

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 6th March, 2024

Morning Sitting

*The House met at the Senate Chamber,
Parliament Buildings, at 9.30 a.m.*

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

PRAYER

DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

The Speaker (Hon. Kingi): Clerk, do we have a quorum?

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

Serjeant-at-Arms, kindly ring the Quorum Bell for 10 minutes.

(The Quorum Bell was rung)

Serjeant-at-Arms, I am informed that we now have quorum. You may stop the Quorum Bell.

(An Hon. Senator's phone rung)

Hon. Senator, whose 'child' is that?

(Laughter)

Clerk, proceed to call the First Order.

Sen. (Dr.) Khalwale, approach the Chair.

NOTICES OF MOTIONS

Proceed, the Chairperson Standing Committee on Finance and Budget.

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

Sen. (Dr.) Khalwale, can you proceed if you have the instructions to do so?

ADOPTION OF REPORT ON THE BUDGET
POLICY STATEMENT, 2024

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. Apologies on behalf of the Chairperson of Finance and the whole Committee. We have been in session from 7 a.m. We have just ended the meeting.

I rise to give notice of the following Motion on the Report of the Standing Committee on Finance and Budget on the 2024 Budget Policy Statement -

THAT, the Senate, adopts the Report of the Standing Committee on Finance and Budget on the 2024 Budget Policy Statement laid on the Table of the Senate on Tuesday, 5th March, 2024, and pursuant to Section 25 (7) of the Public Finance Management Act and Standing Order 186 (8), the Senate, approves the 2024 Budget Policy Statement.

RENEWAL OF MANDATE OF THE *AD HOC* COMMITTEE
ON 1998 USA EMBASSY BOMBING

The Speaker (Hon. Kingi): The Chairperson *ad hoc* Committee on the compensation to the Kenya victims of the 1998 bombing. Sen. Kavindu or any member of that Committee may proceed to give notice.

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

THAT, AWARE THAT, at the Sitting of the Senate held on 29th June, 2023, the Senate, resolved to establish an *Ad Hoc* Committee to investigate the compensation to the Kenyan victims of the 1998 bombing of the United States of America Embassy in Nairobi and report back to the House within three months of its establishment;

FURTHER AWARE, that on 3rd October, 2023 and on 15th November, 2023 the Senate resolved to renew the mandate of the *Ad Hoc* Committee for a further period not exceeding 45 days, and a further period not exceeding 100 days from 10th November, 2023, respectively, to enable the Committee to finalize and table its report in the Senate on or before 18th February, 2024;

APPRECIATING THAT, the Committee has a lot of work to execute before conclusion of its enquiry and reporting to the Senate;

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NOW, THEREFORE, the Senate resolves to renew the mandate of the *Ad Hoc* Committee for a further period not exceeding 100 days from 11th March, 2024, and to table its final report in the Senate on or before 19th June, 2024.

The Speaker (Hon. Kingi): Next Order.

QUESTIONS AND STATEMENTS

QUESTIONS

The Speaker (Hon. Kingi): Hon. Senators, we had scheduled seven questions for response by three Cabinet Secretaries today this morning. These are: The Cabinet Secretary for Roads and Transport, the Cabinet Secretary for National Treasury and Economic Planning and the Cabinet Secretary for Gender, Culture, Arts and Heritage.

However, at a sitting yesterday of the Senate Business Committee (SBC), we considered two letters, one from the Cabinet Secretary for National Treasury and Economic Planning and another from the Cabinet Secretary for Roads and Transport, indicating that they will not be able to be present today for purposes of responding to the queries.

The reasons they gave were found to be valid by the SBC. Therefore, those questions relating to Ministry of Roads and Transport and the Ministry of National Treasury and Economic Planning will be rescheduled to a later date.

Hon. Senators, that leaves us with the Cabinet Secretary for Gender, Culture, Arts and Heritage. Now, this morning, I received a letter signed by the Hon. Cabinet Secretary, Aisha Jumwa, indicating that due to a conflicting schedule, she will not be able to attend the session for purposes of responding to the Question relating to her Ministry.

Hon. Senators, we do not have a Cabinet Secretary this morning to respond to these Questions. Therefore, Question Time naturally collapses and we shall move to transact other businesses as scheduled in the Order Paper.

Question No. 010

ROAD ACCIDENTS INVOLVING SUGARCANE TRACTORS IN KISUMU COUNTY

(Question deferred)

Question No.11

PERFORMANCE METRICS OF KENYA AIRWAYS

(Question deferred)

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Question No.012

EXPANSION OF KERENGA AIRSTRIP

(Question deferred)

Question No. 013

CONSTRUCTION AND UPGRADE OF ROADS
IN NANDI COUNTY

(Question deferred)

Question No. 014

COMPENSATION TO LAND OWNERS DISPLACED BY ROAD CONSTRUCTION IN KITUI
COUNTY

(Question deferred)

Question No. 015

STATUS UPDATE OF AIRSTRIPS IN KITUI COUNTY

(Question deferred)

Question No. 016

PENDING BILLS OWED TO CONTRACTORS
BY KURA AND KENHA

(Question deferred)

Question No. 021

FAILURE OF E-CITIZEN DIGITAL PLATFORM TO
REFLECT PAYMENTS

(Question deferred)

*Question No. 025*ESTABLISHMENT OF PUBLIC LIBRARIES
IN ALL COUNTIES*(Question deferred)*

Proceed, Sen. Kathuri.

Sen. Kathuri: Mr. Speaker, Sir, thank you for that communication which I am not contesting. However, you know this is a House that has a lot of work to do.

When scheduling this business, there is a lot of considerations that are done, especially at the SBC. When a Cabinet Secretary (CS) postpones appearing before the House this very morning when we have scheduled already scheduled business, to me, I think that if we go that route, we will be disrespecting this honourable House.

There must be some timeframe within which the CS should communicate. The reason that CS is giving that she has a conflicting schedule of activities is not good enough.

Unless that schedule has been affected by the Head of the State, then we can consider it. However, if it is her programme, I think we should not go that route. This House should not be very comfortable when the Cabinet Secretary suspends or communicates in the very morning that he is supposed to appear before the Senate and then we take that matter lying down.

This House must be respected. If we continue allowing this kind of business or manners, then nobody will ever respect this honourable House. With a lot of pain, the hon. Senators woke up very early in the morning to beat the traffic, especially along Ngong Road.

Senator of Nairobi City County, we should raise that matter because you know most of us live in your county, but are struggling to get here in the morning. Those matters need to be discussed. We sacrifice a lot, including our schedules and other programmes so that we can be in this House as early as possible to wait for the hon. CSs. When they frustrate us after making all these sacrifices, I think that this is not honourable enough.

I know that the Cabinet Secretary for Roads and Transport communicated early enough and that of the National Treasury also communicated a day before yesterday.

Mr. Speaker, Sir, I speak personally, as Member of Meru County, not the Deputy Speaker so that I do not conflict myself in the office. I think these Cabinet Secretaries should do better than that.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Sen. Sifuna?

Sen. Sifuna: Bw. Spika, nilikuwa nimekinao Kiswahili changu kwa ajili ya ujio wa Waziri Aisha Jumwa ili tuweze kupatana moja kwa moja. Kwa hivyo, utaniruhusu nizungumze Kiswahili hicho ili kisiende bure hata kama hajafika.

(Laughter)

Kwanza nimjulisha Seneta wa Meru kwamba nimefanya kikao pamoja na Mwenyekiti wa Kamati ya Usafiri, Sen. Thang'wa na yule ambaye ni Balozi wa nchi ya Japan kuhusu shida za trafiki katika barabara ya Ngong.

Ametuahidi kwamba Serikali ya Japan kupitia ushirikiano na Serikali ya Kenya itazindua mfumo wa mabasi ya kasi katika barabara hiyo ya Ngong. Natumai itakupelekea kupata nafuu unapofika kazini hapa katika Seneti.

Jambo la pili ni kwamba mimi ni baadhi ya wale wanaokaa katika Kamati ya Kuratibu Shughuli za Seneti. Kwa kweli tunapata msukumo kutoka kwa hao wenzetu ambao tunawakilisha katika Kamati ile.

Ukiangalia ratiba ya Maswali ambayo yalikuwa yashughulikiwe leo, Mhe. Enoc Wambua ametoka Kitui leo asubuhi ili aweze kuuliza Maswali yake kwa yule Waziri wa Babarara na Usafiri.

Kuna maswali mengi hata mimi nilikuwa nataka nimuulize Waziri wa Masuala ya Kifedha kuhusu mfumo mzima wa *E-Citizen* ambao Wakenya wengi wanatusukuma tufanye jambo juu yake. Kwa hivyo, ni jambo la kuvunja moyo sana, haswa kwa Waziri Aisha Jumwa ambaye nilimuona juzi akiwa maeneo ya kule Western akiwarai wakaazi wa Vihiga kutoruhusu viongozi fulani iwapo maoni yao yatakinzana na maoni yake ama maoni ya watu wa mrenge wake.

Nilishtuka sana kwa sababu najua Mawaziri hawafai kujiingiza katika siasa. Na aliibua hisia kali sana kwangu kwa sababu alizungumzia suala ambalo lilikuwa linanihusu wakati mmoja nikiwa katika eneo bunge lake.

The Speaker (Hon. Kingi): Seneta wa Nairobi

Sen. Sifuna: Bw. Spika, namaliza.

The Speaker (Hon. Kingi): Hoja iliyo mbele ya Seneti kwa sasa ni kutokuwepo kwa Mawaziri. Waliyoyafanya wiki iliyopita ama mwezi uliopita hayaambatani kamwe na hoja ambayo iko mbele yetu.

Sen. Sifuna: Nimekuelewa, Bw. Spika.

The Speaker (Hon. Kingi): Labda uzungumze pengine unashumu vikali ama---

Sen. Sifuna: Bw. Spika, ndio, nachangia huo ukali, tafadhali.

The Speaker (Hon. Kingi): Lakini unaanzia mbali sana.

(Laughter)

Sen. Sifuna: Dakika moja tu nimalize.

Kitu nilichokuwa nataka kiibuke wazi ni kwamba Mawaziri hawa wanapata nafasi ya kufanya mambo mengine lakini shughuli ya Seneti hawazipatii kipaumbele. Alikuwepo kwenye mazishi. Nimetoka kwenye stesheni ya radio ya Kenya Broadcasting Cooperation (KBC) na wakaniambia walikuwa naye jana katika kituo hicho.

Kama anapata nafasi ya kuhudhuria mazishi na kuwakemea viongozi wengine na pia kwenda katika vyombo vya habari, kwa nini asije hapa na sisi tupate fursa ya kuzungumza naye?

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Sen. Gloria Orwoba wiki iliyopita alitukemea sana, haswa viongozi wa vyama ambao walishiriki katika Kamati ya Maridhiano ya Kitaifa iliyokuwepo. Aliteta kwamba tuliwacha masuala ya akina mama nyuma. Nilikuwa nataka Bi.Waziri aje hapa adhihirishe kwamba sio kwa kukosa kuwasilisha hoja zetu kama viongozi wa Orange Democratic Movement (ODM) bali kuna masuala ambayo yalikuwa yanafanyika ndani ya Wizara yake. Kwa hivyo, ni yeye pekee alikuwa anaweza kuniondoa kwa mtego uliokuwa umetegwa na Mhe. Gloria lakini sasa hayupo hapa.

Kwa hivyo, mimi ninakemea vikali kukosa kuja mbele ya Bunge kwa Mhe. Aisha Jumwa, haswa kwa sababu wenzake wengine walikuwa na ile *courtesy* ya kuandika barua kwa Spika---

The Speaker (Hon. Kingi): Heshima

Sen. Sifuna: Heshima! Asante, Bw. Spika. Walikuwa na heshima kwa Seneti kuandika barua kusema kwamba---

A Hon. Senator: *Katesi*

Sen. Sifuna: Ama *katesi*. Naambiwa unaweza sema *katesi*.

(Laughter)

Wakaandika barua kujulisha Wabunge kwamba hawangefika.

Bw. Spika, nataka nikuombe ombi moja tu. Wakati tulipokuwa katika mkutano wa SBC, niliuliza swali hilo. Je, kuna njia gani ya kuwajulisha wale ambao wameuliza Maswali mapema kwamba hayatapata kujibiwa kwa sababu Waziri ameandika barua?

Nilielezwa kwamba kutakuwa na ugumu kwa sababu wenzetu hawa wakiambiwa kwamba Waziri hatakuja, nao pia hawatakuja. Tungependa Mhe. Kathuri Murungi apambane na hali yake kule Ngong Road afike hapa hata kama Waziri hayuko tuweze---

Sen. Kathuri: Hoja ya Nidhamu Bw. Spika.

The Speaker (Hon. Kingi): Hoja ya nidhamu yako ni ipi?

Sen. Sifuna: Niko kwa hoja ya Nidhamu

Sen. Kathuri: Hii imeruhusiwa. Hoja yangu imeruhusiwa vizuri na Bw. Spika. Sio vyema Seneta wa Nairobi kuyaweka wazi mambo yanazungumzwa kwa mkutano wa SBC. Ni bora kweli aje hapa kwa Seneti na kuyaweka hayo maneno wazi? Na mbona anatoa siri ya Kamati ya SBC?

(Laughter)

The Speaker (Hon. Kingi): Asante sana. Seneta wa Meru, utendakazi wa Seneti unafanyika katika Ukumbi huu na pia katika kamati zenu. Hakuna siri ambayo twaweza kuificha maana kazi ile yote ni kazi ya Seneti.

(Applause)

Kwa hivyo, Seneta wa Nairobi amefanya vyema kuweka paruwanya vile hali ilivyokuwa kule. Endelea umalizie mchango wako.

Sen. Sifuna: Asante, Bw. Spika, kwa kuniokoa kutoka kwa mikono ya Seneta wa Meru. Kwa kweli mimi ni mwakilishi pale SBC wa hawa wenzangu hapa. Ni muhimu kwamba yote yanayoendelea pale tuwajuze kwa sababu kama vile umesema wewe mwenyewe, hakuna siri.

Kwa hivyo, mimi naomba kuwe na mfumo hata kama arafa itaandikwa kwa yule Seneta aliyekuwa ameuliza mwenyewe pasina kuweka paruwanya kama vile ulivyosema. Mwenye kuuliza maswali haya ajulishwe kwamba kwa bahati mbaya ama kwa sababu moja ama nyingine, yule Waziri aliyekuwa anataka kumuuliza maswali hatafika ili watu waweze kujipanga.

Ni vizuri tuwe hapa kwa ajili ya shughuli zingine za Seneti. Natumai kwamba kikao hakitatibuka kwa huu utovu wa nidhamu ulionyeshwa na wale Mawaziri kama Aisha Jumwa.

Nakushukuru, Bw. Spika.

The Speaker (Hon. Kingi): Sen. Bonnie?

Sen. (Dr) Khalwale: Thank you, Mr. Speaker, Sir.

A Hon. Senator: Zungumza Kiswahili

Sen. (Dr) Khalwale: Kwani wewe utanifundisha vile nitazungumza katika Seneti?

(Laughter)

The Speaker (Hon. Kingi): Sen. (Dr.) Khalwale, do not engage your colleagues. Talk through the Chair.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I have this inkling that the Minister who has been so rude as to fail to come this morning is holed up somewhere following these proceedings now just to see how we are going to handle her case. I request you to allow the House to exercise Standing Order No. 51(d). Since the Minister is watching these proceedings, 51(d) states as follows:

“(d) Non-attendance by Cabinet Secretaries.

The Senate may, where a Cabinet Secretary fails, without reasonable cause, to appear and respond to Questions under this Part, move a motion to censure the Cabinet Secretary.”

(Applause)

This Minister is now ripe for a Motion of censure because she has never appeared before this House. Severally, we have asked her to come and respond to matters of grave national importance. She is a let down to the structure of Government. She is failing the Executive.

With due respect, without being seen to be using the name of the President, I put it to the President that this is dereliction of duty. This Minister is not fit to hold public office. If she was, she would not have failed to find time to be here this morning and last week find time to go and consult with the leader of the opposition in-waiting, at his

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Capitol Hill office. Why does she choose to transact matters on gender two-thirds rule at Capitol Hill and she cannot come and appeal for the same in this House?

Mr. Speaker, Sir, you must use the vast powers in your possession to protect the integrity of the Senate. A Minister cannot believe that she can hold us at ransom. There are so many young women, middle-aged women and women of advanced age who are fit to serve this country as Ministers.

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

The Speaker (Hon. Kingi): What is your point of order, Sen. Oketch Gicheru?

Sen. Oketch Gicheru: Mr. Speaker, Sir, I rise under Standing Order No.105 on Statement of Fact. The good Senator from Malinya, the Senator of Kakamega, has indicated that the Minister went to Capitol Hill to transact on a particular gender about women. Can he prove to this House that he is privy to the conversation that the Minister had in Capitol Hill whether they were formal or informal conversations? Was he privy to the agenda?

The Speaker (Hon. Kingi): Sen. Oketch Gicheru, let us save time and transact business. You know there was a press conference after the meeting and everything is in the public domain.

Sen. (Dr.) Khalwale, please conclude.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, I want to appeal to the young Senator from Migori---

The Speaker (Hon. Kingi): Do not appeal. Just proceed to conclude your remarks.

Sen. (Dr.) Khalwale: If we must defend certain positions, let us defend them reasonably.

The Speaker (Hon. Kingi): I have already told him that. Just proceed.

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir. We worked so hard to form this Government; you, I and many others. We were not working hard so as to allow people in office who would then be tiptoeing in and out of office. We wanted people to stamp their authority so that our women---

I believe Sen. Orwoba is the youngest in the House. She should be appointed as Minister in place of this *mama* who does not have any idea of how important it is to appear before this House.

(Loud consultations)

Sen. Miraj is the youngest? She was quarrelling me that is why I did not---

The Speaker (Hon. Kingi): If you are done kindly take your seat. Sen. Wambua, please proceed.

Sen. Wambua: Mr. Speaker, Sir, I stand to condemn in the strongest terms possible this trend that is gaining root in this House that Cabinet Secretaries (CSs) decide whether or not, to attend committee meetings or plenary and they know somehow that they can get away with it.

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I have argued elsewhere and I want to argue here as well that we are the leaders to give this House the dignity that is due to it. It will not happen if we entertain a situation where hon. Senators wake up early on Wednesday morning fully aware that they are coming to interact with CSs on matters related to dockets that this CSs had and out of three, not a single CS shows up.

In other jurisdictions, the chair would stamp the authority of this House and demand that if there is a CS within the boundaries of this country, they must appear before this House in the next 30 minutes and that would happen.

This is such a casual way of dealing with the Senate and yet we are not even overreaching our mandate as a Senate. Article 153 of the Constitution is clear on the decisions, responsibility and accountability of the Cabinet. It states very clearly in black and white and I read:

“153 (3) A Cabinet Secretary shall attend before a committee of the National Assembly or the Senate when required by the committee and answer any question concerning a matter for which the Cabinet Secretary is responsible.”

Mr. Speaker, Sir, that statement is as explicit as it can get. The decision by the CS for Roads, Transport and Public Works, that is where I am going to begin. I have two Questions that are listed for a response from the CS responsible for roads.

He knows very well wherever he is that the matters that I am raising in those Questions are matters that he addressed himself to when he was a Senator in this House representing Elgeyo Marakwet County. Now he is a CS and he can make a decision on the compensation of the persons affected by a road project from Kibwezi all the way to Mwingi yet he just decides to stay away. I take great exception to that decision.

Lastly, is on the matter of CS for Public Service, Gender and Affirmative Action, Hon. Aisha Jumwa. I was excited about today's sitting because there is a matter that we would have put to rest today. There have been accusations and counter accusations from our hon. lady Senators and from the women of this country about the place of the two-thirds gender rule in the National Dialogue Committee (NADCO) report.

I wanted to have a face-to-face conversation with the CS responsible for that matter on the Floor of this House, so that she could tell us what role she played. We would have put this matter to rest today. This is because she approached the NADCO and requested the matter to be removed from the discussion because there was something that she was doing and she was sure that she would succeed. We would have held a conversation around it today and settled that matter.

Mr. Speaker, Sir, I am still pursuing the line that you have been given the power by the supreme law of the land, to demand that in the next 30 minutes, Cabinet Secretary, Hon. Aisha Jumwa, makes an appearance on the Floor of the Senate so that we transact that business and get done with it.

I submit.

The Speaker (Hon. Kingi): Sen. Mungatana, please, proceed.

Sen. Mungatana, MGH: Asante, Bw. Spika, kwa kunipa nafasi nitoe maoni yangu. Leo, Mawaziri wa Fedha, Barabara na Usafiri, na wa masuala ya jinsia hawakufika hapa Bunge la Seneti.

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Kanuni ya Kudumu 51(d) ambayo Sen. (Dr.) Khalwale ameitaja ina adhabu kubwa sana kwa hao Mawaziri ambayo ni kuleta hoja ya kuwatoa kazini. Lakini, mimi ningefikiria ya kwamba SBC wangekaa ili tubadilishe ama tuiongezee sheria hii.

Bali na kutumia nyundo kuua inzi, tungeweka kwamba ikuwe ni *automatic*. Waziri akikosa kufika kwa mara ya kwanza, bila kuuliza swali ni milioni moja. Mara ya pili iwe ni milioni tano na Waziri analipa yeye mwenyewe. Mara ya tatu, tuleta hoja kupitia Kanuni ya Kudumu 51(d).

Ninaomba wenzetu ambao wanakaa kwa SBC, watengeneze kitu ambacho tunaweza kukitumia kiwe ni *automatic*. Sio lazima, Bw. Spika, awe akitoa *ruling*.

Ukikosa kufika mara ya kwanza ni milioni moja, mara ya pili iwe ni milioni tano, mara ya tatu iwe ni hoja na iwe ni *automatic*, sio kitu ambacho tunakuja *kudebate*.

Bw. Spika, tukigeuza Kanuni za Kudumu zetu, itatusaidia kupeleka *message* kwa hawa wenzetu ambao wamekaa kwa nafasi hizo, ya kwamba ni lazima tuheshimu Seneti na pia tuheshimu nafasi ambazo sisi tunafanya kwa niaba ya wananchi.

The Speaker (Hon. Kingi): Sen. Maanzo, you have the Floor.

Sen. Maanzo: Thank you, Mr. Speaker, Sir. I agree with my colleagues who have spoken before us that the Senate does not sit here in vain. We amended the law to bring Cabinet Secretaries to the House to answer questions. Therefore, Cabinet Secretaries must take it seriously.

I agree with Sen. Mungatana, that it should become punitive unless there is a sufficient reason, which can only be a Cabinet meeting. No other reason. Even if one proves that they are unwell, they should give notice early enough. Not the way Hon. Aisha Jumwa has done, to send a letter this morning. It is ridiculous and disrespectful to this House.

I urge you to stamp your authority and she be awarded 30 minutes to appear before this Senate or face the total consequences of impeachment.

The Speaker (Hon. Kingi): Sen. Cherarkey, please, proceed.

Sen. Cherarkey: Thank you, Mr. Speaker. I join my colleagues in expressing the strongest reservations on what we should be doing.

When we amended the Standing Orders, it was in the interest of the people we represent. We do not represent ourselves. We used to see this habit of Cabinet Secretaries not appearing when required in committees. However, it looks like we have been lax enough that they are now taking Plenary for granted.

If we were aware that the Cabinet Secretaries for Roads and Transport, National Treasury and Economic Planning, and the one for Gender, Culture, the Arts and Heritage were not going to appear, we would not have scheduled them on the Order Paper. We would be doing Motions, Bills, or other Statements.

It is very unfortunate because today in the morning, we woke up very early. Yesterday, I heard through rumours that Cabinet Secretaries would not be appearing. I wish that in the future, as my colleagues have suggested, they communicate to us.

I am the heaviest casualty because three-quarters of the questions that were to be asked were through yours truly. The people of Nandi County were glued to their television stations knowing that we would get real answers today on the status of roads.

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The nation was glued on TV that today, we would know the status of Kenya Airways (KQ) and its financial operations. Many people from Kericho County would have known the status of the renovation and expansion of Kerenga Air Strip in Kericho. So, I find it out of place.

I remember during the era of the late President Kibaki, if you were supposed to appear before Parliament, he would prefer that you appear before going to any other State functions.

We have also agreed on the Floor of this House before that the two important functions of a Cabinet Secretary or Executive are a Cabinet meeting and appearing before Parliament.

This is a calculated evasion of not appearing before this House. You are the Chairperson of the SBC. You need to provide guidance. I agree with what the Senators have said that any Cabinet Secretary who does not appear when required by this House, should be fined heavily.

I am happy that the Powers and Privileges Bill passed yesterday. One question goes with 5 million, and they pay from their own sources. So, looking at my questions, the Cabinet Secretary should have paid around Kshs20 million. I know some of the Cabinet Secretaries do not have a problem with it because nowadays, they have a lot of money.

Finally, is on the issue of gender. I express reservations. Although he has left, I agree with the Deputy Minority Leader. He said that these Cabinet Secretaries are busy answering us in *matangas*, baby showers, bridal showers and birthday parties, but they cannot come to answer us.

I have always been answered in funerals which I find out of place and obnoxious. When I give the Cabinet Secretary for Roads and Transport a chance to come and answer these questions on behalf of the great people of Kenya and Nandi County, he does not find it convenient. However, if they hear that this weekend there is a social function of any nature, they will hire a chopper and fly there to answer questions before the people.

They should stop taking Kenyans for fools. We cannot operate this way. My advice to the Cabinet Secretaries is that they should minimize going to social gatherings and use this premium platform, where it is organized. They answer, clarify, table evidence instead of waiting for functions or harambees to happen during the weekend to give out money and bamboozle Kenyans, gallivanting, perambulating, which does not help in any way.

On the Cabinet Secretary for Gender, Culture, the Arts and Heritage, I am one believer that hon. Aisha Jumwa is doing extremely well. However, today I am disappointed. This is because when we were debating the NADCO Report, you guided us.

I saw some people trying to blame you yesterday. However, they do not know how wise you are. I beg you to forgive them because they are trying to blame you on the issue of NADCO.

When the NADCO report was presented, we were told that there was a tactical calculated move by the Ministry for Gender, Culture, the Arts and Heritage, that they were doing something mysterious to address the issue of the one-third gender rule.

I woke up on behalf of all women, girls, and many others, to come and listen to this strategy that is being employed by the Ministry to address the one-third gender crisis. The number of women Senators in the House today is quite high. We really wanted to find out how to solve this issue of achieving the two-thirds gender rule that has been there since 1994. I want to assure women leaders of this country that there is hope because the President himself believes in the two-thirds gender rule.

I agree with my colleagues. Let the Cabinet Secretary appear in the next 30 minutes. We can suspend the House. There is no Cabinet meeting today. Therefore, there is nothing urgent they are attending to.

Mr. Speaker, Sir, why do you not suspend the House and order the Cabinet Secretary to appear within 30 minutes? She should also come with a fine to ensure that Senators are comfortable. Going into the future, let the SBC guide us and be innovative. We are not guiding the SBC; you are the ones guiding us. Let us be innovative.

I urge colleagues that issues of the Senate should remain here. When you want to make comments in press conferences, funerals and other places, kindly reserve them. Do not discuss the conduct and functionality of the Speaker of the Senate.

Members of the 'Lower' House defend their own Speaker. We should also defend ours. If you have a problem, kindly discuss it with your wife in your bedroom at night, but do not bring it out in public.

Mr. Speaker, Sir, I express strong reservations against non-appearance of the Cabinet Secretaries.

I thank you.

The Speaker (Hon. Kingi): Proceed, Sen. Oketch Gicheru.

Sen. Oketch Gicheru: Mr. Speaker, Sir, I would like to start by saying that on 30th November, 2023, the Prime Cabinet Secretary was to appear before this House. If you can remember, he did not appear. Colleagues and esteemed Senators pronounced themselves on that issue very strongly. However, it appeared like it ended there because we did not take any action.

Mr. Speaker, Sir, I empathize with you. Today, the Senate Majority Whip invited our attention to Standing Order No.51(d) which states that-

“The Senate may, where a Cabinet Secretary fails, without reasonable cause, to appear and respond to Questions under this Part, move a motion to censure the Cabinet Secretary.”

Mr. Speaker, Sir, I understand that the requirement of this particular Standing Order is to the extent that the Speaker who is a neutral figure in running the House, cannot initiate any action under that particular Standing Order. Therefore, it behoves my fellow colleague Senators to take action.

I would have wanted to see, perhaps, Sen. Mungatana or Sen. (Dr.) Khalwale, taking action by coming to this House and presenting a Motion to censure that particular

Cabinet Secretary for disrespecting this House. That is the way we should move as a Senate.

Mr. Speaker, Sir, I wanted to protect you because you have been protecting us many times.

As Senators, we are elected by reasonable people. That is why the word “reasonable” appears in that particular Standing Order. We are not malicious to the extent that if there is any Cabinet Secretary who takes us at our own estimate because of the seriousness that we bring to this country as a House, then they should take us seriously. Why do I mean by this?

I am in possession of the three letters from the Cabinet Secretaries who were supposed to be in this House today. I would argue a case on which kind of Cabinet Secretaries we should censure and those we should not.

Mr. Speaker, Sir, on 28th February, 2024, the Cabinet Secretary for Roads and Transport, Hon. Murkomen, wrote a letter requesting for rescheduling of an appearance date before the Senate Plenary. His reasons were as follows. He accepted that he received a letter from this House dated 27th February, 2024. He responded on 28th; a day after receiving it.

He stated that; “Unfortunately, the date of my scheduled appearance before the Senate coincides with a hearing in the matter of arbitration proceedings between the KU Railways Holding (KURH) Limited versus the Republic of Kenya and the Republic of Uganda in London, United Kingdom (UK). That is an emerging issue.

I am privy to the fact that this letter was considered by the SBC. Therefore, an understanding was reached with this Cabinet Secretary. A reasonable House like the Senate would not censure this Cabinet Secretary because he has been respectful. He wrote the letter on time and, indeed, responded in record time, to the extent that the SBC deliberated on it. I do not see any problem with it.

The second one is the Permanent Secretary (PS), Hon. (Dr.) Chris Kiptoo, *daktari mwenyewe*. He responded to the request for him to appear before this House. I might invite the Senate to consider his reason. He said he would be out of the country attending the 56th Session of the Economic Commission for Africa and Annual Conference of African Ministries on Finance. He even stated the date.

Speaking of finance and budget matters and knowing how much we are struggling as a country to create a debt management strategy, this is an important meeting that the Cabinet Secretary has to attend. What impressed me is that he responded on 29th and it went to the SBC where it was considered and communications were made.

The other one is from Cabinet Secretary, hon. Aisha Jumwa. I am privy to the fact that her letter came yesterday when the Senate had already adjourned. My colleague Senators had to come here in the morning, knowing well they were expecting the Cabinet Secretary.

The contents of her letter are as follow:

“The purpose of writing this letter is to confirm that I forwarded the responses to the Statement sought by Sen. Hamida Kibwana on gender-based

violence in Kenya's political space. Further, due to conflicting schedule, I will not be able to attend the meeting scheduled to take place on Wednesday.''

The other Cabinet Secretaries have indicated that they would desire to be here and request for rescheduling of the meeting. However, the other Cabinet Secretary is telling us that she will not attend the meeting on the day we want her to and that she gave her responses to whoever asked. She does not even recognize that these people represent the larger population. What she implies is that if we find that her responses are not adequate enough, we can consider inviting her again to the Senate.

Mr. Speaker, Sir, Chapter 10 of the Constitution talks about three serious Cs that we, as a House, must deliberate on. The first one states that a leader who holds public office like hon. Aisha Jumwa and even ourselves, must be capable. Secondly, they must be competent, and thirdly, they must be credible. All those Cs are disputed by the contents of this letter.

This is the highest level of disrespect not only to you as the Speaker, but also to this House.

In response to the content of the letter we received from hon. Aisha Jumwa, this House must invite the content of Standing Order No.51. As a Member of this House, I wish the Majority side the courage, especially, the Majority Whip. This afternoon, draft a Motion and bring it to this House for the censorship of this Cabinet Secretary. This is the highest level of disrespect.

I have shown you clearly why I will take the responses of the other two Cabinet Secretaries as reasonable. Secondly, we are respectful of the time of our Speaker and the respect to this House. More importantly, it is accountable to the people of Kenya. However, the no-show from the hon. Aisha Jumwa is unacceptable. For us to send a message of why we have Standing Order No.51(d), this Cabinet Secretary must be censored.

If the Majority Whip does not have the courage to draft that censorship Motion and the Senator for Nandi does not dare to, I will take the courage and draft the Motion. So that, as a House, we send a message to Cabinet Secretaries that we are not here to waste our time.

We have many amazing Bills. I have read the Bill from the Senator from Mombasa, Sen. Miraj, who cares about gender issues more than what the Cabinet Secretary has done in a case where violence is killing women in this country. I need to spend time considering that Motion.

We have many other good Bills in this House that we need to spend our time discussing rather than discussing the absence of Cabinet Secretaries every single time.

As I sit, this Cabinet Secretary needs a serious response from this House. I hope the Majority side, led by Sen. (Dr.) Khalwale, *alias* "the bullfighter," will act. If they do not, I will bring that Motion today or tomorrow. I hope the Senators will find the Motion reasonable and good for the people of Kenya and the Cabinet Secretaries.

The Speaker (Hon. Kingi): Sen. Kinyua, proceed.

Sen. Kinyua: Asante, Bw. Spika kwa kunipa fursa hii kuchangia. Mwanzo, nakashifu mazoea ya Mawaziri kukosa kuja kwenye vikao vya Seneti ilhali, kwenye orodha ya shughuli bungeni tulikuwa tumenukuu mambo kadhaa ili tuweze kuyaangazia.

Naungana na Sen. Mungatana kupinga kutumia Kanuni za Kudumu nambari 51(d) kwani tutakuwa tumetumia nguvu nyingi kwa Waziri wa Jinsia, Utamaduni na Ustawi wa Jamii. Wengi walioongea wamesema Waziri wa Barabara na yule wa Fedha walipeana sababu tosha, lakini waziri wa jinsia achukuliwe hatua kali.

Kama vile Sen. Mungatana alivyopendekeza kwenye SBC, tuweke faini ambayo tutapiga Waziri kabla ya kumtimua. Faini ya shilingi milioni moja ama tano. Waziri akikosa kufika hapa kwenye Bunge hili tuangalie kama amepeana sababu ambayo inafaa. Pengine ameenda shughuli rasmi ambayo hawezi kukosa kwenda.

Sen. Oketch Gicheru amesema kwamba yule Waziri ameenda mahali ambapo kunafaa. Sababu yuko mbele ya Kamati ya Fedha na Bajeti, na hangeweza kuja. Nakubaliana na Sen. Mungatana kwamba kuwe na mfululizo mzuri. Leo ni Waziri wa Jinsia, Utamaduni na Ustawi wa Jamii anatumiwa kwa kutokuja.

Kuna wakati ambao nilingoja Waziri wa Usalama, nikiwa nimejitayarisha na maswali kwa sababu wakaaji wa Laikipia walikuwa na changamoto na maswala ya usalama. Vilevile shida nyingi ambazo watu wanapitia Kaunti za Elgeyo Marakwet na Baringo. Tunapanga maswali ya kuuliza lakini Waziri anasema kuwa hataweza kuja. Sababu ya kutokuja inatosha kwani ataashiria kuwa kulikuwa na maafa Lamu. Haya ni mambo ya dharura. Nakubaliana na Sen. Mungatana mia kwa mia.

Waziri anaweza kuwa na upendo na anataka kuja. Hata hivyo, tusije tukakejeliwa kama Seneti kwa kufanya jambo hili liwe mazoea. Kwa mfano, tukubaliane kuwa leo, Waziri Murkomen, asije. Kama mawaziri hawatakuja kuyajibu maswali hapa, basi tuondoe kwenye Kanuni zetu za Kudumu. Tukutane na wao kwenye mazishi na kuwauliza maswali ama kwenye kamati zetu kama desturi ya awali.

Nakubaliana na wale walioongea awali ila namuuliza Sen. Oketch Gicheru na Mratibu wa walio Wengi, Sen. (Dr.) Khalwale, kuwa kwa leo tusilete hoja ya kumtimua Waziri wa Jinsia, Utamaduni na Ustawi wa Jamii. Waziri aarifiwe kuwa amefanya makosa.

Maseneta wengi wanakurai kuwa uandike barua ama utoe hukumu ikiwaelekeza wafike kwenye Bunge hili kwa dakika 30. Nakuomba kwa leo uarifu mawaziri hawa kuwa kosa limetendeka na kutoa msimamo mkali. Tusimame wima kama Bunge la Seneti ili tusidharauliwe na kukejeliwa.

Nashtumu kitendo kilichotendeka. Asante kwa kunipa fursa hii.

The Speaker (Hon. Kingi): Sen. Miraj, proceed.

Sen. Miraj: Asante, Bw. Spika, kwa kunipa fursa hii ili nitoe hisia zangu kutokana na kutofika kwa Mawaziri wetu katika kikao chetu cha asubuhi.

Ni jambo la kutamausha, kukasirisha na kughadhabisha. Tumeamka mapema na kuwacha vitanda vyetu ili tupate mwelekeo wa maswali ibuka. Wengine ambao hatukuweza kupendekeza maswali tuulize maswali ya ziada.

Sitakubaliana na Maseneta wenzangu. Mawaziri ambao hawakuweza kufika hapa ni watatu. Lakini kidole cha lawama kimenyooshewa Waziri ambaye anatoka Pwani.

Ni jambo la kutamausha kuona kuwa sisi watu wa Pwani, haswa viongozi, tunaangaliwa kama njia moja ya kuvutia miguu mambo yote. Ni mara kadha Mawaziri wameitwa kwenye Bunge hili na hawafiki, lakini sioni kwa nini kila mtu anamnyoshea kidole cha lawama dadangu, kiongozi kutoka Pwani. Kwani yeye sio binadamu ama kiongozi ambaye anaweza patwa na dharura.

The Speaker (Hon. Kingi): What is your point of order, Sen. Mandago?

Sen. Mandago: Bw. Spika, je, ni haki Sen. Miraj kudai ya kwamba wapwani wanaangaliwa---

The Speaker (Hon. Kingi): Sen. Mandago, ni kanuni gani ya Kudumu ambayo unataka kuitumia kwenye hoja hii?

Sen. Mandago: Standing Order No.105 on Responsibility for Statement of Facts.

The Speaker (Hon. Kingi): Sen. Mandago, ukichagua kuzungumza lugha ya Kiswahili, itabidi uendelee---

Sen. Mandago: Bw. Spika, umenichanganya.

(Laughter)

Ni haki Sen. Miraj kudai kuwa watu wa Pwani wanaonewa kwa njia ya kuvutia miguu ilhali katika Serikali hii, wewe ni Spika wa Seneti ambayo ni *'upper' House*. Mhe. Waziri Aisha Jumwa ni baadhi ya wale wamama wachache wameteuliwa Serikalini. Sen. Miraj *amenominetiwa* kuwa kwenye Bunge hili.

The Speaker (Hon. Kingi): Sen. Mandago, tumia Kiswahili sanifu. Hakuna neno kama *'nominetiwa,'* ni *'ameteuliwa.'*

Sen. Mandago: Ameteuliwa, Bw. Spika.

(Laughter)

Kwa hivyo, je ni haki Sen. Miraj kufanya madai ambayo amesema kwenye Seneti hii?

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

Sen. Miraj: Bw. Spika, yangu si---

The Speaker (Hon. Kingi): Sen. Miraj, ngoja kuna hoja ya nidhamu nyingine hapa.

Sen. Cherarkey: Mr. Speaker, Sir, I rise under Article 152 (4) (a) of the Constitution. Since there is an assertion by Sen. Miraj that the CS, hon. Aisha Jumwa, is being targeted because she comes from Coast. This is a very unfortunate statement.

Article 152 (4) (a), states that -

“Each person appointed as a Cabinet Secretary -

(a) assumes office by swearing or affirming faithfulness to the people and the Republic of Kenya and obedience to this Constitution, before the President and in accordance with the Third Schedule.”

Mr. Speaker, Sir, is it in order for Sen. Miraj to assert and state that the reason the CS, hon. Aisha Jumwa, is being targeted is because she comes from Coast? I think the

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President appointed the hon. CS Aisha Jumwa out of competency and meritocracy. It was not because she came from the Coast. It is because we believed she would perform as a CS.

Mr. Speaker, Sir, can she withdraw because it will not look very good in our HANSARD and before the eyes of Kenyans. We do not want to see any CS, through the eyes of regions, tribe, ethnicity or religion.

The Speaker (Hon. Kingi): Sen. Miraj, certainly your statement is out of order. In fact, it goes to impute improper motive on your colleagues that the reason they are raising their concerns on why the CS is not present, is solely because she is from the Coast.

Kindly, proceed to withdraw that.

Sen. Miraj: Asante, Bw. Spika. Labda Kiswahili changu ndicho kimewakanganya.

(Loud consultations)

Wacha niendelee tafadhali. Bw. Spika, tafadhali nilinde.

The Speaker (Hon. Kingi): Sen. Miraj, I have made a ruling.

Sen. Miraj: Ndio maana nasema natoa kauli na ninaomba msamaha ikiwa hivyo ndivyo nilivyoeleweka.

The Speaker (Hon. Kingi): Endelea na kutoa hoja yako.

Sen. Miraj: Mawaziri wote wameandika barua na kweli nakubaliana na Seneti kwamba, Waziri Aisha Jumwa, ameandika barua kwa kuchelewa.

Hata hivyo, katika kauli za Maseneta wenzangu walipokuwa wamesimama kuzungumzia kutamaushwa kwao, hakuna hata mmoja ambaye amekupa wewe rai ya kuweza kumtafuta Waziri na kumuuliza ni kitu gani haswa ambacho kimemfanya yeye asiweze kufika hapa leo?

Wameweza kuwaelewa Mawaziri wengine na wakakubali zile changamoto ambazo wamesema wako nazo. Kwa nini iwe ni Waziri Aisha Jumwa pekee yake na ni Mawaziri watatu ambao sote tumerauka ili kuja kuwauliza maswali?

Masuala ya jinsia ni ya kila mtu, sio ya jinsia ya kike pekee yake. Kweli tulitamaushwa na yale yaliyoendelea katika ripoti ya NADCO, lakini ilibainika wazi ya kwamba viongozi wa kike tulikwenda kupitia majopo tofauti tofauti na tukatoa hisia zetu.

Hata hivyo, wanakamati wa NADCO wenyewe waliamua kwamba watawachia majukumu hayo Wizara na ile Kamati ambayo alibuni ili waweze kupea mwelekeo sahihi ambayo wanataka.

Waziri Aisha Jumwa, hakuna mkono wowote ama lengo lolote la kuweza kuondoa azma ya wanawake kufikia jinsia ya theluthi mbili katika Katiba yetu ya Kenya.

Ningependa pia ---

The Speaker (Hon. Kingi): Sen. Miraj, let the hon. CS, when she appears, shed light on that subject. We are not here to defend any CS. The information you are giving is better given by the CS herself when she appears next.

Have you concluded your remarks?

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(Sen. Miraj, spoke off record)

The Speaker (Hon. Kingi): Thank you, Sen. Miraj.

Proceed, Sen. Wafula.

Sen. Wafula: Asante, Bw. Spika kwa nafasi hii. Ni jambo la kutamausha sana sisi kama Maseneta kurauka asubuhi na mapema, wengine kupuuzilia mbali staftahi ili tuje tujadili mambo muhimu ya Serikali na nchi ya Kenya.

Bw. Spika, baadhi ya Mawaziri ambao wamealikwa hapa ni lazima wajue kwamba kuja kwao hapa kuttoa mwelekeo na suluhisho ama kupea matumaini kwa Wakenya.

Mhe. Rais amekuwa akizuru pembe mbalimbali za nchi ya Kenya akiahidi na kupea mwelekeo kwa miradi ya maendeleo kwa Wakenya. Miradi hii ambayo yeye hupea mwelekeo, wale ambao lazima watekeleze ni Mawaziri ambao wachache wao wamealikwa hapa na wamefeli kufika.

Waziri wa Barabara na Uchukuzi anajua jinsi viongozi, kwa mfano, wa Mkoa wa Magaribi, hususan Bungoma, wamekuwa wakidai na kuitisha uwepo wake mashinani ili ajionee na aelewe ni sababu zipi zinashinikiza sisi kudai miradi ya maendeleo na barabara.

Barabara ya Musikoma kwenda Mungatsi, barabara ya kutoka Kakamega kuja Musikoma na barabara kutoka Chwele kwenda Lwakhakha, ni lazima Waziri huyu aamke kutoka usingizi wa pono, atembe wima na ajue Kenya tunalipa ushuru. Hatutangoja Mhe. Rais azuru, atuahidi peupe mchana na Waziri amejifunga kwenye mahandaki akipora na kufurahia jasho la Wakenya.

Juzi nimeuliza Maswali hapa kuhusiana na mimba za mapema.

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

The Speaker (Hon. Kingi): What is your point of order, Sen. Mandago?

(Sen. Wafula stood in his place)

Have a seat, Sen. Wafula, please.

Sen. Mandago: Mr. Speaker, Sir, under Standing Order No.105, is it in order for the Senator for Bungoma to allege that the hon. Cabinet Secretary for Roads and Transport is stealing and enjoying public resources in his office. Does he have evidence?

The Speaker (Hon. Kingi): Sen. Wafula, you certainly need to substantiate that allegation, failure to which, you may have to withdraw.

Sen. Wafula: Naomba kuondoa hoja hiyo na kushinikiza kwamba, iwapo mfanyikazi ama Waziri analipwa mshahara, anaendeshwa kwa magari ya kifahari na anatibiwa kwa pesa za mtozwa ushuru, ilhali anayelipa ushuru hamuoni mtumishi wa umma popote katika Kaunti hiyo, na mtumishi huyo hajalalamika kwamba analishwa, kuvishwa na kuendeshwa vizuri, bila shaka anafurahia jasho la Wakenya.

Bw. Spika, niliuliza Waziri wa Mausala ya Jinsia Maswali kuhusiana na mimba za mapema katika Kaunti ya Bungoma, kwa sababu ya upungufu wa sodo na pesa za

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kuimarisha biashara za akina mama na wajane. Waziri huyu mpaka leo ameweka nta kwenye maskio na kinywa chake amekifunga kabisa.

Tunajiuliza haya maswali kwa sababu alichaguliwa kwa mrengo wa Kenya Kwanza. Ni lazima adhihirishe uwezo wake wa kuchapa kazi kwa kutembea katika pembe zote na kujadili masuala haya na wananchi wa Kenya.

Bw. Spika, haya maswali, yeye na Waziri wa Elimu lazima watembe pamoja kusuluhisha masuala ya mimba za mapema na masuala ya wanawake na watoto katika taasisi za elimu katika nchi ya Kenya.

Sasa kile tunasema sio kwamba tunaomba ati tafadhali waje, lazima waje. Mimi niko tayari kujiunga na Maseneta wengine, kwamba kila mtu lazima awajibike.

Mtozwa ushuru anatoa jasho na kusaga meno kwa pesa anazotoa. Serikali inalazimisha watu walipe ushuru. Wale wanaochukua ushuru wanafurahi na kutupigia makofi kwa kulipa ushuru. Hata hivyo, tunapouliza uwajibikaji, wanatugeuka sisi na wanasema hatuwaheshimu na hatuwapi nafasi.

Nitadai haki kwa niaba ya watu wa Bungoma na Wakenya, ili Serikali niliyoipigania na ninayoipigania ipate sifa na ishukuriwe kwa jasho na kwa kazi wanayofanya.

Bw. Spika, Mawaziri hawa lazima wakuje.

Asante, Bw. Spika.

Sen. Munyi Mundigi: Asante, Bw. Spika, kwa kunipa ruhusa niweze kuchangia kuhusu Mawaziri ambao hawataki kufanya kazi kulingana na sheria tuliyopitisha. Nataka kuwakumbusha Mawaziri wote wakati tulikuwa tukung'ang'ana kuhusu vile watakuwa wakija katika kikao hiki. Ilikuwa ni vute nikuvute kati ya Serikali ya Kenya Kwanza na muungano wa Azimio. Lakini tulifaulu na ikakubalika kuwa tutakuwa tukiwaita kwa kikao hiki. Katika kikao hiki tunafaa kuwa kitu kimoja bila mgawanyiko.

Waziri ametukosea, haswa mimi kama Seneta wa Kaunti ya Embu. Siku ya leo ni siku kubwa katika Kaunti ya Embu ambayo Gavana mchapakazi wa Kaunti ya Embu amejikakamua kwenda kwa kikao cha Embu County Assembly kuwaambia vile amefanya kazi kwa kipindi cha mwaka mmoja.

Ni aibu kubwa sana ikiwa sijahudhuria pale kwa sababu katika kikao hicho, inafaa Gavana na Seneta wawepo, ili waeleze vile kazi imefanyika. Waziri wa Barabara na Uchukuzi amefanya mambo ambayo sio mazuri. Watu wa Kaunti ya Embu kutoka Makutano, Mwea, Embu, Tharaka-Nithi hadi Meru wanataka kujua barabara itapanuliwa namna gani iwe kama zile zingine. Kama kuna kaunti imetengwa ni Embu.

Pili, watu wa Embu waliniambia nisikanyage pale mpaka nije hapa niulize Bw. Murkomen atatujengea lini uwanja wa ndege. Watu wa Embu wanafanya ukulima wa miraa lakini usafirishaji wake ndio shida kwa sababu ya ajali za barabarani. Wamesema tujenge uwanja wa ndege ili tuweze kupeleka miraa yetu ng'ambo, ili tukuwe na pesa mkononi.

Pia, walinituma niulizie vile barabara ya kutoka Karaba kwenda Makima hadi Machanga itatengenezwa kwa kuwekwa lami. Pia, vile barabara ya kutoka Kiritiri kwenda Karii hadi Kiambere mahali stima inatoka, itawekwa lami kuenda sehemu zingine.

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Kwa hiyo----

The Speaker (Hon. Kingi): Sen. Munyi Mundigi, Waziri hayuko hapa kusikia malalamishi hayo yote.

Sen. Munyi Mundigi: Bw. Spika, kama angekuja, hayo ni maswali ambayo nilitumwa na watu wa Embu niulize. Kwa vile hayuko, amekosea watu wa Embu. Kaunti ya Embu iko na *Subcounty* nne. Tungemuuliza haya maswali kwa sababu tunataka miaka inayokuja, Kaunti ya Embu iwe nzuri kimaendeleo.

Waziri wa Fedha amekosea haswa kuhudhuria kikao hiki. Sisi katika Seneti ni wakubwa wake. Nilikuwa nimejiandaa kumuuliza kwa nini wafanyakazi wa Maseneta kama drivers na security hawajalipwa mishahara kwa muda wa miezi mitatu na huku amelipa wafanyakazi wa Bunge. Wafanyakazi katika ofisi zetu hawajalipwa kwa miezi mitatu na ofisi na Waziri wa Fedha.

Nilitaka pia kumuuliza maswala ya waalimu wanaostaafu. Kwa muda mrefu walimu wamekuwa na shida. Sisi kama Maseneta tulifanya upelelezi tukaona ya kwamba mtu akistaafu akiwa miaka 60, anapata barua haraka lakini kupata pesa za kustaafu ndio shida. Hayo ndio maswali ningemuuliza.

Naunga mkono vile hawa Mawaziri watachukuliwa hatua, lakini sio kuwatimua. Serikali ya Kenya Kwanza haisemi mambo ya kutimuana viongozi bali inatushauri kusemezana ili tuwafanyie kazi wananchi.

Asante, Bw. Spika.

Sen. Cheptumo: Thank you, Mr. Speaker, Sir. I also rise to add my voice to what is being discussed. Article 124 of our Constitution mandates this House and the National Assembly to establish committees and make Standing Orders for the orderly conduct of the proceedings of the House. Therefore, our Standing Orders have the full force of the Constitution of Kenya. The provisions of Standing Order No. 51 (a) all the way to 51 (d) have the full force of this Constitution.

This is the assembly of the national leaders of our country, elected and nominated, to deal with matters of concern to our counties and the county governments. How do we do so? We do so through the various structures in place, including asking questions to the Cabinet Secretaries.

Mr. Speaker, Sir, it is important for us to realise that the institution that sought this House to amend the Standing Orders is the President himself, who requested both National Assembly and Senate to amend the Standing Orders, so that the Cabinet Secretaries are able to appear and answer questions of concern to our electorate. It is paining and disappointing that when the date is scheduled for our Cabinet Secretaries to appear, they do not do so.

I agree that, perhaps there are situations where they write to you, as our Speaker, giving justifiable reasons they cannot appear. It is indeed acceptable that a Cabinet Secretary should, in good time, be able to address the House why they are unable to appear.

However, my concern is that the trend is continuing to happen. My worry is that as we proceed, this avenue of these Senators being able to use to deal with matters of concern to their counties will diminish.

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That particular Standing Order No. 51(d) on non-attendance of Cabinet Secretaries, the only punishment provided for there is censure. I agree with the proposal that we might have to enhance the punishment. Apart from censuring a Cabinet Secretary, let us enhance the punishment. When governors do not appear before committees of this House, you know what they always do. They are supposed to pay a fine of Kshs500,000, if I am not wrong.

It is important for this House to assert its authority on this position, so that a fine of an amount that can be agreed by this House, should be put in our Standing Order No.51(d), in addition to the provision of moving a Motion to censure a Cabinet Secretary.

For example, Baringo County, the county I come from, and indeed all the other counties, we are facing a lot of challenges. I can testify before the House that our people are keenly following the questions we ask these Cabinet Secretaries when they come here.

I am aware that the members of the public in my county see that I have asked questions. The value addition to our representation and the citizens of our country through this procedure of Cabinet Secretaries appearing before us is important. My concern is what happens tomorrow.

Mr. Speaker, Sir, I want to thank you, because I have listened to you issuing statements, compelling and telling the Cabinet Secretaries to appear before the House.

This House and the other House have been clear. Enhancing the fine from this censure Motion proposed by Standing Order No.51(d) will make the Cabinet Secretaries appear here.

Mr. Speaker, Sir, as a House, we have the capacity, means and opportunity to implement this. So, I join my colleagues in saying that it is important that you assert your authority as our Speaker and a House. This is so that we have a solution to this situation that is not enabling us to represent our people well.

Mr. Speaker, Sir, I join my colleagues in supporting that position.

The Speaker (Hon. Kingi): Proceed, Sen. Mandago.

Sen. Mandago: Thank you, Mr. Speaker, Sir, for the opportunity to contribute to this. First, I join my colleagues in saying that it is not in order for Cabinet Secretaries to abstain from answering questions in this House. The purpose of this session was to make sure that the general public of the Republic of Kenya is able to get direct answers to their issues from the people responsible at the policy level, at the national and county governments.

When Cabinet Secretaries fail to attend these sessions, they not only fail the Senate and Parliament, but also the people of Kenya. That notwithstanding, the amendment that we brought to this House to allow Cabinet Secretaries to appear before us was a position that was developed by the Kenya Kwanza administration, led by our party leader, who is now the President of the Republic of Kenya.

Mr. Speaker, Sir, when Cabinet Secretaries fail to appear before this House, they are not only failing Parliament, but also in-subordinating the appointing authority. This is because this was the position of the Kenya Kwanza administration. That the answers to the public should no longer be passed through many channels, but come directly from the

holders of the office. This will enable the people of Kenya to refer to the questions and answers the Cabinet Secretaries gave when they visit various parts of this country.

This evasion of Cabinet Secretaries from appearing not only in this session, but even before Committees of Parliament, must be firmly dealt with. I concur with my colleagues that we must invoke the necessary powers of this House to make sure the attendance is observed.

Mr. Speaker, Sir, this House was very expectant for the Cabinet Secretary for Gender, Culture, the Arts and Heritage, to address the matter of gender parity in Government and in Parliament. This is a matter that has been canvassed in this country for over 30 years. There was only one opportunity available for this matter to be settled, once and for all, through the NADCO.

I was eager to ask the Cabinet Secretary who removed the gender agenda from the NADCO menu. This is so that women leaders in this country do not go around saying that they are fighting for and representing women rights, while the very women are undermining the success of the women. No wonder the old adage says, the enemy of women is actually women.

The Cabinet Secretary for Gender, Culture, the Arts and Heritage failing to appear before this House has failed the women of this country. This is because this was the opportunity for her to explain what her Ministry is doing to make sure that, that agenda is kept alive and that matter is settled, once and for all. This is because we have an administration that is keen to ensure that women are involved in leadership and decision making positions in this country.

Mr. Speaker, Sir, finally, as a House, I agree with my colleagues and even persuaded further that the fines for non-appearance should be enhanced. Sen. Osotsi had proposed an amendment to increase the fine to Kshs2 million. I am now persuaded that it should even go to Kshs5 million.

(Applause)

This kind of contempt can only be met with a harsher punishment.

I support.

The Speaker (Hon. Kingi): Proceed, Sen. Onyonka.

Sen. Onyonka: Thank you, Mr. Speaker, Sir. I reiterate what my colleague, Sen. Mandago, has raised.

Mr. Speaker, Sir, in 2008 or 2009, I was in the National Assembly with you, Sen. (Dr.) Khalwale and Sen. Mungatana. Anybody who assumes that when a Cabinet Secretary comes to make a presentation on a national matter and those who are going to listen to the contributions and discussions are wasting their time, is wrong.

The first thing is that the Kenyan public is interested in listening and hearing how Cabinet Secretaries are articulating Government policies and how they will be answering those critical questions. This is because while running a country, you will have crisis and emergencies frequently. That is the reason.

I wish many of the Cabinet Secretaries in the Kenya Kwanza Government would understand that, first, when they come and answer these questions, they continue with the historical precedent. Second, the public is very curious and constantly listening to what we say and articulate while trying to solve the issues that affect our country.

I hope that Cabinet Secretaries will take this House seriously. I plead with my leader, Sen. Cherarkey and the Senate Majority Whip, Sen. (Dr.) Khalwale, that if need be, make a phone call to the President and tell him that his Cabinet Secretaries are misbehaving. They are letting his Government down. We do not come here because we are on holiday, but because we are dealing with matters of national importance.

I was happy when Cabinet Secretary, hon. Linturi, came to the House. You could see he is seized of the matters and was discussing them intelligently and coming in with some solutions. That is what we are looking for in our country. We are not looking for drama and irrelevant things. That is why I am pleading with the Cabinet Secretaries and the State officers who are being asked to come and attend these meetings.

If you look at our Committees, the Cabinet Secretary for National Treasury and Planning, the Controller of Budget (CoB) and the Auditor-General (AG) always come when we ask them to. Their record is extremely good. Why is it that the Cabinet Secretaries of His Excellency William Ruto's Government abdicate their responsibility?

Mr. Speaker, Sir, I also plead, through you, and my colleagues who have access to His Excellency the President to tell him that many of these Cabinet Secretaries are just *randarandaring*, doing nothing and going on trips. They should stop doing that.

Kenya has issues. Let them settle on the ground, intervene and come to our counties. I have not seen a single Cabinet Secretary in Kisii since I became a Senator, except, Moses Kuria, yet, previously, the Cabinet Secretaries moved around the country. They need to come and see what is going on.

The Speaker (Hon. Kingi): What is your point of order, Sen. Faki?

Sen. Faki: Is my brother, Sen. Onyonka, from the great County of Kisii, in order to say that he has never seen any Cabinet Secretary in Kisii, yet Cabinet Secretary Machogu comes from Kisii?

(Laughter)

Sen. Onyonka: Mr. Speaker, Sir, I wanted to reemphasize the point. I have not seen Hon. Machogu. He is either in Meru, Murang'a, Tharaka-Nithi or Kwale. It is the responsibility of his office. With Hon. Machogu, I would not even raise a query for the simple reason that he is running all over. I see what he is doing in terms of going to the different schools and institutions.

I would have wished that the Ministry had a deputy Cabinet Secretary because the Ministry of Education is a busy one and the Cabinet Secretary is all over the place. He does not have his hands on the cake as they say, but that is a discussion for another day.

Mr. Speaker, Sir, I finish by saying that Cabinet Secretaries in today's Government must realize that they need to do more and our expectations are much more. We know many of them are qualified and can do a good job, but some are lazy.

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I reiterate what Sen. Mandago has said with regard to the fine in Sen. Osotsi's Bill because that needs to be amended. Let us change it to Kshs5 million, so that it acts as a deterrent. If a Cabinet Secretary knows that they are not going to be around and have gone for official duties, it is automatic that they should write us a letter. It is acceptable because we are not idiots.

Mr. Speaker, Sir, we will know that the Cabinet Secretary has traveled for official business and will empathize on that. However, there is this narrative where people just assume. Sen. (Dr.) Khalwale, I hear this frequently that the Senate is *nyumba ya wazee, hakuna kitu wanafanya huko*; that there is nothing we do here.

No, Mr. Speaker, Sir. This House is a serious and the Cabinet Secretaries should realize that we will be serious with them. Other than an apology from them, we will have to start fining and censuring them. Many of them do not know that under Chapter Six of the Constitution, if someone comes here and we censure them and say they cannot hold public office, there is nothing they will do.

The President is going to sympathise with them. However, if the President realizes that the Cabinet Secretary is lazy, why would he save him? He will just fire him and bring another one who can perform.

Mr. Speaker, Sir, with those few remarks, I support. Let this House be treated with respect and decorum.

I thank you.

Sen. Kathuri: On a point of order, Hon. Speaker, Sir.

The Speaker (Hon. Kingi): Now, he has already concluded and taken his seat, Sen. Kathuri.

Hon. Senators, let us end this matter. He has already yielded.

I have heard your compelling contributions as far as the failure of Cabinet Secretaries to attend Senate Sessions for purposes of responding to questions. These compelling contributions you have made would have been relevant if they were made within the context of a Motion of censure.

In the absence of a Motion of censure, what hon. Senators are doing is merely lamenting. We cannot be reduced to a House of lamentations. This is not the first time Senators are lamenting and this may not be the last Senators will lament. You need to stop lamenting and take it to the next level.

(Applause)

Hon. Senators, the next course of action is provided under our own Standing Orders. If you read Standing Order No.51(d), it gives the option available to this House where the House feels that a Cabinet Secretary has abstained without reasonable cause. Otherwise, for how long are you going to vent your frustrations like you have done today?

We have taken two-and-a-half hours venting our frustrations, pain, disgust and our disappointments. If Cabinet Secretaries will not appear next week on Wednesday, we

will continue playing the tape. If they do not appear the other following Wednesday, you will still play the tape.

Hon. Senators, that must stop. You have the sword. The sword is not with the Speaker.

(Applause)

You have the sword under Standing Order No.51(d) and you can elect to continue lamenting or draw the sword and strike. It is upon you. Let us end it there.

Next Order.

MOTION

DECLARATION OF CATTLE RUSTLING AND BANDITRY AS A NATIONAL DISASTER

THAT AWARE THAT, cattle rustling/banditry is a major menace and security threat in the South and North Rift regions and some other regions of the country;

CONCERNED THAT, the menace has since left irreparable and negative socio-economic impacts which include, but are not limited to an increased number of widows, widowers, orphaned children, poverty, displacement of people leading to Internally Displaced Persons (IDPs), disruption of educational health programmes and other economic activities owing to the destruction and/or closure of educational, health and other institutions;

FURTHER CONCERNED THAT, the people living in the affected regions have been denied the enjoyment of their social, economic and political rights as guaranteed to them under the Bill of Rights as enshrined in Chapter Four of the Constitution;

NOW THEREFORE, the Senate resolves that the National Government through the Ministry of Interior and National Administration and in collaboration with the Council of Governors:

1. Declares cattle rustling a National Disaster;
2. Establish a National Task force on cattle rustling/banditry to:
 - (i) Investigate the causes of the rampant cattle rustling and banditry in the said region and the Country at large;
 - (ii) Establishes the extent of suffering, loss and damage the cattle rustling/banditry has occasioned to the communities in all the affected Counties;
3. Create a Special Fund for mitigating the losses suffered by and in compensating all victims of cattle rustling/banditry and settle all internally displaced persons occasioned by the menace.

(Sen. Cheptumo on 28.02.2024)

(Resumption of debate interrupted on 28.02.2024)

The Speaker (Hon. Kingi): Sen. Cheptumo, please, approach the Chair.

*(The Hon. Speaker (Hon. Kingi) consulted with
Sen. Cheptumo and the Clerks-at-the-Table)*

This is a resumption of debate that was interrupted on Wednesday, 28th February, 2024. At that juncture, Sen. Olekina was making his contribution by way of seconding. He had a balance of 13 minutes. He is not in the House. I will, therefore, allow Sen. Dullo to take it from there.

Sen. Dullo: Thank you, Mr. Speaker, Sir. I will make my contribution to this Motion on the declaration of cattle rustling and banditry as a national disaster and the establishment of special funds for victims.

I support this Motion because it is long overdue and because of the menace we have in the country as a result of cattle rustling which has changed from the previous thinking that it was a cultural behaviour among certain pastoral communities. The cattle rustling issues affect many parts of this country. I appreciate the efforts by the current Cabinet Secretary for Interior and Administration of National Government in trying to stamp out this issue in some areas.

Mr. Speaker, Sir, I believe it still goes on even with the kind of effort the Government is putting in. The proposal by Sen. Cheptumo that we must create a special fund is valid and important as well as declaring cattle rustling a national disaster.

I will give an example of Isiolo County where you will see that the pattern has changed from being cultural behaviour to business. Animals are taken today and within a few hours, they find themselves in a market. This means that the issue of cattle rustling is a business and the Government should be able to put in more effort in getting rid of it.

We still have proliferation of small arms and weapons in our country. Many people in most of the areas where cattle rustling happens have firearms that are not even licensed. The country has made efforts to make sure that all those who own firearms are licensed. Unfortunately, most people still have unlicensed firearms and yet, there is Government presence all over, including at the location and sublocation levels.

Mr. Speaker, Sir, this clearly means that there is laxity as far as dealing with cattle rustling is concerned. We have to be serious this time around and make sure these issues are dealt with.

Cattle rustling has affected the social fabric within our communities. In many areas, the situation on the ground is affected and so are the communities' lives. You will find economic hardship where some families have 1,000 animals, but are swept away within a day without any recourse.

I believe this is a very serious matter. The issue of pastoralism is a way of life and livelihood for so many people. Unfortunately, in our country, we feel that there is no serious effort put into place to make sure the issue of cattle rustling is dealt with.

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

[The Deputy Speaker (Sen. Kathuri) in the Chair]

Mr. Deputy Speaker, Sir, there is no development at all in the areas where cattle rustling is happening. This is because if there is a project coming up in a certain area, they will say insecurity in the region is the reason they have not even completed the project proposed.

I have several examples within my county. The areas that border Wajir, Garissa, Samburu and even between Isiolo and Meru, where development is affected simply because of cattle rustling and insecurity. That is something that takes people back and brings the issue of marginalisation in this country.

Unemployment is also a factor affecting most of the youths in our country. The only employment some people can access in places like Isiolo is herding animals. Now, when animals are taken away a boy or a girl who score an A is unable to go to university. If the only source of employment, which is herding is taken away, the youths are reduced to nothing.

Most of these pastoralists rely on these animals to pay school fees for their children. If these animals are taken away, most of the children end up not finishing school or even getting to school. Cattle rustling is affecting our community so much.

Mr. Deputy Speaker, I believe the proposal of special fund will mitigate some of the factors or challenges we get because of cattle rustling. If you have 1,000 camels and they are taken away, if there is a fund somewhere, they can be compensated. Without funds, it means Kenyans, especially in those areas where cattle rustling is prone, are suffering.

I believe that we have a solution to this problem if we were only serious as a country. Even in the budgeting process, you will see serious actions are put into agriculture, but minimal on cattle rustling. Billions are put into the purchase of fertilizer. However, nothing happens to pastoralist communities. Nobody is talking about establishing a fund that has been proposed by the Senator of Baringo.

Mr. Deputy Speaker, Sir, we should have equal support from the Government. If agriculture is given Kshs2 billion, livestock should also be given the same amount in establishing a fund or even restocking as we have discussed in various forums in this country.

I believe the effort put in by the Government is a short-term measure that helps the communities. However, we need serious actions where issues of cattle rustling are resolved because this is a matter that happens daily in most of our counties.

We have even tried to bring in National Police Reservists (NPR) to complement the regular police, but it is not helping at all. You will find that the people dealing with

cattle rustling have sophisticated firearms that even our regular police are scared of following up on those animals when cattle rustling is taking place.

Mr. Deputy Speaker, Sir, I support this Motion because it is going to give us a solution to the current cattle rustling that we experience in our country. We have tried several measures that are not assisting our communities. We have tried that on issues of drought, but we still have challenges.

As a country, we need to focus on helping the source of livelihood for our people because the poverty is rising in so many areas where cattle rustling is taking place. Drought is killing our animals, yet cattle rustling is also taking the animals away. So, where should we go as pastoralist communities?

This is a challenge that we need to put our heads together on and get a solution for. Unless we do so, the many challenges we have in our country will not be solved.

Mr. Deputy Speaker, Sir, the issue of drugs is cropping in many of these areas because animals are taken away then people end up doing nothing. Youths in areas like Isiolo are getting into drugs. If they are not employed, most them will not shy away, they will say why not?

I will stop at that as I support the Motion. I believe that whatever we are going to propose as far as this Motion is concerned should be cascaded down, so that we be able to deal with the issues of cattle rustling because it is a real national disaster in our country.

The Deputy Speaker (Sen. Kathuri): Sen. Dullo, you were to second the Motion.

Sen. Dullo: I second.

The Deputy Speaker (Sen. Kathuri): Thank you.

(Question proposed)

The Deputy Speaker (Sen. Kathuri): Proceed, Sen. Cherarkey?

Sen. Cherarkey: Thank you, Mr. Deputy Speaker, Sir, for this opportunity. I support this Motion that was brought by Sen. Cheptumo, the Senator of the great people of Baringo County.

We have been waiting for this Motion because of the current occurrences. The other day, an MCA was killed in Samburu. The same incident happened in Baringo. I put it to the nation that this issue of cattle rustling is not only in North Rift and South Rift, but cattle rustling and banditry affects over seven counties. For the record and in order for Kenyans to understand, let me state them, so that it does not appear that we are discussing issues of Samburu and Baringo only.

It affects seven counties. That is a population of 8.8 million Kenyans who are affected by the menace of insecurity through cattle rustling and banditry. The counties are Baringo, Elgeyo-Marakwet, Turkana, Isiolo, Marsabit, Laikipia and West Pokot. That is like a half of the country. Therefore, this is a national disaster in its form and design.

Unfortunately, cattle rustling has been commercialized into a criminal enterprise that continues to deny Kenyans from more than eight regions, with more than 8.8 million people a livelihood which is livestock keeping.

Sorry, I forgot to mention Meru County. I saw the Cabinet Secretary for Interior and National Administration, Prof. Kindiki, with some colleagues over the weekend. Meru has also been affected. Sometimes Nandi and Kisumu are also affected. So, it is crosscutting issue.

I am told we also have cattle rustling in Western Kenya. People are forced to sleep with cows in their rooms because of livestock theft. Therefore, cattle rustling and banditry is a national disaster.

We request the Cabinet Secretary, Prof. Kindiki, who is the Senate Majority Leader *emeritus*, to declare this a national disaster. He should create a special fund because that is within his powers.

For the past six months, we lost over 100 civilians and 16 police officers because of cattle rustling and banditry. There are many families today without their sons, daughters, children, and spouses because of trigger-happy banditry. These regions have been made playgrounds of organised criminals.

I sponsored a Bill on theft of livestock produce. Those are the people we were targeting. We need to punish them. Apparently, financiers of this well-organised criminal enterprise in the regions that I have mentioned are people who stay in Nairobi.

They use innocent young men and women who have been transformed into criminals to steal livestock that end up on plates in Nairobi. Could we be unknowingly financing cattle rustling and banditry? Most of the livestock is slaughtered here in Nairobi and other major towns. We buy and enjoy the sweet meat without thinking that those cows could have been stolen and slaughtered. This is a menace that we must deal with.

You saw what happened. The other day it was a sad situation in Baringo. The Senator for Baringo attended that burial. The body of a former headteacher had to be escorted by paramilitary officers to the resting place.

Coincidentally, that former teacher was shot by a bullet of a cattle rustler in 1979 when he was young and became blind. He was killed by the same people the other day. Even when he was supposed to rest in peace, bandits and cattle rustlers were shooting all over, but the burial had to be conducted.

I was wondering whether we are still in Kenya. I did not know whether we were in Gaza, Ukraine or Pakistan. If it has reached a level where a body needs to be escorted to be buried, that is a clear pointer that this must be declared a national disaster.

I agree with the recommendations. The only threats in that region, which are well captured by Sen. Dullo, are insecurity and drought. I empathize with people from these regions. If they are not suffering from cattle rustling, then they are suffering from drought.

I agree that we need to provide for livestock insurance cover. When the people of Meru County lose their lives or livestock, we must compensate them and give cover through livestock restocking.

Apart from establishing this Fund, what is the way forward? We need to immediately reopen county security roads. During Kibaki's era, if I vividly remember, there was a road from Nginyang to Chemolingot that was opened. If that area is opened

all the way to Turkana by a tarmacked road and other county roads, I assure you that area will be civilized.

What does that mean? The issue of cattle rustling or insecurity in that region will reduce. Many people have taken advantage of the ignorance of our people in those areas and use it to transform it into a criminal enterprise.

Apart from roads, we need to look at education. We need to improve education infrastructure. When you open up an area and people from the affected areas go to school, it opens their minds, hearts and spirituality. That way, they will be part of the transformation of this country.

I also call upon national and county governments to take affirmative action, especially in those areas. I expect the affected county governments that I have mentioned to have affirmative action. We want Meru County to have affirmative action when it comes to employment.

They should employ the youth from those areas, so that we open them up. They should build more Early Childhood Development Education (ECDE) and vocational training centres in those areas. This is the only way we give young people who are misled to participate in cattle rustling and banditry an opportunity to be part of the transformation of this country. There should also be affirmative action by the national Government when recruiting state officers, civil servants, police officers and the military, among others.

I want to challenge Sen. Cheptumo. Even as we propose to set aside funds to compensate the victims, he should also amend this Motion to state that county governments must brief the Senate on what affirmative actions they have taken in these affected counties, including yours, Mr. Deputy Speaker, Sir. We are lucky that you are the Chair when we are discussing this Motion.

Another one is the issue of water. We need to ensure that water is supplied to those areas for them to do irrigation. The President has been pushing for environmental conservation and planting of more than 15 billion trees. Can you believe that most of those areas are very fertile?

Mr. Deputy Speaker, Sir, if you were to give them water to irrigate their crops, with the food security in mind, we can address it because that area is good for fruits since it is very hot.

On the issue of minerals, I know there is GDC in some of those areas. There are many minerals in those areas. Most of these people do not want those areas to be open so that exploration and minerals can be mined for the benefit of those areas.

Under community development agreement in the Mining Act of 2015, in the local content, when you get the revenue, 70 per cent goes to national Government, 20 per cent goes to county governments and 10 per cent goes to the local community. So, I challenge Sen. Cheptumo to also follow up with the Ministry of Mining, the Blue Economy and Maritime Affairs. Let us ensure we do oil and mineral exploration. However, it has a soft under belly, we ensure that when we do so in these poverty stricken areas, it gives them opportunity to get value for the local community.

Where I come from, East of Karebe Goldmine, we had problems where a community in Chemase was not getting anything through community development agreement, where you have communities through 70 per cent to national Government, 20 per cent to county government and 10 per cent to the local community.

I challenge county governments to ensure the money that we devolve is used for the intended purposes. Let us all in Elgeyo Marakwet, Baringo, Meru, Laikipia and other counties ensure resources work. If there is development, this menace of cattle rustling and banditry will stop. If we ensure those areas are open, this menace will stop. I challenge county governments to spend their money for the intended purposes. They are called hardship areas. However, most of these counties are struggling because of where they are, but they get a lot of money. Are you aware Meru, Turkana, outside Kakamega, Garissa, Isiolo counties and many other areas get more than Kshs15 billion while Nandi County gets Kshs7.5 billion? When you ask questions, they find it uncomfortable. I challenge them.

I saw individuals from Garissa County trying to answer me for raising questions about, for example, non-access to water in Garissa County. We have only one water bowser that supplies close to one million people in Garissa County. There is no water in Garissa County. When you go to the former provincial general hospital in Garissa, there is no water. I questioned it. I was shocked that the county government and the Governor sponsored a lot of news media items over the weekend, while I was busy in Nandi County serving my people.

I tell all governors, including the Governor from Kisii County, a Senator is not only to oversight his own county. You can decide to oversight Nandi County. We have a right to oversight all 47 counties.

(Applause)

To those who sponsored media stories through the Governor of Garissa County, the county government and the water provision, I will not be intimidated, just like the rest of the Senators. We shall do oversight. In the last Financial Year 2022/2023, Garissa County was allocated Kshs12 billion. That money must provide water, healthcare and bursary to the people of Garissa County. We are aware of the allegations that they are buying houses here in Eastleigh and Kilifi County.

I challenge the Ethics and Anti-Corruption Commission (EACC) and Directorate of Criminal Investigations (DCI) to investigate the county governments that are misusing and misappropriating funds to their advantage. Instead of buying media spaces, bribing allegations and sponsoring ordinary *mwananchi* to answer Sen. Cherarkey, they should be busy providing water, bursary and roads to the people, so that they can fight this menace of drought.

Mr. Deputy Speaker, Sir, with those many remarks, we thank Sen. Cheptumo for this wonderful Motion. I hope to see it to fruition. I hope our brother Prof. Kithure Kindiki and CoG will come on board, so as to ensure that we adopt this report of the Motion.

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I beg to support.

The Deputy Speaker (Sen. Kathuri): Sen. Cherarkey, you have proposed several amendments to the Motion. This Motion is now a property of the Senate of Kenya. It no longer belongs to Sen. Cheptumo alone. So, what you are proposing, you can also go ahead and amend this Motion to suit your thinking. Nothing is stopping you from making those amendments yourself in agreement with the Mover of the Motion.

Next is Sen. Okoiti Andrew Omtatah. Sorry, just a minute, Sen. Omtatah.

Let us first acknowledge the visiting students from Mama Ngina University College in Kiambu County.

(Interruption of debate on Motion)

COMMUNICATION FROM THE CHAIR

VISITING STUDENTS FROM MAMA NGINA UNIVERSITY, KIAMBU COUNTY

Hon. Senators, I would like to acknowledge the presence in the Public Gallery this morning of visiting students from Mama Ngina University College, Leadership and Politics Club. The delegation comprises 40 students, who are in the Senate for a one-day academic exposition.

Hon. Senators, in our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them. On behalf of the Senate and my own behalf, I wish them a fruitful visit.

I thank you.

(Applause)

If I look at the membership present now, the Senator for Kiambu County is not around. The Member who is close to these university students is none other than Sen. Lemaletian. So, I give you this opportunity to welcome them in one minute or so.

Sen. Lemaletian: Thank you, Mr. Deputy Speaker, Sir. I join the rest of my colleagues and the Hon. Chair in welcoming comrades to the 'Upper' House of Parliament. I assure them that their voice is fully represented in this House through me. I want them to take a keen note at the contributions being made by Members here.

You are lucky because Kiambu County is cosmopolitan and I believe it is within the metropolis. Feel at home. I hope you learn a lot and can see how the Hon. Members contribute. You are old enough to know that Parliament has two Houses; the 'Lower' House, which is the National Assembly and the 'Upper' House, which is the Senate. Gain from the wisdom of the contributions here and also know that you have rights as citizens to bring Petitions to the Floor of this House.

Currently, I am holding several Petitions and recommendations from various groups of young people on mental health, education and climate change.

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Thank you so much.

The Deputy Speaker (Sen. Kathuri): Sen. Okiya Omtatah, please proceed.

(Resumption of debate on Motion)

Sen. Okiya Omtatah: Mr. Deputy Speaker, Sir, thank you for the opportunity to contribute to this important Motion. I will not repeat what has been stated in terms of the devastating effects of this crime mischaracterised as cattle rustling. An important thing I would like to say is that we need to locate this thing in the law.

Cattles rustling is mischaracterised to the extent that even law enforcement cannot deal with it. It should be in the Penal Code and the same sanction that applies to robbery with violence should apply to this particular activity. It is robbery with violence, nothing else. People die, a lot of their property is snatched and destroyed.

To give it a sexy title like ‘cattle rustling’ is a way of getting away from the real issue. There is no relationship that used to happen in the traditional days when somebody could raid with a spear to steal a few cattle for balanced issues. I do not deny that there is a cultural dimension to it in certain areas.

Mr. Deputy Speaker, Sir, when I was in Southern Sudan some time back, I was dealing with Catholic Missionaries. I came across one missionary with a story that goes like this: He used to have a very dedicated choirmaster, a young man who had gone to school and the guy was not married.

One evening, the guy turns up in war regalia; comes to the priest and asks him to bless him and a group of warriors. Then the priest asks, “what is all this about?” He said it was time for him to get married and he had come with his agemates for a blessing from the priest because they were going to raid the Turkana of Kenya for cattle.

There was a girl whom he had identified, but they were demanding a very high bride price of cattle that he did not have. So, the only way he could get that girl was to go and raid cattle from the Turkana in Kenya. So, if a choirmaster was doing that, you could see the depth with which this thing may be as a cultural activity.

What is important is that they were coming to raid cattle from Kenya. Why are our borders porous? Cattle rustling is an organized international crime. Criminal networks sometimes use advanced technologies to track information about where the cattle are, what markets are available and stuff like that. They can move around and get animals and take them to markets and dispose of them.

Secondly, when you look at our laws, you will find that there is no law requiring the identification of cattle, goats, sheep or any of these domestic animals at slaughterhouses and markets. You will go to a market; buy and sell an animal with no provisions for its identification.

In my local area, you go to the market and buy an animal. There is no requirement for any certification from where the animal came from to that market. They are just exchanging them the way they sell shirts.

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The time has come for us to come up with a law that will ensure animals are traceable to their owners. If you are coming to sell an animal, it should be possible to trace the owner of that animal at the point of sale. That might also help reduce the issue.

There is a protocol for the prevention, combating and eradication of cattle rustling in East Africa. The last time I checked, only Uganda had signed that protocol. The protocol provides very good measures for containing cattle rustling across international borders and within the borders of our sovereign state such as Kenya. So, the failure to ratify this kind of protocol also tells us that we are not serious about eradicating cattle rustling. It is something that came up from the community and went beyond just the members of East African Community. It is about to cover 15 countries in the eastern region where cattle rustling is rampant.

How serious is our Government; its commitment to ending this menace, when they cannot even sign protocols that are designed to tap into international networks to address this problem?

Uganda has largely contained cattle rustling through brute force. When somebody picks up a gun to go to another community to rob, kill and spoil, he is not a man or woman to be handled with kids' gloves. I doubt whether women are very active in that area although you have to be gender sensitive.

In Uganda, for example, if you are arrested, you are court martialled because you are an armed combatant. They do not handle you with kid gloves.

Secondly, the response of authorities is severe. The monopoly of violence must always stay with the State. I do not understand how the Kenyan State has lost the monopoly of violence in these areas where we have rampant cattle rustling.

The other day I read in the newspaper that the Police Air Wing Helicopters had been grounded because of mismanagement and other things. So, the police can only walk. I would expect the police to be armed with helicopter gunships so that when there is an attack, they go spray the area with bullets.

The state must maintain the monopoly of violence. However, the Kenyan State has chosen to handle this problem with kids' gloves. It will be a situation whereby the elites and the people who control the deep state are the people who are behind the cattle. Otherwise, how do you steal almost a thousand heads of cattle and nobody sees them? It is practically impossible.

I would expect a police air wing or armed with attack helicopters so that, when these people steal the animals, to go and shoot them together with the animals. If that is done two or three times, they will get scared.

These kids' gloves of making the CS for Interior and National Administration give threats through a soprano voice does not add up. His body language does not even convince you that the man is serious.

Let us see action because the lives of Kenyans are being lost, their property destroyed and we cannot continue that way. The blame lies squarely on the Kenyan State. It cannot demonstrate any single action it has taken to demonstrate that when it comes to violence, we are the masters of violence. I do not see it. Unless we get to the point where

the State has a monopoly on violence, armed gangs will keep roaming around and killing people.

We do not want to be Haiti where the State has lost the monopoly of violence to gangs. If we do not act in time, cattle rustlers can morph into other things. Since they are heavily armed, they can decide to declare a republic of their own. What will you do?

Let us nip this thing in the bud. Let us crash and destroy the cattle rustlers. I propose that we should not be talking of setting up funds and whatever. There is already a provision in law for compensation for victims of crime. So, the State should be taken and held accountable to compensate victims of crime.

I support the Motion and I call on the Kenyan State to step up to the plate and up its act. I have not seen anything that has been done to fight cattle rustling. The so-called disarmament ends up nowhere. Sometimes they create imbalance. You disarm one community, we leave another armed, and the armed community comes roughshod over the community that has been disarmed.

With those few remarks, Mr. Deputy Speaker, Sir, I thank you for the opportunity that you have given me to address this House.

I support the Motion, and thank Sen. Cherarkey---

The Deputy Speaker (Sen. Kathuri): Sen. Okiya Omtatah, before you leave the Floor, I would like to caution you. Standing Order No.101(3) -

“It shall be out of order to use offensive or insulting language, whether in respect of Senators or other persons.”

In your contribution, you have stated that a certain citizen of this Republic has a soprano voice. So, can you kindly, withdraw that statement or substantiate it?

Sen. Okiya Omtatah: Mr. Deputy Speaker, Sir, you cannot substantiate the obvious. It is a descriptive statement of facts. It is not an insult. However, if it is offensive I withdraw and apologize.

The Deputy Speaker (Sen. Kathuri): Proceed and conclude.

Sen. Okiya Omtatah: Mr. Deputy Speaker, Sir, I have not seen any action that the State has taken other than issuing baseless threats against bandits to restore the balance of arms where the State has the monopoly of violence over criminal gangs.

With those few remarks, I thank you for the opportunity and guidance. I want to thank Sen. Cherarkey, the lion of Nandi, for the great input he has given us. I also thank Sen. Dullo, the queen of Isiolo, for the informative information she has given us.

I support the Motion. I thank you and God bless us.

The Deputy Speaker (Sen. Kathuri): Thank you, Sen. Omtatah. Next is Sen. Joe Nyutu, the Senator for Murang'a County.

Sen. Joe Nyutu: Thank you, Mr. Deputy Speaker, Sir, for the opportunity. I rise to support the Motion by Sen. Cheptumo who has just gotten back to the House. Right from the wording of this particular Motion, there are very many negative socio-economic impacts on the lives of the people affected by banditry and cattle rustling.

This is a very big social problem which brings about displaced people, orphans who would still have their parents, widows and widowers. This matter needs to be taken

very seriously by the Government. That is why I rise to support this Motion that seeks the declaration of cattle rustling and banditry as a national disaster.

I thank the Cabinet Secretary for Interior and National Administration, (Prof.) Kithure Kindiki for the efforts he has shown over the short period that he has been CS in that Ministry. We have seen him visit the ground where these offences happened. This is a job well done. We see a coordinated Cabinet Secretary. However, there is room for improvement. The Cabinet Secretary and his Ministry should improve on some of the recommendations we have made.

I am glad that you have advised that we can introduce amendments to this Motion. One of the challenges that we have been experiencing in trying to arrest banditry and cattle rustling is where we send the security forces; our police officers. It has been established that - I do not know why this tradition has been there - the officers that we post to these areas sometimes are those that are newly recruited. Therefore, they find the terrain very challenging.

I would want to suggest that they should form a special force group consisting of those who are drawn from these areas. We have young men and women who have grown up in these bandit prone areas and are very conversant with that type of terrain. I propose that the Cabinet Secretary should make a special wing basically comprising of officers who have grown up in these areas because they understand the terrain well and will be to counter those bandits. That is doable because we can identify where people come from even when they are serving in the different services.

Over the years, banditry and cattle rustling appeared as something that can not be eradicated. I remember some years back, we had a problem with a group calling itself the Sabaot Land Defense Force (SLDF). It gave this country, especially Kenyans living around Mt. Elgon, great problems for a number of years. When enough was enough and the Army was deployed to contain the problem, it only took a few months and the leader of that gang was killed. I do not know why the leaders from these areas are always opposed to the deployment of the armed forces to arrest that menace.

This is something that should be thought about so that we do not have perennial problem. This problem can be arrested. I suggest that we look at the possibility of deploying the Army to arrest this problem.

I have listened to Sen. Cherarkey and I concur with him that there could be people - even in Parliament - who support this cattle rustling for commercial benefit.

We should have a special investigative team to find out who funds these rustlers. We cannot continue having our people killed and lose their life investments through the livestock they keep just because there are some powerful people somewhere who support this banditry. Let us establish a special investigative group to establish who funds, supports and gives political protection to these people so that we can deal with this issue, once and for all.

[The Deputy Speaker (Sen. Kathuri) left the Chair]

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

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Madam Temporary Speaker, when these livestock are stolen, they are transported to big towns and cities where they are slaughtered and sold as meat to city residents. We need to tighten the noose. We need to have very good programmes on transportation of animals.

We should establish the source of animals transported on a daily basis. If we have reason to believe that the animals being transported are stolen, then we can have an intervention before these animals reach the market.

If there was no market for these stolen animals, then we would not have this stock theft. We would arrest this problem. Once these livestock is stolen, they are not kept by the bandits. They are transported for slaughter. We should come up with a method to ensure that all the animals in transit have been acquired genuinely.

These bandits always have some very sophisticated firearms. We do not manufacture firearms in this country. The last time I checked, we were not manufacturing firearms.

How do these firearms get into our country? This is a question we need to ask. We have manned entry points. Why do the firearms enter our country? Who influences illegal entry? There must be collusion somewhere. It cannot be that these firearms just get into the country.

We need to investigate and know the people who collude with the illegal importers of firearms that eventually get into the hands of these bandits.

I support establishing a special fund to deal with this matter. We need to put up schools and hospitals in these areas. We need to finance people living in these areas. When a man is growing and is taken to school, they should be sensitized and know that opportunities exist. If you go to school, you do not have to rely on banditry to be gainfully employed. This funding will be of utmost importance. We also need to train our people to rear animals in a way that can be profitable to them. If this fund is established as proposed in this Motion, it will go a long way.

(The yellow timer went on)

Madam Temporary Speaker, I see the yellow light from the clerk's desk. I do not want to continue further. However, this is one of the most progressive Motions we have had in this House recently.

I thank Sen. Cheptumo for this well thought-out Motion to which we will introduce amendments as advised by the Deputy Speaker.

I support this Motion.

The Temporary Speaker (Sen. Veronica Maina): Thank you, Sen. Joe Nyutu.

Sen. Ogola, proceed.

Sen. Ogola: Madam Temporary Speaker, I rise to support the Motion on cattle rustling and banditry. From the onset, I would like to state that banditry and cattle rustling are acts of criminality.

It looks like these are organized criminal activities. This specifically points out to an organized way of doing business. This is somebody's business.

Sometimes, back when there were piracy issues in our oceans and water bodies, somebody made a remark and convinced me that pirates cannot survive and do their business without support from the ground. I relate that with the criminality of banditry and cattle rustling. It is criminal and must be dealt with in the same way other organized criminal activities are dealt with.

The act of banditry and cattle rustling disrupts lives. They are activities that distract the people's livelihoods, resulting in the loss of life. They disrupt life to the extent that schools cannot go on.

With our policy in this Republic of education for all, it means that there are certain regions that do not have their school calendars as expected. Finally, these students do the same examinations and are rated like other Kenyans.

This must concern us as leadership, Parliament and the Executive. This criminality disrupts schools and health services. Once the people are displaced, they cannot get the usual services that they get. So, what happens to them when they fall sick? What happens to the ones that go to school? What happens to their normal everyday business?

Banditry and cattle rustling result in the displacement of people. So, when there are advertisements by the county or the national Government, some people fear going for jobs in those areas. This means that people in cattle rustling and banditry prone areas lack the equitable skills that other regions get from all Kenyans. In this country, anybody can work anywhere.

In our villages, young men who would want to work in those areas are hesitant when adverts are made. This means that the people in those areas need help to acquire the required skills that they should be having.

Madam Temporary Speaker, cattle rustling being a crime, investigations must be done to unearth the masterminds of these activities. Banditry should be treated as an extreme act of criminality.

There must be investigations from the investigative arm of this Government so that the masterminds of these criminal gangs are unearthed. We have a policy where proceeds from criminal issues like money laundering are mapped and returned to the state. Why can the investigations not be done? Proceeds from such acts of banditry and cattle rustling must be mapped and declarations made about the proceeds, so that they are ploughed back into the economy of this country.

As the people behind these criminal activities are mapped, I suggest that they must also be named and shamed. This is because they are causing great loss and disruption of activities to our people. Other than investigations being done, these people must be named, shamed and prosecuted.

In my constituency, there has been a practise where people wake up and find sheep, goats, and cattle knifed in the middle of the night. This was a usual occurrence sometimes back in my constituency in Ndhiwa. We are talking about those criminal gangs. What would be the purpose of such acts of criminality?

As I support this Motion, it is important to state that the perpetrators of such activities must be brought to book. Other than areas that Sen. Cheptumo and other Senators have mentioned, there has been the usual practise of conflict in Sondu and Nyakach. When you look at the people involved, they do not have the objective of picking the cattle. However, they have a deeper objective of causing hostilities between communities that have lived peacefully.

Madam Temporary Speaker, I have given an example of Sondu. We have Luos and Kalenjins who have lived there. They have intermarried, gone to the same market, lived happily every day and they trade together. However, one day, they just wake up and find people storming the other community causing unnecessary conflict. Those are acts of criminality and must be investigated.

As a country, we cannot keep on talking about banditry, cattle rustling and Government to Government, when we are convinced that the investigative arm of this country is very skilled.

Why is it that they are not able to investigate the mastermind of these criminal activities? Why is it that this is encouraged? Is it because somebody benefits from this criminality? If somebody is benefiting from this criminality, they should be investigated, their names picked out. As I have said, they must be named and shamed.

Madam Temporary Speaker, the other idea that is always surrounding this criminality is that the proceeds from these criminal gangs are invested elsewhere in the country. Sen. Cherarkey mentioned certain developments coming up in our urban centres. It is assumed those are proceeds from those areas.

Madam Temporary Speaker, this is a country of values. We are talking about hard work and determination. How do we allow the proceeds of such criminal activities to be the sources of development in some of these urban centres? What are we teaching our young people?

Looking at the Public Gallery, I see very young promising Kenyan seated there, but we are saying some people take proceeds from such criminal activities and invest back into our societies.

Madam Temporary Speaker, because of the lives that have been lost on banditry, cattle rustling and the injuries that have been caused and the disruption of the education, institutions, activities and health services in those prone areas, I support that mandatory cattle rustling is an act of criminality and must be investigated. Additionally, it should be declared a national disaster.

I support.

The Temporary Speaker (Sen. Veronica Maina): Thank you, Sen. Ogola. Proceed, Sen. Mungatana.

Sen. Mungatana, MGH: Thank you, Madam Temporary Speaker. I rise to support this Motion.

This Motion seeks to do the following:

- (1) Declare that cattle rustling is a national disaster;
- (2) Establish a national task force; and
- (3) Create a special fund.

Madam Temporary Speaker, in debating and supporting this Motion, I want to ask the Hon. Member, sponsor and the Hon. Chairperson of National Security, Defence and Foreign Relations, the Senator who has brought this, to also think of another angle to these issues of cattle rustling.

Previous speakers have mentioned certain counties. They have mentioned Samburu, Baringo, Elgeyo-Marakwet and so on as having the highest incidences of cattle rustling.

Even if we declare this a national disaster or set up a national task force or a special fund to deal with this cattle rustling, there is another issue which is the regional cooperation that is required for us to truly deal with this menace.

Cattle rustling has emerged and it has transformed itself from being a mere cultural practice into an international organised crime. The players are securing huge profits from supporting and sponsoring this criminal activity.

Cattle rustling is no longer the normal cultural thing that used to happen a long time ago, where people would go and get some cattle from somewhere, so that they could pay the bride price. It has become a business. It is not only a national business, but an international crime business. It is an organised crime.

I appreciate the efforts that our Government has made through the current Cabinet Secretary in charge of Internal Security. The Cabinet Secretary has been there many times in that entire belt, making all efforts to be present and making declarations. However, even if you disarm only one community on the side of Kenya and then you do not disarm the other communities in the neighbouring countries, it will be a zero-sum game.

It is time that we started thinking about regional cooperation. It is time that we put a thought into what the internal security Ministers from the three countries; that is, Uganda, Ethiopia and Kenya. When they meet in those borders, will be able to achieve as a team as opposed to when we are acting or putting up measures independently.

Madam Temporary Speaker, if we do so, some of our communities who are bordering those areas will have their guns and protection capacity taken away. Therefore, those who are doing cross-border raids will come in and do the very criminal activity, now against us, as Kenyans.

Something needs to be done in terms of regional cooperation. Having served and still serving as the head of Delegation of this Parliament to the Pan African Parliament, I have seen the strength of coming together. When African nations come together, be it in the Southern, Eastern, Western or Northern caucus, a lot of things can happen.

In the recent development, we have seen regional cooperation when we are proposing the candidature of Hon. Raila Odinga as African Union Commission (AUC) Chair.

Madam Temporary Speaker, you have seen him speaking to the media and telling people that he has been able to meet various Heads of State and he has the support of Kenya's Head of State.

The kind of effort and energy being put towards the candidature of one person is not the kind of effort and energy that we are seeing in the region to eliminate the things that affect normal people like cattle rustling.

Madam Temporary Speaker, if Presidents can meet to discuss the candidature of one person, which is very important, I do not see why Presidents cannot meet to discuss the issue of the protocol.

This protocol has been there since 2008. They will meet to discuss climate change and the normal East African region issues. The East African Legislative Assembly (EALA) is in session here in Nairobi. However, cattle rustling is not an issue. Why? Because it has not been given the kind of weight that it is supposed to be given.

Even if Kenya does that alone, we will not eliminate cattle rustling because these people will just cross the border.

The real bandits are heavily supported in terms of arms and cash and they will just cross over. Once they cross over, our Cabinet Secretary for Interior and National Administration, Inspector General of Police (IPG) and the Army have no jurisdiction on the other side. All they do is to wait for a while. Once our security forces retreat, they come back and do the same thing.

Madam Temporary Speaker, I would like to emphasise one point. The Protocol on the Prevention, Combating and Eradication of Cattle Rustling in Eastern Africa must be signed and ratified. In fact, from the records of the East African Police Chiefs Cooperation Organisation (EAPCCO), it is only Uganda that has ratified this protocol. What is happening for Kenya, yet we are badly affected? Why not ratify it?

I hope that the Prime Cabinet Secretary, who is in charge of Foreign and Diaspora Affairs, is listening to this debate because our people are suffering. If Uganda is willing to do it, why not Kenya?

This protocol will enhance regional co-operation. It will also harmonise the legislations around that space. We need to have a law that will be effective in Uganda, Kenya, Tanzania and Ethiopia.

The East African Legislative Assembly (EALA) needs to have a law, protocol or treaty that can mean equal force. If we say we are mobilising people against bandits on the side of Kenya, and the other Ministers for Internal Security do the same in Uganda, South Sudan and Ethiopia, these people will be cornered. There will be no opportunity for them to escape. We can deal with this matter if we harmonise the co-operation in dealing with cattle rustling.

Madam Temporary Speaker, legislation harmonisation will also help to deal with this matter. In identifying livestock, we need to use technology. If we can identify using technology, for example, the animals from Kenya that may have been taken to the other side, and there is a treaty or protocol that exists between these countries, then we will deal with this matter in a holistic fashion.

We must make it very painful for those people who benefit from the proceeds. In the United States of America (USA), people who are involved in terrorism or are suspected to be involved in illegal trade, have their assets and illicit profits frozen.

Initially, they used to burn illicit money from drugs or terrorism. Nowadays, those assets are frozen and victims of those kinds of activities are paid from those funds. The proposal to set up a fund is good, but we should look at it from the fact that there are people who are profiting from sponsoring cattle rustling.

The people from Kenya, Uganda, Tanzania, South Sudan, Ethiopia and all these countries around East Africa have intelligence, collaboration and police chiefs. If this protocol is signed, they will be able to mobilise their intelligence resources to trace people who are involved in order to get hold of them and freeze their assets. From those frozen assets, which are many, they will settle victims of cattle rustling.

When you watch news and see a whole family moving, schools and hospitals abandoned, people sleeping in the open and women crying, it is a heartbreaking situation. Some of us do not have cattle rustling activities, but we have experienced a lot of violence in the past in Tana River County. I know how bad it can affect people. It is so bad and heartbreaking when we have population migration of poor people.

We pray that countries in East Africa, especially Kenya, will take the lead. Kenya affects a lot of things that happen in East Africa. Our budget alone is a combination of all the budgets of countries in East Africa. Therefore, what we say matters.

The Prime Cabinet Secretary should take up this matter of cattle rustling, start rounding up fellow Ministers of Foreign Affairs and loop in the Cabinet Secretary for Interior and National Administration, who should then round up the fellow Ministers for Internal Security.

It is possible for us to do a regional approach to this problem, corner cattle rustlers and freeze assets of people who are involved in this illicit trade. If we do this well, I am sure there will be no space to run to by those sponsoring these activities for personal profit.

Madam Temporary Speaker, I support this Motion. It has brought the discussion to the fore on the action that needs to be taken, so that we help solve the problem that the common people experience in the North Rift.

I thank you and beg to support.

The Temporary Speaker (Sen. Veronica Maina): Thank you, Sen. Mungatana. Sen. Lemaletian, proceed.

Sen. Lemaletian: Madam Temporary Speaker, I rise to add my voice to this timely Motion, given the dire situation of the wanton destruction of properties and loss of lives in Samburu for the past few days. This led to the loss of our beloved Member of County Assembly (MCA) who was killed for being an advocate for peace and representing his people strongly.

They normally say that when a mouse laughs at a cat, there is a hole nearby. I remember the President's remarks while he was in Baragoi in Samburu County. As soon as he had warned the bandits and threatened them of serious consequences of their actions, immediately he landed in Nairobi, there were attacks the following day for three consecutive days. That was definitely a mouse laughing at the cat.

That is proof enough that these bandits are not operating in the clouds. They definitely have sponsors. In this regard, I want to validate my colleague's concerns that

we should no longer decorate this as normal banditry, but a well-organised crime syndicate that could have foreign support from criminals within our thickets in the northern parts of Kenya.

In the Oxford Dictionary, the definition of “disaster” is a sudden accident or natural catastrophe that causes great loss and life. We have lost uncountable people in Samburu and many counties in the northern parts of Kenya.

This banditry is no longer the normal cultural game that they used to call it. It has evolved and metamorphosed over the years into a deadly criminal gang. At one point, when Mr. George Natembeya was the Rift Valley Regional Commissioner, there was a report that was put before our nation that some of these criminal entities had weapons that were much powerful than the weapons owned by the Government.

It should worry each one of us that every time there is disarmament happening in any of the counties in the north, within a week, there is usually a deadly attack. That means there is constant and safe supply of weapons.

The Government conducts thorough disarmament exercises. I know that because I lived and grew up there. I also know how these things are done, especially by the Rapid Deployment Units.

Madam Temporary Speaker, when we talk about organised criminal gangs within our nation that have weapons more powerful than the Government, that is enough to qualify them as a terrorist group. This is a small terrorist group that is evolving. We know that terror groups such as the recent Houthis in the Red Sea, were at some point, just a small group rebelling within its country. These are rebels because they are defying the law and operating on no law. They also have complete and sheer disregard for human lives and the laws of the land.

When you analyse the operations of these bandits; the weaponry, the evolution into land grabbing, the conquering of territories and internal displacements of people, it is enough to say that, business is booming somewhere. The Executive needs to put more effort in utilizing its security forces, especially the intelligence to ensure that they have all information concerning who is profiting from these criminal organisations.

We have lost so many bread-winners. We have led our people into abject poverty. We have caused internal displacements. As I speak, Samburus are not shanty people, we do not live in shanty places, we live in vast lands. We might be financially poor, but, we normally have land. So many of our people in Maralal, Samburu County, are still living in shanties and mud nylon houses just because they have been internally displaced by our neighbours.

Madam Temporary Speaker, it should also not be qualified as a tribal war. It needs to be publicly declared that this is a terror group, regardless of the pastoralists nomadic community these people come from.

I also join my colleagues in saying that these families deserve compensation. I do not imagine that, today, I have everything; livestock and land. Tomorrow, I am a beggar in the streets of Maralal or Isiolo just because somebody who had more capacity than the one who was supposed to protect me, sent me into a shanty ghetto.

Thirdly, it is about an alternative solution that should be included. I like that this Motion comes in at a time when there is the Agricultural and Livestock Extension Services Bill by the Senator for Nandi, Sen. Cherarkey, on the Floor of the House. That just tells you how much the pastoralists Senators in this House are so much dedicated in ensuring that we restore order among our people.

I propose that Ministries work in conjunction with others. For example, the Ministry of Defense and the Ministry of Roads and Transport can work together to give us major linking roads. I studied in St. Theresa's Wamba in Samburu East which is near Isiolo. I remember there were times we would lose our classmates to banditry. By the time I was in high school, the Great North Road from Isiolo-Merile-Marsabit-Moyale had not been constructed.

The road was launched later on when we were done with school. I affirm and assure the Presidency and the Executive that, that road brought a lot of development in the northern parts of Kenya. The Banditry along that road reduced, centres came up and many students are now going to school. For example, my school, St. Theresa's Wamba, only had students from within Isiolo, Meru, Samburu and Marsabit counties. Recently I was there and I will be going back for the Women's Day this weekend. Right now, there are students from all over studying in that prestigious school that was locked off due to inaccessibility. We also have Bishop Kavalera School in Marsabit County that was also locked off.

I am a witness that development and opening of these roads will secure the region. For example, when we open up the Maralal-Baragoi Route, we will have many centres coming up. Our security forces and agencies will travel smoothly with more surveillance, thus relaying timely information. This is because you might gather intelligence that sometimes takes years to reach the relevant authorities for utilization. There are so many schools Samburu West and North constituencies, which have been closed and students displaced. When we have this road, I assure the President of Kenya, His Excellency William Ruto, that there will be a lot of development in the region.

Madam Temporary Speaker, we know that there is that notorious belt within Samburu County bordering Baringo, West Pokot, Laikipia and Turkana counties. The road actually passes through that belt. You can imagine it will be a linking infrastructure between the four counties.

The other day, our retired President, His Excellency Uhuru Kenyatta gave us a road from Nyahururu to Maralal. Today, I can go with my small Mercedes Benz from Nyahururu to Maralal Town and the car will not be spoilt or attacked. We have seen the consequences of development.

We have done so many things repeatedly such as disarmament, arrested people accused of banditry and sentenced them, but these have not borne any fruits. How about we change tact and open up the region for development? I will be very excited when the President or the Executive through the Ministry of Water, Sanitation and Irrigation, gives us water and boreholes so that my people get into agriculture, reduce the livestock that we have to avoid attracting our enemies or thieves.

Madam Temporary Speaker, I am very sure that the stolen livestock ends up somewhere. The Executive needs to give us a true data of where this livestock goes. Has it been going to the Kenya Meat Commission (KMC)? Who are the major importers of beef from Kenya? From that, we can develop a linkage between the business of beef and the banditry.

Last but not least, there are also some notorious multinational organisations and corporations operating in the north. I know that so many of them are involved in carbon trading and that there are no sufficient laws in this country to regulate the trading and use of carbon credits. I know that right now, the world is thirsting on our untampered and unpolluted very lush green forests for carbon credits.

When the Government regulates these multinational corporations, I will not be surprised that they have a very huge stake in land grabbing and encroachment into the pastoralists land. This leads us to squeeze our livestock and operations within very small-constricted space, something we are not used to. The Government should ensure that they have very serious surveillance on these multinational corporations. In that regard, they should be operating within a certain limit.

Kenya is a sovereign state and must be treated and respected as such.

Thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Veronica Maina): Sen. Lemaletian, thank you for your contribution. The Temporary Speaker is still pondering over your small Mercedes Benz.

I can see there are no other Senators who would wish to contribute to this Motion. I now invite the Mover of the Motion to reply.

Sen. Cheptumo, hold on for a minute and approach the Clerk's desk.

(Sen. Cheptumo approached the Clerks-at-the-Table)

Sen. Cheptumo: Madam Temporary Speaker, my two colleagues have walked in and one of them is from one of the areas affected by cattle rustling, I pray that we give them a moment to contribute to this very important Motion.

The Temporary Speaker (Sen. Veronica Maina): Hon. Senators, this is an exceptional request. I will allow it because of the counties you come from. However, in future, you should be on your seat pressing the button so that we see the intention to speak.

I will invite Sen. Murgor to contribute.

Sen. Murgor: Thank you, Madam Temporary Speaker, for giving me the opportunity to add my voice to those of my colleagues. This situation has been a subject in these corridors of both Houses and in our minds for a long time, in addition to being news here and there.

Madam Temporary Speaker, at this time, I wish for a different approach to be used in order to cut it down, if not stamp it out to be a thing of the past. This situation has affected many lives negatively. It has made it impossible for children to go to school and shifted situations from one side to another.

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Imagine a family that is forced to move from their home. Think of children, women and situations such as pregnant women and so on, that have to move from their homes and relocate to unknown, unusual, strange and new situations and the health hazards therein. Sometimes, they stay in the cold. They are rained on and go without food because movements make the food situation unstable. Therefore, these people suffer a lot from time to time.

The reason I say that it should be a thing of the past is because it may be thought to be traditional, but it is no longer the tradition now. It has graduated to new situations and settings. For example, it has graduated to land issues which were not there before.

It has also graduated to material things where one group or community claims or terrorizes the other in order to benefit from what is available in a given area. Pasture and water used to be a common source of conflict, but that is not the case now. It has become different.

Madam Temporary Speaker, there are senseless killings and people get killed for no reason. Imagine someone riding a motorbike and getting killed on the road or a path, just like that, without having a goat, a cow or anything. They do not even take anything from the victims, but just kill and walk away.

Madam Temporary Speaker, the Government should take very serious measures at this point so that this becomes a thing of the past. Some of the measures that will work in my opinion is development because those of us who have grown in areas such as these ones were neglected and left on our own by colonial administration and by our own Government after Independence.

Things such as emphasis on education have not been with us. We are kind of waking up for the first time to children going to school. There is entirely no urge from family for all children to go to school. Therefore, a way should be found so that children from these families are taken to school. If need be, the force used in the colonial time may be used.

I went to school because a chief came to our home and told my father that I have to go to school or he was to be jailed. My father had no option, but to let me go to school. Therefore, every child must go to school. Unless all children go to school, these people will continue to lag behind and cause mayhem to other people, including their neighbours. So, the emphasis should be on education.

The second is on other development activities such as good health in the area. There is a need for health and provision of water so that waterborne diseases such as typhoid are stamped out.

Roads should also be opened up in these areas so that these people are exposed to living in communities and can interact with the modern world to know what is happening in the world of today.

The other thing I would very strongly suggest is that the unfriendliness of our forces, be it police or KDF, the old unfriendliness should be eradicated so that these people are made to feel that they are part of Kenya and the Government; part of what is likable and not the old perception that they are all thieves and are condemned wholly. My community, the Pokots are sometimes condemned very harshly. It is said that every

Pokot is a cattle rustler when that is not the case. It is just a few individuals who practice it.

If help from the community, leaders and everybody else is sought, there is a combined effort for everybody to contribute and play a part in stamping out this situation to bring the communities that border together. It would not be good if our forces use force. Force will never work, but friendliness and putting things that will bring about development. They should be a part of a process that will participate in development unlike what it has been in the past.

As a believer, I would like to say that---

ADJOURNMENT

The Temporary Speaker (Sen. Veronica Maina): When this Motion resumes, Sen. Murgor will have 6 minutes to conclude his contribution.

Hon. Senators, it is now 1.00 p.m., time to adjourn the House. The Senate, therefore, stands adjourned until later today, Wednesday, 6th March, 2024 at 2.30 p.m.

The Senate rose at 1.00 p.m.