

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Tuesday, 25th November, 2014

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

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

PRAYERS

MESSAGE FROM THE NATIONAL ASSEMBLY

CONCURRENCE OF THE SENATE ON THE MINING BILL (NATIONAL ASSEMBLY BILL NO. 8 OF 2014)

The Speaker (Hon. Ethuro): Hon. Senators, I have a communication from the National Assembly on the Mining Bill (National Assembly Bill No.8 of 2014.). I wish to bring to the attention of the Senate that pursuant to Standing Order No.40(3) and (4), the Clerk of the Senate has delivered a Message today from the National Assembly regarding the Mining Bill (National Assembly Bill No.8 of 2014). The Message is dated 19th November, 2014. It states as follows:-

“Pursuant to the provisions of Standing Order No.41 and No.142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly.

Whereas the Mining Bill (National Assembly Bill No. 8 of 2014) was published as a Bill not concerning county governments by the Kenya Gazette Supplement No.28 of 17th March 2014; whereas during the consideration of the Bill on 29th October, 2014, the National Assembly introduced and passed amendments, the effect of which made the Bill to be a Bill affecting county governments in terms of Article No.110(1)(c) and part two of the Fourth Schedule of the Constitution; now, therefore, in accordance with provisions of Article 110(4) of the Constitution and Standing Order No.142 of the National Assembly, I hereby forward the said Bill to the Senate; the effect of which is to seek concurrence of the Senate to the said Bill by the National Assembly.”

Hon. Senators, Standing Order No.148 requires that a Bill which originates in the National Assembly be proceeded with by the Senate in the same manner as a Bill introduced in the Senate by way of First Reading, in accordance with Standing Order No.129. Consequently, I now direct that the Bill be listed for First Reading tomorrow, Wednesday 26th November, 2014, following which, it shall stand committed to the Standing Committee on Land and Natural Resources, pursuant to Standing Order

No.130(1). Given that we have two weeks to go before the recess, I direct the Committee to submit its report within one week.

I thank you.

Sen. Mutula Kilonzo Jnr.: On a point of order, Mr. Speaker, Sir.

The Speaker (Hon. Ethuro): What is happening today? Are you becoming analogue?

Sen. Mutula Kilonzo Jnr.: Mr. Speaker, Sir, for some strange reasons, they cannot find my card today.

Pursuant to your Communication, I am wondering whether our intention to go to the Supreme Court has now been overtaken by events. Secondly, in my own reading, the fact that, that Bill is now at the Senate, we have cured the obvious problem that was there. The Bill should have come before you, the Speaker of the Senate and the Speaker of the National Assembly, before it was debated.

Thank you, Mr. Speaker, Sir.

Sen. (Dr.) Machage: On a point of order, Mr. Speaker, Sir. Whereas I appreciate the concern of Sen. Mutula Kilonzo Jnr., the Bill that has been brought to the House today is just one of the 26 Bills that have been noted by this House to have been erroneously presented to the President for assent. In my own opinion and maybe requesting the ruling on the matter, I think we should proceed to the court to defend and protect the Constitution of Kenya by showing our concern and refusal to accept the constitutionality of the other Bills that have been signed unprocedurally by the Head of State.

The Senate Minority Leader (Sen. Wetangula): Mr. Speaker, Sir, obviously, the Mining Bill has arrived here because the National Assembly has acted under the pressure from this House and the entire country. There was outrage everywhere, including editorials in the leading dailies; that you cannot possibly talk about mining and natural resources without talking about counties. That is why that Bill has come here. There will be other Bills which they will still continue thinking that they do not concern counties when Article 110(3) is very clear. So, the Motion we passed here and the resolution that we have to challenge the constitutionality of those Bills under Article 110(3) has not been purged. We must forestall any future----

(Sen. Elachi) consulted the Speaker (Hon. Ethuro)

The Speaker (Hon. Ethuro): I am all yours. All my ears are yours, but not my eyes.

The Senate Minority Leader (Sen. Wetangula): Mr. Speaker, Sir, I was not addressing the general House. I was addressing the Chair because you are the team leader of this House.

To forestall any future unhealthy conduct by the National Assembly, we must go to court and prosecute our resolution, so that we are fortified in both law and fact under the Constitution.

The Speaker (Hon. Ethuro): Sen. Ndiema, is it on the same matter?

Sen. Ndiema: Yes, it is.

The Speaker (Hon. Ethuro): Please, proceed.

Sen. Ndiema: Thank you, Mr. Speaker, Sir. While we appreciate that the National Assembly has seen it now proper that the matter be referred to the Senate, I think that the purpose of going to court is for the court to give direction generally on how such matters will be handled for this and other Bills that will come in the future. We were not specifically following this particular Bill. We are looking at the future. So, I propose that we should proceed to the court.

The Speaker (Hon. Ethuro): Order, hon. Members! I have heard you. First, I think that Sen. Wetangula has redeemed an issue which I think needed an appreciation and which I thought Senator for Makueni County had conveniently ignored. It is a response from what you did during that Motion. It is also true that, that Motion has more issues than that one particular Bill. You know that the forum in which we make those kinds of decisions is not the plenary and we have the court matters Committee meeting tomorrow afternoon. So, we will give you an appropriate response at that time. However, the Chair is alive to the mood of the House

Next Order!

(Several hon. Senators stood up in their places)

The Speaker (Hon. Ethuro): Hon. Senators, what is happening today, I am seeing people standing without making use of the electronic gadget? I will start with those who are faithfully subscribing to contemporary times. I wish to recognise the Senator for Vihiga, Sen. Khaniri.

Sen. Khaniri: Mr. Speaker, Sir, I rise on a point of order on procedure. When we came in this afternoon, we found Order Papers as usual on our desks which contained the business of the day as provided for in Standing Order No.37. A little while ago, a Supplementary Order Paper has been circulated, which, when I look at it, it is exactly the same like the Order Paper that we got earlier. I want to get clarification, what was the essence of printing a new Supplementary Order Paper? My understanding is that the Supplementary Order Paper normally comes in when we are introducing new business.

The Speaker (Hon. Ethuro): I am also checking.

(Sen. Khaniri consulted other Senators)

Sen. Khaniri: Mr. Speaker, Sir, I withdraw my point of order. I have been guided. On the back page, there is a new Motion by Sen. Billow, which I had not seen. I apologise.

The Speaker (Hon. Ethuro): Incidentally, you do not need to apologise. You are very right. The Supplementary Order Paper does not capture entirely what we agreed on at the Rules and Business Committee (RBC), especially on the rearranging of the Orders. In a way, you are right.

Secondly, I understand why that is so. We just held the RBC meeting a few minutes before we came in for the sitting because of the other matter we had in the morning. Once we reach the Supplementary Order, I will give further instructions in accordance to Standing Order No.39. However, you are definitely also out of order for raising it at this point. This is because we have not actually reached the point where we

can employ the Supplementary Order Paper. Maybe that is what the apology would go for.

Sen. Khaniri: I stand guided, Mr. Speaker, Sir.

The Speaker (Hon. Ethuro): Sen. Elachi, you may proceed.

PAPERS LAID

REPORT OF THE RULES AND BUSINESS COMMITTEE ON REVIEW OF THE STANDING ORDERS

Sen. Elachi: Mr. Speaker, Sir, I beg to lay the following Paper on the Table of the House:-

The Rules and Business Committee Report on review of the Standing Orders.

(Sen. Elachi laid the document on the Table)

REPORTS OF THE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE

Sen. Madzayo: Mr. Speaker, Sir, I beg to lay the following Papers on the Table of the House:-

Reports of the Standing Committee on Labour and Social Welfare.

(Sen. Madzayo laid the documents on the Table)

The Speaker (Hon. Ethuro): Let us move on to the next Order.

NOTICES OF MOTIONS

MEASURES TO COUNTER TERRORIST ACTIVITIES, OVERHAUL AND STREAMLINE THE FRAMEWORK AND OPERATIONS OF NATIONAL SECURITY

Sen. Billow: Mr. Speaker, Sir, I beg to give notice of the following Motion to the Department of Interior and Coordination of National Government, as follows:-

THAT, noting that there have been numerous incidents of terrorist attacks across the country in the last three years, including the most recent at Arabiya Town on Saturday, 22nd November, 2014, in Mandera County which have resulted in the loss of hundreds of innocent lives, injuries and massive destruction of property contrary to the principles and objects set out in Articles No.238 and 239 of the Constitution; aware that pursuant to Article 239(1) of the constitution, the national security organs are the Kenya Defence Forces, the National Intelligence Service and the National Police Service whose primary object is to promote and guarantee national security; recognizing that most of the attacks could have been averted with proper co-ordination between and among the security organs;

concerned that the multiple attacks are signs of leadership, institutional and structural flaws within the organs hampering their capacity to effectively deal with threats and cases of terrorism and other criminal activities; the Senate calls upon His Excellency the President to institute legislative and other measures to counter terrorist activities and overhaul and streamline the framework and operations of national security organs in the country, including initiating where necessary, the process of removal of the respective head of an organ.

APPROVAL OF THE RULES AND BUSINESS COMMITTEE
REPORT ON REVIEW OF STANDING ORDERS

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

THAT, pursuant to Standing Order 247, the Senate approves the Report of the Rules and Business Committee on the Review of the Standing Orders laid on the Table of the Senate on Tuesday, 25th November, 2014.

The Speaker (Hon. Ethuro): Next Order.

STATEMENTS

FLAWED KENYA DEFENCE FORCES RECRUITMENT
IN NYANDARUA-WEST SUB COUNTY

Sen. (Eng.) Muriuki: Mr. Speaker, Sir, I just noticed there are no statements coming up. There is a statement that I requested last week but one with regard to recruitment of Kenya Defence Forces (KDF) in Nyandarua West Sub-county. The Statement was supposed to come to this House last week. Perhaps, the Chairperson of the Committee can tell us where we are on this.

The Speaker (Hon. Ethuro): Yes, Chairman of the Committee on National Security and Foreign Relations. Sen. Haji, what do you have to say about the statement sought by Sen.(Eng.) Muriuki.

Sen. Haji: Mr. Speaker, Sir, I am not able to give this Statement. Up to now, we have not received the Statement from the Cabinet Secretary, Ministry of Interior and Coordination of National Government.

Sen. (Eng.) Muriuki: Mr. Speaker, Sir, by the very nature of the question, it was really urgent. This is a recruitment which had happened within that week. The officers who were recruiting ignored four divisions out of five. The recruitment is over, but the *wananchi* are crying, wondering what happened because they were left out. This is a very urgent matter. The Chairman should be able to give this statement right away, maybe tomorrow.

Sen. Haji: Mr. Speaker, Sir, my Committee has summoned the Minister for Defence as well as the Minister for Interior and Coordination of National Government tomorrow. I do not know whether this meeting will be possible because of the Members of this Committee, I believe want to attend the prayers for the late Kajwang. But some of us will still be there, so that we see if the meeting can take place.

The Speaker (Hon. Ethuro): Sen. Haji, given the urgency of the matter, Members should try to at least give you the quorum before they proceed for other things so that you can an appropriate response for the Senator. Hon. Members, you have heard, you need to support your Chairman.

Sen. (Prof.) Lonyangapuo.

FAILURE BY COUNTY GOVERNMENTS TO ADHERE
TO REGULATIONS ON GOVERNMENT VEHICLES

Sen. (Prof.) Lonyangapuo: Mr. Speaker, Sir, I sought a statement from the Committee on Devolved Government. There is a lot of misuse of county government vehicles beyond working hours and weekends all through.

The Speaker (Hon. Ethuro): Order, Sen. (Prof.) Lonyangapuo. Are you asking for a new statement?

Sen. (Prof.) Lonyangapuo: Mr. Speaker, Sir, I asked for this Statement, I am waiting for the response because it has overstayed.

The Speaker (Hon. Ethuro): Is the Chairperson of the Committee on Devolved Government here? What about the Vice Chairperson? Any other Member of the Committee here?

Sen. Billow: Mr. Speaker, Sir, the Committee has been away in the last couple of weeks. This week we suspended all meetings because of the funeral arrangements of the departed Senator until next week. So, I seek the indulgence of the Member to give us this week so that we can respond to him next week.

The Speaker (Hon. Ethuro): Okay. You should be having a copy of the real Supplementary Order Paper where Order No.8 starts with a Motion and not the Committee of the Whole. Could Members give an indication? Sen. Khaniri, until you say you have the Order Paper, then we will know we are okay.

Sen. (Dr.) Machage: On a point of order, Mr. Speaker, Sir. As you may have noticed, we have spent a lot of paper for very little information, although of significance to this House. Am I in order to say that facilitation that had been hitherto thought of, of changing the modalities of communication in this House to the digital status be now fast tracked?

The Speaker (Hon. Ethuro): It is so ordered although you will have to tell us exactly what you mean by that. Those are details which you can provide at an appropriate moment.

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

The Speaker (Hon. Ethuro): Order, Sen. Billow! I think I have an inclination of your intentions.

Sen. Musila: Mr. Speaker, Sir, I note that the Order which has just been called in this Supplementary Order Paper, Order No.8, to discuss a Motion on a report that has been laid today, I think this can be termed as an ambush. We should be given the opportunity to look at the report so that we debate it as a Motion. It has been tabled today, 25th November, 2014 and immediately we are told to debate it. To be serious, we should be given time to debate this Motion after we have looked at the report.

The Speaker (Hon. Ethuro): Order, Sen. Musila! The moment the report is tabled, it should be available to you.

Secondly, I have approved both because I have looked at the report and I have determined that it is not something that will require a lot of your time, especially knowing your capacity. This is a matter which in fairly five minutes, you will dispose of it. I have ordered that it comes now.

Hon. Senators, you will notice that the next item requires the requisite numbers for the Senators to dispose of it. We are still asking the Whips to mobilise as many Members as possible to be available. We will proceed on that basis.

COMMUNICATION FROM THE CHAIR

REORGANIZATION OF BUSINESS ON THE ORDER PAPER

Hon. Senators, you need to note that Order No.14 should become Order No.12, so that we prioritise the business from the other House. Once we get the requisite numbers, you can see the flow of what you are saying. All the other Orders will require voting so that they all come at the same time. That is the proper Supplementary Order Paper.

Let us move on to the next Order.

MOTION

APPROVAL OF THE RULES AND BUSINESS COMMITTEE REPORT ON REVIEW OF STANDING ORDERS

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

THAT, pursuant to Standing Order 247, the Senate approves the Report of the Rules and Business Committee on the Review of the Standing Orders laid on the Table of the Senate on Tuesday, 25th November, 2014.

This is a straightforward Motion. When you look at the parliamentary work that we have today and the panel of Speakers, you find that there has always been a challenge because we have few Members. Therefore, the review of these Standing Orders is to ensure that we bring in another Member to assist the work within the Panel. We hope that by doing this, they will be able to continue with the parliamentary work that is going on and also their own duties.

Mr. Speaker, Sir, I call upon Sen. Murungi to second this Motion.

Sen. Murungi: Mr. Speaker, Sir, indeed, this is a very short report. The business of that report is very straightforward. All Senators are aware that there is need to increase efficiency of this House without straining the people who sit on that Chair.

It is very clear from the Standing Order No.16, that there should be a Chairpersons Panel. However, the Standing Order only talks about three Senators being Members of that Panel. The Standing Order states that in the constitution of the Panel, we should also look at the political composition of the Panel. There being two coalitions in the Senate, it becomes very difficult to divide the number three. So, it is reasonable that we increase the number to four, so that we can include another Senator to balance the House.

This House had the occasion to discuss before, in a *Kamukunji*, and we all agreed that Sen. Mositet joins the Chairpersons Panel. Sen. Mositet is one of the most hardworking Members of this House. He is also very fair and reasonable. He will be a good addition to the Chairpersons Panel under Standing Order No.16.

We also know how tiring it is for one person to sit on the Chair the whole afternoon, especially when the Speaker or the Deputy Speaker are not there. There is need for that function to be shared. This is a very reasonable proposal from the RBC. I would urge our colleagues in the House to support it.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Ethuro): Order Members, I, therefore, wish to propose the question.

(Questioned proposed)

Sen. (Dr.) Machage: Thank you, Mr. Speaker, Sir. As I support this Motion, the relevance of the facts that have been given to us by the Secunder of the Motion, especially so, hinged on biological needs of the human being cannot be underestimated. We have been having three Members of this Panel. However, as you very well know that one of the three Members is a Member of the Pan African Parliament (PAP). Therefore, practically, in most cases, especially when that Parliament is on, we have only two Members who also have to do their duties in Committees and all that entails that kind of duty. At one time, I remember once or twice, you have had to sit on that Chair for the whole afternoon session. I have had to do that once in a while. It is a pity that no human being appreciates. I strongly support this addition of this new Member, especially so, in the name of Sen. Mositet who has shown earlier when he was appointed by this House on temporary basis that he is able and efficient for this position.

Thank you, Mr. Speaker, Sir.

Sen. Musila: Again, I thank you, Mr. Speaker, Sir. I stand to support the Motion. Indeed, you and I have sat on the Chair during the Tenth Parliament. You and my colleagues know how strenuous the work done by the Members of the Chairpersons Panel is.

Mr. Speaker, Sir, I support. However, for the purpose of record, I want to say that as of now, we have not seen that report. I have heard that my friend Sen. Mositet is the one we are proposing. I support him fully, but I have not seen anything to give that proposal. Would I be asking for too much that in future when Motions are moved on matters of reports, then such reports should be circulated before they are debated? I do not think it is only me who has not seen this report, Senators have not seen it, yet we are being told that the report talks about Sen. Mositet being a Member of the Panel. We support, but that technicality should be observed in the future so that we pass what we have seen, even if it is very brief.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Ethuro): Point noted, Sen. Musila.

Sen. Ndiema: Thank you, Mr. Speaker, Sir. I support this proposal for the purpose of smooth operation of the House. Indeed, I agree with those who have said that sitting on that Chair is very involving, especially in view of the fact that we have so many Committees and some Members are Chairpersons of Committees. An additional Member

would really help. The proposal of the name of Sen. Mositet is quite appropriate. In fact, at one time, he performed as a Temporary Speaker and he did his job well.

Mr. Speaker, Sir, I support.

The Speaker (Hon. Ethuro): Order, Members! Could I just make a clarification? I have ordered that the report be circulated. It is a brief one.

Secondly, there is a Motion that will arise as a result of the adoption of the report. Since this is a fairly straight forward matter, I would not want to entertain more contributions, except maybe one or two, so that we can conclude and move on to the Motion. What we have before is an amendment to the Standing Orders, then, it will be followed by the Motion nominating the person. Most of you seem to be jumping the gun.

Sen. Khaniri: Mr. Speaker, Sir, I rise to give my full support to this Motion and enjoin myself in the statements that were made by Sen. Musila, that Members should not be taken for granted. When reports are tabled, it is only fair that Members get possession of them before the Motion is moved.

I rise to support the Motion to adopt the Report of the RBC on increasing the Members of the Chairman's Panel. Further, I support the proposal of Sen. Mositet as the right person in filling that particular position. This is because he has, in the past, demonstrated his capabilities one time when he was the Acting Speaker, when all the Chairs were away. We have confidence in him.

However, one thing I need to bring to your attention is that, I would want as much as possible that we discourage these piecemeal amendments of our Constitution. We adopted this Constitution and I know there are---

The Speaker (Hon. Ethuro): Order! Sen. Khaniri!

Sen. Khaniri: Sorry, the Standing Orders. The Standing Orders happen to be the constitution of this House in terms of debate. Sorry, I withdraw.

I discourage piecemeal amendments of our Standing Orders. We adopted them about a year ago. Therefore, by this time, we know where the shoe pinches. I would encourage a situation whereby we take a retreat and re-look at the Standing Orders and come up with proposals of amending them rather than amending them in piecemeal when an issue arises. Before we amend them again, I would propose that at an appropriate time, let us go for a day or two days retreat and just re-look at these Standing Orders. I am sure so many of us have suggestions to make so that we can enrich this "Bible" of ours in the Senate.

Mr. Speaker, Sir, I support.

(Question put and agreed to)

NOTICE OF MOTION

APPROVAL OF THE NOMINATION OF SEN. MOSITET
TO BE A MEMBER OF THE CHAIRPERSONS PANEL

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

THAT, pursuant to Standing Order No.16, the Senate approves the nomination of Sen. Peter Mositet to be a Member of the Chairpersons Panel and further, pursuant to Article 107(1) (c) of the Constitution, to be

elected to preside at any sitting of the Senate in the absence of the Speaker and the Deputy Speaker.

The Speaker (Hon. Ethuro): Go ahead and move it.

MOTION

APPROVAL OF THE NOMINATION OF SEN. MOSITET TO BE A MEMBER OF THE CHAIRPERSONS PANEL

Sen. Elachi: Mr. Speaker, Sir, I beg to move:-

THAT, pursuant to Standing Order No.16, the Senate approves the nomination of Sen. Peter Mositet to be a Member of the Chairpersons Panel and further, pursuant to Article 107(1)(c) of the Constitution, to be elected to preside at any sitting of the Senate in the absence of the Speaker and the Deputy Speaker.

Mr. Speaker, Sir, indeed, Sen. Mositet has always been committed whenever he acts as the Temporary Speaker. We now hereby propose to nominate him to the Speaker's Panel to ensure that the business of the Senate continues well.

I beg move.

The Speaker (Hon. Ethuro); Order, Sen. Elachi! Sen. Obure is trying to assist you, but you are not taking advantage of it.

Sen. Elachi: Mr. Speaker, Sir, I hereby ask Sen. Obure to second the Motion.

(Laughter)

Sen. Obure: Thank you, Mr. Speaker, Sir. This is a fairly straightforward Motion which has been very eloquently executed. There is need to improve the efficiency of our operations in the Senate and this Motion is intended to achieve just that. We know Sen. Mositet as a very humble person. He is a person who is familiar with the operations of this House and the Standing Orders. We know that he has the ability and the capacity to perform that function in the absence of the Speaker and the Deputy Speaker. Therefore, I wish to support his appointment to this position.

I second the Motion.

(Question proposed)

(Question put and agreed to)

Sen. Mositet: Mr. Speaker, Sir, I take this chance to thank my colleagues. I am so humbled to see the confidence that this House has in me. I promise to discharge my duties as Temporary Speaker with dedication in order to make sure that this House is satisfied with my performance.

With these few remarks, I thank the House.

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

DEATH OF 28 KENYANS DUE TO A TERRORIST
ATTACK ON A BUS IN MANDERA COUNTY

Sen. Billow: Mr. Speaker, Sir, I rise under Standing Order No.33 to seek an adjournment of the House to discuss a matter of urgent national importance, the matter being the recent terrorist attack on a bus in Mandera that killed 28 innocent Kenyans and the resultant concerns on security in the country.

I seek your indulgence.

(Several Hon. Senators stood up in their places)

The Speaker (Hon. Ethuro): I think you have the requisite number. I will shortly inform you when you will prosecute it.

Sen. (Dr.) Kuti, I see you have put both a request and an intervention.

Sen. (Dr.) Kuti: It was a mistake, Mr. Speaker, Sir.

The Speaker (Hon. Ethuro): A mistake on two fronts!

The Speaker (Hon. Ethuro): Order, Senators. On the basis of the Motion of Adjournment, we want to give it two hours starting now.

Sen. Billow.

**MOTION OF ADJOURNMENT UNDER
STANDING ORDER NO. 33**

DEATH OF 28 KENYANS DUE TO A TERRORIST
ATTACK ON A BUS IN MANDERA COUNTY

Sen. Billow: Mr. Speaker, Sir, I beg to move the following Motion:-
THAT, the Senate do now adjourn.

Mr. Speaker, Sir, first and foremost, I extend my sincere condolences to the families and relatives of the 28 innocent Kenyans who were slaughtered mercilessly by terrorists. On behalf of myself and the residents of Mandera County, we express our sincere condolences to those families. Our county government has expressed its commitment to support members of these families in all matters relating to this incident and in regard to, particularly assisting the bereaved families in funeral arrangements.

I also take this opportunity to strongly condemn the barbaric manner in which the terrorists shot and killed our brothers by deliberately getting them off the bus and segregating them on the basis of their religion. That is a very barbaric thing. There is no faith in this world that directly condones killing somebody on account of his faith and, least of all the faith that they profess, including Islam which many of us profess. When the same people attacked the Westgate Mall and Lamu, they did the same thing. They singled out members of non Islamic faith.

The message they want to convey is completely false in the sense that they have killed tens of thousands of Muslims in Somalia. In Northern Kenya – Garissa, Wajir and

Mandera – they have killed hundreds in the last three or four years. In Mandera alone, in the last one year, there have been nearly 20 attacks in which over 30 other people, almost all of them Somalis, died. So, they cannot on one hand say they are targeting non-Muslims and yet, they are doing the same. These are terrorists who have no regard for human life. We, therefore, strongly condemn their actions.

Mr. Speaker, Sir, the second thing is that in my view, those deaths could have been prevented. If, indeed, our security forces would have taken heed of the advice on security that had been given to them by intelligence officers, community sources and the county government. I want to be very clear on this. It is, indeed, because of the negligence and incompetence of the security forces in Mandera County that this incident occurred. Barely three days earlier, about 30 armed terrorists invaded parts of Mandera Town, on the same road where the bus incident occurred. This information, together with information that these people were on that highway and were likely to attack vehicles plying that route, was conveyed. Three days later, no action had been taken and that vehicle was attacked.

I also still argue that there is negligence and incompetence because, in the last one year, there have been nearly 20 incidents of attacks in Mandera Town itself, the County Headquarters. Six explosions using Improvised Explosive Devices (IEDs), which are remote controlled through telephone, occurred in the last three weeks alone in Mandera Town, including one which targeted the government officials. On the same road, Mandera-Lafey-Elwak road where this incident happened, there have been not less than 12 incidents in the last 12 months in which vehicles were attacked.

The worst one was around June this year where they hijacked two Land Cruisers carrying *miraa* and burnt two other vehicles. In the process, while the police tried to rescue those vehicles, 11 police officers, most of them Kenya Police Reservists (KPRs), were killed. That information is known to the Government. However, at the height of all these, there are persistent attacks both in town and on the roads.

Mr. Speaker, Sir, I also want to mention the issue of the town before I forget. Of all the attacks, each one of them has been targeting public installations, for example, Government facilities. They have attacked the county headquarters twice. They have attacked the residences of the Governor and the District Administration Offices in Mandera Town early this year. In these attacks, 12 vehicles parked in the DC's office compound were burnt to ashes. The office was razed to the ground and people killed. They attacked the Government Legal Office. There is no Government institution that has not been attacked, including Mandera Police Station and the Police Line in which two people were killed.

When the National Assembly Committee on Defence and Foreign Affairs visited Mandera while investigating the Westgate Mall attack, their report, which was not adopted by that House, but was published, was shocking. In Mandera Town, they found a situation where there were no adequate police officers or vehicles. There were serious problems in terms of logistics. To illustrate this, on the day these 28 people were killed, even to go and pick the dead bodies from there to Mandera Town, there was no single police vehicle that was available. The County Government had to provide vehicles and fuel them to pick the bodies. That is the situation in spite of the fact that all these attacks have been happening.

When the last IED exploded, about 10 days ago, the County Commander of Police was quoted in the newspapers saying that those explosions were the work of business rivalry between contractors. It was published in the newspapers. Why would contractors be blowing up all those institutions, including the Governor's residence? That statement was published on the website of *Al Shabaab*, just to show you how serious this matter is.

Mr. Speaker, Sir, when the 11 KPRs were killed a few months ago on that road, the Government established a temporary military camp on that same spot where 28 people were killed. They were given seven armoured personnel carriers so that they could trace those guys across the border because that road literally passes on the border between Somalia and Kenya. That is shocking. What is surprising, and Kenyans need to know this, is that, that temporary military camp established barely three months ago to protect vehicles plying that route, was removed and closed down two weeks ago without the knowledge of many of us. The armoured personnel carriers were withdrawn at the same time and yet it was clear that there were escalating security problems.

Let me point out clearly that even as I speak today, there is information that has been provided to the security officers in Mandera Town. Those terrorists are planning to attack the town itself, including the police station and the army in broad daylight. This is the message they conveyed yesterday and it has been provided to the police. This is very serious. When we have that security threat and there are inadequate security forces or logistics on the ground, that shows the lack of commitment and the fact that, indeed, there was complicity in the loss of lives.

What we know is that in the area on the border between Wajir all the way to Mandera, a nearly 500 kilometres long border in the region of Somalia called Gedo has no KDF presence. I understand that the region was left for Ethiopia to man under the African Union Mission in Somalia (AMISOM) arrangements. That is an area bordering Kenya. Ethiopia has no business. Therefore, they have not bothered to deploy forces in that area. What we have is a situation where all the *Al Shabaab* that has been moved out from main and Southern Somalia, have amassed their troupes right on the border, *kutungojea*. That is why there have been consistent attacks in Wajir and Mandera towns in the last 12 months. How does it happen that we agreed to send the KDF into Somalia to provide a buffer zone between Kenya and Somalia, yet 500 kilometers away, in the most risky area, there is no provision of security?

This matter of the threat is so bad that last night 300 Government employees, who are from upcountry, spent the night in the army camp. Several hundreds of them spent the night in the police and Administration Police camps. Today the Principal Secretary in charge of Internal Security and a team went to Mandera to plead with them to stay since they will provide security. They went there to plead with them not to shut down the hospitals and schools. The reply of some of those public servants was shocking. They said: - "We can stay, but if the terrorists have targeted the Governor of this town, who is going to stop them? They are now threatening to come and hit the town. The moment the residents of the town report that so-and-so is a suspect, that information is immediately conveyed by the police to the terrorists. The following day, the life of whoever reported the suspect is in danger." The Governor of that county published, two days ago, in the newspapers that even when a terrorist suspect has been arrested, invariably they get released. We have a serious situation on the ground.

Mr. Speaker, Sir, since the time that I have been given is very short, I would like to say that we have a serious situation. The *Al Shabaab* terrorists are now on our borders, because they have been chased out of Somalia. They are on the entire length of the border and there is nobody manning that border. Therefore, this country is at risk. Most terrorists who have carried out attacks in this country; from the Westgate Mall attack, Mombasa and the vehicle that exploded in Pangani, gained entry through Mandera. We have a situation where the no-man's-land between Mandera Town and Bulahawa Town in Somalia has been built on and buildings on both sides of the countries literary touch each other.

So, we have a serious situation and yet, the Government cannot take this matter seriously. The Government has not done even the basics like providing vehicles for security operations or enough security officers. This is a matter that we are concerned about. We are concerned that, that town will be raided during the day and there will be more massacres in that town, unless the Government takes this matter seriously. At the same time that they hit Mandera, three or four days ago, they actually also attacked the power station in Wajir. Literally, there are always simultaneous attacks in Wajir and Garissa.

Mr. Speaker, Sir, in conclusion, we must not give in to terrorists. We shall give in to terrorists if we entertain the views of some people like hon. Moses Kuria. If you start telling Kenyans to move out of North Eastern, Turkana, Samburu or what used to be called the Northern Frontier District (NFD), it is very sad. The reason it was called NFD is because it was neglected. The same people who neglected that region made it what it is today and impossible for us to get our own teachers. The same people who made it impossible for us to have our own nurses – the Sosions of this world – are the ones saying that people should leave that area. If you leave that area, are you suggesting that teachers from Mandera and Wajir counties cannot be killed by the terrorists? Are you suggesting that the nurses from those areas are not Kenyans? How can a Member of Parliament set up a hash-tag saying “kill our people, kill your own?” This is going to be a disaster. We should not divide this country.

Mr. Speaker, Sir, I beg to move and ask the Senator for Bungoma to second.

The Speaker (Hon. Ethuro): Order, Senators! I need to put that Motion in abeyance, so that we can do the voting first. Also, I am sure that you would want to be captured on television and the live coverage comes after 4.00 p.m. So, if you can dispose of the voting quickly, because now we have the requisite numbers, then you will be on television.

I would urge Members to remain in the House, so that we can proceed. We will start with Order No.9 and then move to Order No.10 and go back to Order No.8. On that basis, I will ask that the Division Bell be rung for one minute.

*(Debate on the Adjournment Motion
was deferred temporarily)*

(The Division Bell was rung)

The Speaker (Hon. Ethuro): Order, Senators! Close the door and draw the Bar.

(The door was closed and the Bar drawn)

This is the order in which we will follow. There will be Orders No.9, 10 and then we will do the Committee of the Whole. Since you have the Order Paper, we will just deal with the proposed amendments as per the Order Paper. So, apprise yourself with the Order Paper, so that we can save time.

The technical people are inputting the question for the vote and so, bear with us for a minute. But make sure that you have checked your systems. Confirm that your cards are functioning. Those who have gone back to the analogue may wish to register early enough, so that we can expedite this process.

Hon. Members, make sure you have logged in. The rules of the Division are very straight. You remain where you are and also maintain silence.

So, we will vote on Order No.9 as per the Order Paper.

This is, of course, a matter affecting counties. I will give you 30 seconds to vote.

BILLS

Second Reading

THE NATIONAL YOUTH SERVICE (AMENDMENT) BILL (SENATE BILL NO.26 OF 2014)

(Sen. Elachi on 4.11.2014)

(Resumption of Debate interrupted on 13.11.2014)

DIVISION

ELECTRONIC VOTING

*(Question, that the National Youth Service (Amendment) Bill
(Senate Bill No.26 of 2014) be now read a Second Time, put and the
Senate proceeded to vote by County Delegations)*

AYES: Sen. Abdirahman, Wajir County; Sen. Billow, Mandera County; Sen. Boy Juma Boy, Kwale County; Sen. Chelule, Nakuru County; Sen. Haji, Garissa County; Sen. Hassan, Mombasa County; Sen. G.G. Kariuki, Laikipia County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka Nithi County; Sen. (Dr.) Kuti, Isiolo County; Sen. Leshore, Samburu County; Sen. (Prof.) Lonyangapuo, West Pokot County; Sen. (Dr.) Machage, Migori County; Sen. Madzayo, Kilifi County; Sen. Melly, Uasin Gishu County; Sen. Mositet, Kajiado County; Sen. Munyes, Turkana County; Sen. Murungi, Meru County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Musila, Kitui County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Ndiema, Trans-Nzoia County; Sen. Obure, Kisii County; Sen. Sang, Nandi County; and Sen. Wetangula, Bungoma County.

NOES: Nil

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

AYES: 25

NOES: Nil

ABSTENTIONS: Nil

The “Ayes” have it.

(Question carried by 25 votes to Nil)

(The Bill was read a Second Time and committed to a Committee of the Whole tomorrow)

Second Reading

THE NATIONAL POLICE SERVICE (AMENDMENT) BILL
(SENATE BILL NO. 29 OF 2014)

(Sen. (Prof.) Lonyangapuo on 18.11.2014)

(Resumption of Debate interrupted on 20.11.2014)

DIVISION

ELECTRONIC VOTING

(Question, that the National Police Service (Amendment) Bill (Senate Bill No.29 of 2014) be now read a Second Time put and the Senate proceeded to vote by County delegations)

AYES: Sen. Abdirahman, Wajir County; Sen. Billow, Mandera County; Sen. Boy Juma Boy, Kwale County; Sen. Chelule, Nakuru County; Sen. G.G. Kariuki, Laikipia County; Sen. Haji, Garissa County; Sen. Hassan, Mombasa County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka Nithi county; Sen. Kivuti, Embu County. Sen. (Dr.) Kuti, Isiolo County; Sen. Leshore, Samburu County; Sen. (Prof.) Lonyangapuo, West Pokot County; Sen. (Dr.) Machage, Migori County; Sen. Madzayo, Kilifi County; Sen. Melly, Uasin Gishu County; Sen. Mositet, Kajiado County; Sen. Munyes, Turkana County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murungi, Meru County; Sen. Musila, Kitui County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Ndiema, Trans-Nzoia County; Sen. Obure, Kisii County; Sen. Sang, Nandi County and Sen. Wetangula, Bungoma County.

NOES: Nil

The Speaker (Hon. Ethuro): Order Senators. The results of the Division vote are as follows:-

AYES: 26

NOES: Nil

ABSTENTIONS: Nil

The "Ayes" have it.

(Question carried by 26 votes to nil)

(The Bill was read a Second Time and committed to a Committee of the Whole tomorrow)

Draw the Bar and open the door.
Next order!

COMMITTEE OF THE WHOLE

(Order for Committee read)

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

IN THE COMMITTEE

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

THE PUBLIC PROCUREMENT AND DISPOSAL (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.31 OF 2013)

The Temporary Chairperson (Sen. (Dr.) Machage): Hon. Members, we intend to carry out this exercise in a very short period because we have an important Motion coming. I request that we do not move out so that we can execute this in the shortest time possible.

We are now in the Committee of the Whole. We are considering the Public Procurement and Disposal (Amendment) Bill, National Assembly Bill, No.31 of 2013. I hope everybody is with me.

(Sen. Haji stood up in his place)

Sen. Haji, I humbly request that you do not reduce the quorum, because this is a Bill to be voted on by delegations. The same applies to the Chairman.

Clause 2

Sen. Billow: Mr. Temporary Chairman, Sir, we are just making a small amendment so that the provisions of the Bill is in line with the Constitution. We are making the amendments as shown in the Order Paper.

I beg to move:-

THAT Clause 2 of the Bill be amended by deleting the proposed new paragraph (g) and substituting therefor the following new paragraph-

(g) to facilitate affirmative action for disadvantaged groups in accordance with Articles 27, 54 and 55 of the Constitution and to advance their participation in the procurement process in accordance with Article 227 of the Constitution”.

The Temporary Chairperson (Sen. (Dr.) Machage): Very well, I hope everybody is on that page.

(Question of the amendment proposed)

The Questions will be put at the end.

Clause 3

Sen. Billow: Mr. Temporary Chairman, Sir, I beg to move:-

THAT Clause 3 of the Bill be deleted and substituted with the following new clause-

Section 3 of the principal Act is amended by-

(a) inserting the following new definitions in their proper alphabetical sequence-

“disadvantaged group” means a group of persons perceived to be denied by mainstream society of access to resources and tools which are useful for their survival in a way that disadvantages them, or individuals who have been subjected to prejudice or cultural bias because of their identity as members of a certain group without regard to their individual qualities, and includes enterprises in which a majority of the members or shareholders are youth, or persons with disability;

“persons with disability” means a person with disability who has attained the age of eighteen years and includes a company, association or body of persons, corporate or unincorporated in which at least seventy percent of the shareholders, members or persons and a majority of the directors are persons with disability;

“women” means a person of the female gender who has attained the age of eighteen years and includes a company, association or body of persons, corporate or unincorporated in which at least seventy percent of the shareholders, members or persons and a majority of its directors are of the female gender;

“youth” means a person who has attained the age of eighteen years and has not attained the age of thirty-five years and includes a company, association or body of persons, corporate or unincorporated in which all its directors or proprietors are persons who have attained the age of eighteen years and have not attained the age of thirty-five years.

(b) deleting the definition of the expression “accounting officer” and substituting therefor the following new definition-

“accounting officer means-

(a) for a public entity other than a county government entity, the person appointed by the principal secretary to the treasury as the accounting officer or, if there is no such person, the chief executive of the public entity; or

(b) for a county government entity, a person appointed by the county executive committee member responsible for finance as the accounting officer, or if there is no such person, the chief executive of the county entity”;

(c) deleting the definition of the word “Minister” and substituting therefor the following new definition-

“Cabinet Secretary” means the Cabinet Secretary responsible for matters relating to finance”;

(d) deleting the definition of the expression “public entity” and substituting therefor the following new definition-

“public entity” means-

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(a) the national Government or any department of the national Government;

(b) the county Government or any department of the county Government;

(c) the courts;

(d) the commissions and independent offices established under the Constitution;

(e) a state corporation within the meaning of the State Corporations Act;

(f) the Central Bank of Kenya established under the Constitution;

(g) a co-operative society established under the Co-operative Societies Act;

(h) a public school within the meaning of the Education Act;

(i) a public university within the meaning of the Universities Act;

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(j) a college or other educational institution maintained or assisted out of public funds; or

(k) an entity prescribed as a public entity for the purpose of this paragraph”;

Mr. Temporary Chairman, Sir, we are deleting Clause 3 of the Bill and substituting it with a new Clause. On that section 3, the new clause will give new definitions to disadvantaged groups and persons with disabilities. Therefore, the definition is expanded in accordance with the Constitution.

Mr. Temporary Chairman, Sir, in the Order Paper, we have also defined that this should be a person who has attained the age of 18, but has not attained the age of 35 and so forth. That is the definition of an Accounting Officer. We want it to be clearer in accordance with the Constitution and deleting the existing one.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. (Dr.) Machage): We will put the question later.

Clause 4

Sen. Billow: Mr. Temporary Chairman, I beg to move:-
THAT, clause 4 of the Bill be amended by-

- (a) re-numbering the existing paragraphs (a) and (b) as paragraphs (b) and (c), respectively;
- (b) inserting the following new paragraph immediately before the renumbered paragraph (b);
 - (a) deleting the word “Minister” appearing after the words “present to the” in sub-section (b) and substituting therefor the words “Cabinet Secretary”.

This is just a question of numbering the existing paragraphs “a” and “b” to become “b” and “c” and inserting a new paragraph by deleting the word Minister and replacing it with Cabinet Secretary so that we are in line with the new Constitution. Instead of Minister, we should use Cabinet Secretary. That is the amendment provided for in the Order Paper.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. (Dr.) Machage): We will put the Question at the end.

Clause 5

Sen. Billow: Mr. Temporary Chairman, I beg to move:-
THAT, Clause 5 of the Bill be amended-

- (a) by re-numbering the existing paragraphs (a) and (b) as paragraphs (b) and (c), respectively;
- (b) by inserting the following new paragraph immediately before the renumbered paragraph (b);
 - (a) deleting the words “the Minister” appearing after the words “subsection (8)” in subsection (2) and substituting therefor the words “the Cabinet Secretary”;
 - (c) in the proposed new subsection (9) by deleting the words “the youth, women and persons with disability” appearing after the words “allocated to” and substituting therefor the words “disadvantaged groups”;
 - (d) in the proposed new subsection (12)-
 - (i) in paragraph (b), by deleting the words “youth, women and persons with disability” appearing after the words “the number of” and substituting therefor the words “disadvantaged groups”;
 - (ii) by inserting the following new paragraph immediately after the proposed new paragraph (b)-
 - (c) provide an explanation for failure to comply with the provisions of this section and the efforts made by the entity to ensure compliance in the future;

(e) in the proposed new subsection (13) by deleting the words “youth, women and persons with disability” appearing after the words “opportunities for” and substituting therefor the words “disadvantaged groups”;

(f) in the proposed new subsection (14) by deleting the words “Articles 55 and 227(2)” appearing after the words “objectives of” and substituting therefor the words “Articles 27, 54, 55 and 227”;

(g) in the proposed new subsection (15)(b) by deleting the expression “the youth” appearing immediately after the words “impediment to” and substituting therefor the words “disadvantaged groups”;

(h) in the proposed new subsection (16)-

(i) by deleting paragraph (a) and substituting therefor the following new paragraph-

(a) facilitating affirmative action to ensure that disadvantaged groups access employment and have opportunities to participate in economic spheres of life as contemplated under Articles 27, 54, 55 and 227 of the Constitution;

(ii) in paragraph (b), by deleting the words “the youth” appearing after the words, “advancement of” and substituting therefor the words, “disadvantaged groups”.

Mr. Temporary Chairman, Sir, Clause 5 of the Bill should be amended by renumbering. Part “a” is being renumbered and b also changes from Cabinet Minister to Cabinet Secretary. Part “c” brings in the new definition of youth and persons with disabilities. Those are the amendments provided for on the Order Paper.

I want to emphasise part “h.” In the proposed new sub section 16, by deleting paragraph “a” and substituting thereof the following new paragraph. “Facilitating affirmative action to ensure that disadvantaged groups access employment and have opportunity to participate in economic spheres.” Basically, we are emphasising on affirmative action because this includes disadvantaged groups which includes women, youth and persons with disabilities. The rest is as provided for on the Order Paper.

(Question of the amendment proposed)

The Temporary Chairperson (Sen. (Dr.) Machage): I will put the question later.

Clause 6

We will come back to this later. Let us move on

New Clauses 4A, 4B and 4C

New Clause 5A, 6A

New First Schedule, New Second Schedule

Sen. Billow: Mr. Temporary Chairman, Sir, I beg to move:-

New Clauses 4A, 4B and 4C

THAT, the Bill be amended by inserting the following new clauses immediately after clause 4-

Clause 4A

Section 20 of the principal Act is amended-

(a) in subsection (2) by deleting the word “Minister” appearing after the words “Board and to the” and substituting therefor the words “Cabinet Secretary”; and

(b) in subsection (5) by deleting the words “the Minister” appearing at the beginning of the sub-section and substituting therefor the words “the Cabinet Secretary”.

Clause 4B

The principal Act is amended in paragraph (a) of section 22(1) by deleting the word “Minister” appearing immediately after the words “appointed by the” and substituting therefor the words “Cabinet Secretary”.

Clause 4C

The principal Act is amended in section 33 by deleting paragraph (b) of subsection

(1) and substituting therefor the following new paragraph-
“a Cabinet Secretary, public servant or a member of a board or committee of the Government or any department of the Government or a person appointed to any position by the President or a Cabinet Secretary; or

New Clause 5A

THAT, the Bill be amended by inserting the following new clause immediately after clause 5-

Clause 5A

The principal Act is amended in paragraph (d) of section 105(1) by deleting the words “Kenya Anti-Corruption Commission” appearing after the words “entity and to the” and substituting therefor the words “Ethics and Anti-Corruption Commission”.

New Clause 6A

THAT, the Bill be amended by inserting the following new clause immediately after clause 6-

Clause 6A

The principal Act is amended in section 140 by deleting the words “the Minister” appearing at the beginning of the section and substituting therefor the words “the Cabinet Secretary”.

New First Schedule

THAT, the First Schedule to the principal Act be amended-

(a) in paragraph 3(1) by deleting the word “Minister” appearing after the words “addressed to the” and substituting therefor the words “Cabinet Secretary”;

(b) by deleting paragraph 3(2) and substituting therefor the following new paragraph-

3(2) A resignation is effective upon being received by the Cabinet Secretary or by a person authorized by the Cabinet Secretary to receive it.

(c) in paragraph (4) by deleting the words “the Minister” appearing at the beginning of the paragraph and substituting therefor the words “the Cabinet Secretary”.

New Second Schedule

THAT, the Third Schedule to the principal Act be amended-

(a) in paragraph 2(1) by deleting the words “the Minister” appearing after the words “section 22(1)(a)” and substituting therefor the words “the Cabinet Secretary”;

(b) in paragraph 2(2) by deleting the words “the Minister” appearing at the beginning of the paragraph and substituting therefor the words “the Cabinet Secretary”;

(c) in paragraph (4) by deleting the word “Minister” appearing after the words “into operation, the” and substituting therefor the words “Cabinet Secretary”; and

(d) in paragraph (17) by deleting the words “the Minister” appearing at the beginning of the paragraph and substituting therefor the words “the Cabinet Secretary”.

*(Question of the New Clauses and the
New Schedules proposed)*

(New Clauses and New Schedules read the First Time)

(Question, that the New Clause and New Schedules be read a Second Time, proposed)

Sen. Billow: Mr. Temporary Chairman, Sir, the purpose of these amendments is to make the schedules be aligned with the Constitution.

The Temporary Chairperson (Sen. (Dr.) Machage): I want to put the Question. First, I have to confirm the numbers.

Hon. Members, take your seats so that we vote.

DIVISION

ELECTRONIC VOTING

(Question, that the New Clauses 4A, 4B, 4C, 5A, 6A, New First Schedule and New Schedule be read a Second Time put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abdirahman, Wajir County; Sen. Billow, Mandera County; Sen. Boy Juma Boy, Kwale County; Sen. Chelule, Nakuru County; Sen. Haji, Garissa County; Sen. Hargura, Marsabit County; Sen. Hassan, Mombasa County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka Nithi County; Sen. Kivuti, Embu County; Sen. (Dr.) Kuiti, Isiolo County; Sen. Leshore, Samburu County; Sen. (Prof.) Lonyangapuo, West Pokot County; Sen. Madzayo, Kilifi County; Sen. (Dr.) Machage, Migori County; Sen. Mositet, Kajiado County; Sen. Munyes, Turkana County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Murungi, Meru County; Sen. Muthama, Machakos County; Sen. Mutula Kilonzo Jr., Makueni County; Sen. Ndiema, Trans Nzoia County; Sen. Obure, Kisii County; Sen. Sang, Nandi County and; Sen. Wetangula, Bungoma County.

NOES: Nil

The Temporary Chairperson (Sen. (Dr.) Machage): I now wish to announce the results of the Division.

AYES: 27

NOES: Nil

ABSTENTIONS: Nil

So, the “Ayes” have it.

(Question carried by 27 Votes to Nil)

(Question that the New Clauses 4A, 4B, 4C, 5A, 6A, New First Schedule and New Schedule be read a Second Time, put and agreed to)

(New Clauses 4A, 4B, 4C, 5A, 6A, New First Schedule and New Schedule were read a Second Time)

The Temporary Chairperson (Sen. (Dr.) Machage): We will now go back again. I will put the Question for Clauses 2, 3 and 4 independently. Could we have the Division Bello rung for one minute?

(The Division Bell was rung)

Clauses 2, 3, 4 and 5

DIVISION

ELECTRONIC VOTING

(Question, that Clauses 2, 3, 4 and 5 be amended as proposed by the Chairperson of the Standing Committee on Finance, Commerce and Budget put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abdirahman, Wajir County; Sen. Billow, Mandera County; Sen. Boy Juma Boy, Kwale County; Sen. Chelule, Nakuru County; Sen. Haji, Garissa County; Sen. Hargura, Marsabit County; Sen. G.G. Kariuki, Laikipia County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. Kivuti, Embu County; Sen. (Dr.) Kuti, Isiolo County; Sen. Leshore, Samburu County; Sen. (Prof.) Lonyangapuo, West Pokot County; Sen. (Dr.) Machage, Migori County; Sen. Madzayo, Kilifi County; Sen. Mositet, Kajiado County; Sen. Munyes, Turkana County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Murungi, Meru County; Sen. Musila, Kitui County; Sen. Muthama, Machakos County; Sen. Ndiema, Trans-Nzoia County; Sen. Obure, Kisii County; Sen. Sang, Nandi County and Sen. Wetangula, Bungoma County.

NOES: Nil

The Temporary Chairperson (Sen. (Dr.) Machage): Order, Senators! I wish to announce the results as follows:-

AYES: 26

NOES: Nil

ABSTENTIONS: Nil

The "Ayes" have it.

(Amendment carried by 26 votes to nil)

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

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

(Clauses 2 as amended agreed to)

(Clause 3 as amended agreed to)

(Clause 4 as amended agreed to)

(Clause 5 as amended, agreed to)

Clause 6, New Clauses 4A, 4B and 4C

New Clause 5A, New Clause 6A

New First Schedule, New Second Schedule

DIVISION

ELECTRONIC VOTING

(Question, that Clause 6, New Clause 4A, 4B, 4C, 5A, 6A, New First Schedule and New Second Schedule be part of the Bill, put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abdirahman, Wajir County; Sen. Billow, Mandera County; Sen. Boy Juma Boy, Kwale County; Sen. Chelule, Nakuru County; Sen. Haji, Garissa County; Sen. Hargura, Marsabit County; Sen. G.G. Kariuki, Laikipia County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. Kivuti, Embu County; Sen. (Dr.) Kuti, Isiolo County; Sen. Leshore, Samburu County; Sen. (Prof.) Lonyangapuo, West Pokot County; Sen. (Dr.) Machage, Migori County; Sen. Madzayo, Kilifi County; Sen. Mositet, Kajiado County; Sen. Munyes, Turkana County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Murungi, Meru County; Sen. Musila, Kitui County; Sen. Muthama, Machakos County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Ndiema, Trans-Nzoia County; Sen. Obure, Kisii County; Sen. Sang, Nandi County and Sen. Wetangula, Bungoma County.

NOES: Nil

The Temporary Chairperson (Sen. (Dr.) Machage): Order, Senators! I wish to announce the results as follows:-

AYES: 27

NOES: Nil

ABSTENTIONS: Nil

The "Ayes" have it.

(Question carried by 27 votes to nil)

(Clause 6 agreed to)

(New Clause 4A agreed to)

(New Clause 4B agreed to)

(New Clause 4C agreed to)

(New Clause 5A agreed to)

(New Clause 6A agreed to)

(New First Schedule agreed to)

(New Second Schedule agreed to)

Title and Clause 1

DIVISION

ELECTRONIC VOTING

(Question, that Title and Clause 1 be part of the Bill put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abdirahman, Wajir County; Sen. Billow, Mandera County; Sen. Boy Juma Boy, Kwale County; Sen. Chelule, Nakuru County; Sen. Haji, Garissa County; Sen. Hargura, Marsabit County; Sen. Hassan, Mombasa County; Sen. G.G. Kariuki, Laikipia County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka Nithi County; Sen. (Dr.) Kuti, Isiolo County; Sen. Leshore, Samburu County; Sen. (Prof.) Lonyangapuo, West Pokot County; Sen. (Dr.) Machage, Migori County; Sen. Madzayo, Kilifi County; Sen. Mositet, Kajiado County; Sen. Munyes, Turkana County; Sen. Murungi, Meru County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Musila, Kitui County; Sen. Mutula Kilonzo Jr., Makueni County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Muthama, Machakos County; Sen. Ndiema, Trans-Nzoia County; Sen. Sang, Nandi County; and Sen. Wetangula, Bungoma County.

NOES: Nil

The Temporary Chairperson (Sen. (Dr.) Machage): Order, Senators! I wish to announce the results of the division as follows:-

AYES: 25

NOES: Nil

ABSTENTIONS: Nil

So, the “Ayes” have it.

(Question carried by 25 votes to nil)

(Title agreed to)

(Clause 1 agreed to)

Sen. Billow: Mr. Temporary Chairman, Sir, I beg to move that the Committee do report to the Senate its consideration of the Public Procurement and Disposal (Amendment) Bill (National Assembly Bill No.31 of 2013) and its approval thereof with amendments.

Sen. Murungi seconded.

(Question proposed)

The Temporary Chairperson (Sen. (Dr.) Machage): Hon. Senators, I will now proceed to put the question and the response will be by acclamation.

(Question put and agreed to)

Open the Door.

(The House resumed)

[The Temporary Speaker (Sen. Mositet) in the Chair]

**REPORT, CONSIDERATION OF REPORT
AND THIRD READING**

THE PUBLIC PROCUREMENT AND DISPOSAL (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILL NO.31 OF 2013)

Sen. (Dr.) Machage: Mr. Temporary Speaker, Sir, I beg to report that the Committee of the Whole has considered The Public Procurement and Disposal (Amendment) Bill (National Assembly Bill No.31 of 2013) and its approval thereof with amendments.

Sen. Billow: Mr. Temporary Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

Sen. Murkomen seconded

(Question proposed)

(Question put and agreed to)

Sen. Billow: Mr. Temporary Speaker, Sir, I beg to move that the Public Procurement and Disposal (Amendment) Bill (National Assembly Bill No.31 of 2013) be now read a Third Time.

Sen. Murkomen seconded

(Question proposed)

The Temporary Speaker (Sen. Mositet): We are going to Division. Let the Division Bell be rung for one minute, then the bars will be drawn and we vote. Order Senators. I will now put the question.

DIVISION

ELECTRONIC VOTING

(Question, that the Public Procurement and Disposal (Amendment) Bill (National Assembly Bill No.31 of 2013) be read a Third Time put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Abdirahman, Wajir County; Sen. Billow, Mandera County; Sen. Boy Juma Boy, Kwale County; Sen. Chelule, Nakuru County; Sen. Haji, Garissa County; Sen. Hargura, Marsabit County; Sen. Hassan, Mombasa County; Sen. Kagwe, Nyeri County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Khaniri, Vihiga County; Sen. (Prof.) Kindiki, Tharaka-Nithi County; Sen. (Dr.) Kuti, Isiolo County; Sen. Leshore, Samburu County; Sen. (Prof.) Lonyangapuo, West Pokot County; Sen. (Dr.) Machage, Migori County; Sen. Madzayo, Kilifi County; Sen. Mositet, Kajiado County; Sen. (Eng.) Muriuki, Nyandarua County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Murungi, Meru County; Sen. Musila, Kitui County; Sen. Muthama, Machakos County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Ndiema, Trans Nzoia County; Sen. Obure, Kisii County; Sen. Sang, Nandi County, Sen. Wamatangi, Kiambu County; and Sen. Wetangula, Bungoma County.

NOES: Nil

The Temporary Speaker (Sen. Mositet): Order, hon. Senators. The results are as follows:-

AYES: 28

NOES: Nil

ABSENTIONS: Nil

The “Ayes” have it.

(Question carried by 27 votes to nil)

(The Bill was accordingly read the Third Time and passed)

Sen. Hassan: On a point of order, Mr. Temporary Speaker, Sir. I have enormous respect for the “King of Meru.” However, I have noticed an unending trend from the time we started the electronic voting. The “King of Meru” is always assisted to vote. This has thrown me into confusion. Is he not part of that digital divide? Is he losing his card? Why is the “King of Meru” always assisted to vote?

(Laughter)

Sen. Murungi: Mr. Temporary Speaker, Sir, I will not respond to the provocation from the Senator for Mombasa. However, there is need for the House to ensure that the electronic voting system is in proper condition and working for all Senators. You can see that a large number of Senators joined me in manual voting. If this trend continues, the entire House will be joining me here. Since we will be going on recess very soon, the Parliamentary Service Commission should relook at the system and see whether it is working well. Thank you.

(Laughter)

Sen. Murkomen: On a point of order, Mr. Temporary Speaker, Sir, I do not know whether I am in order to say that there is a Member of the “Lower House” who is stranded in the Speaker’s Gallery. Would it not be in order to introduce him and recognize him?

The Temporary Speaker (Sen. Mositet); Sen. Murkomen, the Chair has not seen that stranger in the House. In case there is one, I will be told and I will announce at an appropriate time.

I would like us to go back to the Motion of Adjournment. I open the Floor. The Senate Minority Leader, you have the Floor.

MOTION OF ADJOURNMENT UNDER STANDING ORDER NO.33

DEATH OF 28 KENYANS DUE TO A TERRORIST
ATTACK ON A BUS IN MANDERA COUNTY

(Resumption of Debate)

The Senate Minority Leader (Sen. Wetangula): Mr. Temporary Speaker, Sir, before I start seconding the Motion, I know we are all entitled to five minutes, but I want to seek your indulgence to give me ten minutes as I second this Motion. You have the discretion to do so.

I want to salute the distinguished Senator for Mandera for bringing this Motion. Security in this country has become a matter of everybody’s concern. The Mandera massacre comes after a chain of other killings in this country; Mpeketoni, the Westgate Mall, Kapedo and many other places. Every time we have these incidents, we get very casual responses from the men who have been given the responsibility to take care of our security.

Mr. Temporary Speaker, Sir, in the Roman days, if you were given the opportunity to guard the King and you let harm visit the King, the Romans used to say; you follow the sword. The *askaris* of those days would kill themselves before others catch up and deal with them. In modernity, persons with responsibility of this nature have a duty to vacate office on their own volition or be made to vacate office so that more competent people can come in. We cannot have a “business as usual” attitude and every time there is a security challenge, the same faces come on television to tell us that they

will pursue and deal them a deadly blow, they will have nowhere to hide and the next time it is still the same thing.

I want to send my condolences to the families, relatives and friends and counties that lost their loved ones. It should not be lost on us that out of the 28 dead, 11 persons are from Kakamega County, three from Bungoma County and two from Vihiga County. Those are 16 teachers and other workers who have been working in Mandera lost from the Luhya nation. There are seven persons from Kisii. I am just emphasizing the magnitude that the *mulembe* nation has lost in this particular massacre. We have lost many other people as well and the loss of every single Kenyan concerns us.

What do we get? We get knee jerk reactions from the Government. I salute our colleagues across the Floor who have stood up to be counted; Sen. (Prof.) Kindiki and Sen. Murkomen who have spoken boldly about the security situation and what needs to be done without taking a partisan position. If somebody is sleeping on the job, he is sleeping on the job regardless of which side of the divide we come from. More comical in dealing with this thing is the reactions that we have seen and the speeches and statements being made from none other than even the Deputy President. When the Deputy President goes on air and says that we have killed 100 of the attackers and everybody knows that it is false---. The *Al Shabaab* have said that that is total nonsense.

Sen. Murungi: On a point of order, Mr. Temporary Speaker, Sir. The Senate Minority Leader is making a very important contribution, but I do not think it is fair for him to make outlandish statements against the Deputy President without substantiation. It is true that the Deputy President said that they had killed 100 *Al Shabaab* members after this attack but he is saying that it is false and he is quoting *Al Shabaab* sources. How does he know that the *Al Shabaab* sources are correct?

Sen. Murkomen: On a point of order, Mr. Temporary Speaker, Sir. Is it in order for the Senate Minority Leader to try to contradict national statistics from a credible public officer? When Americans killed Osama Bin Laden, President Obama announced that they killed him and have buried him in the sea, but they never showed us pictures, but their people believed. Is the Senate Minority Leader, being a senior leader in this country, in order to mislead the public?

Sen. Muthama: On a point of order, Mr. Temporary Speaker, Sir. Is Sen. Murkomen in order to say that the Senate Minority Leader should substantiate the information he is giving here and yet the person who issued that public statement did not substantiate? There were no bodies that were shown to Kenyans.

The Senate Minority Leader (Sen. Wetangula): Mr. Temporary Speaker, Sir, when we are talking about deaths of the nationals of this country, we are very serious. We do not want anybody at whatever level in Government or the hierarchy of this country, to play with the lives of Kenyans. You cannot tell us that you killed 100 *Al Shabaab* militants when there is no evidence to show that you did.

Secondly---

Sen. Kagwe: On a point of order, Mr. Temporary Speaker, Sir. We are really concerned about this debate in the sense that it is a serious matter. I agree with Sen. Wetangula that we are talking about a very serious matter in Kenya. What is concerning me – and I would like to know whether it is in order – is our doubt without any reason, whether or not the Government's position is correct. Under normal circumstances, when a nation is under attack from the outside, we would normally believe our own people

more than we believe outsiders. There is a notion in this House that if you do not agree with some people, then you are automatically wrong.

The Temporary Speaker (Sen. Mositet): What is your point of order?

Sen. Kagwe: Mr. Temporary Speaker, Sir, is the Senate Minority Leader in order to say that there is no evidence, when in today's newspapers, they have published material that clearly indicates that what the Deputy President said was correct? Can we stick to the issue concerning Kenyans?

The Temporary Speaker (Sen. Mositet): Order, Senators! If you want to raise interventions, please, use your cards to log in.

Proceed, Sen. Wetangula.

The Senate Minority Leader (Sen. Wetangula): Mr. Temporary Speaker, Sir, you can even see that the distinguished Senator for Nyeri is looking very embarrassed for what he has said.

(Loud consultations)

The Temporary Speaker (Sen. Mositet): Order! Order, Senators! I believe that what you are debating is a very serious issue. Most of the points of order being raised are not really points of order, but points of argument. Let us allow the Senator to continue with his contribution.

Continue, Sen. Wetangula, but stick to the issue.

Sen. Hassan: On a point of order, Mr. Temporary Speaker, Sir. Are our colleagues in order to suggest that we are under any duty or obligation to believe every information that the Government gives to us?

The Senate Minority Leader (Sen. Wetangula): Mr. Temporary Speaker, Sir, let me carry on.

Even the media today – although the media is not an authority for arguments in the House – has cast serious doubt on the figures and statements being channeled out by the Government. Even the picture that appeared in one of the newspapers does not look convincing. How did you kill the *Al Shabaab*, put them on a Land Rover and photograph them? It does not make much sense.

Mr. Temporary Speaker, Sir, we want, when situations happen, the Government to be even in handling the situation. I have listened to what the distinguished Senator for Mandera has said is happening in Mandera. There is literally an occupation of Mandera County and many other places. But when such things happen, we want an even conduct from the Government. When the Mpeketoni attacks happened, the whole Government moved to Lamu and there is still a curfew there. When attacks happened in Kapedo, none other than the President himself and the security organs moved there. Since the attack in Mandera, not even ole Lenku, Kimaiyo or the Deputy Inspector General of Police has gone there. Is Mandera part of Kenya or out of Kenya? Are the people who were killed in Mandera of less value than other Kenyans? These are serious issues that we must ask.

Mr. Temporary Speaker, Sir, the Government was very prompt when there was an attack in Lamu. The Cabinet Secretary, Ms. Waiguru, flew to Lamu and announced that the Government will take care of funerals and do everything for the victims. Today, Sen. Boni Khalwale, Sen. Khaniri, I and everybody else are struggling to raise funds to go and bury our dead. Are these Kenyans or not? These are questions that we must ask, because

we are Kenyans like every other Kenyan. The life of every other Kenyan is as valuable as the other. As I said here, the doctrine of social contract is that we surrender the right to protect ourselves to a bigger organ called the Government, which has a duty to protect the distinguished and protesting Senator for Nyeri and everybody, so that we live in peace.

Mr. Temporary Speaker, Sir, as I finish, it is very sad if what I am reading is right; that as the country is on fire, the President is watching Formula One in the United Arab Emirates (UAE).

The Temporary Speaker (Sen. Mositet): Sen. Wetangula, I gave you two more minutes.

The Senate Minority Leader (Sen. Wetangula): Mr. Temporary Speaker, Sir, I beg to support the Motion.

Sen. Murkomen: Mr. Temporary Speaker, Sir, the security situation in our country is wanting. The Kenyan people everywhere I go, whether it is in social places, in the streets, on my *Twitter* and *Facebook* accounts, are tired. They are asking very serious questions about our internal security. We are not here divided as a House between Jubilee or CORD or based on our ethnic configurations. It is not the tribe of the people who died that is in question. In any case, it could have been any tribe. That is why there is someone from Elgeyo-Marakwet who died. That is why there is someone from Kisii who died. The truth is that there is insecurity everywhere in this country. So, when we debate this issue, we must do it soberly.

Mr. Temporary Speaker, Sir, I am on record, and I stand by what I am saying, that the security managers of this country have led this country down. We can beat about the bush or go round and round, but in America, a small situation, including agreeing on a philosophy of how to address issues that are happening in Iraq, has led the Secretary of Defence to give way, so that someone else can be appointed. We are not saying that those who are managing security are illiterate or stupid. What we are just saying is that their best may not be the best for this country. We have told the President privately and we are telling him publicly, that Kenyans through us - the people who were elected by the people - are saying that the security managers of this country must either pull up their socks or make way if they are unable to do their job. They must be held to account.

Let us not lie to ourselves. When tribalism crept into this country and there were tribal clashes as from 1992, at first, it was about a neighbour against another neighbour. As we progressed - by 2007 - it had reached a stage where it became volatile and almost brought this country to its knees. What we are beginning to witness in this country is violence now taking a religious dimension; where someone is asked whether they know how to pray, so that they can be let go or asked about their religion. Both sides of this House must condemn any violence that is taking place in this country, even if it is done by people who are perceived to come from our religion.

If a church becomes a place where you are storing arms, it ceases to be a church and becomes a scene of crime. If a mosque becomes a place where people are trained to bring about violence, it ceases to be a mosque. It becomes an armoury or a place for training criminals. It pains me that we have leaders in this country holding senior offices; when guns are found in churches or mosques, they say nothing. They wait until those people are arrested, then they start talking about freedom of expression or freedom of religion. If we do not do something and support the Government, this religious violence is going to blow up and we will be like Nigeria.

I want to ask my friends whether they believe in God. I have said and I am on record that the kind of god that depends on a wretched, useless and emaciated person in the desert of Somalia to fight for him is not a god worth worshipping. Do not tell us that they are fighting on behalf of god. Which kind of god is that who depends on a person who is emaciated and eats only one meal in a week? We must condemn whatever is taking place in this country and we must take responsibility as leaders, to ensure that we weed out every form of insecurity. I used to be a Sunday school teacher. If a Sunday school teacher or a *madrassa* teacher turns out to be a person training people on violence, this country has a responsibility to arrest them, close those places and bring people to account.

I support.

Sen. (Dr.) Khalwale: Mr. Temporary Speaker, Sir, I would like to thank you for giving me this opportunity because I find myself in the unique position that I am responsible for more dead bodies in Mandera than any of my colleagues in the Senate. My condolences go to all the members of the families that have been affected. I want to start by informing my brother, Sen. Murkomen, that I washed the body of Kipchirchir from Elgeyo-Marakwet. So, when you stand here and you want to move this House to believe that our people died because of religion, you are playing in the same hands that the *Al Shabaab* would like us to play into. These are criminals from Somalia who, the Jubilee Government has refused to use the intelligence at hand to contain. They come in this country to advance their agenda of attempting to set Christians against Muslims. It cannot work that way. Let me tell you why.

We were in a pub with a Member of Parliament from the Lower House who, on the eve of the attack, had protection by six Administration Police (APs) in the hotel where they were. The officer in charge of security on the ground told them “*Waheshimiwa, leo ni kubaya, go to your hotel, I am giving you security*”. They knew before our people died that the incident was going to take place. If you are truly patriotic the way you are saying, you should be asking the Government why they did not escort this bus instead of trying to set up Christians against Muslims.

We are adults and mature than some Members in this House. We want to bring our country together. Dr. Martin Luther King said that if you do not accept to live as brothers, be prepared to perish together. We are all going to perish. The truth is; as we speak now, the pictures that the Deputy President gave to the House were taken on 3rd May, 2013. They were drawn from an Amison album. That is what they are feeding Kenya on. What kind of cowardice is this when our people have died? We want responsibility in leadership. Even if we did not vote for this Government, our people deserve to be protected and at the very worst to empathize with them.

Today information moves very fast. We have information, which we have reason to believe, that as this problem took place, the President was enjoying the Grand Prix - Formula One - in Abu Dhabi. There are pictures being circulated around. This country remembers that when PCEA members perished in Tanzania, the Government moved and took choppers there to bring them back. In Westgate, there was outpouring of grief and people even prepared food for the survivors and rescuers. Today, the Kisiis and Luhya at Chiromo Mortuary, where I have been for three days, do not even have a half a pint of drinking water from the Jubilee Government of the Republic of Kenya. This is not a joke. As a leadership, you are now setting communities in Kenya against each other because

they will hate each other. Please, keep that money of yours, we are organizing ourselves as the government of Kakamega. We will take our dead home and bury them in our poverty. We do not like this kind of crocodile tears. This is not a joke.

In Mandera, 80 per cent of teachers there are Christians. The parents of those children would not come and kill the same teachers who teach their children. There was a clinical officer from Kisii who has been treating the children of the Somalis in Mandera. They would not want to kill *daktari*. You have refused to keep away the *Al Shabaab* who came into our country.

I cannot end this without reminding the President that the 33rd President of the United States of America (USA), Harry Truman, when responsibility came calling---

(The Microphone went off)

Please, give me one minute to conclude.

I want to tell the Government that you can go and tender for Standard Gauge Railway lines, you can build techno-cities, you can build super highways and you can build skyscrapers but if you do not give people security, all those things will count for nothing. It is time the Jubilee Government left office so that Kenyans can have peace.

Sen. Murungi: Mr. Temporary Speaker, Sir, I rise to support this Motion. People might think Mandera is far away or it is for Somalis but it is for all of us. My own brother is a teacher in a secondary school in Mandera. He could very well have been one of those who died. I would like us to clarify and separate two things; those who killed people in the bus were not people of Mandera. Let us not have emotions against Kenyans who live in Mandera. The people who attacked the bus were *Al Shabaab* criminals. It is our duty to protect our people from criminals. Those criminals have a strategy of dividing us and causing some of the noise we are hearing around. The criminals have devised a strategy to use religion. That is why they would come and tell people to recite the Quran. They are trying to create the impression that this is a religious war. It is not.

Mr. Temporary Speaker, Sir, if we have to handle this security situation, we have to understand the ideology of these criminals and what they are trying to do and not fall for it. We have defeated the *Al Shabaab* in conventional war in Somalia and what they have resorted to is guerilla warfare. There is no way you can meet *Al Shabaab* during the day and confront them armed to the teeth, you will never see them. The former Attorney-General, not the *Emeritus*, but the one before him---. The late Mukaru Ng'ang'a, said, if the Government closes the space for expression, then that will drive the Opposition underground. The then Attorney-General, Sir Charles Njonjo said, if the Opposition goes underground, even the Government will go underground and they will meet there.

It is time that our Government had its own *Al Shabaab*. It is time that we had our own insurgency programme for flashing out *Al Shabaab* in this country. The *Mau Mau* would not have been defeated if the British did not recruit some of them and sent them back to the forest because they are the ones who knew the caves where the *Mau Mau* were hiding. They are the ones who knew the mountain trails. Time has come for us to trust some Somalis either from this country or from the other country. We should recruit them into an underground force to fight the *Al Shabaab*. It is time for us to infiltrate the *Al Shabaab* and defeat it. They say when you want to kill a snake; you may spend a lot of time fighting with the tail. However, until you hit the head, you cannot kill the snake.

We are calling for a complete rethink of our security strategy. We need to have a strategy for dealing with the *Al Shabaab*. We should have learnt enough by now. Our young men were killed in Kapedo and the others have been killed in other operations. Time has come for us to look for more sophisticated methods of dealing with these criminals.

We have heard many calls asking for ole Lenku to go. Even if Lenku goes, we will not solve the problem. There is a way of dealing with the situation.

Sen. Hassan: Thank you, Mr. Temporary Speaker, Sir for this opportunity. First and foremost, I want to send my sincere condolences to all the families that have lost their loved ones out of barbaric attacks in Mandera. I join others in calling for the accountability of the Government on matters of security. Our security machinery has been extremely reactive. I think that if we do not preempt the possibility of continued attacks that are always polarised within this realm of religion, sooner or later, we will not have a country to look at.

I, however, have to respond to a certain issue because many people here will speak to other issues of critical importance. The strategies in combating terrorism must change. I must commend my friend and brother, Sen. (Dr.) Khalwale for the extra ordinary input that he has made. Some of us have chosen our friends and coalitions out of conscience because we believe, as a coalition, that in any democracy, the Constitution must be respected and every person must be safeguarded within the realm of that Constitution.

The level of insecurity notwithstanding does not take away our inherent right as leaders who represent some of these communities particularly in Mombasa and other parts of this country to speak out when there are transgressions against wholesome members of the community. I have heard Sen. Murungi and Sen. Wetangula saying that until and unless we strengthen our security machinery and our intelligence capacity, it is not right for people to raid entire villages and neighbourhoods just because of public perceptions that they are fighting terrorism.

It is wrong for anybody in this country to be killed; whether that person is Muslim or Christian. We are always called upon to condemn one killing after another which is done in the name of Islam. No killing can be done under the name of Islam. But equally, when Muslims are killed in situations that are doubtful, this country should also galvanise because no right should be taken away without the necessary procedure set up by the law being followed.

Time and again, I have heard the Deputy President, yesterday and even the day before, cautioning leaders. Let me tell the Deputy President here that we have been elected to represent people. If you humiliate any section of this community through actions that are based on condemnation of the entire community, we will speak out. They have defended their communities in many other arenas and this is the kind of Kenya we must move away from. We must protect any community as long as we are the leaders of this country without polarizing any community of this society.

Finally, I hope that we will change strategies so that we become effective. There are perceptions or allegations that mosques were scenes of crime. I ask this Government to speedily work towards the reopening of these mosques. Let them know that if they want to pursue the crime or to access the bombs that were inside, I believe that they have them now. They should now take the matter to court and open the mosques. Mosques as I

said do not commit crimes. Let it be known that in a democracy, our inherent rights to speak out on matters that we feel are improper rests there. That is grounded and protected by this Constitution.

You may disagree with us but that is what democracy is all about. We cannot all have a unilateral opinion about the same thing all the time. If you believe that there is a different strategy, then you must listen to us. Over time, we have lost a critical constituency that is necessary in helping us to discharge the responsibility to counter radicalization and terrorism. This community must also feel as if it is part and parcel of this nation if it is expected to support the counter-terrorism measures.

Let us desist from making alarming statements and telling professionals not to work in Mandera or to avoid certain counties in this country. That is counterproductive and there is need and necessity to ensure that we build the security of this country so that everybody can work anywhere in this country and be assured and guaranteed of their security.

I want to associate myself with the views of Sen. Kiraitu Murungi. Some of us must take time to understand this problem rather than supporting the ignorant public opinion that continues to subvert cohesion in this country. No Muslim supports terrorism.

Sen. Kittony: Thank you, Mr. Temporary Speaker, Sir. Allow me to congratulate you for joining the Speaker's Panel. I would like to also join the rest of my colleagues to send my condolences to the bereaved families who have lost their loved ones. This is very sad because the rate of crime in this country is going up every day. It needs our concerted effort to fight this crime and to bring stability. We, as the leadership of this country, we cannot look like we are in contest and playing a football match when we know that we have lost very many people because of selfish motives, people who do not care for human life that is God given. It is our concerted effort that we sober up as mature people and fight this crime.

I feel very disheartened and saddened, when I see as if we are not serious about what is happening around us. The life we are living is becoming very scaring especially even when using public means of transport. They started by undressing women and many bad things are happening. We really need to come up with good solutions which can help us to reduce the ills that are creeping into this country- I do not know by what means but it is very disturbing that instead of us approaching it in a sober manner, we seem as if we are joking.

We have lost one person from our county in this incident, a very capable young graduate who had gone to assist the people of Mandera in educating their children, she was one of them. It is not really a community issue; these are Kenyans that we have lost. So, let us approach it as all Kenyans regardless of where we come from.

I remember sometime back I said that women of this country are going through very painful times because they go through painful labor. They also go through pain when they lose their loved ones at the prime age when they are supposed to be giving back to the development of this country. What we are experiencing at the moment is not good for anybody. It is for us to come out as leaders of this country, to approach this soberly so that we are able to know where the problem is coming from. We cannot do it with emotions or blaming one another; this will not help us. We need sanity to bring back our lost glory by approaching these issues of insecurity in a sober manner so that we save the situation.

With those few remarks, I support and hope that we all feel concerned about what is happening.

Thank you, Mr. Temporary Speaker, Sir.

Sen. Khaniri: I thank you, Mr. Temporary Speaker, Sir, for this opportunity. Let me start by saying that I stand here with a very heavy heart. In the tragedy that happened in Mandera, I lost two people from my county, I lost young Douglas Dikatso, a 24 year old trained teacher, who was there in Abakarai Primary School as his first posting. He was a very young man, not married, the sole breadwinner of his family and he is gone. I also lost Hilary Lusaka Jumba. Another young teacher of 25 years who had worked there for a very short time and he is also gone.

On my own behalf, that of my family and the entire county, I convey my heartfelt condolences to the families of the two young men from Hamisi, Vihiga and the families of all those that lost their lives in this bad tragedy.

The big question that we are all asking is: When this was happening, where was the National Intelligence Service (NIS)? Year in, year out, as Parliament, we vote in so much money for security and particularly for the NIS. The budget of the NIS is not scrutinized for the many years that I have been in Parliament. When it comes to the NIS, we just vote in money and we are told that it is for national security.

These people have completely failed our Government. They have completely failed our security, telling by the numerous attacks we have had and most of these attacks are planned here. You wonder where the NIS is because they should be able to detect this. I want to tell the President and the Deputy President who are the heads of the Jubilee Coalition Government that I am a student of political science and the first and foremost responsibility of any Government is to provide security to its citizens and their property. As a colleague said there, you may give us the standard gauge railway and all those big things you are talking about, but that comes to nothing if the country has no security. If the security of a country fails, then the regime in power has failed.

Mr. Temporary Speaker, Sir, we are talking from the Senate telling the President that he has our full support in the fight against terror and that is why as Parliament we vote any amount of money for security. Whatever they ask for, we vote. We want to support him in the fight against terror and this is a fight that we must not lose. His top most responsibility is security and he is failing in that. I can see my sister Beth Mugo looking at me and I would like to tell him that his team have failed and as my colleague said there, the buck stops with the President who is the Chief Executive of the country because he is the man in charge; he is the appointing authority of all these officers we are blaming. If they cannot resign, then he has the powers to fire them or reshuffle them.

Why must he keep carrying this baggage of officers who have failed him? All Kenya are talking about this and it is now common knowledge and everybody knows that the people in charge of security in this country have failed the Government. Why must he keep on hanging to this people? Is there something that we are not being told? We are talking with a lot of bitterness. Whenever these things happen, my county is always affected. During the Westgate Mall attack, I lost so many people.

I want to join my colleagues in condemning this heinous act that happened. Whatever name they want to call it, I do not believe that there is any religion or any god that will be happy to see a human being killing a fellow human being. We condemn this in the strongest terms and we are calling upon the Government to come and step in and

help the families of the deceased. As I leave here, I am going to Ngara estate to conduct a harambee for one of the victims of this tragedy in Mandera.

Sen. Mugo: Thank you, Mr. Temporary Speaker, Sir, for giving me the opportunity also to contribute to this important Motion. I want to congratulate the Mover and from the onset also condemn this act of killing innocent people in Mandera. I also want to send my heartfelt condolences to the families and friends of those people who have lost their lives in a senseless way.

From the onset, let me say that I also lost my nephew at the Westgate Mall attack. So, as I speak, I am not speaking as somebody who has not gone through a lot of pain, but I also understand that we are dealing with something greater than ordinary insecurity because this is terrorism. No country, not even America, has conquered terrorism. With all that they have; the power, facilities and resources, terrorists have managed to bomb the highest offices of that country. This does not just affect America but even Britain and other countries.

So, it will be naive for Kenyans to think that the Government alone can stop terrorism, because we are dealing with terrorism. This is something that affects everybody. I feel sad when I see my colleagues there politicise the death of Kenyans, trying to make political mileage. It has to take all of us.

Mr. Temporary Speaker, Sir, the Parliamentary Service Commission (PSC) has been to Israel on security matters and we have seen what is in Israel. We asked questions about security and we were told it is costly. So, we have to decide, all of us as Kenyans, if we really want to finish insecurity and invest in security equipment, manpower and training. We can forego a lot of things. We can prioritise what is important to us to attain this security. Removing ole Lenku or the Inspector General (IG) of Police from office is not the solution. Put anyone there and the situation will be the same because the technocrats are there and it is happening.

Why can we not, as a House, call upon Kenyans to stop agitating for more salaries? We should not raise salaries whether it is for the teachers, for us, the governors who want more money in counties and even avoid unnecessary travels by county governments. That way, we can put this money in equipping and planning our security and then we can be on top of what is happening. By the way, while in Israel, I met our people from about four counties who were there on a mission to learn about security. So, when we just polarize and say this and that, why have these other big powers been unable to solve terrorism?

I urge my brothers and sisters that difficult times call for difficult solutions. We should also not hide behind human rights. Any time the Government tries to solve the problem of terrorist, we hear leaders saying “no”.

(Laughter)

Mr. Temporary Speaker, Sir, can ---

Sen. Hassan: On a point of order. Thank you Mr. Temporary Speaker, Sir. Human rights is a full and the longest chapter of the Kenyan Constitution. Is the Senator in order to start trivialising human rights? It is a discourse that guarantees everybody freedoms.

Sen. Mugo: Mr. Temporary Speaker, Sir, I am not trivializing human rights in any way. What I am saying is those who are being killed by terrorists also have human rights. Sometimes we have to forego certain areas ---

(Loud consultations)

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

Sen. Kagwe: Mr. Temporary Speaker, Sir, first and foremost, I send my condolences, like my colleagues, to the families of those who died in this tragedy. Among those who died are Karimi Muthenja and Kathambi Muthenja, two sisters, from Nyeri. Therefore, I am sending condolences to the people of Kakamega, Vihiga, Nyeri and others who perished. The reason I thought it was important for me to mention those names, is that there is not any region or area that the Government is not looking after. It is not one region that is being ignored. The people from Nyeri are in the mortuary, just like those from Kakamega and elsewhere. They are not getting any preferential treatment. Therefore, in urging the Government to support us, let us holistically say that the Government should support the families of the victims. But let us not try to make it look as if the Government is supporting some people and not others.

Mr. Temporary Speaker, Sir, the issue of security goes beyond even our normal expectations.

Sen. (Dr.) Khalwale: On a point of order, Mr. Temporary Speaker, Sir. I am sorry to interrupt my brother, who has not offended me at all. But because the country is following this, lest there be an impression created by what he is proposing, by misleading the public that the affected counties or communities are approaching the Government and requesting for support. There is in the budget something called “disaster fund.” We are simply saying that the Government should spend from the disaster fund. Is he in order to mislead us that we are begging money from President Uhuru? We want him to spend the disaster funds that are budgeted for in the Republic of Kenya.

Sen. Kagwe: Mr. Temporary Speaker, Sir, I think that I would be in order to call that verbal paranoia. This is because I did not mention anything about President Uhuru. All I said was: “Let us ask for help from the Government if we can.” I actually agree with what Sen. Khalwale has said but I want to propose that we do not bite our noses to spite our face. In this debate, it is important for us to keep in mind that Kenya is under threat from outside.

There are those, for example, who are saying that the Government is not visiting the area where the attack took place. It is not necessary for military intelligence and people to always tell Kenyans: “Now we are out there and coming back.” I can say without any fear of contradiction, that I am aware that today the Head of Public Service, Joseph Kinywa and the Army Commander were there engaging the Governor and discussing issues of security. I am sure they are on their way back as I speak. Therefore, it is not correct to say that the Government is not treating this matter with the seriousness that it deserves.

Having said that, I also believe that there is a gap between intelligence and action. In fact, I would even go ahead to say that the intelligence officers are working, because that is how we knew that people knew about this event. So, the National Intelligence Service, (NIS) is working and giving information. As to whether those who are supposed

to take action on the information are doing it, is a separate matter altogether. The issue of intelligence is so severe now that it is getting to the issue of anarchy. When you see people stripping people in the streets, that is anarchy. We are getting to the point where people think that they can do anything they wish, including striping our girls in buses. That is shameful, barbaric and immoral. Those people are somebody's daughter, mother or sister. Therefore, in discussing matters of security, let us embody all these things together and take severe action. We must do everything in our power to ensure that Kenyans are safe everywhere.

Sen. Ndiema: Mr. Temporary Speaker, Sir, on my own behalf, and on behalf of the people of Trans Nzoia, I join my colleagues in sending condolences to the families of those who lost their lives in the tragic incident. I am saying so knowing that in Trans Nzoia County, we also lost a lady called Violet Moraa Morang'a from Taito Farm, Sitatunga Ward.

Mr. Temporary Speaker, Sir, these events have become so many that every other day or week, we are seeking Motions of Adjournment to discuss issues of security. It is right that we discuss and express our concerns.

Mr. Temporary Speaker, Sir, terrorism is a very serious offence and the aim of a terrorist is to cause maximum damage and publicity. Today, our country is threatened. It is time that we, as Kenyans, demonstrated utmost patriotism to defend our motherland because all of us are under threat. Our lives, which the Constitution guarantees to protect and also our property are under threat. Our economy is not doing well now because of terrorism.

Mr. Temporary Speaker, Sir, it is right that we ask those who are in positions to answer. However, I think this issue goes beyond individuals because we know those who are in positions now, even if you are talking about the intelligence, the police and the military, they are well trained and capable. Perhaps, what we should be asking ourselves now is, what about the system itself? Is the system which they operate in, in order? The legislation, the structures and the flow of information from the National Intelligence Service (NIS); is the flow of information quick enough for effective action?

Mr. Temporary Speaker, Sir, I am of the view that it is time we had an open discussion among Kenyans; a national conference to discuss about security jointly regardless of where you are because, Kenyans have ideas on how to tackle these threats which seem to be cropping everywhere.

Mr. Temporary Speaker, Sir, whenever events like these occur, we ask questions to the extent that we may be perceived to be blaming each other. It is high time we demonstrated that we, as a country, when we are under attack, come together. Let us forget about our tribes, our religions and where we come from and face the enemy head-on. We should also agree on a policy on how to handle victims uniformly whenever events like these happen. We need to have a blueprint on how to handle them so that it is not perceived or seen that others are being favoured while others are not.

Mr. Speaker, Sir, it is high time we sat together as leaders of all communities and all religions. The sooner we do it, the better. In addition to that, we should look at how our security arms are trained and how they operate, especially, the legal aspect of it because it seems our country today is free for all criminals; Whether they are drug-traffickers or terrorists because the penalties for committing a crime, perhaps, are most

lenient in Kenya than in any other place. For a terrorist or a murderer to be released on bond is indeed very serious.

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

The Temporary Speaker (Sen. Mositet): Sen. Hassan.

I can see we have a number of people who want to contribute, if we continue interrupting, we will take a lot of time.

Sen. Hassan: Mr. Temporary Speaker, Sir, you have to appreciate our backgrounds. One of the reasons we were elected to these positions is because of the issues we stood for. There is a difference between a terrorist and a suspect. The Constitution provides for certain rights of suspects which we adhere to. I, therefore, ask whether the Senator is in order to believe that the Constitution counts for nothing.

Sen. Ndiema: Mr. Temporary Speaker, Sir, of course it goes without saying that anybody arrested on account of terrorism is a suspect until proven guilty but if suspects on serious offences are just released anyhow, it becomes attractive for other criminals to operate in Kenya than elsewhere.

I support.

The Temporary Speaker (Sen. Mositet): I can see we still have about ten Senators who want to contribute. I think it would be wise to give each two and a half minutes or three minutes.

Sen. G.G. Kariuki: Mr. Temporary Speaker, Sir, I would not want to dispute your ruling but it has become a habit in this Chamber that when some people have spoken, the rest can speak for two or three minutes. That is a very dangerous thing that has been happening. If we go to ten minutes, let those who will not get a chance stay without speaking. What would you say in two minutes? I have already finished two minutes, then what? I object to that very strongly.

The Temporary Speaker (Sen. Mositet): I ruled like that in favour of all the Senators who want to speak. This is a very serious matter. Senator, you still have a lot of time. In fact, you still have two minutes. I do not know why you feel that there is no time to continue.

Let us stick to that so that we are fair to each one of us. You have three minutes.

Sen. G.G. Kariuki: Mr. Temporary Speaker, Sir, reluctantly, I am going to say a few words. First of all, we are talking about a very serious matter. Even if we had to adjourn the House to debate this, there would be no problem because it is a serious issue. Let me start by saying that condemning the incidence does not do anything because we do condemnation every now and then. I know hon. Members are so disappointed and bitter. That is why we are talking this way but we must stop complaining among ourselves. When the situation is like this, it is for all of us to agree on what to do next and not to stand here and start saying "my people have been killed".

I think this is a very serious national matter. Therefore, we do not have to sit here, condemning each other. What I suggest is that Kenya is under attack and therefore Members from the opposite side of the House should not create an impression that the Government is not capable of doing a, b, c and d. This is now beyond the Government. Whether it is CORD or Jubilee, this is a very serious matter, Sen. (Dr.) Khalwale. Therefore, I suggest that ---

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

Sen. Mutula Kilonzo Jr.: Mr. Temporary Speaker, Sir, we ought to say it the way it is. The responsibility of security is not a shared responsibility between the Opposition and the Government. The Government is solely responsible. No Member of the Opposition sits in any security committee or gives any command to any person in the security organ. Therefore, the Government is responsible today, tomorrow and the day after. The Government must take responsibility.

The Government is obviously again going to pay lip service. The last time there was a tragedy like this or any other, I remember that in Makueni when people died, the Government offered assistance which never came through. This is because the Government does not realize that; like yesterday when you saw a gentleman from Rift Valley who was killed and his wife and their nine month old baby were expecting him, the multiplier effect of the incompetence of the security machinery in this Government is hurting this country. We must say it because the people in Government are saying; let us talk, because this is a matter between everybody. When we asked the Government as CORD to sit down and have national dialogue, they rubbished us.

When 28 people are shot in cold blood and the *Al-Shabaab* shoot in the air to celebrate killing Kenyans, now it is time for people to talk. We must say it; that you can address all press conferences with ipads and everything else in the world but the function of security in this Republic and the blood of those 28 people who died is squarely in the hands of the Jubilee Government. We must blame them because other than providing security, they should prevent crime.

Lastly, unless we go back to the law and unless action is taken on the people who are charged with the responsibility of security, this is going to happen again. It does not matter whether we sit in Harambee Avenue or State House Avenue, those people need to go home and the people in Mandera who are responsible for security must show Kenyans that people can take responsibility. Those are the first people who should be fired or in fact taken to court because where there is theft in estates, watchmen are taken to court because they failed to prevent crime. If we have people responsible for security and people are killed in the manner they were, those people who are charged with that responsibility ought to be in court because they have failed.

Sen. (Eng.) Muriuki: Mr. Temporary Speaker, Sir, may I first send my condolences to the families, friends and acquaintances of those who lost their lives.

When we talk about civilization, the first agenda is security. If there is no security, even if you build roads, supply water and others, where terrorists can come and destroy, there is no meaning. It does appear like insecurity is getting out of hand in this country.

Whereas, I do accept that the President can appoint who he wants, that is his choice and that is it, but we must also recognize the fact that we end up with the people in Government who want credit for what they did yesterday and the day before and so on. They want credit for what has gone well and so they must take responsibility for what has gone wrong. This is why you hear Kenyans saying: What is ole Lenku doing? What is Kimaiyo doing? When we sit here as a House and representatives of the people, we are the voice of the people. So, either they pull up their socks or they give way to other people because they are also capable somewhere else. However, this particular one appears to have gone out of hand.

Having said that, it seems as if the intelligence, which is the crux of the matter is, is not being done or whoever is doing it is not informing the people they are supposed to inform. If they are being told, then action is not being taken. I would like to call upon Kenyans, wherever they are; whether in Mandera, Nyandarua or wherever they are, to take the security situation very seriously. When something happens in your neighbourhood, however small, you have to report it.

I do not know what the Government is doing about the *Nyumba Kumi* Initiative but it is about time that we started rolling it out on a serious note. Those terrorists eat; they go to shops and do other things. Those who live in areas where these things are happening must stand up and be counted. We have had many occasions where something happens and people disappear into thin air. As we talk, we do not know who did the mess in Lamu. As far as I know, it is people who do this and disappear into thin air. I call upon Kenyans wherever they are, it does not matter what tribe or religion they are, to be united. The ones in Mandera divided Kenyans along religious lines. I support.

Sen. Madzayo: Asante sana, Bw. Spika wa Muda. Kwanza, ningependa kutoa rambi rambi zangu kwa watu wa Kilifi na kwa Wakenya wote kwa ujumla. Ningependa kusema pole kwa Wakenya na familia zote zilizopoteza wapendwa wao. Ningependa kushutumu sana kitendo cha ugaidi na hasa wale waliua kwa sababu mtu hakuitwa Hassan ama Ali. Walioitwa Hassan na Ali waliambiwa wakae pande moja na wengine ambao waliitwa George ama Stephen wakaambiwa wakae upande mwingine. Watu hawa waliambiwa walale wakiangalia chini halafu vichwa vyao vikapasuliwa kwa kupigwa risasi. Hiyo ni aibu kubwa sana na kitendo cha unyama ambacho hakijaonekana katika ulimwengu huu.

Wengine wetu tulikuwa tukisoma kwa vitabu na hatukujua kwamba kitendo kama hicho kingefanyika katika Kenya ya leo. Kwa nini nasema hivyo? Hii ni kwa sababu kuna uzembe wa kazi katika Idara ya Polisi hasa katika sekta ya upelelezi. Hata wakipeana habari, hatua haichukuliwi. Tunauliza, nchi hii ina Rais ambaye ana mamlaka? Kama Rais ana mamlaka, kama hawezi kuwaondoa watu hao, anafanya nini katika ofisi yake? Wakenya 40 milioni walimpa uongozi. Lazima achukue fimbo na kuwachapa watu hawa. Hawa ni vijana ambao wana ujuzi katika mambo ya usalama. Tunaona aibu sana.

Kenya inapoelekea, naona tumekubali watu wapigane kwa sababu ya dini. Haya sio mambo ya dini. Sisi tulizaliwa huko Mombasa. Wengine kama sisi tulizaliwa Mvitheni. Tumekuwa tukilala na ndugu zetu. Watu ambao wamekuwa wakiishi pamoja huko Mombasa wameuwana. Mama anaweza kuwa Mkristo na baba Mwislamu. Ukianza kuwatenga watu wa familia kwa misingi ya baba na mama na kuwaita George, mwingine Ali, leo ukija kumuua mmoja na kumwacha mwingine, tutakuwa tukienda Kenya gani? Serikali ya Jubilee ni lazima ichukue hatua ya kuwafuta kazi watu ambao wamezembea kazini. Hakuna haja ya Rais kuwa Ulaya wakati watu wake wanauwawa. Hatuelewi anafanya nini huko. Kama angekuwa Rais wa nchi nyingine, angekuwa amerudi katika nchi yake kuwatetea watu wake.

Asante. Naunga mkono.

Sen. Wamatangi: Mr. Speaker, Sir, I also equally condemn the heinous crime that was committed against innocent Kenyans in Mandera. In the history of all the times that there have been murders or even confrontation by jihadists or criminals, I have never

seen a time when any one would shoot women. They let the women lie on their bellies with their hands at their backs and shot them at point blank range. Those people have no description. They are criminals of the lowest calibre and you cannot even start to describe them as religious fighters. They have no place in this world.

Secondly, Muslims are as old as the history of this country. Christians are also as old as the history of this country and so I refuse to believe that the confrontation or the war that has been there at one time in this country is between those two faiths or any other faith.

Thirdly - I have said this before and I will say it again – security is the duty of our law enforcement officers; the police, the defence forces and the Government but security is also a responsibility of the citizens. It is a responsibility of all of us. I am saying this because recently I was in Britain and I was very amazed when I was in that country. In Britain which is one of the most likely countries that terrorists may want to strike, all the policemen do not even carry a gun; they walk free. This is because when you enter into that country, anything that you do in that country is the responsibility of everybody and nobody waits for a policeman or any other uniformed officer to come and blame you.

This is why we have to agree that security must be our culture. If we immediately start to trivialize this issue, for example, by asking where the President was when this was happening, it is of no consequence. We should ask ourselves what we will do. The President has an able deputy who is able to execute his role under our Constitution. We must own security and not even attempt to trivialize it or even tribalise it and speak as though a certain section of the community is being targeted.

I support.

Sen. Muthama: Mr. Temporary Speaker, Sir, I want to say what has not been said here. Kenya will not be able to move forward if we do not speak the truth. We should allow those who speak the truth to continue speaking the truth because that is what will set us free. Any person who is hired works with one expectation; that if I work hard and be faithful to my job, I will be promoted. Today, junior police officers who are constables look at the structure of the security apparatus in this country and they see no hope whatsoever.

Mr. Temporary Speaker, Sir, you cannot have a country with 42 communities and you only appoint the top security team from one community. It cannot work that way. How can you have a Chief of General staff, the Director of CID, the Attorney-General, the Solicitor-General and the Director of NIS from one community? How will someone work with courage, trust and faithfulness in service to his country? We have to speak the truth in this House! We cannot allow this to continue. Fairness must be seen to be exercised. We are paying taxes and we own this country in our own right. Kenyans should get their rights.

Sen. Wamatangi: On a point of order, Mr. Temporary Speaker, Sir. Is the Senator for Machakos County in order to mislead this country and this House knowing very well that this country has got a Constitution and a constitutional process through which office bearers are appointed to offices? All those people he has mentioned were appointed through a legitimate constitutional process. Is it in order for Sen. Muthama---

ADJOURNMENT

The Temporary Speaker (Sen. Mositet): Order Sen. Wamatangi! Hon. Senators, it is now 6.30 p.m. It is time for interruption of business. The Senate stands adjourned until tomorrow, Wednesday, 26th November, 2014 at 2.30 p.m.

The Senate rose at 6.30 p.m.