, to all the Senators here, self induction must apply. To read for you specifically Standing Order No.90 (4) which states:-

“No Senator shall impute improper motive to any other Senator or to a Member of the National Assembly, except upon a specific substantive Motion of which at least three days notice has been given calling in question the conduct of the Senator or the Member of the Assembly”

So, I am not just saying that you do not have to go around it, but you avoid it completely because it is against our Standing Orders.

**Sen. Njoroge:** Thank you, Mr. Temporary Speaker, Sir. That is noted and I withdraw and apologize while still learning.

**Sen. (Dr.) Khalwale:** On a point of order, Mr. Temporary Speaker, Sir. I want to thank you for that clarification. But you have referred to the aspect of referring to a Member of the other House and quoted extensively. Maybe you want, later on, not necessarily now, to advise us, also in his contribution – a few people cheered – he referred to the media and part of the media was print and part was electronic. Now in this House, we have severally admitted electronic evidence, how shall we, in future, be dealing with those things that come through the electronic media?

**The Temporary Speaker** (Sen. Murkomen): As you have said it, there are issues that are in personal knowledge of any Senator. So, as long as that Senator owns up to say: I have seen, I was availed or I was advised. But there are issues also that are of public notoriety; that have happened across the country. This is what in the legal fraternity they say that the courts must take judicial notice. But then when it comes to processes of tabling and providing evidence, whether electronic or print, it is the responsibility of the person who is asserting to be able to table it and it goes through the usual manner of providing evidence in the House. So, I do not think we need time to reflect upon it, because there is the usual procedure of submitting any other document that needs to be approved in the House. Whether you bring a Compact Disc (CD) that has a recording or video, and table in the House, then a committee or an individual in the House can watch at their own opportune time.

Sen. Njoroge, I know your time is far much spent, but I am sure the Clerks-at-Table have been holding it accordingly.

**Sen. Njoroge:** Mr. Temporary Speaker, Sir, some leaders in a certain community have engaged themselves in trying to disrupt the operation that has been taking place in the last one week. It is very clear that after that operation started, that is when they discovered where some criminals were assembling bombs in the Eastleigh area. As a matter of concern because security---

**Sen. (Dr.) Khalwale:** On a point of information, Mr. Temporary Speaker, Sir.

**The Temporary Speaker** (Sen. Murkomen): Do you wish to be informed?

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

**Sen. (Dr.) Khalwale:** Mr. Temporary Speaker, Sir, now that he has said it, maybe it will be of interest for the House to know that as a result of that operation in Eastleigh, today 86 suspects of Somali origin have been deported out of the country to Somalia.

**Sen. Njoroge:** Mr. Temporary Speaker, Sir, the centre of interest for every Kenyan today is concentrated on Eastleigh because that is the area which is like the headquarters or where strategies are being laid down to butcher and kill our people. Many Kenyans are disabled as a result of the terrorist activities in Kenya. I want to advise the security agents that the leaders who are trying to defend or assist these criminals from running away – because this has happened before – to be scrutinized by the security agents so that they can know whether they are also involved in the bombing of churches in our country.

Thank you.

**Sen. Karaba:** Thank you very much, Mr. Temporary Speaker, Sir, for the opportunity. We are discussing a very important issue here; the issue of insecurity which is contained in a Presidential Speech in the form of a document. If we were to go through the whole document, we would get so many points that the President analyzed in the Speech. What amazes me is that as we talk here, some of us here think that if it happened today, they will be spared. It is like some people are immune to what is contained in this Report, particularly with regard to terrorism and insecurity. You will be amazed if a hand grenade was thrown here and everybody runs away in high speed. One time I tried to find out why the door to County Hall facing the road is closed and I was told by one of the security guards that they fear such things. So, it is for real. What is important is to compare ourselves with those other countries which were like us and have succeeded. What did they do? Since we go to some of those countries and spend weeks there and come back and table reports here, they should be telling us exactly what used to happen and what the actual position on the ground is now. The actual position on the ground is that those countries were maybe worse than what we are here, but they have managed to contain insecurity in their countries. We really need to know what miracles they did.

One of the miracles is what is already contained in the document, that the President has come to send signals to those people who are responsible in those departments. He is aware that *cannabis sativa* is grown somewhere. If he is aware then he is also trying to tell us; in simple terms, that there are some people in those areas who are responsible for these things like the District Commissioners, Governors and National Intelligence Service (NIS).

He is aware that some people come in through Masinga. That is not captured although it happens. They fly in and land in Masinga. They then travel in buses.

**Sen. Ong'era:** On a point of order, Mr. Temporary Speaker, Sir. Is the distinguished Sen. Karaba in order to allude that Governors who have no security role at all can pluck out *cannabis sativa* that is growing in the mountains that he has alluded to?

**Sen. Karaba:** That is perfectly in order. Let me continue.

**The Temporary Speaker** (Sen. Murkomen): The curbing of use of drugs and alcohol is a responsibility of everybody, including the Governor.



**Sen. Kajwang:** On a point of order, Mr. Temporary Speaker, Sir. Is it in order that when the Speaker is speaking from his Chair of authority that a senior Member of this House can also be speaking and exchanging with the Speaker? Is he in order?

**The Temporary Speaker** (Sen. Murkomen): That is completely out of order. He must apologise.

**Mr. Karaba:** Mr. Temporary Speaker, Sir, I was confirming what the Speaker was alluding to and accepted his ruling with a lot of humility.

If you read this document carefully, you will see that the President is sending us a wakeup call. Probably, before next year, several heads will have rolled and that is how governments are run. So, we hope that the Jubilee Government will do something.

We have some countries in the Far East Asia; the so-called Asian Tigers. The kind of security in those countries has not been seen in this region.

The Government is now moving to collect information in Eastleigh, reprimand and deport people. That is very much in order and it happens in many countries. Unless we do that, we will all be afraid and scare away potential investors. We will not be enjoying ourselves in this country. We will not have tourists who come and bring foreign exchange which is translated into improvement of infrastructure and schools which provide basic education that is very important for everybody. This is what we should be looking at. If we have already lost and we will lose more, the only solution is to curb the threat. The threat is what is contained in the document.

One is terrorism and we should not spare anyone who is a terrorist. If this discussion was being held after the Westgate terrorist attack, the mood and spirit you are seeing here would be very different. That is the time when many people were concerned about insecurity, including the ones who come from areas where citizens are suspected of being involved in such acts. They would not have been comfortable with---

**Sen. (Prof.) Anyang'-Nyong'o:** On a point of order, Mr. Temporary Speaker, Sir. Is the hon. Senator in order to ethnic-profile certain communities, contrary to the spirit of the Kenyan Constitution?

**The Temporary Speaker** (Sen. Murkomen): He is completely out of order! Sen. Karaba, you are a senior Member of this House and know that there is no tribe that is inclined to being of a particular criminal nature. There is no criminal research in criminology published to direct a particular community to be predisposed of particular crime. Considering the great responsibility that is in this House, Senators like yourself, you really need to withdraw, apologize and proceed accordingly.

**Sen. Karaba:** Mr. Temporary Speaker, Sir, I think that a lot has been said about what I am saying. It is only that I am saying it in a different language, about a tribe which I am not mentioning. I have not mentioned any tribe. I have just said that there are some tribes---

**Sen. Kajwang:** On a point of order, Mr. Temporary Speaker, Sir. The Chair has made a specific ruling and we expect Sen. Karaba---

**The Temporary Speaker** (Sen. Murkomen): Order! Sen. Karaba, I have said that, in consideration of all the factors, including timing, subject and situation, you need to apologize and withdraw. Otherwise, that will be the end of your contribution.

**Sen. Karaba:** Mr. Temporary Speaker, Sir, I apologize, withdraw and wish to proceed.

Mr. Temporary Speaker, Sir, we need not to politicize what in the end can be a problem in this country of ours. It is a young country. We need to enjoy ourselves and promise our youngsters and the generations to come that we are living in a good country. That is why we are discussing about insecurity. I am convinced that what the Jubilee Government is doing is in the right direction.

Mr. Temporary Speaker, Sir, there is something else which is also captured in the document, that is, food insecurity. I would imagine that going by the opportunity cost that we have in our country, every other community is blessed with its own way of addressing the environment. There are some who are very good in fishing. Let them fish. For those who are good in farming, let them go on uninterrupted. This is because there are some areas which are very good for farming and nobody cares about them. Let them keep off those areas so that those who are good can go ahead and supply food---

**Sen. Kajwang:** On a point of order, Mr. Temporary Speaker, Sir. I have noted, not only today, that Sen. Karaba seems to be speaking and profiling communities and tribes everytime he speaks. It is only two years ago when, in fact, fish farming was promoted in this country. We were only producing 1,000 tonnes of fish from Lake Victoria, where people supposedly know how to fish. Now we have 20,000 tonnes of fish, most of it coming from Central Province. We should not speak as uninformed people.

**The Temporary Speaker** (Sen. Murkomen): Order, Sen. Kajwang! I believe that what Sen. Karaba was driving at was basically to a particular point, which if he was not interrupted, he would have answered what you are questioning.

Sen. Karaba, tomorrow you will have another five minutes to continue with what you are submitting.

## ADJOURNMENT

**The Temporary Speaker** (Sen. Murkomen): Hon. Senators, it is now time for interruption of the proceedings of the Senate. The Senate, therefore, stands adjourned until tomorrow, Thursday, 10<sup>th</sup> April, 2014, at 2.30 p.m.

The Senate rose at 6.30 p.m.