

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Tuesday, 8<sup>th</sup> April, 2014

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

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

### PRAYERS

### STATEMENTS

#### CAUSE OF POWER BLACKOUT IN RHAMU TOWN, MANDERA NORTH

**The Speaker** (Hon. Ethuro): Sen. Billow Kerrow.

**Sen. Billow:** Mr. Speaker, Sir, I had sought a statement regarding the power blackout in Rhamu Township, Mandera North District headquarters. That issue has been pending for several weeks. I was promised that today the Chairperson of the Committee on Energy will give us a report and will confirm whether power has or has not been restored.

**The Speaker** (Hon. Ethuro): Is the Chairperson of the Committee here? Vice Chairperson?

**Sen. Mwakulegwa:** Mr. Speaker, Sir, we had sought for time because the Cabinet Secretary and the Principal Secretary were out of the country. They had requested that they should be able to give us a statement this week. Could we give the statement on Thursday this week?

**The Speaker** (Hon. Ethuro): What was the agreement last week?

**Sen. Mwakulegwa:** Mr. Speaker, Sir, they had sought that we give them time because both of them were out of the country.

**The Speaker** (Hon. Ethuro): Not that, but what was your agreement with the Member?

**Sen. Mwakulegwa:** Mr. Speaker, Sir, I was not the one who had given him an assurance, maybe it was the Chairperson.

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

**Sen. Billow:** Mr. Speaker, Sir, this matter is three weeks old. He gave the first response which was not satisfactory. The second week another person gave a response. Last week, they even sought the support of the Senate Majority Leader, if you recall.

The two generators collapsed more than two months ago. This week they managed to get a small generator that is now lighting the hospitals. But we cannot

understand the Committee. The Cabinet Secretary is in town as far as I know, from Monday last week. The whole of last week, he was in town. Really, this was an urgent matter. The whole town is in a blackout because the generator has got a problem of an alternator. The alternator can be flown from here to that town. This has taken two months. Somebody is not handling this matter seriously. I want your direction on this matter.

**Sen. Mwakulegwa:** Mr. Speaker, Sir, as he has said, there were two responses to the statement that were given and he said they were not satisfactory. The Senate Majority Leader had even indicated that he was going to help us to get this sorted out. Therefore, I beg that we be given up to Thursday this week for us to give what they had demanded.

**The Speaker** (Hon. Ethuro): But Sen. Mwakulegwa, are you seeing the gravity of the problem?

**Sen. Mwakulegwa:** Mr. Speaker, Sir, we are seeing the gravity of the problem. That is why he said that the statement issued was not satisfactory. We requested the Ministry to give us adequate and more information so that when we come with the statement, it will be able to satisfy this House.

I do not know if the Senate Majority Leader has any information because we had even sought his assistance in helping us resolve this issue.

**The Speaker** (Hon. Ethuro): Senate Majority Leader, do you have anything useful to add?

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Not quite, Mr. Speaker, Sir, specifically because the responsibility is on the Chair. I had undertaken that I will assist that Committee if a request is made formally by the Committee. Up to now, no such formal request has been made. My fear was that we might end up with a situation where we contradict each other in terms of who is asking for this information. I needed to be briefed what the challenges were. As usual, if that is done, this office is very efficient. But up to now, I have not been formally requested by that Committee. In fact, I assumed they had already got the statement.

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

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

**Sen. Billow:** Mr. Speaker, Sir, the HANSARD will bear us out. The Senate Majority Leader on Tuesday last week gave a categorical statement here that he will bring a statement regarding that matter to this House because the Chairperson of the Committee complained that it is becoming very difficult to get anywhere with that matter. I remember insisting that it is not just the statement, let the Senate Majority Leader come and tell us that power has now been restored in that town. I think it is a game of musical chairs. The Senate Majority Leader knows what the issue is. Why does he want the Chairperson to give him a formal request?

**The Speaker** (Hon. Ethuro): Yes, Senate Majority Leader.

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Mr. Speaker, Sir, as usual, I take the business of this House very seriously. I would not really play around with an issue like this one. All what I am saying is that I would have expected to be furnished with the relevant information. First of all, there was a statement that was not acceptable because it came from a person who was not authorized. So, I would have expected the Committee to tell me: "Here is the insufficient report; we are unable to see the Cabinet Secretary, please go and get it on our behalf formally." I was fearing that, maybe, they

had sorted out the issue and I had not even seen the correspondence. They should come formally for purposes of doing business properly. For instance, we coordinated very well with the Committee on National Security and Foreign Relations on issues that concern them. So on this one, since the last the Committee spoke here, I have not seen them nor heard from them---

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

**The Speaker** (Hon. Ethuro): Let the Senate Majority Leader finish but I guess he has finished.

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Mr. Speaker, Sir, I have finished.

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

**Sen. Khaniri:** Mr. Speaker, Sir, I do not think the Senate Majority Leader is taking the business of this House seriously as he is alleging. It has been alleged here by Sen. Billow that the Senate Majority Leader gave an undertaking last week on Tuesday on the Floor of the House that he would personally get involved in this matter and ensure that an answer comes. For him to stand here and say that he was waiting to be requested by the Committee Chair, I think he is taking this House for a ride. Am in order to ask the Chair to declare him out of order?

**The Speaker** (Hon. Ethuro): Sen. (Dr.) Machage.

**Sen. (Dr.) Machage:** Mr. Speaker, Sir there is nowhere in our Standing Orders that dictates that a written report must be given to the Senate Majority Leader to issue a statement and especially so after the Speaker heard his prayer. Is he in order?

**The Speaker** (Hon. Ethuro): Sen. Otieno Kajwang.

**Sen. Kajwang:** Mr. Speaker, Sir, in the normal way of doing business in this House, the ultimate responsibility is with the Senate Majority Leader, not even with the chairperson of a committee. The chairperson of a committee may assist him, but ultimately, the person whom the House will put, as a principal, is the Senate Majority Leader. When he stands in this House and says: "I will make sure this is done", he says so because he has that authority. He is not playing games, he has that authority. But when he comes back here and says: "They did not formally request me, whether in writing, twitter or on face book, I do not know how." He should explain what is so formal other than being requested from the Floor of the House. Is he in order to just joke around?

**The Speaker** (Hon. Ethuro): Senate Majority Leader.

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

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

**Sen. Murkomen:** Mr. Speaker, Sir, I do not know whether it is parliamentary because Sen. Kajwang has said that the Senate Majority Leader jokes around. Is he in order?

**The Speaker** (Hon. Ethuro): I think Sen. Kajwang actually asked the Senate Majority Leader to confirm whether he was serious or he was joking. I do not see anything unparliamentary with jokes. We usually entertain a few here!

Proceed, Senate Majority Leader.

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Thank you, Mr. Speaker, Sir. I want to agree that the clarification sought by Sen. Kajwang' is valid. I want to confirm to this House that the Senate Majority Leader has no intention, capacity or infrastructure to conduct jokes on the Floor of this House.

All what I have said is that there was a statement which was prepared and which was inadequate. Secondly, for the record, the responsibility of issuing statements rests with chairpersons of committees. The Senate Majority Leader, using his good offices, may assist. This is not even in the Standing Orders. Those offices, which remain good, are available to this House. I have exercised them before with results.

In terms of operations and how we proceed; it is very easy for me to support a committee. But I need to know that they are not actively engaged in looking for that statement so that I take over. I do not want to be told---

**Sen. Ong'era:** On a point of information, Mr. Speaker, Sir.

**The Speaker** (Hon. Ethuro): Do you want to be informed, Sen. (Prof.) Kindiki?

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Sen. Ong'era's information is usually useful.

**Sen. Ong'era:** Mr. Speaker, Sir, I want to remind the Senate Majority Leader that he is on record in this House as saying that, indeed, he is the defacto Prime Minister. So, he cannot tell us today that he is merely assisting the committees. He needs to provide the information.

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Mr. Speaker, Sir, this is good information because Sen. Janet Ong'era is stating the obvious. But, again, for operational purposes, I perceive my role to be a default role, according to the Standing Orders. That is why there should be information exchange between the chairpersons and the Senate Majority Leader. I do not want to call a Cabinet Secretary, be very hard on him or her yet five minutes ago he already released the statement. All what I needed is: "Can you take over?" I saw that Sen. Musila had a dossier which I do not know what the contents were. I have no problem or challenges in discharging the work that I should discharge. It is not an act of benevolence; it is an act of duty.

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

**The Speaker** (Hon. Ethuro): Order, Sen. Orengo. We are not going to proceed on this matter. The Senate Majority Leader has made it abundantly clear that his office is available. The information provided by Sen. Ong'era, in my view, was not useful at all because it was too obvious. When you provide information, it must be useful. You must inform the House of something that the House is not seized of. I do not know why the Senate Majority Leader is finding it useful apart from maybe confirming the obvious. But the fundamental point is actually what Sen. Kajwang, Sen. (Dr.) Machage and Sen. Khaniri said. The formality the Senate Majority Leader was looking for was really unnecessary. That is the point the Senator for Mandera County is talking about. The Senate Majority Leader was in the House when that request was made. He has a responsibility, equally on the basis of the commitment he made to the House to seek out the chairperson if the chairperson is not forthcoming. So, really whether your office has capacity or institutional framework is another matter. But for now, commitments are made to the House, they are on record and they must be discharged. That is why the Senate Majority Leader must take responsibility.

For all the good words he has said, can that responsibility translate into a report and power in Rhamu Town in Mandera County by tomorrow, Wednesday? The Senate Majority Leader will come back to the House, not on Thursday, which the helpless chairperson is indicating, but the Senate Majority Leader, without the challenges of discharging his duty can expedite the matter to Wednesday afternoon. It is so ordered.

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

**The Speaker** (Hon. Ethuro): Sen. Billow, I thought I made your case easier.

APPOINTMENT OF COMMISSIONERS TO THE  
GENDER AND HUMAN RIGHTS COMMISSION

**Sen. Billow:** Yes, Mr. Speaker, Sir, but I had another request that I had made regarding the Gender and Human Rights Commission. I had requested for this statement a couple of weeks ago. Last Tuesday, the Deputy Chairperson of the Committee on Legal Affairs and Human Rights sought additional time until Tuesday this week for his chair to respond and give us a statement on that issue. So, I want guidance on that.

**The Speaker** (Hon. Ethuro): Chairperson? Vice Chairperson? Any Member of the Committee on Legal Affairs and Human Rights?

**Sen. Murkomen:** Mr. Speaker, Sir, I was not able to get in touch with the chairperson who is on an official assignment outside the country. The vice chairperson is unwell. I undertake to inform them, so that they can come back to the House by Thursday to give us the way forward.

**The Speaker** (Hon. Ethuro): Order, Sen. Murkomen. I really think chairpersons are not taking the House seriously. It does not matter about your travel arrangements. I have said this before. There is a committee in place. The quorum is only three. This I suppose is a reminder. Maybe if Sen. Murkomen was not aware, there are other Members of the Committee that I can see. Do you share the opinion of Sen. Murkomen?

**Sen. Sijeny:** Sorry, Mr. Speaker, Sir, I was consulting with Sen. Emma. I could inquire.

**The Speaker** (Hon. Ethuro): Sen. Billow Kerrow.

**Sen. Billow:** Mr. Speaker, Sir, the statement I sought which I am sure hon. Members of the Committee can get from the HANSARD was in relation to the constitution of the Gender and Human Rights Commission that has been pending for more than a year. People did interviews in July last year. I had asked a number of issues regarding that. The chairperson asked for two weeks, but this is now the fourth week since I asked for that statement. So, I would appreciate if you could check on the HANSARD and give us a response by Thursday.

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

**The Speaker** (Hon. Ethuro): Thursday, this week?

**Sen. Murkomen:** Yes, Mr. Speaker, Sir.

**The Speaker** (Hon. Ethuro): Chairpersons and Members of committees, you have a legal responsibility. It is not a personal responsibility. The House is entitled at least to some explanation on why the response is not due as promised because the times we take are actually agreed on by both parties.

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

**The Speaker** (Hon. Ethuro): The point of order is to who?

**Sen. Murkomen:** On the same issue, Mr. Speaker, Sir.

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

**Sen. Murkomen:** Mr. Speaker, Sir, the only challenge that we have and I think it is something that the House needs to address is that sometimes questions asked on the Floor of the House are directed to the chairperson. The chairperson undertakes to

personally go and pursue the answer without involving the committees. It is never even tabled in most cases in committee meetings. This is not just for the Committee on Legal Affairs and Human Rights, even the other committees. Maybe we need to devise a mechanism where in our weekly meetings; all questions that have been given to a committee are shared with the Members so that when the chairperson or the vice chairperson is not there, it is easy for progress. Otherwise when a chairperson undertakes individually to seek an answer, it becomes difficult for the rest of the committee members.

**The Speaker** (Hon. Ethuro): I think that is a good observation. Chairpersons and Members, please take note. Maybe you can raise the issue in the Liaison Committee meetings. I would also request Senators; let us get the responses first. If yours is not forthcoming, then you can raise it.

Do we have any responses to requests? Sen. Lenny Kivuti.

**Sen. Kivuti:** Mr. Speaker, Sir, I would like to respond to a statement requested by Sen. Mutula Kilonzo Jnr that was deferred two weeks ago for further information. I already have the information.

**The Speaker** (Hon. Ethuro): Order, Sen. Kivuti. I do not see Sen. Mutula Kilonzo Jnr.

Let us move on to the next statement.

**Sen. Kivuti:** Mr. Speaker, Sir, I believe the other Senator; Sen. Kiraitu Murungi is also not in the House. But I would like to seek your guidance; two weeks ago there was a ruling from the Chair that any statement brought to the House becomes the property of the House and as such, the chairperson may proceed if the Member is not present. I need your guidance.

**The Speaker** (Hon. Ethuro): That is the correct position, but it is better when the Member is in the House because he or she may have additional information than the rest of the general membership. So, in the event that those Members may just be temporarily away from the Chamber, you still have a bit of time. There are also other statements to be made. So, we can always go first with those ones as the Members, maybe, come in.

*(Sen. Murungi entered the Chamber)*

Already you can see Sen. Murungi has arrived.

**Sen. Orengo:** On a point of order, Mr. Speaker, Sir. Probably this is a matter in which your direction would be important. I remember under the old parliamentary system, if you had sought an answer to a question, then that question would be on the Order Paper. Would it not be a good procedure to follow in the future that once a chairperson of a committee is ready with an answer, he or she should inform the Clerk and the matter is put as an appendix or part of the business on the Order Paper, so that those who are interested, including the person who sought the statement, are put on notice?

**The Speaker** (Hon. Ethuro): I cannot agree more. The problem with that kind of position is that chairpersons or even Members can just be looking out. When you know the Member is not there, that is the time to make statements. I do not think that is really our business. Our business is to be accountable to the country. It is important that whoever sought the statement and has all the information, unless the Members

deliberately frustrated the delivery of that particular response, then it is true it is the property of the House. But if it becomes the property of the House with the Member present, the better. That is my directive.

What Sen. Orenge has suggested is definitely proper. We should do it as a matter of practice, just the way we do with the Motions, Notices and the rest.

**Sen. Kivuti:** Mr. Speaker, Sir, I appreciate your directive. It will help us in the future. But, in fact, what I had sought to do before--- I have discussed with the Members who had requested for the statements. Fortunately, Sen. Kiraitu Murungi is here. Also, Sen. Mutula Kilonzo Jnr. is quite aware of the issues which he had raised, which I have addressed fully and are straight forward because it is just like one question with one answer.

Mr. Speaker, Sir, nonetheless, with your permission, I will proceed with the statement on the status of land registration in Meru County.

**The Speaker** (Hon. Ethuro): Chairman, if you really appreciate my directive, then abide by it. Give the statement for Sen. Kiraitu Murungi. You may wish to give the statement for Mutula Kilonzo Jnr. tomorrow. We can use today as a notice to the Senator to be available tomorrow. If he is not available, then you should be able to proceed.

#### STATUS OF LAND ADJUDICATION AND ISSUANCE OF TITLE DEEDS IN MERU COUNTY

**Sen. Kivuti:** Thank you, Mr. Speaker, Sir. The statement sought by the Senator for Meru County, Sen. Kiraitu Murungi, on the status of land adjudication and registration in each of the sub-counties is as follows:-

(a) Buuri Sub-County - Five adjudication sections comprising of 2,948 persons and covering an area of 15,114 hectares have been registered. Two adjudication sections comprising of 11,205 parcels are in progress.

(b) Imenti North – 13 adjudication sections comprising 12,098 parcels and covering an area of 27,039 hectares have been registered. The adjudication programme has been completed in this sub-county.

(c) Imenti Central – 19 adjudication sections comprising of 13,198 parcels and covering an area of 35,072 hectares have been registered. One adjudication section, Kiamuri B, has had works suspended due to an inter-district boundary dispute.

(d) Imenti South – 23 adjudication sections comprising of 18,093 parcels and covering an area of 35,232 hectares have been registered. On adjudication section, Meru III comprising of 1,780 parcels is in progress under hearing and determination of objections.

(e) Imenti, Igembe North – Two adjudication sections comprising of 6,745 parcels and covering an area of 16,527 hectares have been registered. Eight adjudication sections comprising of 76,939 parcels are in progress at various stages.

(f) Igembe South – Five adjudication sections comprising of 22,003 parcels and covering an area of 9,040 have been registered. Nine adjudication sections comprising of 49,717 parcels are in progress at various stages.

(g) Igembe Central – Five adjudication sections comprising of 17,369 and covering an area of 7,828 hectares have been registered. Eight adjudication sections comprising of 60,387 parcels are in progress at various stages.

(h) Tigania East – Four adjudication sections comprising of 7,138 parcels and covering an area of 18,163 hectares have been registered. Thirteen adjudication sections comprising 87,602 parcels are in progress at various stages.

(i) Tigania West – 11 adjudication sections comprising of 15,993 parcels and covering an area of 13,871 hectares have been registered. Seven adjudication sections comprising of 38,144 parcels are in progress at various stages.

The number of title deeds ready to be immediately issued in each of the sub-counties:-

Igembe Central, 800 title deeds are ready for issuance. Title deeds will be ready for issuance by June 2014 in the following sub-counties:-

- (a) Igembe North – 10,388 title deeds.
- (b) Buuri Sub-county – 4,525 title deeds.
- (c) Igembe South – 8,243 title deeds
- (d) Tigania East – 5,700 title deeds
- (e) Tigania West – 20,646 title deeds

The title deeds for the adjudication sections that will be completed will be issued to the various owners by the end of June 2014.

Finally, there was a request when the land adjudication and registration exercise will be finally completed in the entire county. The land adjudication and registration exercise is a process which involves various stakeholders. In line with the Jubilee manifesto of issuing three million title deeds, it is planned that the adjudication and registration exercise in Meru County will be completed by 2017. I have given this reply to Sen. Murungi and there is an annex which, I do not think it is in the interest of the House to go through. The annex summarizes the adjudication process, sub-county by sub-county giving the various dates when what was done and the number of parcels achieved by each date.

Thank you.

**Sen. Murungi:** Mr. Speaker, Sir, I want to thank the Chairman of the Committee on Agriculture, Land and Natural Resources for this comprehensive answer. I must say that I am surprised. The Jubilee manifesto is based on what they call in Kiswahili; *Kusema na Kutenda*. I was with the Cabinet Secretary for Lands, Housing and Urban Development in Meru sometimes late last year and she promised me that by February this year they would distribute 60,000 title deeds in Meru County. There is no mention of the month of February in this Statement and they have now moved to the month of June 2014. Could the Chairman give an assurance that this June 2014 will not be moved the way February was moved?

Secondly, the Statement is incorrect in some material respects. As you know, I used to be the Member of Parliament for Imenti South and you can see in the answer, paragraph 1 (d), they are saying that one adjudication section Mweru III comprising 1,780 parcels is in progress under hearing and determination of objections. That is not true because way back in 2000, we commissioned a special tribunal supported by the *Njuri Ncheke* of Meru and they heard all the cases regarding the Mweru III adjudication scheme. So, I am surprised that the Minister is now saying that the objections are in the process of hearing and determination when they were heard and determined way back in the year 2000. Could the Chairman confirm the accuracy of this Statement because I know the truth having been a Member of Parliament for the area when this was done?



Mr. Speaker, Sir, if you look at the annexes which the Chairman has attached with regard to Buuri Sub-county, they say that in that area there is a court case. In Ruire-Rwarera, there are 6,680 parcels and filing of objection cases halted by a court order in 2003. The County Government of Meru intervened in this dispute and got the parties together and the case which was in the Court of Appeal has now been withdrawn. This answer is dated 8<sup>th</sup> April and it was done long after this case had been withdrawn from the Court of Appeal. Could the Chairman confirm that the processing of titles in Buuri-Rwarera will also proceed because there is no case now pending as is stated in the answer?

Having said that, I want to thank the Chairman for having done a very thorough job and we would like the Minister to state which date in June she is going to come so that we can wait for her at Maua Stadium to come and give these title deeds.

**Sen. Kivuti:** Mr. Speaker, Sir, first, I want to thank the Senator for Meru for appreciating the detail in which this answer has been given. I also appreciate that he also knows the complexity of land adjudication by admitting that at one point they had to involve *Njuri Ncheke* to resolve objections in Imenti South. Whereas that is correct, the process of land adjudication does not end after hearing the objections because after that, there is what is called Minister's Appeals. What I can promise the Senator for Meru is that, first of all, since we have 60,000 title deeds coming to Meru in June, we should first of all appreciate the Government's efforts and take that 60,000. After we have the 60,000, the Government should be able to provide the others because this is not the end of the exercise. The issuance of titles in June is not included in the summary which is contained in Item IV which we expect that by the time we have done with 63 million title deeds, all the adjudication sections and all the cases in Meru should have been covered by that time.

Finally, the date of June is actually realistic because in Item II, the listing of the title deeds which are being written - which means that there are no cases - are the ones which total to about 60,000. Because of that, there will be no reason to go beyond June considering that there are other re-organizational issues which everybody is in the know about; the "sweeping" of the House in the Ministry because NLC also has some work to do within titling of community land.

With those many remarks, I do not think I can give the actual date when the people of Meru will be issued titles at Maua Stadium but at a near date before then, I undertake to give enough notice to the Senator of Meru before that date.

Thank you.

**Sen. Murungi:** Mr. Speaker, Sir, once again I really want to appreciate that answer and thank the Chairman. Could he give a commitment that he is going to accompany the Minister to come and issue these title deeds in June at Maua Stadium? I am saying that because the adjudication process has been going on in Meru County for the last 50 years and so we appreciate the progress being made but once bitten, twice shy. Just to wear the suspender and the belt, could the Chairman himself commit to this House that he is going to accompany the Minister in June so that if something goes wrong, I have somebody to fry?

**Sen. Kivuti:** Thank you, Mr. Speaker, Sir. I would like to make it better. I undertake to come with the entire Committee on Land and Natural Resources. Since I know that this House allows for such ventures, I also request the presence of your neighbour, Senator *cum* Senate Majority Leader, to be present. I undertake to do that.

**The Speaker** (Hon. Ethuro): Order! This House does not allow ventures of tourism. If you will be going on an oversight matter, we will allow you. However, if you will be going to witness the issuing of title deeds, the Chairperson and one or two Members can go. You do not have to go with the entire Committee. I will not approve that. However, you are at liberty to invite your neighbour.

PAYMENT OF DUES OWED TO BUSINESSMEN  
FROM WEST POKOT COUNTY BY KMC

**Sen. Ndiema:** Thank you, Mr. Speaker, Sir. Mine is a response to a statement sought by the Senator from West Pokot, Sen. (Prof.) Lonyangapuo, on whether the Ministry is aware that businessmen from West Pokot County who delivered livestock to the Kenya Meat Commission (KMC) between July and August 2013 have not been paid to date. Secondly, he wanted an explanation as to why it has taken so long for the payment to be processed and; thirdly, when they will be paid.

The response is as follows. A total of four businessmen from West Pokot County delivered livestock on diverse dates between July and August 2013. The total number of animals delivered was 342 valued at Kshs13,640,047. The amount paid so far is Kshs5,234,845. The balance to be paid is Kshs8,405,202. The details of the amounts owed are as follows:-

|                   |   |               |
|-------------------|---|---------------|
| Rotino Moiben     | – | Kshs1,638,640 |
| Losiatukei Loripo | – | Kshs4,956.206 |
| Reuben Lemuren    | – | Kshs1,421,686 |
| Felix Omoso Owaga | – | Kshs388,660   |

The reasons for the delayed processing of payments are; the KMC has been facing challenges lately with regard to performance which has affected its ability to make payments to livestock suppliers and general creditors. The key challenges include:

1. The KMC plants are old and inefficient dating back to the 1950s and are in urgent need of rehabilitation and modernisation. The factory experiences breakdown and is inefficient compared to new entrants in the meat processing industry.

2. There has been mismanagement in the Commission such that in May/June, 2013, the then Managing Director, the Finance Manager and the Company Secretary had to leave the Commission. In addition, the Human Resource Manager and the Chief Accountant left.

3. Overstaffing stands at 484 as opposed to the current recommended level of 317.

4. The KMC has weak systems, policies and procedures which are related to financial impropriety, poor procurement performance and low staff productivity.

5. There have been rapid changes in top management. Since 2006, there were six different managing commissioners whose management styles were different.

The confidence of livestock suppliers has been eroded because of debts stretching to August 2012 which the Commission has not settled in time. These challenges have affected operations at the Commission which is now operating at 10 per cent of its capacity.

**Sen. Khaniri:** On a point of order, Mr. Speaker, Sir. Maybe you could save this House some time. I remember issuing this statement while I was the Vice Chairman of

that Committee. All the responses were acceptable except for number three and that is why we were requested to come up with a response.

Would I be in order to request the hon. Vice Chairperson to respond to question three because that is where there was dispute?

**The Speaker** (Hon. Ethuro): Could you concentrate on the matter that is pending?

**Sen. Ndiema:** Mr. Speaker, Sir, I was not aware of that. I thought I was supposed to handle the whole question. Nevertheless, I am about to complete.

Efforts are being made to settle the debts. I think that is where the problem is. The Ministry of Agriculture, Livestock and Fisheries is making efforts to ensure that all livestock supplies are paid. The Ministry, through the Department of Livestock, has submitted proposals to the National Treasury for funds amounting to Kshs71,826,760 for reallocation to KMC as a capital grant.

This money will be used to pay the livestock suppliers who delivered livestock to KMC and also to other creditors. Immediately the National Treasury does the approval for this reallocation, the businessmen from West Pokot will be accorded priority in the settlement of their dues because they had delivered their animals earlier than other suppliers.

**Sen. (Prof.) Lonyangapuo:** Mr. Speaker, Sir, I thank the Vice Chairman for attempting to answer the last part which you referred to last time. That issue was not as simple as he is trying to put it here. There is a balance of over Kshs8 million which has been pending. The people who delivered the animals are in dire need of the money at this time of the year because they are farmers. This has brought a lot of problems in the county. The businessmen are now at a standstill. The animals—

**The Speaker** (Hon. Ethuro): Order, Sen. Lonyangapuo. What is your clarification?

**Sen. (Prof.) Lonyangapuo:** Mr. Speaker, Sir, my clarification follows. I am surprised that the animals were slaughtered and that means that the meat was sold. Where is the money? The issue is as simple as that. He should not talk about borrowing money from the Government. He sold meat. He should give me the money.

**Sen. (Dr.) Machage:** Mr. Speaker, Sir, it is clear that the KMC, a Government parastatal, had no capacity to operate to the point of taking people's livestock for the purposes of slaughtering and selling. They deceived the Kenyan public for the purposes of embalming their property in the full view of the Ministry of Agriculture and Livestock.

Could the Chair, one, apologise for that kind of behavior and two, confirm that the Ministry will pay the owners of the livestock, not only for the loss of their investment but profit and interest that has accrued at bank rate for the time that the Ministry has kept their money?

**Sen. Billow:** Mr. Speaker, Sir, the KMC was revived after many years of dormancy only a few years ago because of the concerns of livestock farmers who have lost millions of their animals.

It is clear that the company, today, is literally insolvent and cannot pay for the animals that were delivered two to three years ago. Could the Vice Chairperson confirm that the Government is not committed in investing in that Commission and that, in fact, it has a plan to shut it down again? Could he confirm that?

There was a Supplementary Budget only two weeks ago and that money should have been included there. When they asked for Kshs100 billion, they should have

included that state corporation also. Could you confirm that it is the intention of the Government to shut it down due to lack of resources?

**Sen. Ndiema:** Thank you Mr. Chairman. On the issue of payment, I believe I have indicated that the Ministry is committed to clearing the debts and that is why additional funds have been sought. It is true that farmers delivered livestock. The response we have shows that the Ministry has cashflow problems and that is normal in certain situations. However, this is something that is regrettable.

Two, on the issue of whether the Chairman can apologise, I do not know where I stand. I am not sure I owe an apology to the Chair. However, the Ministry regrets that things have not been going on well. It is trying to address the issue.

As to the issue of interest, this is a matter between the supplier and the firm. However, the Ministry is committed to settling these debts once and for all. It has sought allocation to settle that commitment.

As to whether the Government is committed to ensure that the KMC runs, I want to confirm that, indeed, it is committed. This is one institution that is key to the economic development of this country especially because it caters for livestock farmers. I can assure you that the Government is committed. In fact, there is a plan to turn around the project. There is a new Chairman who has been appointed and the Government is committed to inject more money to revive and to modernize the factory. The machines which are there are, indeed, old.

**Sen. Billow:** On a point of order, Mr. Speaker, Sir. You heard the Vice Chairperson say that he is awaiting reallocation. The Supplementary Budget by the Ministry was completed two weeks ago. There is no further reallocation until the next Budget. Does he mean that the Ministry is seeking to have additional funds in the next financial year? Two, he has talked about commitment. Could he confirm how much money the Government, through the Ministry, has sought for the next financial year to revive the factory?

**Sen. (Dr.) Khalwale:** On a point of order, Mr. Speaker, Sir. Is it in order for the Chairman to refuse to respond to the important issue raised by Sen. Machage, on interest, by simply waving it away by saying that this will be a matter subject to an agreement between these people who are owed money and the Ministry? The reason these people approached their elected leader is because the other options have been explored and failed. As a matter of policy, is your Ministry going to pay the interest or not?

**Sen. Ndiema:** Mr. Speaker, Sir, the question that had been asked by Sen. Lonyangapuo was when the amount that is owed will be paid. Certainly, I did not inquire whether or not they will pay with interest. So, I am not able to indicate whether or not interest will be paid.

Mr. Speaker, Sir, regarding the issue of how much has been committed in the next financial year to turn around the KMC, I have information that it intends to spend about Kshs1 billion to review the firm, but as to whether this amount has been included in the Estimates, that is a separate question. We did not seek the actual amount that was required.

**Sen. (Dr.) Machage:** On a point of order, Mr. Speaker, Sir. It is very evident that the respected Chair is either not willing to reply or has no information for the supplementary questions sought by this House. Would I, therefore, be in order to request that he is given more time to go and get the answers?

**Sen. Billow:** On a point of order, Mr. Speaker, Sir. It is not just the supplementary questions, but even with regard to the Kshs71 million, he has to clarify to this House, because he gave a misleading Statement, that there will be reallocation. There is nothing called reallocation. Is he talking about the amount being factored in the next budget? If he is not sure of the language of finance and accounting, as he clearly displays even in the responses that he has given, perhaps, he needs to get a better answer.

**Sen. (Dr.) Khalwale:** On a point of order, Mr. Speaker, Sir. It is not just that. When most business people get these tenders, they borrow. That money that they borrow accrues interest. So, it is important that the Chairman comes back and assures these people, before they go to court, that the Government intends to pay them with interest. Members of the public are not in the business of using their businesses to give the Government, represented in this House by Prof. Kindiki, grants. They are doing business. Therefore, if by failure of the Government their businesses are going under, it is the Government which is supposed to shoulder that loss and not members of the public. Indeed, this is why this House is there – to protect them.

**Sen. Ndiema:** Mr. Speaker, Sir, the issues that are being raised now are fresh. Some of them, really, were not contained in the response that was given. This will be additional and as a Committee, we have no problem revisiting the matter. In fact, we are going to meet the Cabinet Secretary very soon and can get further clarification. As the Vice-Chair, I do sympathize, indeed, with the farmers or businessmen who have their money held unreasonably at the Kenya Meat Commission (KMC). On the issue of Supplementary reallocation, this is the response that I have and we shall have to seek further clarification as to whether this already is in the past reallocation. But I believe that it is there, because that is what is in the reply. They are waiting for a response from the National Treasury---

**The Speaker** (Hon. Ethuro): Order! Order, Vice-Chair! It is obvious and in your own admission that you are unable to respond. There are no new issues. If you are as sympathetic as you express, you would have wondered about the interests for the livestock farmers who have not been paid for three years. If you borrowed money for over a period, they will charge interest when they are reclaiming. The issue of reallocation is also not new. You are required to confirm because your Statement talked about the allocation and the Supplementary Budget. It was pointed out that the Supplementary Budget had actually been passed two weeks earlier. You are also unable to confirm whether the proposed new Budget will factor the Kshs1 billion that you are talking about. So, really, there is nothing new, in my view. It is just that you have been unable to give the responses as would be required. So, the Chair directs that you revisit the matter, taking into account what the Members have raised and come back.

For the benefit of all Committee Chairs, again, we have said in this House--- Sen. Karaba I believe that you are such Chair and Sen. Dullo such a Vice-Chair, who more often than not, acts as the Chair. In fact, for the last two weeks, we have not known any other Chair but you in the Committee on National Security and Foreign Relations. It is important to realize that the Report is coming from the Chair and the response from the Ministry is just one authoritative source. Even in the old system when Ministers were appearing before the Floor, supplementary questions were not necessarily the ones that had really been asked on the face of the Question. So, you must always anticipate issues

that are related to the matter, so that you come with a more appropriate response that you can dispose any other matter related to the matter that you have been asked about.

Under those circumstances, one week---

**Sen. Ndiema:** Advised, Mr. Speaker, Sir.

**The Speaker** (Hon. Ethuro): Vice-Chair, I do appreciate your willingness to respond, definitely. So, get back to the House in one week. This is because, really, when you look at the issue of the KMC and the pastoralists from West Pokot County, in particular, who are already challenged by many other issues, including the cattle rustling related to livestock, even now when they become integrated into the market, the national system is frustrating the same. What options are they left with?

**An. hon. Senator:** It is another form of cattle rustling!

**The Speaker** (Hon. Ethuro): It is another form of cattle rustling.

*(Laughter)*

Next Statement! Sen. Dullo, do you have one?

## POINT OF ORDER

### PROCESSING OF STATEMENTS IN COMMITTEES

**Sen. Adan:** No, Mr. Speaker, Sir. I just wanted your clarification and guidance on giving Statements in this House. I believe that it has been said that as Committee Chairs or Members we are facing a lot of challenges in terms of getting effective and adequate Statements. From my experience, sometimes Statements are sought in the House and we were told that we should provide the same within three days or a week. Normally, when we respond and request for two weeks, we are overruled by the House. What I have experienced is that when Statements are sought from the Ministry, sometimes they depend on counties to provide them with information.

Unfortunately, sometimes we are given those Statements when we are coming to the House. Therefore, we are unable to interrogate the same Statements. Again, it is also difficult for the Chairs to share the same Statement with the Committee Members. So, I think that we are really constrained so much in terms of responding to Statements in the House and also the procedures followed by the Government and the structures that we have in place. So, maybe we need some guidance from the Chair in terms of how we should deal with these issues. This is because sometimes, we do not have the supplementary information that is asked for here. So, that is why the Chairs are having difficulty in responding to some of the statements asked here.

**Sen. (Dr.) Khalwale:** On a point of order, Mr. Speaker, Sir. My fear is that the Senator might be speaking on behalf of other Chairs. If she is, you should find that the tradition that we are using at the moment has been tested for almost 50 years in this country. Therefore, if a particular Chair is unable to function within that particular tradition, maybe it is a polite way of that Chair saying that they are unable to perform. They could throw in the towel and that opportunity given to another person, because Kenya cannot wait. We must give answers to these very critical issues that affect wananchi.

**Sen. Billow:** On a point of order, Mr. Speaker, Sir. In the parliamentary tradition that we have had in this country, before we came to the issue of Statements, there were Questions in the previous Parliaments. There were two categories of Questions. Questions by Private Notice were supposed to be answered within a maximum of 24 hours. So, I think that, really, if the Chairs appreciate that some questions are urgent, it is just as important as conducting a meeting. You have to find time to get these people and the response.

**The Speaker** (Hon. Ethuro): Order! Order, Senators! I think that the submission by the Vice-Chair of the Committee on National Security and Foreign Relations is a proper one. I think that all of us in this House appreciate the difficulties that the Chairs go through, and it played out even last week. Even this afternoon, we were invoking the good office of the Senate Majority Leader. So, I think that she is perfectly in order. Therefore, Sen. Khalwale, I want to submit that you have been a bit too harsh on your colleagues. I do not think that it is an admission of failure on their part, but an admission of frustrations as they discharge the responsibilities that you have given them. Maybe Sen. Khalwale has just spoken too soon, because he has also now become a Chair and very soon, the same issues will be coming his way.

*(Laughter)*

It is a new system and there are still challenges in terms of how to deal with these issues. But it is a challenge that we are willing to embrace. Definitely, we will be exploring not just at the level of the Chairs, but also in terms of institutional arrangement between Parliament and the national Executive.

But I think that in terms of time, one issue is what Sen. Billow has said. One, we have provided induction sessions for Committees. Part of the responsibilities of an induction workshop for Committees is to try to understand your terrain; the legal, institutional and constitutional arrangement that a Committee will be operating in. So, that gives you a bit of information already at hand. Secondly, the Ministries have already identified liaison officers with Parliament. These are the kind of officers that you should also be dealing with, as a Chair, in the first instance. So, when the matter becomes a bit weighty, then you will need to invoke the entire Committee and call whoever you feel can provide you with the information that you need. It is a matter that we need to keep exploring. But in the meantime, let us make do with what we have. As I said last week, Chairs still have the powers of Parliament to summon any entity in the Republic.

That is the end of Statements. Next Order by the Senate Majority Leader, Sen. (Prof.) Kindiki

## MOTION

**The Speaker** (Hon. Ethuro): Sen. (Prof.) Kindiki; the Senate Majority Leader.

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

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Thank you, Mr. Speaker, Sir. I beg to move:-

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

**The Speaker** (Hon. Ethuro): Order! Order, Sen. (Prof.) Kindiki! I think you missed one word; the one preceding 27<sup>th</sup>.

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Mr. Speaker, Sir, shall I repeat?

**The Speaker** (Hon. Ethuro): When you move, you read it as it appears on the Order Paper.

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Okay. Mr. Speaker, Sir, I will do so.

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

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

Mr. Speaker, Sir, this Motion is for this House to note the report which was submitted to both Houses of Parliament on 27<sup>th</sup> March, 2014, by the President of our country. I have read this report and I am happy to note that this report, first of all, is in compliance with the two sections of the law which I have cited and which are cited in this Motion; namely Article 240(7) of the Constitution and Section 16 of the National Security Council Act of 2012. But I would like to briefly just clarify what those sections say, because they are almost the same, I would just read the constitutional provision. It says that:-

“The Council shall report annually to Parliament on the state of the security of Kenya.”

The council referred to in this Article is the National Security Council, which is presided over by the President.

Mr. Speaker, Sir, this report complies also with the definition of national security, which has also been provided for in the Constitution. Allow me to read that definition to be found in Article 238(1) of the Constitution. It says:-

“National security is the protection against internal and external threats to Kenya’s territorial integrity and sovereignty, its people, their rights, freedoms, property, peace, stability and prosperity, and other national interests.”

In other words, Mr. Speaker, Sir, national security as envisaged in our new Constitution is a review of our security as a nation which balances so many factors which are listed in this article that I have just read – fundamental rights and freedoms and the like. I like the last part which says “and other national interests.” In other words, as we look at national security, let us balance all these factors. I think this report – which I have had the advantage of going through – is a reflection of how the President, in his fulfillment of the constitutional requirement, has looked at the state of security in our country today.



Mr. Speaker, Sir, this Report does several things; one, it identifies the current security threats that our country is facing today. It names them as including the threat that is ever present of terrorism and radicalization of our young people; the threat of abuse of drugs and psychotropic substances. Other threats identified in this Report include the proliferation of small arms and light weapons, especially in urban areas like Nairobi and Mombasa, but also in pastoral areas where livestock keeping is the mainstay of the economies of those counties.

Mr. Speaker, Sir, this Report also identifies the problem of resource based conflicts, especially in areas like Marsabit, Mandera, and also in urban areas. We are witnessing, according to this Report, a number of resource based conflicts, violent crime, cyber crime and the like. It also highlights the increasing challenge of poaching affecting our national wildlife heritage in our game parks and national reserves.

The second part of this Report, Mr. Speaker, Sir, looks at what the Government is doing to mitigate the threats to the security in our country. These measures include security sector reforms, including the building, for the first time in many years, of a forensic laboratory which, as Kenyans, we are happy to note that the ground for that project was broken two weeks ago. I think within a month, the President will be finally launching the construction of a forensic laboratory so that we can have a database which we can use to track people involved in crime and also to track their rehabilitation and integration back to society. But without a forensic lab we are, as a country, engaging in a lot of guess work and many criminals have been able to slip through the system and get away with crime.

Mr. Speaker, Sir, other than that, the Government is also reforming the Marine Police Unit, the Police Air Wing and recently – just yesterday – you saw the countrywide launch of the Rapid Response Initiative (RRI) by the Ministry of the Interior and Co-ordination of National Government. I think pursuant to the President's directive that, going forward, the President wants to see security chiefs from the top level to the lowest level being held individually accountable for the upsurge of crime in their areas of jurisdiction.

So, Mr. Speaker, Sir, I think this is a welcome move because this country, as in many parts of the world, is moving towards performance based management, where people who are charged with certain responsibilities cannot just take it for granted that they will keep their jobs even if the key deliverables that are associated with their jobs are on a downward trend. This is welcome and a message has been sent countrywide – to county commissioners, to police officers, Officers Commanding Stations (OCSs), Officers Commanding Police Divisions (OCPDs) and to the Inspector General (IG) himself – that they will be held accountable individually if the key deliverables around security deteriorates under their watch.

Going forward, Mr. Speaker, Sir – and I think I speak for many Kenyans who are tired of the excuses surrounding insecurity – everybody should be put on performance contracts, including security chiefs, so that we give you a job as the IG, as the OCS or the OCPD, and we tell you that “we want the reduction of crime within this period of time and if you do not move from point A to point B, then you have no job.” That way, we can have individual responsibility on this important issue.

Mr. Speaker, Sir, the President also talked about the formation – although this has not happened, according to the Report – of a Disaster Response Unit (DRU) which will

be a multi-agency unit to deal with the critical security challenges such as the fires we have had in our international airport and other big time disasters that we have witnessed in our country.

Mr. Speaker, Sir, to save time, I just want to also highlight that this Report does not just look at the threats and what the Government is doing to mitigate those threats. The Report also looks at the challenges that the Government is facing as they try to deliver on national security. Some of the things that have been highlighted in the Report include the challenge of youth unemployment. It is obvious that when you have a big population of young and unemployed people, many of them educated, this is a recipe for insecurity and crime. Therefore, that is a challenge that has been acknowledged and I think, going forward, we want – and this is my personal view – to see more of solutions rather than what we have seen around this country of pontification, blame game and pointing fingers. There are very few solution providers in this country and, going forward, we want to see what we can do, for example, in terms of trying to create more jobs for young people

The issue of resources, Mr. Speaker, Sir, is acknowledged in this Report; that the security sector has not been given adequate funds for a long time, especially if you compare the internal security aspect with the external security or the defence aspect. We also know in this country that other than more resources – and I think both Houses of Parliament should be able to support; and I have seen that in the recommendations of the President – he is asking for more support from both Houses of Parliament for more resources, especially to modernize the equipment of security agents and security forces, which is good enough. This is because the problem we have had is that the resources which have been going to the security sector have been going towards recurrent expenditure as opposed to investing in infrastructure like vehicles, police stations and other things, including communication networks, scanners, surveillance machines to make sure that our airports---

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

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

**An hon. Senator:** And housing!

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Yes, including housing. Thank you for that. Tied to that is the whole question of making sure that our men and women in uniform – who sacrifice a lot, including their lives to defend us and our property – are insured and taken care of in case of an accident in the line of duty. I am happy that the Jubilee Government has already put in place a mechanism to ensure that---

*(Sen. (Dr.) Khalwale stood up in his place)*

**The Temporary Speaker** (Sen. (Dr.) Machage): Order! Order! What is out of order, Sen. (Dr.) Khalwale?

**Sen. (Dr.) Khalwale:** Thank you, Mr. Speaker, Sir. Sen. (Prof.) Kindiki, I am sorry to interrupt your flow of thought. But because the public is listening in and

watching, is the Senate Majority Leader in order to suggest that Parliament has been passing a budget that gives the giant share of the allocation for recurrent expenditure and denying the same to development expenditure, when he knows very well that the Budget is actually prepared by the Executive, depending on where the Executive thinks the resources are available? Is he in order to suggest that it is us who are denying the public funds for development and security when it is the Government which fails to bring a budget---

**The Temporary Speaker** (Sen. (Dr.) Machage): Order! Order! Order, Sen. (Dr.) Khalwale, the Senate can refuse to pass whatever the Executive has presented to the House.

Proceed.

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Mr. Temporary Speaker, Sir, thank you for coming to my rescue. I think Sen. (Dr.) Khalwale has been on my case today.

I want to continue by saying that if we have to modernize our security agencies, we must invest more, as the President suggested, in infrastructure. These include the mobility of our security agencies, the communication systems, the scanning and surveillance machinery in our airports and other sensitive places. But over and above that, we must also ensure the welfare of individual officers who serve in our disciplined forces. I was just giving an example of the insurance scheme that is being rolled out from June this year for every police officer in this country. They need to have life insurance which can take care of their families in case of an accident in the course of duty.

Mr. Temporary Speaker, Sir, I am persuaded that with this kind of interventions we can move our discourse on security to the next level. The other challenge which has been identified by the President in his report has to do with coordination within the justice sector. This is between the correctional facilities, the law enforcement agencies, the judiciary, the Directorate of Public Prosecution (DPP) and so on. At the moment, coordination is very weak and you have heard a lot of blame game. For example, the DPP is blaming the courts, the courts are blaming prisons and prisons do not want to take responsibility. Therefore, time has come for us to look at how we can further some kind of coordination in the justice, law and order sector so that we can move this matter forward.

Other than that, in his Speech, the President looked at the issue of public participation in security. Allow me to just highlight this point. Actually, most of the challenges we are facing as a society, security-wise, can be addressed if our society was a little more security conscious. I have given this example before; some people tell us that the reason we are facing terror threats is because our soldiers are in Somalia. Nothing can be further from the truth than that; reason being that we know of other countries even within this region who have intervened in Somalia but we have not seen the kind of bloodbath, bombings and attacks that we have witnessed in our country since we started getting involved in Somalia.

For example, we have Uganda. A better example is Ethiopia which sent a huge contingency of nearly 5,000 military officers in Somalia for an operation. We have not heard of a bomb attack in Addis Ababa. This is because of most of the security surveillance is within the citizenry. The whole idea of who carries arms and who bears the responsibility to report crime is something that we need to tackle as a nation. This is

something we want to encourage. We want to support what has started like the *Nyumba Kumi* initiative. We need much more than this because we need citizens in this country to own and also seize national security as a civic responsibility and not just something that can be delivered by people who are carrying arms.

Mr. Temporary Speaker, other than that, I also want to say that the Report has a number of useful recommendations. Mainly, the President looks forward to co-operation between the Executive and Parliament especially in the Budget-making process. I want to reiterate and reaffirm the statement that has been made by the Chair that both Houses of Parliament can influence which money goes where. It does not matter what the executive suggests. We as the people's representative have a duty and a legal mandate to intervene and ensure that the resources that go into our security sector go towards building a sector that is resilient to threats such as poaching, terrorisms and violent crimes. This is something that we should embrace and come out with concrete suggestions which we are happy to share with the executive to make sure that our country is safer and remains a country that is respected not just by the citizens of this country but also people who come to visit our nation.

The other recommendation is around inter-agency co-operation. When we have emergency security operations - and I have said this before - what we are lacking is a legal framework, and that is where Parliament comes in; to allow for a multi-agency operation without the professional rivalries that we have seen in the past where we were even embarrassed as a nation. One example is the Westgate attack. I have looked at the Constitution many times as a student of constitutional law; I have seen nothing illegal in military and police working together. In fact, that is the lawful thing both in the Kenya Defence Forces Act, 2012 and the Constitution itself. They should work together and in fact, part of the work of the military is to intervene in internal security threats and the law is very clear that when they do that, they will be under the command of the police authority, in this case, the Inspector General. So, some of the legal myths created--- For example, I have heard some people saying that the military cannot be commanded by any other person other than the commander-in-chief or the Chief of Defence Forces. That is not the legal position.

Mr. Temporary Speaker, Sir, other than looking at how we can implement what the Constitution already provides, and I am willing to use my good offices to discharge that duty, to see what amendment we can bring in the legislation for our national security: These include:- The Citizenship and Immigration Act should be reviewed. We are one of the few countries where we have treated immigration as a purely civilian issue. The majority of immigration officers today have no security consciousness, neither are they trained in border control. The way to go is to look at that law and see how we can ensure that immigration officers are border police. This will go a long way in trying to seal some of the gaps we have seen in the security sector. We also have to force a kind of co-operation between the national intelligence service and the regular police in the investigation of crime and recommendation of action.

That means we have to review the Kenya Police Service Act, 2012; the National Intelligence Service Act, 2012 and the Kenya Defence Forces Act, 2012. Therefore, the way forward even as we look at this Report is to urge hon. Senators not only to support the very critical recommendations that have been made here but also to be part of the solution. The day, we, as Kenyans, shall stop this culture of blame game and

politicization of sensitive issues like security; that will be the day the people of Kenya will rejoice.

With those few remarks, I beg to move this Motion and request the Senator for West Pokot County, which is a county that has seen a lot of insecurity for many years, Sen. (Prof.) Lonyangapuo, to come and second this Motion.

**Sen. (Prof.) Lonyangapuo:** Mr. Temporary Speaker, Sir, I want to correct my colleague that West Pokot has not faced a lot of insecurity the way he is trying to put it. We have a few challenges which are normal.

**The Temporary Speaker** (Sen. (Dr.) Machage): Order, professor. I thought you were supposed to second whatever he has said.

**Sen. (Prof.) Lonyangapuo:** I was just reacting to his sentiments, off the cuff.

Mr. Temporary Speaker, Sir, I stand to second this Motion and to say that as indicated in the Motion, the Report is issued pursuant to Article 240(7) of the Constitution of Kenya and referring also to Section 16 of the National Security Council Act, 2012. As mentioned, this is supposed to apprise Parliament on the state of security in the country over the last one year. The President indeed mentioned key threats that our country has faced. One of the challenges is the continuous perpetration of terrorist acts and attacks. The second challenge is the kidnapping of Kenyan citizens by *Al Shabaab* militia. This also led to the deployment of KDF in Somalia to protect our sovereignty.

These key threats have led to many problems in some parts of the country. We have seen problems in Mombasa where churches, mosques and other places of worship have been attacked. We have also witnessed attacks in Eastleigh. These terrorists' attacks are major challenges in our country and also the President mentioned about it. At the time when these pirates were kidnapping people in Kenya, as a country, we had to act knowing very well the challenges that come as a result of going for the militia group.

The President also mentioned other major threats that have continued to loom in our country for the last one year. These include; radicalization of Kenyan youth into violent extremist. A number of our youths are jobless and so people are taking advantage to give them teachings that are not good. It was essential to bring this issue out. The other challenge is the resource-based conflicts among pastoralists. My colleague mentioned some of the challenges that pastoralists go through. Some of these challenges with pastoralists recur due to the scramble for grazing land for the animals, water points and land. At a later stage, we shall prescribe some way forward.

The other major threat which we have been seeing in the news on television is the poaching and killing of our wildlife. This is a terrible threat and it is going to affect our tourism. This issue also had to be brought forward so that Kenyans can know how to react. Other major challenges include violent crimes, human trafficking, drugs and contraband goods, organized criminal gangs, proliferation of illegal arms, cyber crimes, natural and manmade disasters. He also mentioned about road accidents and in the detail of the document, he has analyzed some of the road accidents that have occurred in a year and some of measures that have been taken, including ban on night travel for long haul vehicles, the alcoblow and so on. These are some of the things that had to be brought forward to the nation. Environmental vulnerability is also another serious threat to this country. He also talked about the influx of refugees.

Mr. Temporary Speaker, Sir, some of these acts of terrorism and killings are sometimes practiced by people who are not Kenyans but have found themselves in

Kenya. Normally, some of them come as refugees. This should be reported so that when certain measures are taken, Kenyans should be able to understand. In addressing the security challenges, the Head of State mentioned the broad measures the country has engaged in, in order to fight these crimes. Some of these measures include the strategies on counter terrorism, cyber security, counter radicalization in order to reverse its effects on our people and road safety, for example, introduction of the Alcoblow, although people are complaining that they are only targeting some people in some areas yet the officers should be scattered in the whole country and not to concentrate on only one place in Nairobi. He also talked about the 100 day Rapid Results Initiative (RRI) on the fight against crime, food security and the eradication of corruption as some of the measures that have been introduced. Some of these things are rooted, but we have no choice as a country because we have to fight these vices at all levels; in the counties, in the national arena, in our offices and in our homes.

He also mentioned that additionally the Government has fast tracked the police reforms including improving the capacity and welfare of officers. I appreciate when you drive along the highways you will notice police officers dressed in good uniforms and they now have a fairly good number of vehicles which are still not enough but that is an improvement. The only challenge I need to mention here is the living standards, including the housing standards of police officers. This will need a lot of improvement. They have also done the restructuring of the former Provincial Administration. There is a report that has just been mentioned here on what has been happening for the last one year. They have created a multi-agency special unit to combat poaching and tracking. It is still a challenge but we are encouraging that the Government to be a bit hard and tough on some of these issues and come up with sufficient strategies, including in some of the national parks and wildlife sanctuaries. They should employ the local people who come from around and who know the terrain rather than coming to employ people here in Nairobi and posting them to some of those remote areas. For example, the Nasolot Resort National Reserve on the border of West Pokot and Turkana can only be served well by the people from West Pokot and Turkana counties.

Mr. Temporary Speaker, Sir, other measures that the Head of State mentioned in his address included the introduction of the *Nyumba Kumi* initiative which this Senate wants to know how it works and in the next one or two years, we also want to know how it is going to help us. I am told that it entails people working and being keepers of one another. It is akin to what we discussed in the Senate this year about the work being done by the elders. There is a terminology which refers to the people who work with the chiefs known as *wazee wa mtaa*, who this Senate recognizes in a yet to be finalized Bill and many others who work in the villages in order to combat crime.

Another measure he mentioned was the creation of a national disaster response unit which I am hoping will be decentralized to every county so that some of the tragedies and disasters that happen are contained. For example, in my county, there is a notorious site in a ward called Sontany where because of the terrain, every year there is loose soil that gives way. Some of this terrain is also found in Mt. Kenya and some of these steep areas. Essentially, every county needs to have this unit so that as we collectively deal with some of the challenges, every part of the country is targeted.

The Head of State also said that the Government has taken measures to enhance regional security initiatives where officers have been attending, including commencing

work towards the repatriation of refugees. Some of the beacons at the border points have been tampered with. I am happy that the President mentioned that we need to have these regional security initiatives including the restoration of some of those beacons that were destroyed, for example, at the border of Kenya and Uganda at a place called Kanyiru where some few beacons were destroyed and they needed to be returned. This can only be done jointly by the two countries and I come from that region. I am happy that this is happening.

Mr. Temporary Speaker, Sir, we also have challenges that the Head of State mentioned. Some of the key challenges he mentioned include, high prevalence of youth unemployment, a steady erosion of the social fabric and values, inadequate social resource allocation relative to the trade levels and so on. He also noted instability in our neighbouring countries, for example, in South Sudan, Somalia and some parts of Ethiopia. Indeed, we need to work closely with some of those countries.

Finally, the Head of State talked about enhancing synergy between all arms of Government in particular, the criminal justice system and other actors who include leaders such as Senators, other elected leaders and citizens to work together. As we enter into another year, the Head of State called upon everybody in Kenya to play their own role and that united we stand and divided we fall. I find that if we look at what he has mentioned as the state of our national security, it gives us a privilege as Senators to give our input and stand with the Government as it continues to safeguard the interests of the people of Kenya.

I second.

**Sen. Nobwola:** On a point of order, Mr. Temporary Speaker, Sir. When you look at Page 26 (c) ---

**The Temporary Speaker** (Sen. (Dr.) Machage): Order! Have a seat please. We have not yet even proposed the question.

**Sen. Nobwola:** Mr. Temporary Speaker, Sir, it is on the accuracy of the information.

**The Temporary Speaker** (Sen. (Dr.) Machage): Order. Let us put the Report before the House first. I appreciate your efforts.

*(Question proposed)*

Sen. Orengo! I am privy to the information that you are acting as the Senate Leader of Minority. You have 30 minutes.

**Sen. Orengo:** Thank you, Mr. Temporary Speaker, Sir. My mandate is simply to respond on behalf of the Senate Minority Leader. I also thank you for this opportunity to contribute to this very important Motion. It is important in the sense that for the first time, we have this Report before the House in fulfillment of the provisions of the Constitution and the statutes mentioned by the Senate Majority Leader in his submission.

I would, of course, appreciate the fact that the President did make this Report to Parliament and that in itself, in this new constitutional dispensation, is an important fact by itself because I know other times before, when the law required certain things to be done within a certain period, what we would see would be non-compliance, but most of the time a violation of this constitutional and legal requirement. It is important as Members of Parliament, particularly the Senate that security being such an important

factor in our lives that every year we should have a report of this nature availed to Parliament so that we can consider the report.

Mr. Temporary Speaker, Sir, probably since the Constitution is not very clear on what Parliament should be doing with this Report, at some time, I think there should be some form of legislation thereafter because there is nothing that stops the House from so doing; that we determine what to do with this Report. When Parliament acts in vain, then it looks like we are spending time debating but with no form of resolution so that with regard to this Report which comes from a very important sector in the life of the Republic, Parliament should be in a position to come out with a resolution whether or not this Report is adequate or acceptable to the House. But simply to note, I think is not good enough.

I appreciate the position taken by the Senate Majority Leader in that since that all that is required of the Executive is to make the Report; whether the Report is then subsequently noted by way of a Motion, the law is not very clear. So, the fact that the Senate Leader of Majority has moved this Motion, I think it should be commended because it gives us time to verbalize and contribute on this very important Report. I for my part would have thought that this Report would have been more comprehensive. It tells a story that is not complete.

I just want to highlight what this Report means especially in terms of the lives of the people of this country; that on reading this Report, does an ordinary Kenyan who is given this Report feel more secure or is he feeling that enough is not being done to protect their lives and property, particularly, which is a constitutional requirement? I want to say that if you look at the figures that have been given in annexures to the Report by His Excellency the President, the completion that one would need is that on a proper reading and consideration of this Report, an ordinary Kenyan without any political position would come to the conclusion that Kenya is not safer than it was the previous year. This Report tells us, Kenyans, that 2013 was the most dangerous year to live in Kenya than the previous year. We have to look and determine why that is so particularly when the figures speak for themselves.

Mr. Temporary Speaker, Sir, on Page 18, if you look at the crime trend analysis from January to October, 2011, 2012, 2013 and looking at paragraph (a) which talks about increases in the year 2012 and 2013, the two years are being compared. In 2013, you will remember that the Government of national unity handed over power to the Jubilee Government. If you look at Table No.1, what does it say? It says that in serious times, Kenya became a more dangerous place to live in. If you look at the offences, one by one, for a moment, you may disregard the ones involving police officers. When it came to corruption, the Report says that Kenya became a more corrupt country compared to 2012.

In 2012, we were not complaining about ordinary acts of corruption but incidences of grand corruption. This Report says that on that account, the difference between 2012 and 2013 was 16 per cent. That is not a very good story. The other offence that is captured in this table is robbery. You will remember that Members of this Senate and even those of the National Assembly are not living peaceful lives. Some of us have been targets of these attacks involving robbery, not out there in the streets or at night but in people's homes. That has increased by 9 per cent. When it comes to homicides which involve acts of murder, manslaughter and unlawful killing, that increased by 4 per cent.



The issue of drugs is a matter that comes to the fore. We appear as if we do not know what to do about it. You will see, in the President's Report where he says that many drug barons were arrested or their dens were raided. However, overall, there was a decrease of 3 per cent. The Senate should note that these are figures captured in the statistics. More often than not, in offences like dangerous drugs, many more people escaped the dragnet particularly if you put into consideration the first items in the table which talks about offences involving police officers. If there are offences involving police officers, you would assume, together with the figure of corruption, being what it is on that table, that there are many incidences that are not captured in this analysis.

On the other penal code offences, there was an increase by 2 per cent. If you turn over the page to page 19, you will see the decreases and some of them, in my view, are questionable. If you look at stock theft in areas like Marsabit or between certain pastoral areas which are normally visited with such incidences of stock theft and other violations of the law, these figures seem to be suppressed particularly because over the year and over the period from last year to this year, there are reports that have come from those areas including places like Tana River.

I was in Tana River not more than one-and-a-half months ago. One would take this with a little air of petulance if someone was to say that offences of this nature have decreased. I do not want to make any comments about offences of morality because those are at times very difficult with regard to what one should do as a man or a woman. It depends on one woman or the other man. However, if you look at what has been happening to women, overall, in the country with regard to rape and assault, you will see that these figures do not add up.

**Sen. Murkomen:** On a point of order, Mr. Temporary Speaker, Sir. Did you notice that Sen. Orengo, while referring to the part of the Report where the crimes increased, he was okay with it? When he got to the part where the crimes have decreased, he started casting aspersions. Is he in order to do that without a contrary document to show that he has alternative statistics? He is just giving us his imaginations.

**The Temporary Speaker** (Sen. (Dr.) Machage): No, I did not notice. Please, continue.

*(Applause)*

**Sen. Orengo:** Mr. Temporary Speaker, Sir, I do not think I need to respond to that. However, now that he has stood up---

**Sen. (Prof.) Lesan:** On a point of order, Mr. Speaker, Sir. There are other areas that we know are very relevant in terms of cattle rustling. We are only shown one season, 2012/2013---

**The Temporary Speaker** (Sen (Dr.) Machage): Order, Professor. Statistical analysis is a subjective issue. Allow him to analyse the figures. Order! I think you are unfair. Wait for your turn and you will analyse the figures and comment on them.

**Sen. Orengo:** Mr. Speaker, Sir, I am just analyzing the figures and commenting on them. He can reach his own conclusion because this is not pure science but my comments.

I have less confidence on the decreases because when you get the report coming from those areas in relation to stock theft and offences against morality as I have

mentioned, I have my own suspicions that this may not be an accurate portrayal of what is on the ground. However, for the purpose of Sen. Murkomen, on page 18, one of the most dangerous places to live in is Elgeyo-Marakwet and that is not in the Report. Despite being in the Jubilee Government, Elgeyo-Marakwet is not a very good place to live in. I do not know why they reached that conclusion. If you agree with them that this is good because it is about the accuracy of the Report as a whole, then my friend the Senator for Elgeyo-Marakwet has a lot of work to do for his people.

I wanted to comment about some areas where, indeed, by the very fact that there are opulent areas--- For example, one would never have imagined that Mombasa, Nairobi, Nandi or Kiambu for that matter---

**Sen. Murkomen:** On a point of order, Mr. Temporary Speaker, Sir. For the record, are we talking about page 18 or 21?

**Sen. Orenge:** We are talking about page 18 (IV) above the paragraph on Crime Analysis. Basing on crime index, Lamu County recorded the highest crime index of 443 followed by Taita Taveta, 359, followed by Mombasa; 345, Kirinyaga, 288; Isiolo 283; Meru, 282; Kiambu 276; Nairobi, 262; Elgeyo-Marakwet 261 and Nandi 256. You can see that, for your own purposes and record, you need to plead with the Jubilee Government to protect your people and that Elgeyo-Marakwet, is, indeed, a very dangerous place to live in.

**Sen. Murkomen:** On a point of order, Mr. Temporary Speaker, Sir. I think it is not correct for Sen. Orenge to cast aspersions on Elgeyo-Marakwet which is one of the safest places to live in. If you look at the crimes on page 21, you will see that these have reduced from 1,370 to 961.

**The Temporary Speaker (Sen. (Dr.) Machage):** Order, Sen. Murkomen! Have a seat and I will tell you why. All Sen. Orenge has done is to quote part (IV) of what is documented from a Government document tabled in this House by the Senate Majority Leader. I do not understand the argument to the contrary but I promise to give you a chance to argue your case very soon.

**Sen. Murkomen:** On a point of order, Mr. Temporary Speaker, Sir. You did not allow me to come to a conclusion.

**The Temporary Speaker (Sen. (Dr.) Machage):** That is because I thought it was trivialous.

**Sen. Murkomen:** You will realise that it is not.

Is it in order for Sen. Orenge to imagine that if one comes from a Jubilee region he should be favoured security-wise more than a person who does not come from the region?

**The Temporary Speaker (Sen. (Dr.) Machage):** Let me put this to rest. I think I have very good memory and I did not hear that. Sen. Orenge may have thrown some aspersions on the security status of Elgeyo-Marakwet. However, he just read a document. I believe that it was not fun for Sen. Orenge to read that document. He should not over do it. It hurts Sen. Murkomen.

**Sen. Murkomen:** On a point of order, Mr. Temporary Speaker, Sir. It is important to say, and the record will bear me right, that despite the fact that I come from that county and I am in Jubilee, my county is more insecure. Does that mean that the Jubilee regions should be less secure than where someone was elected through CORD? I think that is a wrong impression.

**Sen. Orengo:** I was just giving the hon. Senator from Elgeyo-Marakwet that in his position and status, in this Government, this is a factor that he should put into consideration. Instead of dressing around here and saying those things, probably it is high time that---

**The Temporary Speaker** (Sen. (Dr.) Machage): Order, Sen. Orengo. You are discussing the conduct of Sen. Murkomen which I will not accept.

**Sen. Orengo:** I am just giving advice. I am not talking about him. I do not want to make life difficult for my friend – because we are good friends - I shall desist from any such further comments.

The other thing that puts me in doubt about the accuracy of some of these reports is, for example, on page 26 where if you look at the issue of Bungoma and Busia, you will see problems with the figures. The Report does not tell us, from the persons arrested, how many were prosecuted. You will remember what happened in Bungoma, Busia and partly Trans Nzoia was a matter of grave national concern. It is included in the Report that the Inspector General and top Government officials visited Bungoma, Busia and Trans Nzoia counties to deal with the problem.

When these incidences occurred, and I stand to be corrected, there were statements coming from Government officials that the acts of criminality were perpetrated or instigated by politicians. That is a very strong statement. I remember a time that I said something to the effect that it is better to wait for the outcome of the investigations before you give out a theory and then at the end of the day, you did not fulfill what you undertook to do. So, the tragedy of what happened in Bungoma and Busia is that, finally, this Report says:-

“Series of attacks were carried out in various parts of western region, primarily in Bungoma, Busia and Teso divisions, by groups of criminal gangs, whose motive has hitherto remained unknown since late April, 2013.”

Then, they say that they killed two people and injured 140. If you look at the national statistics, 140 people is a big and substantial percentage of those who were killed either through murders or other forms of homicide. At the end of the day, after one year---

**The Temporary Speaker** (Sen. (Dr.) Machage): Order! Sen. Orengo, read your Report properly. One hundred and forty people were injured, but not killed.

**Sen. Orengo:** Whatever it is, Mr. Temporary Speaker, Sir. Injury is a criminal offence. I withdraw that. However, even if they were two or any number, they were Kenyans killed. Those who were injured were 140.

Mr. Temporary Speaker, Sir, what I am worried about is the outcome of those investigations or undertakings by the Government. This is because one year later, we are being told that these acts were perpetrated by groups of criminal gangs whose motive has remained unknown. Surely, that is a matter which cannot go like that. When you read the Report, there is no suggestion as to what is to happen next. What are the people of Bungoma, Busia and Teso going to do in these circumstances, where there was so much injury and death? In fact, the reason I even talked about 140 people is because, at that time, I remember going to Bungoma and visiting more than five homes, including one in Bungoma Town, where people had been killed. I also went to Busia to see people at the hospital and a number of them died. So, when you look at what is reported as police

action, the Inspector General and his deputy visited the scene, assured the public of peace and mobilized resources to address the issues.

Mr. Temporary Speaker, Sir, the Report continues to say:-

“The police managed to arrest 232 suspects believed to have been involved in the attacks and were arraigned in court.”

Mr. Temporary Speaker, Sir, the result of those prosecutions has not been given. I dare say if you get a conviction that would be the exception rather than the rule. One of the serious problems that we have is the functioning of investigatory and prosecutorial authorities in this country. Either there is not enough personnel and equipment or somebody somewhere is sleeping on the job. If you cannot get a conviction on even things that have happened on the face of communities, then the totality of what I said in the beginning is that we live, indeed, in very dangerous times.

Mr. Temporary Speaker, Sir, the other thing that I get worried about when I travel, particularly when going through the airports, is the number of Kenyans that you see carrying guns. For all the time that I have lived, I have never owned a gun or felt the need to own one. In fact, some people who own guns in this country are involved in some form of exhibitionism and want others to know that they are carrying guns. Even the manner in which they are dressed, they want people to know that they are carrying guns. But when you travel to many countries, through airports, you do not see as many people carrying guns like in Kenya.

That means that there is laxity in the manner in which we are giving weapons to those who apply for them. This is because there is no proper determination whether or not that particular person merits carrying a gun. I think that this contributes to the fact there is no yearly inventory taken of these guns and how they have been used and so on. So, those who own guns have themselves become the sources of some of these crimes that we are talking about. When we are talking about proliferation of illicit arms, again, it is connected with gun ownership. I think that it is better to have a gun control policy now than later. This is because if we get into a situation like in the United States where people think that carrying a gun is a right, then at the end of the day, we will have a lot of difficulties.

Mr. Temporary Speaker, Sir, when Sen. G.G. Kariuki was Minister for Internal Security, getting a gun was not easy. It was something that you had to go through tests, whether you can handle a firearm and know how to keep it. They would want to know accessibility to that gun and so on. I am saying this because I have talked with friends who have encouraged me on how to own a gun. They say that all I need to do is to buy a gun and a licence to own it, can be arranged later. That is not a good state of affairs.

Mr. Temporary Speaker, Sir, in terms of the fact of terrorism and transnational crimes, I know that terrorism is a global phenomenon. Kenya is not quite an island. In fact, we are living in a region that can correctly be described as dangerous in many ways. For example, we know the experience of Rwanda when they had genocide. Yesterday and the day before, the people of Rwanda and leaders in the world and the region were commemorating that black period in their history. Kenya was represented by no lesser person than the President of the Republic of Kenya. In Rwanda, there was a civil war within their territory. Thereafter, the army and civilians went across to the Democratic Republic of Congo (DRC) and transformed themselves into a militia.

If you compare the position in Rwanda about guns or ownership of guns in that country or Kigali, for that matter, as a city and compare it to the situation in Kenya, you will think that Kenya is the country where the civil war had taken place. We must then ask ourselves: How is this coming about? There is a country like Uganda where, in fact, one would not say that the civil war in the north is over. It is surrounded by South Sudan, Central African Republic and DRC. In terms of incidents of terrorism, I say that that it has not been 100 per cent safe, but comparatively, Uganda has not experienced the same kind of activities that we have experienced in this country.

Mr. Temporary Speaker, Sir, take Ethiopia, with a long border with Somalia; from its border with Kenya up to Djibouti. Then on the northern part of Kenya, it continues to border Sudan and South Sudan, yet you do not find, as rightly pointed out by the Senate Majority Leader, that there are these incidences of terrorism or violence in the cities and villages in Ethiopia. So, there must be then something wrong with us. In this Report, they are saying that it is because of the porous borders. Look at a country like Ethiopia and the length and breadth of her borders with Somalia. It is twice the length and breadth of the borders of Kenya and part of Somalia that we border with. Take Rwanda and her borders with DRC. The whole of the eastern DRC is a warzone. So, there must be some people in the Government who are not doing their work right because it is not just arms that are coming into this country.

Mr. Temporary Speaker, Sir, you will find that even sugar gets its way across from Somalia into Kenya. We are wondering why we are keeping peace in Somalia. This is because it is a dangerous place to live in, but sugar finds its way through Somalia into Kenya. I agree with the Report that our borders are porous, but effectively, there is nothing that we have done, again, following the word of the Senate Majority Leader, to secure them. That is where the problem is. If you know that your border are porous then do something about it. To this effect, it is also a bit of a shame that the only country with which we have a marked border and our boundaries are properly demarcated and delineated, is Ethiopia. That has much to do with the friendship between the late Jomo Kenyatta and Haile Selassie.

The rest of the boundaries of Kenya and other countries, be it with Tanzania, Uganda or our oceans, have a problem. We have problems with our maritime boundaries. Once your boundaries are not known, it is very difficult to secure them. Were it not for being joined at the hip with Uganda, a problem like Migingo would have resulted into a major conflict, just like in Nigeria and Cameroon. But happily it went to the International Court of Justice and it was resolved. But I urge this Government to take very immediate and expeditious measures to make sure that our boundaries are demarcated and delineated properly, so that when we talk about Kenya, we know what Kenya's territory is.

Mr. Temporary Speaker, Sir, for that matter, if you look at some countries' constitutions, actually they can give you the entire or proper size of the territory of those particular countries. But in Kenya we cannot do so because we are not sure of it ourselves. For example, regarding the issue of Migingo Island, if action had been taken at the appropriate time, when these things were being done, it should never have been a problem. Now we are shy about dealing with some of these problems, which may require money, resources and diplomacy. There is a United Nations (UN) Convention ratified by the African Union, that these international boundaries should have been in place and the

protocols filed by the UN, I think by the year 2012. About 70 per cent of Kenya's boundaries have not been delineated and marked.

Mr. Temporary Speaker, Sir, the other thing that worries me is that the incidents of violence in Kenya are found where you can say that the country is most developed. This means that we are an unequal society. The incidents of violence, for example, in Kiambu have a lot to do with inequality in that county more than anything else. People are able to see their neighbours live in opulence and they are living in little shacks. In Limuru, you will still find colonial villages. The same applies to Nyeri. Some of those colonial villages are still there. So, you will find that within areas where people should have the full benefit of economic growth and advancement, that is where you have pockets of the most abhorable standards of living. In fact, it is not just standards of living, but incidences of poverty that you can compare with the least developed parts of this continent.

Mr. Temporary Speaker, Sir, Nairobi does not need to be talked a lot about because the inequalities are there for you to see with a naked eye and you do not have to go into those areas. Even when you are flying everyday to go to Mombasa, Kisumu or to Nyeri, the inequalities stare at you in the face. I can tell you that some of these areas are so neglected in the City of Nairobi that some people are living in circumstances where they do not have toilets, without access to clean and piped water, electricity and other social amenities. It is so bad so much so that we are living on a time bomb if these matters are not addressed as quickly as possible. Some of the problems they face, we have to sympathize with them because some are historical. But, unfortunately, they wanted to be in power. Once you choose to be in power, you must take the responsibility of being in authority. That authority means that in circumstances where you cannot take development to the people, at least, you should give them security. That is not one of the things that one sees in Kenya today.

Mr. Temporary Speaker, Sir, regarding the incidents of poaching, there are times when I remembered the Senator from Narok and I was hoping that he will not address this matter at all. But when he spoke in this House, you could feel the anger and disappointment with all the poaching that is going on. Our people have lived with these animals for years and yet, now, poaching is an everyday affair. When this news gets into the ears of conservationists and those who want to come to Kenya for the love of nature and animals, it sends very wrong and mixed messages. This is an area that we should be seeing heads roll because we cannot be in a situation where it is all about Vision 2030. People want things like security addressed now with the instruments we have now so that people can live in secure circumstances.

I have said this before and I dare repeat it; sometimes the Government seems to be held hostage by certain forces that one cannot explain in the security system. I do not know. If something cannot work, then some people must take responsibility. The fact that our security system is not restructured; and the persons who are controlling and administering it are still in place--. Sometimes when they come out with statements like the one where they said that the United States is planning to overthrow the Kenyan Government, then we wonder whether Kenya has its security in safe hands. I am sure that even with my friend, Sen. G.G. Kariuki, if today you are given that docket of internal security, I think the first thing you will see is heads rolling. Because when one Kenyan dies, somebody should take account.

(Applause)

**Sen. G.G. Kariuki:** That is for sure!

**Sen. Orengo:** Yes, somebody should take account. As I speak today with regard to the Westgate affair, nobody has taken accountability on that serious issue.

Mr. Temporary Speaker, Sir, the manner in which, not only small arms and other devices for making bombs are coming into this country, is alarming. This means some people are sleeping on their jobs. I am saying so, because if you go to a place like Dubai, which is living, indeed, in the front line of terrorism because they are not very far away from Iraq, Afghanistan and Yemen, they are serious about their security. I think some of you like going to Dubai. I do not go as often, but when I go, I do not come out of my hotel room. The few times I have been there, I have travelled from the airport up to the hotel without seeing a single policeman. Out of the airport to a taxi, nobody stops you until you get to your hotel to the extent that you feel that are you really secure in that country.

The other day, Sen. Ali Bule described an incident to me that involved him. He told me that even if you are protected by a police officer in Kenya, you are not safe. So, something is wrong with our security systems and somebody should take account. So, if the President gives an account of this nature without telling us specific plans of action to be taken, then we are left with no conclusion that Kenya is going to continue to be a very unsafe environment. Any ideas they come up with – just like the laptops idea – something is always wrong. Even within the *Nyumba Kumi* initiative, something seems wrong. Even if I ask members of the Jubilee Coalition what this *Nyumba Kumi* initiative is all about, they will not be able to answer. How is it structured or; what is the line of command in effecting that system to work?

To me, *Nyumba Kumi* initiative belongs to a nation that does not believe in liberal democratic forms of Governments. It can only work in a command system like during President Nyerere with *Ujamaa*, where you could have *Ujamaa* villages, and you can have those militias in the form of police forces. What was it called, Sen. (Dr.) Khalwale; was it the *Ngumbaru* forces in Tanzania? So, you could actually mark in a village because ten people were responsible for each other. But you know in Kenya, when your neighbour's house burns, you would wish that there was more wind so that it burns down completely, because we are very unfriendly people. In a nutshell, we are very unfriendly people.

Sometimes I am ashamed by the fact that we are pushing Kenya into a nation where inequality is the order of the day. When people play these images of leadership that is well to do and people who have nothing, we are trying to tell the people that laws are there for you to obey. For us, it is just there for purpose of guidance. I think we need a little bit of sensitivity to our people in the way we socialize with them to ensure that Kenya is not just in practice an unequal nation; but, at least, in spirit, let us try to be our brothers' keepers so that the Kenya that we dreamed of in 1963 is the Kenya that we build for the future of our children and for our grandchildren.

Mr. Temporary Speaker, Sir, I have a little suggestion to the current administration. There are flash points in Kenya which you do not need to be told about.

You always know that there is going to be an incident in Baragoi in Samburu, Pokot, Turkana and Marsabit. So, when we react to---

**Sen. Obure:** and Tana River!

**Sen. Orengo:** And in Tana River. When---

**The Temporary Speaker (Sen. (Dr.) Machage):** Order! Order! I do not like that communication. Please, address the Chair and not Sen. Obure directly.

**Sen. Orengo:** I am sorry Mr. Temporary Speaker, Sir. What I am trying to say is that there are some of these areas that you do not need to wait for these events to take place. For example, there should be forces in these areas that are integrated with the local administration and with the people so that when there is some invasion of some sort from Ethiopia into Kenya, there is a rapid reaction to it in a way that makes sense. This is such that that the Inspector General (IG) does not have to go there to see what is happening and then come back and organize an operation.

I had an incident at one time when I was representing the late Ekidor, who was a Member of Parliament (MP) from Turkana. When we were in court in Turkana, there was an incident in which there was an invasion from Ethiopia that affected the Turkanas. Dealing with that problem was so difficult that the DC and the OCPD literally came for hon. Ekidor in court when he was in the dock and had me make an application for his release so that he can go and help control that incident wherever it was near the Ethiopian border. I truly believe that even in Samburu, Pokot or in Turkana, if the national Government and the security system properly integrated the communities so that it is not something you do when an incident arises. But you structure it and instead of saying in page six, for example, when he is talking about cattle rustling, that the practice is driven largely by cultural beliefs---

I do not believe that the Pokots and the Turkanas are cattle rustlers. That means that you are saying that it is beyond the comprehension of some communities to determine good or bad. I have met a lot of people from the pastoral communities. They are the most intelligent people in this world. This kind of profiling of certain communities, for example, that pastoral communities cannot do without cattle rustling, should not be in a Report like this. It is like telling your own people that "you are forever a thief, and we shall deal with you as thieves." So, even with cattle rustling and pastoralism, in order to deal with incidences in those particular areas, we need to integrate the local people.

We have said, time and again, that the police, particularly in compliance with the National Police Service Act, should integrate the county governments at least at the level of leadership in the counties in taking part and participating in securing those particular counties. They should also take part in some of those operations without disturbing the command structure within the police force, because that can be done. We do not need to interfere with the command structures in the police force, but you can integrate the county governments and the leadership in these communities to make sure that we have a better way of dealing with some of these persistent problems. So that when there is a problem in Turkana, Pokot or Tana River, it is not again about deployment; but we have got ready solutions on the ground to deal with that particular problem.

I hope that with the measures that I have seen suggested in this document, these perennial incidents of conflict in some areas will cease. Some of them have already been identified as resource based conflicts. Resource based conflicts could even be robberies



in Nairobi. This is because when people lack those resources, then the same reasoning and philosophy applies. So, why do you not address those resource conflicts? Conflict comes about as a result of scarcity of water resources or grazing grounds. I am sure if there was proper commitment to this, these communities who have these conflicts in some formal fashion and have fought for generations, they will live in harmonious environment. I believe honestly that the people or communities who live in Tana River have not been forever at war. In fact, they were more at peace before the advent of the white man. Why is it that when the black man is in control, it looks like those conflicts are there to stay and are being characterized as cultural practices?

Mr. Temporary Speaker, Sir, I hope that this is a matter which, at the end of the day, will be resolved by looking for solutions that will not look into the distant future, but will look at the present so that wherever Kenyans are in this country, they will find fulfillment of the Constitution that they enacted in the year 2010.

Lastly, Mr. Temporary Speaker, Sir, time is running out. This Government cannot continue crying. It is either ruling or not. They are either in charge or not. Once again, I am sorry because I am referring to Sen. G.G. Kariuki many times. But it is because I remember that in those old days when he stood up in the National Assembly when there was a problem, you felt that the Government was speaking. But sometimes when I hear those in authority speaking, I cannot believe them because there is so much rhetoric and talk instead of action that is carried out in accordance with the law and the Constitution.

Mr. Temporary Speaker, Sir, Kenyans decided to enact this Constitution so that they can live in a certain way. We either accept it the way it is or we have to renegotiate the Constitution that we had when the former President Kibaki proclaimed the Constitution enacted by Kenyans in August 2010. So long as we have said that everybody is below the law and must comply with the Constitution, we have to make sure that even during security operations, we go by the Constitution. Some of these measures that are being put in place maybe popular because people, due to insecurity may say, that what must be done should be done; but I think one day we may live to regret. It is for that reason we do not encourage lynching, for example. There is a very respectable citizen of this country from South Nyanza who was just murdered because he was suspected to be a criminal of some sort and yet he was a farmer who was looking for seeds and fertilizer.

So, let us not profile our own people on the basis of their religion, ethnic or tribal groupings. Let us just deal with those who commit crimes because Kenya has decided to live as a country where we respect the rights of everybody. I fear that because of such a policy where we may think it is right in certain circumstances because I heard a very senior person in the police force say that his understanding of the Constitution and the law is that police have a gun and must make effective use of it. Once the bullet leaves the gun, the policeman has no control. It is like the policeman is just some robot that once he holds the gun and pulls the trigger the consequences of what happens is neither here nor there. Whereas in criminal law, the general principle is that you are taken to have intended the direct consequences of your action.

Mr. Temporary Speaker, Sir, I would not have wanted to see a public officer making such kind of statement because one of the criticisms which was made by several organizations, including Amnesty International, says that because of the positions relating to self-defence---. This mischief has been dealt with in this Constitution by having no such provision. So, I plead with the authorities that the police are trained to

maintain law and order in a very particular way as opposed to the army or the military. Therefore, the law should be complied with.

Mr. Temporary Speaker, Sir, in finality, I want to say yes Parliament has noted this Report, but if a second question was asked not as part of the Motion as to whether I approve the Motion, my verdict would have been “no” to the Motion. Parliament cannot approve a Report that is not comprehensive and which is a repetition of the tortured solutions and arguments which have been made before. With a new government, we should have a more innovative policy.

Thank you, Mr. Temporary Speaker, Sir.

**Sen. Kittony:** Mr. Temporary Speaker, Sir, the Report is with us. I stand to thank the President for it although I have not been privileged to read the whole of it. I have listened to the comments presented by the Senate Majority Leader and other Senators, I feel strongly that we have a responsibility. This Senate has a role to play in making this country a better place. These statistics are alarming. I also want to say that 2013 was not a very positive year for us, but it is gone. I believe that the door for 2013 is closed, but for 2014, it is open. It is early enough for us to sort out ourselves because the Report is exposing some challenges and we can do something, as a country. This is our country and we should love it and do what is expected of us.

Mr. Temporary Speaker, Sir, every Kenyan has a responsibility. In the past, we used to have *barazas*. Those *barazas* used to make Kenyans better people. This Report has come at a very appropriate time so that we can correct what has gone wrong. There are some mistakes that have happened with our security in this country. We have a role to play in finding a solution. We should ask ourselves where we went wrong. I am very proud to be associated with this House. This is because it is a House of seniority. We all know where there are senior people, there is always a solution. For me, it is not the time to grumble, but to find a solution. Many times I am worried about the future of my grandchildren.

I want to thank the Cabinet Secretary, Mr. ole Lenku, because for the first time, he did not mince his words. He said that chiefs have a responsibility. I think everybody has relaxed. This is a wake-up call and we cannot live in fear. We cannot afford to lose our people. The Report has also addressed the issue of unemployment. It is a challenge to all of us. I challenge the Government to put in place options for employment of the youth. We now have the Uwezo Fund, but it cannot solve all the problems of the youth. I think there should be many other activities.

This Report has come at an appropriate time to jog our minds so that we may wake up and put Kenya where it is supposed to be. We know very well that this country is an island of peace where everybody admires to be. However, it is a pity that when you go outside the country, you read about poaching, accidents, electricity failure and so on. Sen. Orenge has mentioned something about some places in our city where you cannot even access any facilities.

I support this Report and I would like to urge the Senate to use it as a tool for making this nation a better place. If we criticize then we are not going anywhere.

**Sen. Kajwang:** Mr. Temporary Speaker, Sir, I have read this Report and I am not good on statistics so I will not concentrate on them. I want to say that it actually represents the problem that we have in this country in a lot of detail. The only thing that it is short of is solution. I will spend a lot of time on what I think would be the solution. It

has captured a number of those things that bother us. It has captured trans-national threats, proliferation of illicit arms, resource-based conflicts although he restricted it to cattle rustling, but I do not think so. The Report has also mentioned violent crimes, poaching, cyber crime and many other things. In fact, it has even talked of land as a source of conflict. So, to a large extent, it has talked of youth unemployment and social breakdown, especially at family level. I think the conclusions could have been longer. The conclusions on page 16 should have been longer and much more detailed. As I said, the Report has captured most of the things that bother this country on security.

Mr. Temporary Speaker, Sir, I want to say that one of the solutions to insecurity in this country is that we have not invested in security infrastructure for a very long time. We have deliberately assumed that security is not a problem. Roads should be made, airports expanded and schools build. We never quite thought that we should invest in security in the past. In fact, I remember in some of the meetings we had with the late Prof. Saitoti, he almost shed tears when he was saying that we must invest in movement of the police force. He said that unless the police can move from point "A" to point "B," there is nothing we can achieve.

He talked of CCTV cameras. He was passionate about installing cameras in Nairobi and getting people to analyze them to get incidences of breach of the law. This Report recognizes that. In fact, it says that under-funding of the security sector has been there for the last 20 years. We cannot get results without investing. If we want eggs, we must rear chicken. We must find some money for food and medicine. We must spend on chickens to get eggs. So, the solution is this; modernize, mechanize, digitize and enlarge the security apparatus. I think most of them have agreed. We are now proud that recently we hired or bought 200 motor vehicles to move the police here and there. Of course, the hiring cost is in the moon and I will talk about that another day when we will be talking of public wastage. I am happy that the vehicles are there. If what I saw when I was in Government is still true; that you can give the police force Kshs10,000 for fuel for a whole year, it is a joke. Why give them a vehicle if they are not going to move in it? In fact, now we even have better equipment of communication. Their systems have almost collapsed. They are now communicating on their own mobile telephones. What they lack is airtime. So, if you do not give them airtime, then they will not communicate.

Mr. Temporary Speaker, Sir, If you do not give them equipment and the comfort of family; when they live in *debe* houses with their families, then we demoralize them. No human being works in such an environment. This Report has talked about providing them with modern housing. But when you are developing 500 houses a year when tomorrow we are going to employ 10,000 police officers, we are joking. Let us get serious about housing.

There is something about police presence in any country. For example, in Rwanda, you can walk at 2.00 a.m., and nobody will touch you. This is because everywhere you turn there is a policeman. If there is not a police man, then there is an army officer. You can call it a police State, but it is safe. I do not know what our army who are not engaged in conflict and missions of peace keeping are doing in the barracks here. Most of the time, they are just eating a lot of meat because they have nothing to do. Just allow them to walk on the roads in groups of three or four in uniform, for example, along Tom Mboya, River Road streets in waves; two minutes, one group passes and three minutes later another one passes and they walk against each other up and down.

Mr. Temporary Speaker, Sir, Uganda which has been in conflict for many years is one of the safest places to dance at 2.00 a.m., in the night and walk to your hotel. I am saying so because I have danced there and I know. I have walked those streets at 2.00 a.m., or 3.00 a.m., and nothing bothered me. The reason is that they invested in their security. When I was a student and I was walking along the streets back to Makerere University in Kampala one time, all of a sudden some police officers stopped their vehicle and rained their guns on us. We were two of us. When we raised our hands, they asked us what we were doing and yet it is was only 6.00 p.m. We told them that we were walking back to the campus. They asked us which campus we were walking to and when we told them that we were students of Makerere University, they told us to get into the vehicle and be taken to the campus. They took us up to the campus. First of all, they respect Makerere University students, but they are also very vicious with thugs. So, thugs know that if they joke, they die.

Mr. Temporary Speaker, Sir, I had somebody talking about immigration, visa, border control and all that about Ethiopia. Actually, Ethiopia being the centre of civilization in Africa here because we always meet there for African Union (AU) Summits, all African citizens do not need a visa to go to Ethiopia and yet there is minimum insecurity in Ethiopia. The reason is that they wrote a constitution like ours. In fact, we borrowed from them heavily because they took their Government to the village. We have designed our Constitution that way. At that village, there is real Government; people who feel that this village is governed by us; a committee of able people who are not even paid a salary. However, because they are in charge of the village and they are villagers themselves, they know who can cause trouble, when, and they deal with it at the village level. We have divided our country into wards and villages. The other day, I saw the gazzettement of ten villages per ward. If we just did that and let a village government have real power, we would have solved 80 per cent of our problem, whether the village is in Eastleigh or Mfangano Island.

I saw something about security that I did not like. You cannot have security without intelligence. How do you know what is going on unless somebody tells you? Our intelligence system was created for political reasons, even if you look at the Act, it was created to deal with political crime, including whispering to your wives and girlfriends, but they do not listen to thieves talking about where they are going to rob because that is not their business. We must re-engineer our intelligence to inform us at the village, ward and county level what is going on in terms of crime. The Criminal Investigation Department (CID) could have done that, but it was created in such a way that it waits for a Report to be made to it rather than to look for it. So, we must find a way in which we can re-engineer our intelligence, invest in it and get, at least, an intelligence officer in every village to be reporting. But you do not do that by undermining the county government.

Mr. Temporary Speaker, Sir, the *Nyumba Kumi* initiative has failed before it starts because it is not based on any structure known to the law. You do not run a country by decrees or being upset and saying something. If we really have a government at the county level and we have devolved that government to the village, let it work for the benefit of the national Government and the people who live there. So long as we keep ourselves suspicious of the county governments saying that we have somebody called the County Commissioner whom nobody actually trusts because, first of all, they do not

know him because they have elected somebody they have faith in who has a duty to make sure that he does a good job to be re-elected, he should be given the responsibility. You should help him to help you. That is the way to deal with security in this country.

Cattle rustling is no longer culturised. It is now commercialized. We only need to ask the people who buy the cows in Dagoretti from whom they buy the animals, at what price and where the receipt is and ask if we can contact the person who sold them the animals. If we did that, there would be no rustling. Rustling only makes sense if one has a market. It is so easy to bring an animal in Dagoretti, sell it and pocket the money. If I met a lorry which had rolled and some cows were down, I would pick them and sell them because we all want money.

Another thing that is destroying us is youth unemployment. For the first time, I saw some data of 11 million young people, above 18, who have no jobs. That is a serious problem. This is a serious time bomb. How can you create 11 million jobs? In fact, the Jubilee Government said that it would create 500,000, but I have not seen the data yet. Can you imagine 11 million and every year, we have youth graduating and getting no jobs? What do you do with them? That is a serious problem. This country must sit down and think about this.

The Women Enterprise Fund (WEF), the Uwezo Fund and the Youth Enterprise Fund are not cut out well. This is like *Kazi kwa Vijana, Pesa kwa Wazee*. You do not collect 10 youths and tell them to write some proposals, open a bank account without a coin at Equity and then come here and get money. If you gave them Kshs500,000, the next thing they would do is to divide it because they would not quite agree on what to do with it. They have never done any business and they do not know whether they want to keep chicken or rabbits.

I oppose.

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

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

**Sen. G.G. Kariuki:** Thank you, Mr. Temporary Speaker, Sir for giving me this chance to contribute to this subject we are discussing this afternoon. Security matters are very serious in every forum in this country. Security is a matter of great concern and can mean the difference between life and death.

I want to thank the President for what he has stated in this big document about security which is historical. It has never been done before and it the first time the new Constitution has demanded this from the President. That means that Kenya is advancing very fast. They have realized that nobody has the monopoly of anything in this world. That is why the President and the Government was compelled by the people of this country once a year to come to Parliament and say what they have done. For someone like me who has been in this game for some time, I find this very important.

Some of us would never have dreamt that one day the President would be compelled by law to make a statement in the House without fear. He had to explain what he wants to do and what he has done. That is very important. I am very grateful to the

President because he has tried. One year is a very short time. Even if you started a business, you would not expect to reap profits the following month unless you are corrupt. One year is a very short time. We are talking about 12 months. All of us have just come from an election and it is the same thing that happened to all of us. It is very difficult for us account for what we have done since we were elected last year.

Therefore, we have to discuss this matter with fewer emotions because security is a matter that concerns everybody. If we allow this country to move the Egypt way, we will all suffer. Time has come when we should sit down; the Opposition and the Government, to evaluate how things are happening in terms of security. I think what would disturb Sen. (Dr.) Khalwale at night is the same thing that would disturb me. His and my children need to be protected at whatever place.

This is the time that we need to be ourselves, politics aside because it is a serious matter. The President is trying as much as possible to explain the threats which are ahead of us, but let us know that time has come to study different sections and see what they have done in the past. Remember that the Jubilee Government took over a Government that had no vision at all. The first Government had a lot of problems. The Grand Coalition Government operated with more problems.

**Sen. (Prof.) Lonyangapuo:** On a point of order, Mr. Temporary Speaker, Sir. Is the distinguished Senator Number One in order to say that in the previous Government there was no vision, noting that I was in that Government? I was a senior Permanent Secretary and I am wondering what he is trying to allege here.

**The Temporary Speaker** (Sen. Murkomen): Order, Sen. Lonyangapuo! I think that the question of whether or not a Government has a vision is subjective. It is dependent on the person. So, he was making his arguments as to why he thought that they had no vision. Someone else will make a contrary argument that it had vision.

**Sen. Kajwang:** On a point of order, Mr. Temporary Speaker, Sir. Is Sen. G.G. Kariuki in order to suggest that the previous Government did not have vision? Has he had occasion to read Vision 2030 and tell us who wrote it?

**Sen. G.G. Kariuki:** Mr. Temporary Speaker, Sir, I think that I better continue because we might not find the end of these arguments. Of course, I do not want to engage myself in it because they also know that I can argue.

Mr. Temporary Speaker, Sir, what I am trying to say is that national intelligence is a very serious section in any policing work. I think that the Head of State and his colleagues need to look at whether it is not now right for a change of policy and, perhaps, use it more intelligently than what is happening now. Like my friend, Sen. Kajwang, mentioned earlier, the philosophy of national intelligence, many years ago, was to listen to the politics. They were busy following politicians, not that they did not know what they were doing, but we were in a situation where politics had taken a different route although all countries in Africa were under the threat of *coup de tat*. In fact, all these were being organized by the politicians and within the military. Therefore, there was need for these kinds of activities to happen in some of the branches of our security department. This does not mean that this matter has not changed. The international political environment has changed. There is need for us to change with the world and deal with this matter the way others are doing. I do not see the reason we cannot borrow from other countries information or technology that we can use to deal with, especially,

terrorism. There are countries in this world which have the experience of fighting terrorism.

Mr. Temporary Speaker, Sir, but our biggest problem here is that we keep on asking ourselves: Why are we in this situation? We all know why. The country has gone through a major problem of corruption. Children have been born and grown up in a corrupt society. Therefore, these people will remain corrupt. As I wrote in one of my writings, it has become a norm. Unless you are corrupt, perhaps, you are not going to get anywhere. This is something that young people and we need to now talk about freely and openly, because it is a matter that none of us can stop. It has developed in our blood and our priority is what we can get from this or that project.

Mr. Temporary Speaker, Sir, we know very well that this country can be self-sufficient in food, but who is there to spend money or decide on this kind of direction? Why can we not do something like what India did in 1954? They decided to cut down their budget and give all the money to the agricultural sector for five years. That country has a billion people and they can feed them. But in this country we have a population of only 42 million people. If you think that irrigating one million acres will help this country, we need to change that. Give this money to the current farmers. They will manage this business better than putting an institution there where the Government is going to spend a lot of money. That kind of institution will never make any money. I think that the time has come for us to keep on changing. After all, as I said earlier, the President has explained to this House the measures that he is proposing to make and also what he has done, which I think is a great effort. If I were the President of Kajwang, for that matter, I am very sure that I would not have gone beyond what the Government is doing today; just one year. But I think that given time, the radicalization of our youth will stop if we know the source of the money and the people who are radicalizing them.

Mr. Temporary Speaker, Sir, as I said earlier, we cannot deal with a situation unless we know the cause. That is why I find it a big problem when Senators compare Ethiopia, Uganda and other countries. We can compare, but have to look at the political dynamics of those other countries. Where is Kenya placed in the international affairs of this world? We cannot compare Kenya and Uganda or Kenya with Tanzania. This was a *Mzungu* country and they still believe that it is theirs. The Constitution of 1963 destroyed the aspiration of Kenyans in their struggle for Independence. They transformed it into a British kind of document which is bothering us even today. Therefore, we have grown during this period. Fifty years is a very long time for people to be working on a certain system which does not promise anything, and we live in it.

Mr. Temporary Speaker, Sir, my good friend on the other side, Prof. Anyang'-Nyong'o, was a very young person in 1963. Now he is an old person in a country where the end is not visible. It is a very serious matter. We have now to work very hard, without thinking that I am in the Opposition and Sen. Amos is in the Government. Let us sit together and advance this country in terms of security. When it comes to things like politics, we can separate ourselves and follow a political ideology, if we have any. This is because the Opposition and this side have no different ideology other than personalities claiming that I am this and the other. Look at the manifestos. They are all the same, but here we are separated by names of parties. We then say: "I am Jubilee or whatever." I think that we need to know where we are going. Let us not cheat ourselves that we have an ideology in this country. We are just spending a lot of time talking.

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

**Sen. (Dr.) Khalwale:** Mr. Temporary Speaker, Sir, some of us grew up under the Government of Mzee Kenyatta and went to school under the Government of Moi. We started practicing politics under the Government of Kibaki. At none of those times has the country been this insecure. It is a time that I want to join the Senator for Laikipia in saying that the President should listen to us. The voice that he is listening to now is not the voice from the Opposition, but the voice of patriotism. If Kenya goes the way it is going, then it counts for nothing whether you are in the Opposition or in the Government.

Mr. Temporary Speaker, Sir, the Government must now accept that the national security system has structural limitations and challenges. It has also got functional limitations and challenges that need to be addressed in a bipartisan manner. Article 240 of the Constitution tells the President— in fact, it forces him – how to constitute in a particular way. The President can do a lot by looking at Article 240 and realize that in the three successive Governments that I mentioned earlier, the Minister who at all those times was in charge of security was one. We had (Prof.) Saitoti of recent times, we had hon. Michuki, hon. G.G. Kariuki and hon. Burudi Nabwera. These were men who could look the President in the eye and give him advice without playing sycophancy. I have a lot of respect for all Kenyans who are serving at all levels because they earn it and they deserve it. But it is important that the President realizes that the challenge of that docket of security requires somebody with a security background to be giving advice during the National Security Council meetings. The orientation of the current Cabinet Secretary (CS), ole Lenku, is in hospitality. The President must address these things. The current CS for Defence – I know the current CS for Defence is very well educated and eloquent. However, her orientation is not in the security system. It is important that the President addresses the need to restructure the national security system.

Mr. Temporary Speaker, Sir, speaking very honestly, the President is served by what is going to be the defining legacy of his understanding in the handling of security today; that is, he has entered into Eastleigh. I am saying that the President must refuse to be intimidated by all of us and make sure that his journey into Eastleigh is completed.

*(Applause)*

Mr. Temporary Speaker, Sir, my only regret is that it is coming too little, too late. It is too late because we requested for this much earlier on; that we needed to go into Eastleigh and find out who lives there. Some people are taking advantage of Kenyan Somalis by masquerading as Kenyan Somalis when they are actually criminals. I am saying that it is coming too little because I do not think going into Eastleigh alone is enough to solve this problem. The President must know that the National Intelligence Service (NIS) has got intelligence on all of us. Those of us who are corrupt are known by the NIS. Mr. Gichangi has a record of all of us. The President should go into one room with Gichangi. Mr. Gichangi should give him the Reports on all his senior officers in the police.

This is because it is corruption that allows a criminal to come from Moyale for 200 kilometers to be found in Garissa. Before he reaches Garissa, there are 50 roadblocks. After Garissa, this same criminal finds himself either in Daadab, where he buys his way through corruption into the city in Nairobi. Eventually, he ends up in



Eastleigh where he settles. It is time the President bit the bullet and said “Muhoro, the Criminal Investigation Department (CID) boss, is not capable of discharging at that high level; that the Inspector General (IG), Kimaiyo, is not capable of discharging at that high level. If he wanted an experiment, he has done it for one year. One year is a very long time. If a scientist is in the laboratory for one year, repeating a test and not getting results, he changes the method of doing that particular test.

We want to encourage the President to move on the issues of corruption in the security apparatus. Why is the President not asking himself *mbona* or why? When the vetting was going on very well, suddenly people who we respect in matters of security like Kaguthi – the former Provincial Commissioner who used to be in Nyanza Province at those times when the challenges were very high, but there could be peace – decided to walk out of that vetting board. Kaguthi was telling the President that something was wrong. So, Kavuludi, my elder brother from my home there, being the one who is chairing that Commission, should tell us why members of his own committee ran away and he thought there was nothing wrong with it. It is corruption, so that people who had been listed to be relooked at for a second time, all of a sudden were found to be as clean – as hon. Raila would put it – as cotton. No! They are not fit! We will continue having problems.

Mr. Temporary Speaker, Sir, the President, on page 3, has started disappointing all of us as much as we are supporting him this afternoon. On page 3, he is talking to the issue of the fate of arrested terrorist suspects and he is not telling us the incidences that took place. We want to know how many incidences of terrorist attacks have taken place, how many people have been arrested and how many have been arraigned in court.

Mr. Temporary Speaker, Sir, because you are there and you are a lawyer of high repute, the President should have told us how many convictions have been made. This is what should have been in this Report. What we know is that the same people, upon being arrested as we see in the newspaper headlines, after two or three days or even one week, they buy themselves out of our justice system using corrupt means. Our criminal justice system is faced with serious corruption and the President must accept this.

Mr. Temporary Speaker, Sir, on page 3, the President is telling us that action was taken. He is not telling us the number of guns recovered. He is not telling us the number of raids and where those raids have been done. He is not also telling us, as I have said earlier on, the number of convictions. He then moves very quickly, in the traditional Moi way of doing things, and quickly becomes wordy. He not only tells us the number of raids they have done for *chang'aa* drinkers; the number of arrests they have made for *chang'aa* drinkers and, upon conviction, how much they have paid.

Why are they paying great attention to *chang'aa* brewing and drinking and leaving us with the threat of terrorism? Tell me which drunken Kikuyu, Luo or Luhya can rape a woman? When you meet them on the road, they are harmless and useless. If he dies from pneumonia because of his carelessness, it is his own business. We want these state resources to be devoted to giving us security, not raiding little villagers of traditional alcohol, who drink it because they cannot afford whisky.

Mr. Temporary Speaker, Sir, the President, in his Report, has told us about co-operation with other international organizations. This is very good; but why is it that we are quick to invite the Israelis and the Americans after a disaster has taken place? They come and help us in evacuation and so on. Why do we not use the sophistication of the

Central Intelligence Agency (CIA) and MOSAD of Israel to share information? We should even share information with the successes in Ethiopia. We only wait to invite them when now we have already been hit.

Mr. Temporary Speaker, Sir, in supporting the President, we must tell him that he should open up his mind. He should avoid the issue that they call “tunnel vision” and ensure that he turns to anywhere he can turn to, because terrorism is an international threat. Let him use local and international tactics to ensure that we contain and bring security to our country.

Mr. Temporary Speaker, Sir, we must insist because of the impact of insecurity to our economy. Today, the poaching that is taking place in Kenya is not by people from Kibera slums or by the bull-fighters of Kakamega, but it is done by poachers and sophisticated thieves who are politically connected. I was talking to a senior security officer around four months ago and he told me that there is a particular triangle that controls these elephants as they get killed and their ivory gets sold. All of you have had occasion in the recent past to go into our hub of tourism in Mombasa. Our tourist hotels are completely empty. So, when we criticize we are not saying we hate the Government, but we are urging the President to bring back security so that tourists can come back and our watchmen, waiters, cooks and all those who work in the tourism industry can work. I think if Mr. ole Lenku was the Cabinet Secretary for Tourism, he would be doing a far much better job because that is exactly what he was trained to do.

Mr. Temporary Speaker, Sir, regarding the issue of the collapse of the sugar industry, I have seen the President waste time. He goes to western Kenya to make beautiful statements about the challenges of sugar and he takes money to coast region to start new mills. It will not work. The sugar industry is collapsing in this country because of terrorism. It is sugar money that funds some of the terrorist activities because sugar comes from Kismayu, crosses into Garissa under the watchful eyes of Kenya Revenue Authority (KRA) officials and Kenya Anti-terrorist Police Unit. This sugar is sold at a low cost and the blokes who bring it in are the ones who fund terrorists.

Mr. Temporary Speaker, Sir, the small arms that are causing a problem in this country come from Uganda. We share a border with Uganda. In fact, we have Luhyas on the other side. Weapons do not come in from Uganda, but through the same conduits. If you look in this Report, it will show you clearly the number of instances, bullets and firearms, come in per region. The one leading in thousands of figures is North Eastern Province. The technicians in the police gave information to the President so it is now up to him to take action and ensure that we arrest all these things.

I cannot talk on the issue of the damage to our economy without mentioning the issue of foreign investors. How can people be putting up houses in Nairobi with the current bank rates of 20 per cent? People are putting up multi-million dollar hotels and buildings without taking a loan. How can a normal government not ask these people where they got the money from? Those are the people who have the networks. I am not surprised that some politicians actually did a rally to condemn the President for what he is doing. It means that for the first time, the President has hit the right note. He should hang on in there. If it was in the days of Michuki - how I miss the old man - those politicians should have recorded statements so that they shed light on what they know. They said that those are the people who elected them, therefore, they should tell us who

amongst them financed them. These are the issues we must tackle boldly and ensure that there is peace in our country.

With those few remarks, I oppose this statement.

**Sen. (Prof.) Anyang'-Nyong'o:** Mr. Temporary Speaker, Sir, I rise to contribute to this discussion on the security Report. Since the Report does not ask us whether to support or oppose, but to note, I will note it. In noting it, I want to join my friend Sen. G.G. Kariuki in saying that matters of security are not partisan matters. Matters of security are bi-partisan matters. I know that the President has said over and over again, that he is calling upon Kenyans to join him to fight insecurity. This call cannot be left amorphous, it must have a structure.

During World War II, in Great Britain, Churchill's Government was a government of a united front. They resolved all party differences and said that we are now faced with a danger that can consume our nation. So, we need to approach it as a nation and we shall do other things after the war. Indeed, after the war the British never voted for Churchill to become Prime Minister, they voted for the Labour Party, but he did a good job during the war to make sure that the allies won. We have a war against terror. We have a war against insecurity. This is a much more grievous war this country has faced since Independence. There is insecurity everywhere. As Shakespeare would say, "of comfort no man speaks".

The other day, I went to see a play at the national theatre on a Sunday evening and I was driving home at about 10.00 p.m. which is not terribly wrong for a weekend, but let me tell you, I met very few cars on the way. When I entered Runda on the gate that comes from Limuru Road, I did not pass any car, neither was I followed by any car until I reached my house. This told me that people are keeping at home. This means that bars are losing business, night clubs are losing business and other entertainment areas are also losing business. So, I am not surprised that there was a Report today about hotel occupancy in our hotels at his point in time where it is wavering between 50 per cent and 70 per cent which is not too bad, but given that this should be a season towards peak season, it is kind of very worrying. I know it will go down further, if we do not fight this war as a nation.

The President has not given us the structure to fight this war as a nation. He is still appealing to the security apparatuses to do the job. He is calling upon the nation to join him. The first thing the President should do is to find a national structure; a united front and democratic front of all the social forces in this country to wage the war against terror and insecurity. It cannot be a partisan war. If it is approached as a Jubilee Government initiative, it will be partisan. This is a matter that is beyond just a Government initiative as this Report shows. I am appealing to the Jubilee Government to translate their words, institutional approaches and structures so that the nation is mobilized effectively in the fighting of this war.

Sen. G.G. Kariuki was right. He tried to give what I could call the political-economy of security and insecurity in Kenya. By political-economy, I mean that security is not just a matter of guns, bullets and fighters, but it is a matter of social systems, attitudes, expectations and frustrations. In this Report a mention of youth and unemployment as a source of disappointed expectations which then are used to recruit those who cause insecurity. In Somalia, it is very interesting. You can talk about the religious *Al Shaabab*, those who believe that a jihad must be fought so that all infidels are

erased from the face of this earth. Then there is also the economic *Al Shaabab*. People are recruited from my village, Mombasa and other places to be taken to Somalia for economic rewards and they are many. They are here, in Somalia and everywhere else. If we do not pull the rag from below this economic *Al Shabaabists*, they will continue to be there. Therefore, what would we do about these tremendous youth un-employment? It is not something that can be done overnight, but at least, we can put in place a plan to deal with it and the plan definitely cannot be the Uwezo Fund or *Kazi kwa Vijana* because these are knee jerk reactions that do not work. *Kazi kwa Vijana* did not make a success in the Grand Coalition Government and the Uwezo Fund will not. So, we really must have a different approach to dealing with disappointed expectations among the youth.

Mr. Temporary Speaker, Sir, what is that plan? The plan must be to engage the youth in productive activities from the village upwards. The Constitution has already given us a framework for doing this which we are not using. The Constitution has provided us with governance structures from the village to the county. As we have been told, there are certain responsibilities that are better handled down there provided we give capacity to county governments. Let us respect this framework in the Constitution and create these county structures and begin tackling insecurity from the village level and begin engaging youth in productive activities from that level.

Indeed, the nationalist governments were much wiser than us when they started things like settlement schemes. Do not just tell the peasant to go back home and work if they have no work in the urban areas, but create activities which they can do. That is why settlement schemes were created. Take the people to the land, give them power and means to do so and they will do it. Once we have county structures, take capacity to that level and engage them there. It will not be very expensive. Rather than use too much money to create another huge parastatal managing one million acres somewhere in the Republic when we know that Bura Irrigation Scheme collapsed--- I was the Chairman of the Public Investments Committee (PIC) in 1993/94 and 1994/95 and I went there and saw how a huge infrastructure with a lot of money spent, was lying there not doing anything. I do not think it has ever been revived up to now.

When we were involved in the problem of the Yala Swamp when I was the Minister for Planning and Economic Development and an investor came and told me that for three years he had been trying to mobilize peasants in the Kano Plains using some clergymen to work with them and give them capital, I told him that he must be crazy because he cannot come from the United States (US) and give capital to peasants because those are huge lands which were established at Independence for large scale agriculture. He could talk to the President and go and use that land because it had been un-utilized for over 30 to 40 years. If he could use it and turn it to be productive, then it should help this country.

When we took the matter to the Cabinet, there were some Cabinet Ministers who opposed it and the President said: *Upuzi, wacha maneno yako*. Let this man go and use that land which has not been used for the last 40 years; only birds are flying in those houses. Now it is producing rice and all kinds of things, including creating employment. It is not the duty of the State in this day and age, especially in Africa where the State is so corrupt, to be engaged in production. It is for the State to create institutions and structures and make resources available for entrepreneurs. Entrepreneurs, include our youth and

peasants. They can be entrepreneurs if there are proper structures and inputs for them to use.

We now have a Constitution that gives us a governance structure to do that and we are failing to use it. We are failing to use it and instead going backwards trying to indulge District Commissioners. We are like the children of Israel who have been deliberated from Egypt trying to cross River Jordan or the Red Sea, but who are refusing to cross. They told Moses that, at least, when they were in Egypt, they were eating. The place is very dry and there are no graves. They wanted to be taken back. Kenyans are saying they do not want to go back to Egypt. They wanted to move on to Canaan because it was much better. The same is true with insecurity. If we think that the only way to deal with insecurity is having policemen, army men, intelligence men and that if we give them enough money to do it then they will do it, we are lost. That is one part of the story.

The other part of the story is the Kenyan people. How are the Kenyan people supposed to be involved in providing security for themselves? We need to understand how *Nyumba Kumi* initiative that we are participating in will help us decide how we, in Runda, will interact with the police station, if they have our mobile numbers and if there is a call and if they will respond to it. One of the things that have disappointed Kenyans is the fact that you can Report a crime and you find that a man is more interested in your credentials than what you are Reporting. What kind of thing is this? I am now trying to collaborate. Why should I be held responsible for Reporting something? That is why ordinary Kenyans are afraid of going to a police station to Report anything. When they go there, their credibility as the Reporters of the crime is the first thing that is questioned. They are then told that once the case is taken up, they should be ready to testify on it. You are then left wondering; I brought you information, use your intelligence and find out what is wrong and deal with it. My responsibility ends when I hand over the problem to you. These are the things that we need to address.

The Constitution did a very good thing. It said that we should establish a police service commission which can deal with civilian issues regarding security. Once we have sorted this out, we hand over the issues to those who are trained in carrying guns and intimidating people. The element of preparing the raw materials that we will deal with and trying to vet who among you can do the job better is something that you should leave to us. Why are we not implementing that? I do not think that Kenya does not have the means to deal with insecurity. What we are doing is not using the opportunities we have in the Constitution; the opportunities that the Kenyan people gave us to do so.

Kenyans are very good. They notice insecurity and stay in their homes. However, the economy suffers. Now, it is our duty to get them out of their homes so that the economy can be a 24-hour economy. They will come out of their homes if they know that out there, they can feel at home. In our homes, we have a place to feel at home. Out there, we do not have a place to feel at home. It is the responsibility of those of us in Government to create a place to feel at home on the streets, in the Mosque, in the Movie houses, night clubs and so on.

Sen. G.G. Kariuki was very right. The profile of a criminal is not difficult to establish. In fact, in Kisumu, when we had the problems of Chinese and American security forces, we got a former policeman to do investigations. He completed and gave us a Report. The Report was handed to Sen. Orenge and myself. We went to the Minister of State for Internal Security gave him the Report which had a profile of the criminals,

the nature of China and American teams and the people involved and the people collaborating with them. We asked them to deal with it and that is when the China and American thing started going down. However, we did something as responsible Ministers. We used our own connections to get somebody to do the investigations. We found that the policemen had the profiles of these people.

I beg to note.

**ADJOURNMENT**

**The Temporary Speaker** (Sen. Murkomen): Hon. Senators, it is now time to adjourn the House. The Senate stands adjourned until tomorrow 9<sup>th</sup> April, 2014 at 2.30 pm.

The Senate rose at 6.30 p.m.