

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Thursday, 9<sup>th</sup> September, 2021

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

*[The Deputy Speaker (Sen. (Prof.) Kamar) in the Chair]*

### PRAYER

**The Deputy Speaker** (Sen. (Prof.) Kamar): The first Statement is from Sen. Kinyua under Standing Order No.47 (1)

### STATEMENT

#### INCESSANT INSECURITY CAUSED BY BANDITRY IN LAIKIPIA COUNTY

**Sen. Kinyua:** Thank you, Madam Deputy Speaker. I rise pursuant to Standing Order No.47 (1) to make a Statement on an issue of general topical concern and national importance, namely the incessant insecurity caused by banditry in Laikipia County.

Today is a sad day for the people of Laikipia. It is a shame that bandits have taken over in the Ol Moran area of Laikipia County and are visiting terror on innocent residents with impunity. In the last one month alone, several people have been killed, over 100 families fled their homes for fear of the escalating crisis, while others have been left nursing gunshot injuries and an unknown number of heads of cattle stolen.

Madam Deputy Speaker, as I speak, tension is quite high in Ol Moran, with villagers fleeing their homes following weekend attacks that saw armed bandits torch some 50 houses in Kisii Ndogo Village.

Madam Deputy Speaker, the attack came barely a day after the National Advisory Security Council (NSAC) held a meeting to review the Security situation and two days after the Rift Valley Regional Coordinator, Mr. George Natembeya led top security officials from the region in a meeting with locals at Ol Moran Township.

Madam Deputy Speaker, life has been tough for us in the last few days with the culmination of a long period of cattle rustling. The whole issue has an expansionist agenda, the strategy being to steal, kill, displace and then occupy. The Government's response has been cosmetic with futile promises of an operation. The CS for Interior and Coordination of National Government, Dr. Fred Matiang'i has promised this operation three times, but nothing has happened.

In a span of seven days, they have killed eight people and injured over 20. Among those killed was Mr. Peter Kairu and Mr. Kiruri sustained multiple bullet injuries.

These bandits have been grazing on farmers' crops with abandon and the farmers are terrified and helpless. It is a big shame that the National Government has gone on record to admit that the bandits are better armed compared to the National Police Service (NPS). With that unfortunate admission, the bandits have turned Laikipia County into their playground, torching houses and schools. They have torched over 27 houses, including Kisii Ndogo and the homes of a Mr. Abdalla and a Mr. Mburu.

They are even daring the Government, hitting targets next to where meetings were being chaired by top civil servants in the region when they burned Merigut and Miharati Primary Schools.

It is unfortunate that these attacks have led to the closure of all the primary schools in Ol Moran namely, Laikipia Ranch, Mbombo, Kahuhu, Mutarakwa, Olmoran, Merigut, Survey, Miharati and Magadi primary schools.

Madam Deputy Speaker, as the residents of Laikipia continue to bear the brunt of the attacks and leave their homes in droves, police officers are watching helplessly as Kenya Defence Forces (KDF) officers are sitting pretty in their barracks.

The home-based National Police Reserve (NPR) had done an excellent job in containing the situation, but have since been withdrawn. Suffice it to say that the situation deteriorated when they were withdrawn.

The animals that are stolen from the farmers are driven through Laikipia Nature Conservancy where even police officers cannot dare track down the stolen animals. The conservancy has become the hideout of armed bandits who have perpetrated bloody incidents in the region.

What we need in Laikipia is an operation by the KDF to flush out the bandits which must be total and sustained; an increase in the number of National Police Reservists and deployment of more police officers and restoration of the livelihood of the residents.

I call upon the President as the Commander-in-Chief of the Kenya Defence Forces to order KDF officers to move in and neutralize the bandits.

The Government must be seen to be at the forefront in providing relief services, including food, shelter and clothing to the thousands of residents who have been dispossessed and displaced by the bandits. The displaced residents are currently seeking refuge in Ol Moran Catholic Church, Deliverance Church and Ol Moran Polytechnic

Madam Deputy Speaker, it is the core duty of any government to protect the lives and property of its citizens. This Government seems helpless and not able to protect the people of Laikipia County.

I am even concerned that the Regional Commissioner came to Laikipia to tell us the way the bandits have M16 Machine guns, while the Government officers have only G3 and AK47 rifles.

If the people of Laikipia are not paying enough taxes, we are ready to pay more, so that we can buy more guns for the Government because it seems to have left us in the hands of bandits.

I thank you.

**The Deputy Speaker** (Sen (Prof.) Kamar): Hon. Senators, I have seen a very high interest here. I want to reduce the time to two minutes each. I know that it is a matter of national interest, but I am seeing that everybody has logged in.

Can we talk of three minutes?

**Sen. Wetangula:** On a point of order, Madam Deputy Speaker. I urge the Chair to treat this matter as of extreme national importance. Treat it as if it was a Motion of Adjournment.

Given that in the Order Paper we have several Divisions, as we wait for quorum for that, I urge the Chair to give us at least the first one hour, so that we can debate this matter seriously and fully. It has constitutional implications and many other issues that we need to say.

In a matter of this nature, two minutes will hardly be enough for anyone to say anything. I suggest that you give us five minutes each, with yours truly here requesting for 10 minutes.

I beg request.

*(Laughter)*

**The Deputy Speaker** (Sen (Prof.) Kamar): Sen. Wetangula, you now want me to discriminate in the House. I do not want to do that. I urge you to make your point without repeating what has been said. The maximum is five minutes, but if you can take less, you will attract the eye of the Speaker always.

*(Laughter)*

I will discriminate in future if you take less time. We know that this is something that is very serious and we want to give it the time that Senators would like to give the Motion. Let us try as much as possible to reduce time, so that we are able to allow everybody to express themselves on this.

Sen. Cherargei.

**Sen. Cherargei:** Thank you, Madam Deputy Speaker. I agree with Sen. Wetangula. I had already discussed with Sen. Kinyua, but because we wanted a resolution, we thought that this was the best route.

On my behalf and that of the people of Nandi County, I pass our deepest condolences. Our prayers and thoughts are with the people of Laikipia during these hard times. We wish them well and pray that this insecurity that we are witnessing, where the bandits have overthrown the Government---

The information we have is that the bandits are even flying a black flag which shows that they are in charge. It is unfortunate. Several schools have been closed, and this is in clear violation of the constitutional provisions.

Madam Deputy Speaker, Article 238 of the Constitution is on principles of national security. This matter should have been treated with the attention that it deserves. I would have expected the Cabinet Secretary (CS) of Interior and Coordination of National Government and the Inspector-General to be on the ground, not just the reservists, so that they can assist our people. Our people are in distress and are suffering.

Listening to Sen. Kinyua, yesterday we had reports that the bandits were shooting their guns a few metres from where the Regional Commissioner was hold his meeting. The only thing that the reservists and the Government has told us that they are using M16 guns as opposed to the Kalashnikov 47 riffles.

Madam Deputy Speaker, I agree that we have a problem. When you look at Article 29 of the Constitution, there is the freedom of security of a person. The freedom

of these people has been violated. When you look at Article 40, there is the protection of right to property. However, property have been taken away in clear violation of the law.

The problem started when there were 800 Kenya Police reservists that were withdrawn. That is when these attacks happened in Laikipia County. There were 3,000 who had been commissioned and issued with guns. The CS and the Ministry of Interior and Coordination of National Government disarmed 3,000 Kenya police reservists. As I speak, someone has been allegedly killed by these bandits in Kerio Valley. They are fleeing to your neighbouring county, Elgeyo-Marakwet, because 800 Kenya Police reservists were disarmed.

With all due respect to the police that are going there, those bandits do not even have badges. These are people who understand the terrain. The only people who can handle them are Kenya Police Reservists who should be given guns and allowed to fight these bandits in support of the police officers.

Madam Deputy Speaker, I think that the Government miscalculated the level of insecurity in that region and it is spilling over to the North Rift Region. I know that you will give directions. The earliest that the Committee of National Security, Defense and Foreign Relations should invite the CS of Interior and Coordination of National Government, Inspector-General of the Police and any other security agency should be Tuesday.

If the earliest they can invite them is on Friday, tomorrow, all of us are willing to appear, even if it means having a Committee of the Whole. I know that Sen. Wetangula is a Member of the Committee on National Security, Defense and Foreign Relations.

Madam Deputy Speaker, if this country was functioning, the Inspector-General of the police and the CS should have resigned. It is very unfortunate and disastrous that we continue to lose lives and property. I call upon the people who are in charge of security and the President of the Republic of Kenya to deal with the issue of bandits once and for all.

It looks like the security in Laikipia County has overwhelmed the CS of Interior and Coordination of National Government. The President himself should intervene and even order the military to go to Laikipia and ensure that insecurity does not spill over to any other parts of this country.

I thank you, Madam Deputy Speaker for that opportunity.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Sen. Wetangula.

**Sen. Wetangula:** Thank you, Madam Deputy Speaker. As we support the Statement from our distinguished colleague, what we are seeing happening in Laikipia County is a terrible shame to our country. It is actually collective shame to all of us.

Yesterday, for the whole day, the British Broadcasting Cooperation (BBC) world service was beamed on Laikipia, probably because there are several British citizens who live there. Listening to BBC, you would have thought that Laikipia is a part of Afghanistan. It is such a terrible thing.

Madam Deputy Speaker, the clips we saw coming from Laikipia are frightening. A rag tag group of youth who hardly look 20 are running around with very heavy weapons. I saw some in clips running around in Government vehicles. I do not know who was in that vehicle, but it was a Government Land Cruiser. They were menacing anybody in sight, with little children excited that they could see such armed youths, running after them in celebration.

It is not right. We have a National Police Service (NPS). We have the General Service Unit (GSU), Administration Police (APs) within that NPS.

We have the KWS that is armed. Why are we not deploying these detachments to Laikipia to restore peace?

Why are we watching as a rag tag army of small boys is going around destroying property in broad daylight? We are seeing the Regional Commissioner engaging in helpless lamentations instead of acting. He is telling Kenyans and the whole world that this rag tag army has G16 weapons which he says are with the British Army then he withdrew. I heard the British High Commission saying the army that is in Kenya from the United Kingdom does not have those weapons. Where are these weapons coming from? What is our intelligence doing? What happened to our early warning mechanisms?

We know that this is an area that has had security challenges. I lost my very good friend, a Provincial Commissioner called Chelang'a whose plane was shot down in that area. Every Kenyan life matters.

Madam Deputy Speaker, under Article 96 of the Constitution, this House represents and defends counties and their governments. So, every single Member of this Senate is a Senator for Laikipia for purposes of this matter. We owe it to the people of Laikipia and the people of Kenya to speak it out.

In fact, I would urge that the Senate Committee on National Security, Defence and Foreign Relations in which I serve with Sen. (Eng.) Mahamud and other Senators should actually visit Laikipia. If Laikipia is insecure for the people of Laikipia, it is insecure for all of us. If Laikipia is safe for the people of Laikipia, it is safe for all of us.

I want to discourage any attempt in fighting this to violate the Constitution. I do not agree with my brother from Laikipia that the army should be deployed without due process. Article 241 of the Constitution states: -

“To deploy the army in any part of the country for any reason of restoration of peace must be done with the approval of Parliament.”

I do not think Parliament will resist in approving this. Let the Government bring any Motion to this House so that we can approve the deployment of the army. However, before we do that we must be explained to as a country why the police have not succeeded in stamping out these bandits.

You may recall - and Sen. Khaniri and Sen. Wambua are here - how they were teargassing us day in, day out, during our resistance days. Where are they today? We want to see that energy, enthusiasm, force and brutality translated into restoration of peace in Laikipia.

It is not giving our country a good name. In fact, with an already weakened economy this kind of conduct in Laikipia is undermining investments in the country, it is destroying property, lives and, above all, I cry for the women and children of Laikipia. In a situation like this, the frontline sufferers are women and children.

The men will take guns and run to the forest. The women will be watching over their children. They will stay at home knowing that they cannot leave their little children to the attacks of the bandits. In the process, they get killed.

Madam Deputy Speaker, this matter must be taken very seriously. I urge you like the Senator for Nandi has said, that you direct at the end of this discourse that the Cabinet Secretary for security and all the security organs; that is, the DCI, the Inspector-General of Police and the head of NIS appear before a Committee of the Whole, so that we will be

able to interrogate, properly and thoroughly as to why this is happening in Laikipia. This is because tomorrow it may be in Bungoma, Nandi, Mandera, Vihiga, Kitui or anywhere.

As responsible citizens and as leaders, this is not something we should shy away from speaking to. I thank Sen. Kinyua for the bringing this matter and wish him well as the frontline Senator of Laikipia, knowing we are all Senators of Laikipia.

I thank you.

**Sen. (Eng.) Mahamud:** Madam Deputy Speaker, let me also add my voice to this matter which has been brought to this House by our colleague from Laikipia. Security matters are very important to this country because if the citizens of this country have not security their lives will be meaningless.

Kenya's security is entrusted to our security forces and, of course, local security is entrusted to the police who are very well trained and have good numbers.

Internal conflict between our people is something very serious that has been going on for a long time. There is no external threat coming to us in the matter of Laikipia. It is not a local issue between the locals. It is very serious which we must all address. The police must be able to deal with the matter very decisively.

However, there seems to be some laxity in terms of how they are dealing with it. It is not the first time as serious as it is. Issues of tribal clashes and cattle rustling in parts of this country such as South and North Rift and Laikipia have been going on, but I think we take it very casually. Consequently, life is being lost every time.

It is very shameful that our leaders who lead the police accept that the bandits have more sophisticated weapons than them. As Sen. Wetangula said, the police are ready to deal with small matters such as teargassing and doing what they want. They are very busy withdrawing security forces from politicians and arresting Senators who are ready to vote on serious matters, but not dealing with issue that concern this country and the people.

We must sanction the Inspector General of Police (IG) and his team. It is not acceptable in the 21<sup>st</sup> Century that Kenyans are kicking one another in broad daylight when everybody is just watching. Some people complain that the bandits have sophisticated weapons. These are our young people. We should deal with it.

I do not also agree we can deploy the army without any proper process of law. Police should be able to deal with that. I think there is laxity. Our police are very busy stopping vehicles on the roads and just collecting shillings here and there. It is important that this matter is dealt with.

The matter could go to no better place. It is our job as leaders of this country to treat matters seriously. Let us be serious and deal with this matter seriously. We are very busy dealing with very petty issues meant for 2022 politics where we do not even know whether we are going to reach. We are debating on who will be what or where in 2022 politics and who will succeed who and so forth.

These are petty matters. Even our CSs have become politicians. These have been vetted by Parliament, but they are now busy trying to see how best they can be close to the powers that be, so that they deliver people to whatever destination. Let the people who are in Government do their job. Let the IG and the person who is in charge of security do his job. Let other sideshows be left to politicians and leaders such as Sen. Wetangula and others.

Our CSs must do their job. The buck stops with the Ministry of Internal Security and Coordination of National Government led by my friend Dr. Matiang'i and the IG. Let them do their job. We cannot accept this. As said by my colleagues, these people must come before this House and explain to the Committee where Sen. Wetangula and I, are what is happening and what they are doing or not doing.

Madam Deputy Speaker, I generally support the Statement. I thank the Senator for Laikipia for bringing the Statement. There is not Al-Shabaab in that part. There are no bandits from outside. We can accept when someone says that Al-Shabaab have come into our country or are fighting from the outside, but there are no Al-Shabaab in Laikipia. These are the local people. They must be dealt with so that we can give security to all the people of Laikipia. I condole with the people who have lost their lives and sympathize with the people who have been displaced. This matter should not be allowed to continue.

I support the Statement.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Sen. (Dr.) Musuruve.

**Sen. (Dr.) Musuruve:** Thank you, Madam Deputy Speaker, for giving me an opportunity to air my views on this Statement. I would like to start by thanking Sen. Kinyua for bringing it on the Floor of this House.

It is really painful and sad that a part of this country is going through massive insecurity. When there is massive insecurity in an area, it is an issue that should concern us, as a Senate, and the State. It is unfortunate that such activities are happening in Laikipia.

Article 43 of the Constitution is very clear. Article 43(e) is on issues of security. The State needs to give security to people. It is a socio-economic right; there are no two ways about it. The people of Laikipia need security. Article 43 (3) speaks on the same issue and connotes that where someone is not able to give security to themselves, or their dependents, the State is obligated to do so.

It is, therefore, something that the State must really act. I suggest that Cabinet Secretary (CS) Matiang'i should be more vibrant on the issue of security in Laikipia. It should not just be talk alone. It should be talk and act. When people come and boldly say on the media that they have guns, what has been done to them?

I thank the media for coming out strongly to show the faces of these people. The media are the watchdog of the society. They are doing the right thing. They should air such issues so that we know what is happening and as legislators see how to intervene.

Madam Deputy Speaker, it is unfortunate that the incident in Laikipia is not only affecting families, but also the economic livelihood of the people of Laikipia because they cannot farm now. They are not at all stable. Children cannot go to school. As scholar, I know what it means. The children will be left behind even more in their education.

If farmers are not doing their work because it is insecure, it means that the families will live from hand to mouth because they have nothing to live on. It is an issue that needs to be dealt with immediately and urgently. There is no other way. The people of Laikipia are psychologically affected. Families are affected. There is a lot of insecurity and there are even lives that have been lost as result of this.

Madam Deputy Speaker, if 27 houses have been torched, it means that the affected families are not only helpless, but also homeless. If they are homeless, where are

they at the moment? As a Senate, we should ask ourselves where are they hibernating? Are they under trees?

The Committee that will look into this should do service to Kenyans and the people of Laikipia so that people can see. People are watching. Not only Laikipians are watching, all Kenyans are watching to see how we are going to handle this matter.

If the Government is not able to handle this matter, what happens in another region if the same thing that is happening in Laikipia is repeated? We must bring to a stop the insecurity in Laikipia.

I support this Statement

**The Deputy Speaker** (Sen. (Prof.) Kamar: Sen. (Rev.) Waqo.

**Sen. (Rev.) Waqo:** Thank you, Madam Deputy Speaker, for allowing me to add my voice to this very important Statement by Sen. Kinyua, as I also thank him for doing this on behalf of his people.

It is a big shame as many of us have already said that in the 21<sup>st</sup> Century as a Government we can sit and say that the bandits have overtaken us and they have stronger or more weapons than what our Government has.

Madam Deputy Speaker, I come from Marsabit County and for us this has become the order of the day. Two months ago, 78 houses were burnt down and people are homeless in Marsabit. We have so many orphans and widows and animals have been taken away. While all this was happening, the Government was still there. However, nothing was done about it.

When the Senator for Laikipia County was giving his Statement he demonstrated a lot of bitterness. I could understand where he was coming from. That time when it happened to us and it is still happening, you would sit within the town and see the bandits taking over almost everything. So, the question is: Is our Government in control?

Sometimes we complain of police brutality and young people are being killed by the police. When our citizens need the attention and protection of the police, they are not there to protect the lives of our people.

Madam Deputy Speaker, it is high time that we asked ourselves whether the CS, Ministry of Interior and Coordination of National Government is giving the right orders to his officers.

Sometimes when you look at the problems that we are facing as a country, COVID-19 pandemic is already killing our people day and night. Every day, we bury Kenyans; almost every hour. In every county, people are dying. We do not have the facilities that we need. People are financially down; their businesses are gone and they cannot even help themselves.

Now it appears the Government is allowing the bandits to come and finish Kenyans. You wonder what is the role of our Government at this particular time when Kenyans need its attention.

When this happens and I speak out of experience, school-going children are affected. They are not going to school, but when it is time for exams they will be treated like any other student in this country. Nobody will put into consideration the problems they are going through. They will sit for the same exams that other students are sitting for.

As a result of this, pregnant mothers have nowhere to lay their heads. Some even give birth on the road. I think it is a big shame for us, as a country, to face such a problem



in the 21<sup>st</sup> Century. It is the responsibility of our Government to protect the lives of Kenyans. However, this not felt or seen in many parts of our country. In fact, sometimes I sit and I wonder whether it is the same Government that is facilitating the war and the conflict at the grassroots.

I support the Statement. It is my prayer that serious action will be taken and that this matter will be given the attention it deserves.

**Sen. Malalah:** Thank you, Madam Deputy Speaker. First of all, I want to thank my colleague, the Senator for Laikipia for exercising his powers under Article 96(1). I want to join him in expressing my sincere condolences to the families that have lost their loved ones in his county.

In the same breath, I want to express my heartfelt sympathies to the affected citizens of Laikipia County. We have so many families which have been displaced. As responsible leaders, it is good enough to pray, stand with them and encourage them during this moment of grief.

Article 19(1) of Chapter Four of our Constitution is very clear. It emphasizes on the Bill of Rights being an integral part of Kenya's democracy. It is also a framework of our social economic and cultural policies. It goes ahead to emphasize the fact that the rights and fundamental freedoms in the Bill of Rights belong to the individual and are not granted by the State. It is not a privilege to enjoy the Bill of Rights. This is a right that is supposed to be enjoyed by the citizens of this country.

The right to life cannot be negotiated. The people of Laikipia have lost loved ones. We want to know who will compensate them. There is no amount of compensation that is going to fill the gaps of the people who have lost their loved ones. This calls for somebody being responsible.

We have issues of human dignity and families. I saw families now living away from their homes. Article 28 of the Constitution is very emphatic on the fact that every person has inherent dignity, which needs to be respected and protected. It is the responsibility of the Government to ensure that they implement Article 29 of the Constitution, which gives the citizens of Kenya freedom and security.

It is the responsibility of the security organs to tell us the root cause of these skirmishes. We have rumours that the cause is the fight between the semi-nomadic pastoralists and the ranch owners. Others rumours are that it is connected to the 2022 General Elections. We are still working with rumours, while people are dying. We want to know the root cause.

It is sad that in such an instance, the security organs rush to do political arrests, just to decoy us from the real cause of the skirmishes. I was arrested over the Matungu killings, but to date, I have not been charged. It is just a matter of political perception so as to appear to be doing something.

First, we have been failed by the police force. When thugs invade your home and you call police officers at night, they will tell you they do not have fuel to come and help you. However, when they smell the pungent fumes of *chang'aa*, their Toyota Land Cruisers get fuel immediately. The police force has let us down on this.

Secondly, the National Security Intelligence Service (NSIS) has failed us. To date, they do not know who is funding these bandits. They are guessing like any other citizen. We want to call upon the Director of the NSIS to rise up to the occasion.

Lastly, the Directorate of Criminal Investigations (DCI) has failed in its investigatory role. We have had these issues from Baragoi, Kuresoi to Laikipia. To date, nobody has been brought to book. We call upon those three agencies to rise to the occasion and sort out the Laikipia issue.

I congratulate the Senator of Laikipia for standing for his people. I believe they will never forget you for that.

Thank you.

**Sen. Seneta:** Thank you, Madam Deputy Speaker, for giving me a chance to add my voice to this very important Statement by Sen. Kinyua. Article 29 of Chapter Four of the Constitution guarantees security and freedom to the citizens of this country. However, we are seeing lack of security, peace, shelter, freedom and food for the citizens of Laikipia because of insecurity.

This is a replica of what is happening in many parts of this country. The other month, we experienced a lot of insecurity in Kajiado where citizens took the law into their own hands and started killing themselves. This is because the security organs failed to protect the people. Many times, livestock theft and conflicts are experienced in different parts of the county.

Whenever security organs are called upon to protect or offer assistance where they are needed, they are not available to the people. Therefore, Kenyans become so miserable. That is why we see them killing themselves. That is why we see some illegal groups taking off in some parts of this country.

Madam Deputy Speaker, I think that is high time that the security Committees of the National Assembly and the Senate summoned the Cabinet Secretary (CS) so that he can explain to the country the reluctance of the security organs. In the last few weeks, we saw the Ministry of Interior and Coordination National Government taking a lot of time to explain the security of the Deputy President and why they were to reshuffle the security personnel of his office and estate.

In this case, we have not seen any Committee or institution within the Ministry of Interior and Coordination of National Government explaining the insecurity that has taken place in Laikipia. If it were in other developed countries, the CS should have resigned by now.

We have lost many lives in Laikipia. In the last three months, it was in Marsabit. The other time, it was in Kajiado, and many other parts of the country, yet the CS is still in office. I think that this Statement should be taken very seriously by the concerned Committee and Ministry, so that we can deal with this situation decisively.

I also want to condole with the families who lost their loved ones in Laikipia. I urge the county government of Laikipia and humanitarian organizations to make sure that they have offered shelter and food to the affected persons in Laikipia County.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Sen. Khaniri.

**Sen. Khaniri:** Madam Deputy Speaker, I want to thank you for the opportunity. Let me at the very outset take this opportunity to thank the Senator for Laikipia, Sen. Kinyua, for bringing this matter to the Floor of this House.

Secondly, allow me to convey my condolences and those of the people of Vihiga to the people of Laikipia and their leaders, including our colleague, Sen. Kinyua.

This is a matter of extreme national importance. What is happening in Laikipia is extremely sad, just to say the least. It is unfortunate and a great shame to this country that

this has been going on for over two weeks and the Government looks like it is helpless. When you see Government officials going to the site they are just going to mourn with the rest of the populace. They do not seem to have a solution to end this massacre.

Madam Deputy Speaker, people have lost lives. My understanding of a government as a political scientist is that, first and foremost, the responsibility of any government is to provide security to its citizens and their property. Any government that is unable to provide security to its citizens has no business calling itself a government. In fact, it should resign. I heard my colleagues say the Minister and the security agents should resign. The Government should resign if it is unable to give security to the people that put it in place.

Insecurity in any part of the country is insecurity to all of us. So, we should not sit back and say that it is only in Laikipia because tomorrow it might be Vihiga. The day after, it will be Nandi and Kitui. We must stand up with one voice as the Parliament of the Republic of Kenya to condemn this in the strongest terms possible.

Madam Deputy Speaker, it is sad. We have been told the schools have been closed; children are not going to school. I heard Sen. Waqo say that the same children who are not going to school will be examined together with the rest of the children who are continuing with their education now. How do you expect them to compete when they are out of school right now missing lessons? This must be brought to an end.

I want to support the calls for deployment of the KDF. Sen. Wetangula put it very well when he said that there is a procedure to be followed in deploying the KDF. It is provided for in our Constitution under Article 241(3)(c) that it should be with the consent of Parliament. How long will it take to call Parliament? It is a day. This is an emergency.

I have not heard the head of Government come out strongly on this matter. In fact, everything else should be stopped. You cannot talk of development when people are dying. All other Government activities must be stopped until this matter is arrested.

Madam Deputy Speaker, I see my time is up. We condole with the people of Laikipia and may the souls of those who have left us rest in eternal peace.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Sen. Iman, I do not see him. Let us have Sen. Millicent Omanga.

**Sen. Omanga:** Thank you, Madam Deputy Speaker. I congratulate the Senator of Laikipia, Sen. Kinyua, for bringing this matter to the Floor of this House.

It is so shameful in the 21<sup>st</sup> Century that we are debating on this. Our security agencies and the IG being an independent office have failed. The CS for Internal Security and Coordination of National Government, his Principal Secretary, the IG, the (DCI) and the Director of NISS should resign.

We cannot have people being killed like rats and yet they are busy politicking, trying to decide who become who in 2022. They are busy doing police arrests. Every Friday, they will send anti-riot police and hundreds of GSU and Recce Company to go and arrest one person. On Monday, the person is released and not even charged in court. However, we are not seeing all that vigour, vehicles and weapons in Laikipia.

I have received calls from my relatives in Kisii Ndogo in Laikipia. I have relatives who have been killed and some in hospital. Our CS is busy opening some projects I do not know where in the country. The other day, they re-deployed the GSU from the Deputy President's residence. I expect these officers to be in Laikipia protecting our people.

The Regional Commissioner should also not be in office. He admitted in full glare of the media that the bandits have superior weapons to the police. What is he doing in office? Do we have a Government as we sit?

Madam Deputy Speaker, it is so sad and shameful. I have no words to describe such a situation. When these heads of security appear before this House, I hope it will not be like the last time where we had a Public Relations (PR) exercise with the Committee on National Security, Defence and Foreign Relations. Members were like PR officers from the Office of the President.

That is why we insist that this time it should be a Committee of the Whole. We should have all the Senators here to interrogate these heads of Security agencies so that whatever happened last time - which was very shameful – does not happen again.

**Sen. Wambua:** Thank you, Madam Deputy Speaker. On my own behalf, my family and the great people of Kitui County, I stand to condole with the families of the victims of the Laikipia bandit attacks. I remember when the other attacks happened; I called my brother, Sen. Kinyua, because I knew that he was on the ground. He mentioned to me that he and the area Member of Parliament (MP) escaped attack by a whisker.

Madam Deputy Speaker, in trying to remedy the situation, the bandits were so emboldened that they struck only a few kilometres from where they were. I advised him that generals do not fight in the battlefield and he should consider retreating to come and mobilize support for the operation, which he has continued to do.

I thank Sen. Kinyua for standing with his people and for bringing this Statement here, so that we can also be part of the attempt to help the people of Laikipia. As it has been said by my colleagues, banditry in Laikipia is banditry everywhere else in this country.

Madam Deputy Speaker, as a Senate, there are things that we think the national Government should do very fast to avert further suffering of the people of Laikipia. It has been said that there is need to move with speed to equip the Kenya Police Reservists (KPR) with guns that resemble those that the bandits are using, or even superior ones.

I saw the Regional Commissioner (RC) physically shaken on national television announcing to the nation that the bandits are using more superior guns than the police, and I wondered how that can happen. How did those weapons even find their way to Laikipia?

Madam Deputy Speaker, at some point, three or four years ago, the former Chief Justice of the Republic of Kenya, (Dr.) Willy Mutunga, spoke about a bandit economy. I do not know what it is that he had in mind, but now I think that it is time to address ourselves to a bandit country. I am saying this because these incidences of banditry in this country have become too much.

I am reminded of situations in Kainuk on the border between West Pokot and Turkana, Baragoi in Samburu County, Kapedo, on the border between Baringo and Turkana, and now Laikipia. It is still very fresh in the minds of Kenyans what happened in 2014 when 19 police officers were ambushed and massacred by bandits in Kapedo.

Madam Deputy Speaker, we should not allow this to happen. Article 245 of the Constitution of Kenya (2010) gives the Inspector-General of Police express authority to enforce the law everywhere in this country. There can never be an excuse from the Office of the Inspector-General of Police that he is unable to contain the situation in Laikipia.

If he is unable to do that, we should engage the next gear. The National Assembly should be recalled to pass a Motion for the President to deploy the Kenya Defense Forces (KDF) in Laikipia to contain the situation and return normalcy to Laikipia. As we speak--

*(Sen. Wambua's microphone went off)*

**The Deputy Speaker** (Sen. (Prof.) Kamar): Your time is up.

*(Sen. Wambua spoke off record)*

You did not see the warning?

**Sen. Wambua:** No.

**The Deputy Speaker** (Sen. (Prof.) Kamar): I will give you 30 seconds because of the warning that failed.

**Sen. Wambua:** Thank you, Madam Deputy Speaker. Let me conclude. I was saying that schools in Laikipia have been closed and some burnt down. Churches and places of worship have been closed. Livelihoods have been destroyed and lives have been lost. Something must be done. We must all stand with Sen. Kinyua to make sure that the people of Laikipia are protected.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Senators, remember when we started this debate there was a request that we go for one hour. That one hour is supposed to lapse in the next 15 minutes. We had also put a rider because I can see the interest is expanding; that once we have the numbers we dispose of the Division.

I would like us to go to the Division. It is going to take a very short time. Let us finish so that we come back to this and I will allow everybody to express themselves.

*(Interruption of debate on Statement)*

Next Order.

## MOTION

### APPROVAL OF THE COUNTY GOVERNMENTS CASH DISBURSEMENT SCHEDULE FOR FY 2021/2022

**The Deputy Speaker** (Sen. (Prof.) Kamar): We will go into voting. I want to request those who are online, please do not leave; we have three Divisions today. If you are outside, please come in. We need Tellers from both sides. Ring the Division Bell for one minute.

The Tellers are Sen. Cherargei and Sen. Kwamboka.

*(The Division Bell was rung)*

**The Deputy Speaker** (Sen. (Prof.) Kamar): Hon. Senators, this is going to be a Roll Call vote and we shall start right away.

*(Roll Call voting in progress)*

**The Deputy Speaker** (Sen. (Prof.) Kamar): Please vote. Sen. Mutula Kilonzo Jnr., we can see you but cannot hear you. Unmute. Can you tick as we watch you? We cannot hear you. Just give us a tick. He must be asleep wherever he is.

Sen. (Prof.) Ongeru, we are waiting for you to vote. We can see you. Please, unmute and vote. If you can hear us, please, unmute and vote. He is trying to talk but we cannot hear him.

**Sen. Mutula Kilonzo Jnr.:** Madam Deputy Speaker, the platform has a problem.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Now we can hear you. We would not hear you before. Sen. (Prof.) Ongeru, please, vote. He has ticked.

*(Roll call voting in progress)*

**The Deputy Speaker** (Sen. (Prof.) Kamar): We will move to the next vote so that we announce all of them at the same time.

## **BILL**

### *Second Reading*

#### THE COUNTY GOVERNMENTS GRANTS BILL (SENATE BILLS NO.35 OF 2021)

*(Division)*

Let us start voting.

*(Roll call voting in progress)*

**Sen. Halake:** Madam Deputy Speaker, may I vote for Isiolo county since Sen. Dullo is not there?

**The Deputy Speaker** (Sen. (Prof.) Kamar): Yes, go ahead.

*(Voting in progress)*

Now we shall go for the last vote. Next order.

## **BILL**

### *Second Reading*

#### THE KENYAN SIGN LANGUAGE BILL (SENATE BILLS NO.5 OF 2021)

*(Division)*

**The Deputy Speaker** (Sen. (Prof.) Kamar): Let us vote.

*(Roll Call voting in progress)*

### MOTION

#### APPROVAL OF THE COUNTY GOVERNMENTS CASH DISBURSEMENT SCHEDULE FOR FY 2021/2022

THAT, the Senate adopts the Report of the Standing Committee on Finance and Budget on the Cash Disbursement Schedule for Financial year 2021/2022, laid on the Table of the Senate on Tuesday, 7th September, 2021, and that pursuant to Section 17 (7) of the Public Finance Management Act and Standing Order 183 (3), the Senate approves the County Governments Cash Disbursement Schedule for Financial Year 2021/2022.

*(Sen. Kibiru on 7.9.2021)*

*(Resumption of Debate interrupted on 8.9.2021)*

### DIVISION

#### ROLL CALL VOTING

*(Question, that the Senate adopts the Report of the Standing Committee on Finance and Budget on the County Governments Cash Disbursement Schedule for the Financial Year 2021/2022, laid on the Table of the Senate on Tuesday, 7th September, 2021, and that pursuant to Section 17(7) of the Public Finance Management Act and Standing Order 183(3), the Senate approves the County Governments Cash Disbursement Schedule for Financial Year 2021/2022, put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Faki, Mombasa County; Sen. Haji, Garissa County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Langat, Bomet County; Sen. (Dr.) Lelegwe, Samburu County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Kavindu Muthama, Machakos County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwaruma, Taita Taveta County; Sen. Ndwiga, Embu County; Sen. (Dr.) Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. Omanga, Nairobi County; Sen. (Prof.) Ongeru, Kisii County; Sen. Outa, Kisumu County; Sen. Poghisi, West Pokot County; Sen. Seneta, Kajiado County; Sen. Wamatangi, Kiambu County; and, Sen. Wambua, Kitui County.

**Teller of the Ayes:** Sen. Cherargei

**NOES:** Nil

**Teller of the Noes:** Sen. Kwamboka

**The Deputy Speaker** (Sen. (Prof.) Kamar): Hon. Senators, I would like to announce the results of the voting.

**AYES:** 29

**NOES:** Nil

**ABSTENTIONS:** Nil.

The “Ayes” have it.

*(Question carried by 29 votes to 0)*

## **BILLS**

### *Second Reading*

THE COUNTY GOVERNMENTS GRANTS BILL  
(SENATE BILLS NO.35 OF 2021)

*(Sen. Kibiru on 8.9.2021)*

*(Resumption of Debate interrupted on 8.9.2021)*

## **DIVISION**

*(Question, that the County Governments Grants Bill  
(Senate Bills No.35 of 2021) be read a Second Time, put  
and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Faki, Mombasa County; Sen. Haji, Garissa County; Sen. Halake, Isiolo County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Langat, Bomet County; Sen. (Dr.) Lelegwe, Samburu County; Sen. M. Kajwang’, Homa Bay County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County; Sen. (Eng.) Maina, Nyeri County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Moi, Baringo County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Kavindu Muthama, Machakos County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwaruma, Taita Taveta County; Sen. Ndwiga, Embu County; Sen. (Dr.) Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. Omanga, Nairobi County; Sen. (Prof.) Ongeru, Kisii County; Sen. Outa, Kisumu County; Sen. Poghisi, West Pokot County; Sen. Seneta, Kajiado County; Sen. Wamatangi, Kiambu County; and, Sen. Wambua, Kitui County.

**Teller of the Ayes:** Sen. Cherargei

**NOES:** Nil

**Teller of the Noes:** Sen. Kwamboka

**The Deputy Speaker** (Sen. (Prof.) Kamar): Hon. Senators, I would like to announce the results of the voting.



**AYES:** 33  
**NOES:** Nil  
**ABSTENTIONS:** Nil  
The “Ayes” have it.

*(Question carried by 33 votes to 0)*

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

*Second Reading*

THE KENYAN SIGN LANGUAGE BILL  
(SENATE BILLS NO.5 OF 2021)

*(Sen. (Dr.) Musuruve on 8.9.2021)*

*(Resumption of debate interrupted on 8.9.2021)*

**DIVISION**

*Question, that the Kenyan Sign Language Bill (Senate Bills No.5 of 2021) be read a Second Time, put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Faki, Mombasa County; Sen. Haji, Garissa County; Sen. Halake, Isiolo County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Langat, Bomet County; Sen. M. Kajwang', Homa Bay County; Sen. Madzayo, Kilifi County; Sen. (Eng.) Mahamud, Mandera County; Sen. (Eng.) Maina, Nyeri County; Sen. Moi, Baringo County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Kavindu Muthama, Machakos County; Sen. Mutula Kilonzo Jr., Makueni County; Sen. Mwaruma, Taita Taveta County; Sen. Ndwiga, Embu County; Sen. (Dr.) Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. Omanga, Nairobi County; Sen. (Prof.) Ongeru, Kisii County; Sen. Outa, Kisumu County; Sen. Poghisi, West Pokot County; Sen. Seneta, Kajiado County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County; and, Sen. Wetangula, Bungoma County.

**Teller of the Ayes:** Sen. Cherargei

**NOES:** Nil

**Teller of the Noes:** Sen. Kwamboka

**The Deputy Speaker** (Sen. (Prof.) Kamar): Hon. Senators, I would like to announce the results of the voting.

**AYES:** 31

**NOES:** Nil

**ABSTENTIONS:** Nil

The “Ayes” have it.

*(Question carried by 31 votes to 0)*

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

**The Deputy Speaker** (Sen. (Prof.) Kamar): Thank you, Senators!

We can now go back to the Statement on insecurity in Laikipia County. As I promised you, it is only 15 minutes remaining because we have overshot our time on that Statement.

I want Members to rebook. I can only remember three; Sen. Iman, Sen. Madzayo and Sen. (Dr.) Langat, in that order. We will have those three and continue. May I beg you that we now go for three minutes.

## STATEMENTS

### INCESSANT INSECURITY CAUSED BY BANDITRY IN LAIKIPIA COUNTY

*(Resumption of Debate on Statement)*

**Sen. Iman:** Thank you, Madam Deputy Speaker, for giving me this opportunity to join the rest of my colleagues to comment on the security issue in Laikipia County. I also thank Sen. Kinyua for bringing this timely Statement on the Floor of the House.

Security is paramount and I am shocked insecurity in Laikipia County has been going on for two weeks now. The Committee on National Security, Defense and Foreign Relations let us down as well as the people of Laikipia County and Kenyans.

They should be at the forefront of this matter and not wait for Sen. Kinyua to bring a Statement, two weeks after this happened. People have lost lives and others have been displaced from their houses. They are now sleeping on the streets and some are accommodated in churches.

Madam Deputy Speaker, I have not seen the Committee on National Security, Defense and Foreign Relations at the forefront fighting for this. My message to the Inspector-General (IG) of Police, the Cabinet Secretary (CS) for the Ministry of Interior and Coordination of National Government and the County Commissioner is that it seems their priorities are misplaced. It looks like they are doing some other work that politicians are supposed to do. They politicize everything. They should leave politics to politicians. They were appointed to those offices to protect the security of this country and everyone. Article 29 of the Constitution says that everyone has the right to freedom and security.

I wish to send a message of condolences to those who lost their loved one in Laikipia County. Security is paramount and the IG, the County Commissioner and the CS are taking the lives of people as a joke. They should resign from today because it looks like they are playing politics. They should put the security of Kenyans and this country first.

We harshly condemn what is going on, not because we are politicians, but because we feel the pain and we cannot help them. If the people assigned to provide

security and politicking, who should protect Kenyans? This is a strong message from every Member who stood on this Floor to condemn what is going on. The three gentlemen should resign.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Thank you, Senator!

Sen. Madzayo, proceed.

**Sen. Madzayo:** Shukrani, Bi. Naibu Spika. Kwanza, ninampa kongole ndugu yangu, Sen. Kinyua, kwa kuleta Taarifa hii. Yeye ni Seneta mchapa kazi ambaye anawakilisha Kaunti ya Laikipia. Vilevile, ni mwenzangu katika kuzungumza Kiswahili mufti.

Ni aibu kwamba leo hapa Kenya, jeshi letu haliwezi kuchukua hatua. Sasa hivi, tunavyoongea, familia 40 zimefurushwa kutoka makao yao huko Olmoran. Katika eneo la Kisii Ndogo, takriban nyumba 50 zimechomwa na watu kufurushwa. Mkutano wa polisi ulikuwepo katika eneo hilo na kufanya mkutano mkubwa lakini huyu Bw. Natembeya na mkubwa wa polisi wa Kaunti ya Laikipia, wamezembea katika kazi yao.

Kisii ndogo, kuna nyumba karibu 50 zimechomwa na watu kufukuzwa na wamehama. Ni jambo la aibu kwamba mkutano mkubwa wa maafisa wa polisi ulikuwa katika eneo hilo lakini huyu mtu anayeitwa Bw. Natembeya, amabaye ni Kamishna wa eneo hilo la Laikipia, amezembea katika kazi yake. Kama Kamishna huyo amechoka na kazi, afadhali atoke Laikipia na ampishe kamishna mwingine ambaye atachukua nafasi hiyo. Yeye ameshindwa na hiyo kazi.

Bi. Naibu Spika, tunajua kuwa Seneta wa Kaunti ya Laikipia anaongea ukweli. Sijui kama yeye anaweza kuongea kitu ambacho si cha ukweli. Akisema kuwa Wakenya 50 walio na vitambulisho vya Kenya, wakenya halisi, wako na nyumba zao ilhali leo zinachomwa na mali zao zinaharibiwa, sisi tunamuamini. Wezi wa mifugo wamechukua mifugo ya watu ambayo wanategemea mifugo hao kuwapatia rasilimali kama maziwa. Wafugaji hao huuza nyama na kujikimu na mazao ya mashamba yao, lakini leo wamekuwa walala hoi ndani ya nchi hii. Hilo ni jambo la kulaumu na kudhalilisha familia ambazo zinateseka sana.

Wanaoteseka zaidi ni kina mama ambao wanabeba watoto, wanao lala nje, wanalia kwa kuwa dhiki imeingia katika familia zao. Ni jambo la kusikitisha ya kwamba mambo haya tulisikia yakitokea lakini hakuna hata mmoja wetu katika Bunge hili alitafakari kama kitendo kama hiki kinaweza kutendeka ndani ya Kenya. Tunaona sasa katika inchi hii wakenya wakiwauwa wakenya wanzao. Kufikia sasa, watu wanane wamekufa ndani ya Kaunti ya Laikipia. Huyu mtu anayeitwa Natembeya anaketi pale na kusema kuwa hana uwezo, amekuwa *run over*, yaani amekanyagwa hadi hajiwezi.

Serikali yetu imekubaliana ya kwamba hatuna vifaa vya kuweza kuwazuia watu hao wanaosababisha hali ya ukosefu wa usalama. Sasa tunashidwa, ikiwa maaskari hawawezi kuzuia wahalifu hao, wanaogopa hata kuwafuata watu hao ambao tunaambiwa wameingia katika *Laikipia Conservancy*, mahali ambapo wanyama pori wanaishi, wamewekwa hapo na wazungu ama watu Fulani. Mifugo wanapoibiwa, wanapitishwa ndani ya *Laikipia conservancy* na kufichwa kule ndani.

Askari wanapoambiwa wafuateni wahalifu hao ambao wameingia ndani ya *Laikipia conservancy*, askari hao wanakuwa waoga. Sasa ikiwa askari wanaogopa kufuata wahalifu hao, ni kina nani watafuata kule ndani? Uvamizi kama huu na watu ambao wanaiba mifugo, kuua watu na kuleta maafu na kuharibu mali ya watu, Serikali inatajikakana kupambana nao vilivyo.

Kamati ya Usalama inatakikana iende huko mara moja kuonyesha kwamba sisi tunafanya kazi na tunawajali wananchi. Kamati hiyo inafaa iende huko na ilete ripoti haraka iwezekanavyo ili tuweze kuona ya kwamba amani imepatikana katika eneo hilo la Laikipia.

Laikipia ni Kenya; haiko nje ya Kenya. Kwa hivyo, ni lazima iangaliwe kisawasawa. Hatusemi wanajeshi watumwe katika eneo hilo. Tungependa maaskari watumwe pale ili kudumisha amani. Hatukaki wanajeshi watumwe pale---

**The Deputy Speaker** (Sen. (Prof.) Kamar): Senator, your time is up, but I will add you 30 seconds *umalize kwa sababu Kiswahili ni kigumu*.

**Sen. Madzayo:** Bi. Naibu Spika, wanajeshi wetu wabaki kwenye mipaka ya Kenya. Hapa ndani tuko na vikosi vya polisi vya kulinda wananchi. Watu wa Kaunti ya Laikipia ambao mali yao iliharibiwa wanahitaji chakula. Serikali iwajibike wakati huu wa shida kama huu na kuwapelekea vifaa vya kujikimu.

Asante sana, Bi. Naibu Spika.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Sen. (Dr.) Lang'at, are you on virtual? This is the second round we are calling him, so we might delete him from the list of Senators who would like to contribute.

Let us proceed. I will now allow Sen. Murkomen to make his contribution.

**Sen. Murkomen:** Madam Deputy Speaker, I thank you for giving me this opportunity to speak on this important matter. First of all, I thank Sen. Kinyua for bringing this important Statement to the Floor of the Senate.

I feel the pain of Sen. Kinyua, because this is the problem we go through every day in Elgeyo-Marakwet County, in Marakwet East specifically and some parts of Marakwet West. The problem of cattle rustling, invasion and terrorism by dangerous criminals that have turned the beautiful Kerio Valley to be the valley of death, is something that freaks my conscience. This is a huge and serious problem that has been there. Yesterday, we lost two lives near a General Service Unit (GSU) camp in Kerio Valley near Kerio Valley Secondary School. The other week, we lost another two people. We have been losing two to three people in Elgeyo-Marakwet County every week.

I feel the pain of Sen. Kinyua and the people of Laikipia. The pain of the people of Laikipia is the same pain that the people of Baringo in areas like Mkutani are going through. It is the same pain that people of Elgeyo-Marakwet are going through in places like Tot and Arror in the larger Kerio Valley region. I ask myself: where is the Government?

As a Senator in this House, and at the time when I was in leadership of this House, we tried our best to resolve this problem. It reached a stage where the Government acknowledged to the public that they are unable to provide enough security to the people of Laikipia and the larger Kerio Valley region.

A Government policy was put in place long time ago in 1970s that we need National Police Reservist (NPRs), who understand the terrain that these gangs and criminals are operating in. As a result, I was in Laikipia with the Deputy President when the reservists of Laikipia were launched.

At that time, Sen. Kinyua was vying for the Senatorial seat. We went to Baringo, and for the first time, reservists were given to the people of Baringo. We went to Kerio Valley, Marakwet side and West Pokot. As a result of that, there was a little bit of silence and peace on this situation of cattle rustling. After the handshake and the new coalition

Government of the second term, the Cabinet Secretary for Interior and Coordination of National Government issued a national memo that they are going to do away with the reservists. There was no policy doing away with the reservists, but a mere memo.

I brought a Statement to this House, which is still pending in the Committee on National Security, Defence and Foreign Relations, that was then chaired by the late Sen. Haji. The question of police reservists has not been resolved despite the fact that the people of Kerio Valley found that to be part of the solution to the problems they are going through.

*[The Deputy Speaker (Sen. (Prof.) Kamar) left the Chair]*

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

Then you have a Regional Commissioner called Mr. Natembeya, who wants to be a governor in Trans Nzoia County, make statements that defeat logic. Whose governor will that person be? A person who announces to the Republic of Kenya that the thugs have more weapons than the Government of Kenya. How many billions are we spending in this country every year in an account that is not even disclosed to the members of public? Then we come here and confess to the public that we are not going to provide for them security. Why is the Government and Cabinet in place? The Cabinet and the President and everybody should resign if the people of Laikipia, Elgeyo-Marakwet, Baringo, Kerio Valley cannot get the security they want.

Governments exist because citizens have donated their power to them, so that they can provide security.

The most important responsibility of the Government is to provide security. If the conventional Regional Commissioner, the Inspector General (IG) of Police, the Cabinet Secretary (CS) of Interior and Coordination of National Government and the Government as a whole are not discussing this issue, it is a shame.

The next question I ask myself is: why would a Cabinet sit to discuss how to fight the Deputy President, yet they have not sat to discuss the security of its own citizens? Why can the President not go for a Cabinet meeting to discuss the problems of Laikipia or Kerio Valley? Why is he busy discussing the security of his deputy?

As the Deputy President said today, we have been told that there is an idle 15,000 acres of land in Laikipia that he is denying and the Government led by President says it is his. The Deputy President has said that it should be donated to citizens of this Republic. Why can we not donate to the grazers to use it now that it is not for the Deputy President or anybody else?

Madam Temporary Speaker, I feel the pain. You do not know how it feels to attend funerals all the time as a Senator. I feel the pain because of the number of funerals that I have gone to in Elgeyo-Marakwet.

When we go to the funerals, Senators, we always say that we will assist, educate and look for jobs for their children. This is shame. People are dying like rats in Elgeyo-Marakwet, Laikipia and Baringo. We must get answers today and not another day.

Sen. Kinyua, it should not just be a Statement. We must make sure that CS Matiang'i comes before us and gives us his answers. My friend, Sen. Outa, you have the privilege and honour of being a Chair of a Committee despite the fact that you are on the

Minority Side. Can you bite? You have pretended for 10 years as the Minority Side by saying that you will have a better Government. As the Chairperson of the Committee on Security, Defence and Foreign Relations, can you bring Dr. Matiang'i here and see whether you will bite?

**Sen. (Prof.) Ongeri:** Thank you, Madam Temporary Speaker.

*(Sen. Mwaruma consulted loudly)*

**The Temporary Speaker** (Sen. Pareno): Let us not disturb the one on the line. I will address you when he finishes.

Proceed Sen. (Prof.) Ongeri.

**Sen. (Prof.) Ongeri:** Can you hear me, Madam Temporary Speaker?

**The Temporary Speaker** (Sen. Pareno): Yes. Proceed.

**Sen. (Prof.) Ongeri:** *(inaudible)*.

**The Temporary Speaker** (Sen. Pareno): We cannot hear you.

**Sen. (Prof.) Ongeri:** Let me locate another position---

**The Temporary Speaker** (Sen. Pareno): We can now hear you.

Proceed.

**Sen. (Prof.) Ongeri:** Madam Temporary Speaker, this is not an issue that we should take lightly. We should try to understand and deal with this matter more carefully and to finality, so that we can bring both communities together. The minute we start with the blame game, we will lose it all.

One of the things I remember in 2007 is that it was part of the problem---

**The Temporary Speaker** (Sen. Pareno): We cannot see your face.

**Sen. (Prof.) Ongeri:** Madam Temporary Speaker, can you see me now?

**The Temporary Speaker** (Sen. Pareno): No, you are in a dark place.

**Sen. (Prof.) Ongeri:** Madam Temporary Speaker, can you see me now?

**The Temporary Speaker** (Sen. Pareno): Yes, that is now better.

**Sen. (Prof.) Ongeri:** Madam Temporary Speaker, one of the issues that we witnessed in 2007 that brought some difficulties was the level of violence that was escalated at that time and the issue of the humanitarian crisis, which we are now beginning to see as a result of political differences or issues that required to be fixed.

That was the basis upon which we had the agenda by Koffi Annan to stop the violence, fix the humanitarian crisis, find political settlements and fix long-term issues.

I still think that these issues stand fresh today. Members of the Senate and the Kenyan community need to sit down and discuss them more soberly. You will notice that one of the things that have taken place is the issue of *Kisii ndogo*, where we had a number of Kisii people massacred. I hope that this is not as a result of one of us being the Cabinet Secretary for Interior and Coordination of National Government.

Let us be plain and clear: CS Matiang'i can only discharge a collective responsibility of the Cabinet. He cannot be condemned when he carries out the mandate of the Cabinet. It will be wrong to attack him on the Floor of this House at this stage. It does not look right.

We should be looking at how to strengthen the communities in that region to be safe or the surveillance system to bring order and security in that area. How do we galvanize the warring factions to sit down on the table and discuss soberly and arrive at

permanent and lasting solutions? How do we get the Kenyan communities to feel safe, so that they do not start running away from the place they have settled? That is the issue we should be canvassing before the Senate.

I sympathize with the loss of lives. The Government is trying its best. I am not on the Government side, but they are trying their best. One of the things that I have noted is that they have been honest enough to say that some of the bandits have some superior weapons that they do not know where they came from. That is what we should be investigating. Where did they come from? What has happened in that region that we cannot hold the security systems into place and stop the menace that is going on?

My suggestion at this stage is that let us approach this matter soberly. Let us not try to play the blame game on the CS for Interior and Coordination of National Government, the IG or the Regional Commissioner Natembeya. Let us not go that wrong direction. Let us look for a lasting solution and examine the Statement that has been brought by Sen. Kinyua, so that we can understand the genesis of this problem, get to the root and address the matter that is before the Senate today.

I plead for sobriety. One of the things that we need to look at is whether the boundaries have been clearly demarcated. This is a constitutional matter. It is both a responsibility of the Cabinet and the Legislature to ensure that people are happy with the boundaries that exist and that they can live with them rather than, at every moment, where they escalate the unfortunate situation.

We should also look at the question of land reforms. This has been on the table for many years. One of the major problems that have created this difficulty is the issue of ownership of land in some of these conservancies. This is an area where we can easily look at and support the communities living around there to coexist peacefully.

We cannot live with the language of impunity because it is the genesis of all these problems that we are beginning to see today.

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

**Sen. Kihika:** Thank you, Madam Temporary Speaker. I rise to first congratulate--

**The Temporary Speaker** (Sen. Pareno): Just a minute!

What is your point of order, Sen. Mwaruma?

**Sen. Mwaruma:** On a point of order, Madam Temporary Speaker. When the Deputy Speaker left that Chair, she said that in the new order, the first person was Sen. Murkomen and the second was supposed to be me. How come every other person is being given an opportunity, unless you do not want me to talk? I can still leave.

**The Temporary Speaker** (Sen. Pareno): I do not have any problem with anybody talking. I was just following what is listed here.

**Sen. Mwaruma:** Yes, Madam Temporary Speaker. When the Deputy Speaker was leaving, she said that the first person---

**The Temporary Speaker** (Sen. Pareno): She said, but not me. I was following what is on the screen here. For the time being, let us have Sen. Kihika and you will be next.

**Sen. Mwaruma:** Madam Temporary Speaker, you know in the previous one---

**The Temporary Speaker** (Sen. Pareno): You will be next, Sen. Mwaruma.

Sen. Kihika, please, proceed.

*(Loud consultations)*

**Sen. Mwaruma:** I am respecting the Temporary Speaker. What is wrong with you?

*(Laughter)*

**Sen. Kihika:** Thank you, Madam Temporary Speaker. I also rise to support this Statement by Sen. Kinyua of Laikipia County, who happens to be the Senator for my mother. Therefore, it is a very important Statement. That is on a light note. I see there is a disturbed Senator there, and so, I was giving him time to calm down.

On this important matter, I am also quite disturbed that it has been happening for the last a little over one week, but we have not seen concerted Government action in stopping these bandits or whoever they are, to ensure peace is restored. We have seen people being murdered, livestock being burnt alive, homes destroyed and burnt, and people being displaced.

I am also surprised to hear the good Senator for Kisii County, who generally has a good grasp of matters that happen nationally, trying to castigate Members for saying that CS Matiang'i and the IG should resign. It is a shame when a Member of the Opposition tries to cleanse his clansman, Dr. Matiang'i, instead of offering some oversight.

I stand to add my voice to those who said that the CS Matiang'i, the IG, Mr. Natembeya and anybody in that line should resign. If we were any civilized nation, those people would have resigned by now. Instead, we have been subjected to seeing CS Matiang'i having catwalks all over the country opening dams and so on, in the last few days, and not addressing this serious security situation.

Madam Temporary Speaker, I add my voice to those who said if he was a responsible CS, he should have resigned by now. Clearly, he has been unable to manage his docket. He does not seem to have a plan and seems clueless. That is why we continue having these issues. Laikipia is happening now, but we have seen it in other parts of the country such as the Kerio Valley.

If the police are unable to restore order, it is so serious that then, the army should be deployed to go and do that. We cannot just say that the army should be guarding the borders when, clearly, the police seem unable to restore order in that place. We have also seen the CS catwalk to Parliament to the National Assembly where he invited himself.

I would also like to tell my neighbour, Sen. Outa – he knows why I call him neighbour – that we shall be watching him. I am assuming you will invite the CS quickly, and he should not come there to be sanitised or for Members to be falling over each other trying to praise him. That is why he has a 'big' head both figuratively and actually. He is praised when he should actually be held accountable.

We expect the Committee on National Security, Defence and Foreign Relations will do the right thing and hold that Ministry accountable and make sure what needs to be done is done. We do not want to see a praise and worship choir. If that is the case, Members, we should impeach these Chairmen and Vice-Chairpersons and Members from those Committees. I know Sen. Outa is up to the task.

*(Loud consultations)*



Madam Temporary Speaker, we expect and hope to see them brought to order. We also hope to see order restored in Laikipia County. Laikipians are also Kenyans. My time is running out, but as I sit down, I was also shocked to see the Regional Commissioner, Mr. Natembeya, talking about the bandits having more heavy power weapons than the Government. That is very shameful. In fact, if that is the case, then we have a bigger problem than most of us probably anticipate or see.

Sometimes I wonder if there is a bigger picture than what we see. We have had people talking about moving elections to a later date. To do that under the Constitution, we would have to have war in the country. Therefore, we need to make sure that these crazy people are not acting up and setting up the country, so that they are then able to achieve what they were unable to through the courts.

I support this Statement. If possible, we need to see the Committee on National Security, Defence and Foreign Relations take its rightful place and do---

*(Sen. Kihika's microphone went off)*

**The Temporary Speaker** (Sen. Pareno): Sen. Mwaruma, proceed.

**Sen. Mwaruma:** Asante Bi. Spika wa Muda kwa kunipa hii fursa kumshukuru Sen. Kinyua kwa kuleta hii Taarifa ya utovu wa usalama katika Kaunti ya Laikipia. Kwanza, ninatoa rambirambi zangu na za watu wa Kaunti ya Taita-Taveta kwa familia na watu wa Laikipia kwa kuwapoteza wapendwa wao kwa sababu ya utovu wa usalama.

Pili, ninakashifu kwa kinywa kipana, matukio yanayopelekea watu wa Kaunti ya Laikipia kuteswa katika Karne ya 21, kwa sababu ya Serikali kushindwa kudhibiti hali ya usalama. Matamshi ya Mshirikishi wa eneo la Bonde la Ufa ni ya kuudhi na kukashifu. Alisema kwamba silaha za polisi wa Kenya ni za hadhi ya chini kuliko za wale wahalifu. Ningependa kumwambia Bw. Natembeya na Serikali kwa jumla kuwa kama hawana silaha za hadhi ya juu, swala sio kulilia vyombo vya habari. Wanatakiwa kutafuta hizo zana za hadhi ya juu na kupea jeshi la Kenya ili wadhibiti usalama katika jimbo la Laikipia.

Bw. Natembeya pia alisema hatuwezi kuwa na polisi katika kila pembe ya Kaunti ya Laikipia au nchini Kenya. Ningependa kumpa mawaidha, kwamba ni kweli hatuwezi kuwa na polisi kila mahali. Hata hivyo, tunao ujajusi na Mkuu wa Ujasusi nchini Kenya anafanya kazi yake. Je, huo ujasusi tunaufanyia nini?

Vile wengine wametangulia, na mimi pia nasema kuwa Kamati ya Usalama wa Nchi, Usalama na Mahusiano ya Kimataifa iwaite Waziri wa Usalama wa Ndani Nchi, Bw. Natembeya na Mkuu wa Ujasusi waje huku waelezee watahachofanya. Maisha ya watu wa Kaunti ya Laikipia yako hatarini na hatutaki kumpoteza hata mtu mmoja zaidi.

Kama askari walio Kaunti ya Laikipia hawatoshi, basi tuchukue polisi kutoka maeneo mengine ya Kenya ambayo hayana shida ya usalama. Kaunti ya Taita-Taveta hatuna shida ya utovu wa usalama. Polisi wengi wako huko wanashika tu wananchi wa *boda boda* wanaojitafutia kipato na wazee na kina mama wanaolima shambani bila barakoa. Hatuhitaji maaskari kama hao kule Kaunti ya Taita-Taveta. Wapelekwe Laikipia kuangalia hali ya usalama.

Katika Karne ya 21 haitakikani tuwe na *economic activity* ama njia ya kujitafutia kipato kupitia kuiba ng'ombe. Tuweke elimu mbele, tuangalie njia mbadala na tufanye utafiti wa kutosha ili jambo hili la wizi wa mifugo liishe mara moja.

Kwa kumalizia, tuite hizi taasisi zote za usalama ili tuwaulize maswali magumu hapa katika Seneti na tuwe na kamati ya Bunge zima. Tukiuliza maswali rahisi maisha ya watu wa Laikipia yatakuwa magumu. Lakini tukiuliza maswali magumu, basi Maisha ya watu wa Laikipia yatakuwa rahisi.

Asante sana, Bi Spika wa Muda.

**The Temporary Speaker** (Sen. Pareno): Sen (Eng.) Hargura, you have the Floor.

**Sen (Eng.) Hargura:** Thank you, Madam Temporary Speaker for giving me this opportunity. I would like to thank Sen. Kinyua for bringing up this Statement. I send my condolences and that of the people of Marsabit to the residents of Laikipia who have lost their lives and livelihoods because of the unfortunate incidences of insecurity.

For the last three years or so in Marsabit, we have been exposed to that kind of insecurity, since September, 2018. What the Government is doing there now is not surprising to some of us. Kenyans have been fighting each other using illegal firearms. What Natembeya said actually occurred in Marsabit. There was a day a person was killed in Marsabit and the police officers were telling us that they could not retrieve the body because those who killed were using machine guns, while they have AK-47 and G3 rifles, as Mr. Natembeya said.

The worrying thing is when you know we are in that kind of situation and the Government is not addressing the problem of illegal firearms, then this is what happens. The Government has not been providing security to the arid parts of this country. You will find illegal firearms there because people have to arm themselves to protect their lives and livelihoods. The Government says that the practical way to provide security is to recruit National Police Reservists (NPRs) as we used to call them who are within the communities and understand the terrain. They will be living the communities protecting themselves and their livelihoods.

The NPRs really helped the affected communities such as Marsabit until sometime a year ago when we were told that the National Security Council decided to withdraw the NPRs. The Government had confessed before that it cannot provide security to all parts of this country and had come up of solutions of involving the citizens in provision of security, which had worked. Then all over sudden, people just decided to withdraw those NPRs and the situation has been getting worse because those with illegal firearms are not disarmed. Now, we disarm the NPRs, exposing those with no illegal firearms to the kind of situation we are seeing in Laikipia.

We lost lives and property in Marsabit until the violence came to the town itself. The county headquarters of Marsabit was attacked and houses were burned within a radius of one kilometre from the county headquarters. That is the time the Government came in. It is not practical for the Government to provide security everywhere. However, we have insisted severally to the Cabinet Secretary, Hon. Fred Matiang'i, on the issue of the NPR, which is the best way to contain this kind of violence and insecurity. If there was a problem in how they were recruited before, then they need to be vetted, armed, trained and put under police stations or police posts, so that they are reporting on a daily basis to the police officers and will assist them in provision of security.

Nonetheless, that has not been found to be a solution. We do not why we always insist on that every time we got the opportunity and, up to now, that is the situation coming up in Laikipia. When the Regional Commissioner says that we cannot provide security everywhere, it is understandable. However, there is a way of making sure there is

security everywhere by arming and training the locals under the NPR system, so that they can protect themselves.

We have to address the underlying issues. What are the underlying issues? Illegal firearms need to be mopped up. The Government is not investing in that or doing it. In Laikipia, there are historical issues. Pastoralists have been displaced from their grazing areas. Conservationists have taken up thousands of acres of land saying that they are conserving. At the same time, those living in that land have been dispossessed. Those may be dry area fallback grazing areas for those communities. During the dry season, they come back. This conflict only occurs in the dry season because that is their grazing area. They need to be taken into account.

**The Temporary Speaker** (Sen. Pareno): What is your point of order, Sen. Kinyua?

**Sen. Kinyua:** On a point of order, Madam Temporary Speaker. I would like to clarify that we are discussing the areas of people with title deeds. We have schools that are being torched. I wanted to correct what my colleague is saying. The illegal grazers are not burning farms of those people with big ranches; they are burning land for small people who are living in their lands with title deeds. It is not community land.

**The Temporary Speaker** (Sen. Pareno): That is more like information and not a point of order.

Sen (Eng.) Hargura, had you finished?

**Sen (Eng.) Hargura:** Madam Temporary Speaker, it is very clear that the way these communities used to live there are dry season grazing areas and there are the wet season grazing areas; I am sure the Senator knows. It is unfortunate that those small-scale farmers may have been affected. However, what draws these pastoralists to those areas mainly is the fact that this used to be their fallback areas; conservationists have grabbed land and allocated themselves. When that part is protected, the unfortunate person will be the small-scale farmer who cannot protect himself. What is happening is unfortunate, but the bigger issue needs to be addressed.

**The Temporary Speaker** (Sen. Pareno): Sen. Kinyua, proceed.

**Sen. Kinyua:** Thank you for the clarity, but we are dealing with the bandits.

**The Temporary Speaker** (Sen. Pareno): Sen. (Dr.) Ochillo-Ayacko, is not online, so we will proceed to the next Senator.

Sen. Olekina, proceed.

**Sen. Olekina:** Madam Temporary Speaker, let me begin by thanking you for allowing me to make my contribution to this Statement, which I fully support, that has been raised by my colleague, the Senator of Laikipia.

From the outset, historical land injustices are the cause of all these problems that we are experiencing in Laikipia. Laikipia County is the bedrock of the historical injustices. When you traverse the county, you wonder what the framers of the Constitution had in mind when they came up Article 67(2) (e), setting up the National Land Commission and giving it the power to investigate-

“To initiate investigations, on its own initiative or on a complaint, into present or historical land injustices, and recommend appropriate redress”

This Parliament, both the Senate and the National Assembly, passed the National Lands Commissions Act, in 2016 they amended the Act of 2012. In Section 15 of the Act that was amended states as follows-

“The Commission shall within two years of appointment recommend to Parliament appropriate legislation to provide for investigation and adjudication of claims arising out of historical land injustices for the purpose of Article 67(2) (e) of the Constitution.”

They should set a deadline of 21<sup>st</sup> September, 2021, where everyone in Kenya who feel aggrieved, can file their complaints to the National Land Commission (NLC).

I am aware that the Maasai nation has been drafting the challenges and will be presenting before the deadline. On that note, I reiterate that what the Government is currently doing is not the right thing. Violence begets violence. Arresting leaders, for example, the former Member of Parliament (MP) Mathew Lempurkel and the current MP for Tiaty, Hon. Kamket, is not the solution. The Government should find a solution by sitting with these leaders and talking to them.

Madam Temporary Speaker, you and I know that the problem that we are facing in Laikipia is as a result of climate change. There is a huge drought, and this is a matter that happens every year.

Last year, I brought a Statement in this House because of the Maasais who were killed in Laikipia by the General Service Unit (GSU).

I have heard my colleagues talk about the military being brought in to help the police. How do you bring the military to deal with a matter that can be resolved by the police?

Madam Temporary Speaker, we are mixing things here. The important thing is to find out the best solution to this. It is not by pointing a gun or having the Ministry of Interior and Coordination of National Government talk about how they have inadequate--

**Sen. Kinyua:** Madam Temporary Speaker, Sen. Olekina is telling us that leaders should sit and discuss, while people are being shot, schools are torched and people have been displaced from where they live.

Tomorrow, we are going to bury somebody. What are we discussing? We should allow the Government to do what it does best. I am not getting the message he is trying to drive home.

The people of Laikipia are suffering while, Sen. Olekina, is lecturing us about climate change. Do you burn somebody's home, kill or displace people because of climate change? I do not understand that.

He is telling us that we should not arrest leaders. We are talking about bandits. We are talking about people who come to Laikipia and ask for places to graze. They are innocent Kenyans who are looking for pastures for their livestock. They were even allowed to proceed to Mt. Kenya. However, we cannot allow bandits to kill the people Laikipia, then tell the Government to sit down and discuss with those criminals. It cannot happen. Where on earth; can you discuss with criminals?

I request the Committee on National Security and Foreign Relations to deal with this matter. It is painful to listen to my colleague talking about sitting down to discuss the issue of security, when people are being killed, and lecturing us about climate change.

**The Temporary Speaker** (Sen. Pareno): Sen. Kinyua, we are not in an argument. You had your time to debate, and we have heard you. Therefore, let Sen. Olekina proceed.

**Sen. Olekina:** Madam Temporary Speaker, let me be clear that I sympathize and empathize with my colleague.

On that note, I send my deepest condolences to the people of Laikipia who have lost their lives because of this situation.

Madam Temporary Speaker, running away from the problem is not solving the problem. The reason these pastoralists are moving from one place to another is because of the drought situation.

If the President of the Republic of Kenya can declare drought as a national disaster and order the National Treasury to release KShs2 billion to deal with this issue, why would the elected Senator from Laikipia see the problem? I request to be given my time because I was interrupted when I was speaking.

I want to be categorical and say that the problem is that the Government is not doing what should be done to solve this problem. We have the NLC, which should be dealing with the issue as prescribed by Section 15 of the National Land Act. It spells out the rules and sets deadline on when this problem should be resolved. Therefore, this is not just the issue of people going crazy, gaga and taking guns and shooting people. These are people who are competing for pastures. Laikipia is where many pastoralists go to seek pasture. How do you explain having someone with 2,000 or 3,000 acres of land when the original inhabitants of that land do not have any land?

**The Temporary Speaker** (Sen. Pareno): I am adding you two minutes for the time that was taken by Sen. Kinyua.

**Sen. Olekina:** Madam Temporary Speaker, on this note, I stand with the hon. Mathew Lempurkel, who was arrested for stating that the land was originally Maasai land and that Maasais are not interested in the land, but the green pasture.

This problem can be resolved by the Government sitting with the leaders and local communities to address these challenges. Running away and pointing fingers in saying that the people are crazy or the Ministry should be bringing the military, will not solve the problem. We have a law and the Constitution is a living document. Article 67 of the Constitution sets out the Land Commission Act. It clearly says that they should advise Parliament on what should be done. There is a law.

I invite my brother to get the National Land Commission Act and look at Section 15, which clearly spells out what should be done. Unless we are willing to resolve this problem, we will come here and point fingers, and say that our community is being fought. Let us stick to the rule of law and look at what is happening.

I thank the President for recognizing that drought is a national disaster. We are not asking people to fight on a daily basis; we want the people to get food.

I call upon the Ministry of Interior and Coordination of National Government to sit down with these leaders. Saying that the land belongs to the Maasai should not be an offence that warrants a person to be taken to court. It is historical and we know that the land was occupied by the Maasai and it was taken away from them. Therefore, we will never be able to resolve this problem. That is why Laikipia is having those challenges.

Finally, I reiterate that we have a legal framework and process. Arresting leaders will not solve the problem. The people of Laikipia need to be listened to. They need to sit down with them and find a solution. We cannot be fighting on this issue on a daily basis. This year, it is evident because next year is an election year, and that is why everybody is up in arms on that issue.

Madam Temporary Speaker, allow me to---

**The Temporary Speaker** (Sen. Pareno): Your time is up! I added you two more minutes. You need to conclude.

**Sen. Olekina:** Madam Temporary Speaker, let me finalize by saying this: Although I disassociate myself from the sentiments of some of my colleagues on the position that the Ministry of Interior and Coordination of National Government has taken, I end by saying that in a mature democracy leaders ought not to be arrested. They need to be consulted, so that they can speak to their people.

In a mature democracy, this is the only part that I will associate myself with my colleagues. Leaders who are tasked with the responsibility of ensuring the security of other people would have resigned by now. This is because all this is happening on their watch.

*(Applause)*

The challenges we have in the country is that we are used to postponing situations.

We have talked about Alternative Dispute Resolutions (ADC) in Parliament. There are thousands of tracts of land in Mutara in Laikipia.

Historically in Maasai, we call this *Olokeri*. This is a place where Maasais keep aside to graze their cows when there is huge drought. If I can reiterate, Mr. Mathew Lempurkel said: "*Ore ena kop enaa enol Maasai.*" He just said: "This is Maasai land." He did not say that everybody should now go there and fight.

I rest my case there and I hope that we will be mature enough to follow the rule of law.

**The Temporary Speaker** (Sen. Pareno): Sen. (Eng.) Maina, are you still on Zoom?

He is not there. We move to Sen. (Dr. Langat).

**Sen. (Dr. Langat:** Thank you, Madam Temporary Speaker, for giving me this opportunity to add my voice on this. First, I condole with the families who have lost their relatives in Laikipia County. It is so painful that most of them were ordinary people who were not armed, but just attacked and killed.

It is important to understand that banditry in this country is alarming. It is very unfortunate that the Government is always on the reactive part of fighting. They just seat comfortably until the time when these attacks start taking place. Banditry is not happening in Laikipia County for the first time. It has also happened in Samburu, Turkana and West Pokot for many years. It is high time the Government should have taken proactive measures to ensure these heinous activities are controlled early enough before destruction of property and loss of lives.

It is sad that the Ministry of Interior and Coordination of National Government has misplaced priorities. Two weeks ago, while at the funeral of our late brother, Sen. Prengei, we were surprised to see lorries of several General Service Unit (GSU) being deployed. However, it takes a long time for the same force to be deployed to protect Kenyans in Laikipia County.

Since these heinous acts have taken place for so many years, has this Government taken an initiative to find out the proper reasons including those that the Senator from Narok County mentioned? It is very clear that the Government is only reacting on

situations without having taken time to research and find out the causes of these fighting. The Government is just seated, waiting for this place to arise and then after three or four days, they simply deploy security personnel to those places. It is unfortunate.

Madam Temporary Speaker, my friend, Sen. Cherargei was at the funeral of Sen. Prengei. While we were still hearing the sermon from the preacher, we were shocked to see about four lorries of GSU deployed in the funeral, but they are unable to deploy the same to Laikipia County to save lives. It is sad.

The Rift Valley Regional Commissioner, Mr. Natembeya, has been always busy deploying security personnel to funerals, weddings and other functions. Now, he is unable to counter the attacks in that place. He has been going to the villages telling Kipsigis to do family planning because they are giving birth to many children, yet we have never gone to his place to beg for food. He should understand that.

Here comes a serious issue and he is unable to face it. He has been reduced to be part of the media where he is now announcing what is happening and how many lives we have lost, instead of acting. It is quite unfortunate for such a particular person.

This banditry has caused many challenges in this place during this time of the Coronavirus (COVID-19) pandemic. Children are not going to school, lives are being lost, economic activities are declining and livestock is being stolen by cattle rustlers. Enmity is building up as we approach the elections.

I would like to request the Committee in charge of this matter, to call a Committee of the Whole House and invite the CS for Interior and Coordination of National Government. He should come and tell us exactly what he has put in place as a proactive measure to prevent the same in future. Otherwise, sitting here in Nairobi City County and watching people die---

*(Sen. (Dr.) Langat's microphone went off)*

Please, Madam Temporary Speaker, give me one minute to conclude.

**The Temporary Speaker** (Sen. Pareno): Just one minute, Sen. (Dr.) Langat.

**Sen. (Dr.) Langat:** Thank you, Madam Temporary Speaker. Otherwise, I would have said---

**The Temporary Speaker** (Sen. Pareno): What would you have said?

**Sen. (Dr.) Langat:** Thank you, Madam Deputy Speaker, for adding me one minute. The CS for Interior and Coordination of National Government should be invited here, so that we ask him questions that he must answer.

**The Temporary Speaker** (Sen. Pareno): Sen. Kwamboka, proceed.

**Sen. Kwamboka:** Asante, Bi. Spika wa Muda, kwa kunipa fursa hii kuchangia Taarifa hii ambayo imeletwa na Seneta wa Kaunti ya Laikipia. Kwanza, ninamshukuru kwa kuleta Taarifa hii kwenye Seneti.

Kwa kweli, ni uchungu kuona mambo yanayoendelea huko Kaunti ya Laikipia. Kuna makabiliano, huku watu na hata watoto wanakufa.

**The Temporary Speaker** (Sen. Pareno): Ninafikiri sio tangazo bali ni Mswada.

*(Loud consultations)*

**Sen. Kwamboka:** Bi. Spika wa Muda, Taarifa?

**The Temporary Speaker** (Sen. Pareno): Bi. Spika wa Muda, nimeangalia kwa kamusi kwenye *Google* nikaona pia ni tangazo.

Haya, tuendelee.

**Sen. Kwamboka:** Bi. Spika wa Muda, kabla ya kuzungumza Kiswahili, lazima tuangalie tafsiri ya maneno kwa Kamusi.

Ni uchungu kuona yanayoendelea Kaunti ya Laikipia wakati huu wa janga la COVID-19. Shule zimefungwa na sijui watoto wetu wataenda wapi. Kuna wanafunzi wa darasa la Nane na Kidato cha Nne ambao wanatakiwa kufanya mitihani ya kitaifa. Hata hayo madarasa na vidato vingine vina mtihani. Ni uchungu kuona jinsi akina mama wanalia. Ukitazama televisheni wakati wowote wa Habari, mchana na hata usiku, kila mara ni kilio.

Ninaomba Serikali ya Jubilee iharakishe kuwa inawasaidia watu wanaoumia kule Kaunti ya Laikipia. Maafisa wa polisi ambao wanatakiwa kusuluhisha jambo hili waende huko haraka ile waangalie nini kinachoendelea. Tunanyosha tu kidole kwa Waziri na wengineo lakini huu sio wakati wa kulaumiana.

Tunapaswa kuwa na mkutano na kuona kwamba askari wamepelekwa huko ili waokoe maisha ya Wakenya. Iwapo kuna upungufu wa askari, ni vyema tueleze ili hali hii ishughulikiwe haraka ipasavyo kwa sababu mwaka ujao ni mwaka wa siasa na uchaguzi. Mambo yanayoendelea huko sio mazuri.

Bi. Spika wa Muda, niko katika Kamati ya Usalama wa Nchi, Ulinzi na Mawasiliano ya Kimataifa na Mwenyekiti wangu yuko hapa. Atatueleza jinsi tutakavyolabiliana na swala hili. Ni muhimu twende huko kwa haraka tuangalie hali ilivyo ili watu wetu wasaidike.

**The Temporary Speaker** (Sen. Pareno): Sen. Kavindu Muthama, proceed.

**Sen. Kavindu Muthama:** Thank you, Madam Temporary Speaker, for this opportunity to contribute. I was wondering when I would be called because I have been on since early afternoon.

I congratulate the Senator for Laikipia County for this important Statement. Kenya is known for keeping peace even in our neighbouring countries.

Madam Temporary Speaker, Kenya is known as a peace-loving nation. It is, therefore, a shame for some areas of Kenya to have no peace. The people of Laikipia and the other areas that are experiencing insecurity are citizens of this country. Those people need to live in peace like any other part of this country. Their houses should not be torched and neither should their children miss school because they have to flee their homes.

I feel sorry for the mothers in such areas. When such things happen, the people who suffer the most are women and children. Families that have fled their homes are now sleeping out in the cold, while their children miss schools. In the midst of all that suffering by the families that have had to flee their homes, we are dealing with the COVID-19 pandemic. You are left wondering how such families are expected to maintain the COVID-19 protocols. Such families do not have access to masks and sanitizers. It is hard for such families to even acquire food.

Madam Temporary Speaker, I call upon the Government to do something in the areas that are experiencing insecurity. I also urge the elders of the community to engage with the people to see how those differences can be resolved. I plead with the Standing Committee of the Senate on National Security, Defence and Foreign Relations to do



whatever is needed for them to do to make sure that they speak to the Ministry of Interior and Coordination of National Government to bring that situation to an end.

I pray that the women and children will be kept safe. I know how painful it is to be forced to flee your home. I plead with the National Government to do something about the situation of the mothers and their children in those areas.

Madam Temporary Speaker, I beg to support.

**The Temporary Speaker** (Sen. Pareno): Finally, let us hear from the Chairperson of the Standing Committee of the Senate on National Security, Defence and Foreign Relations, Sen. Outa.

**Sen. Outa:** Madam Temporary Speaker, I take this opportunity to thank the Senator for Laikipia County for the statement that he has read on the Floor of the House today. I would like to assure my good friend, the Senator for Laikipia, that this is a matter of national importance. It is the responsibility of the National Government to protect its own citizens by all means.

Article 238 (1) in Chapter 14 of the Constitution provides that: -

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

This matter is, therefore, urgent to our Committee. We promise to visit Laikipia County on Monday next week. I hope the Cabinet Secretary in the Ministry of Interior and Coordination of National Government is following these proceedings because I would like to organize with the Commissioner in that area to receive the Members of the Standing Committee of the Senate on National Security, Defence and Foreign Relations, who will visit Laikipia on Monday. I would like my Committee to meet with the people of Laikipia, so as to find the root cause of the conflict in Laikipia County.

Madam Temporary Speaker, we cannot allow the people of Laikipia County, especially the women and children, to continue having insecurity. Laikipia County is part of this country. We are not in a war-torn country like Afghanistan. I would like to remind the Cabinet Secretary in the Ministry of Interior and Coordination of National Government that this is a matter of national importance. Bringing back security in that county is a matter of collective responsibility and so, we do not want to blame anyone.

When the Standing Committee of the Senate on National Security, Defence and Foreign Relations visits Laikipia County on Monday next week, we will collect facts that we will use to invite the Cabinet Secretary for Interior and Coordination of National Government to appear before the Committee together with other organs. This is so that we can resolve the matter for the people of Laikipia County to be free from any internal or external interference.

It is the responsibility of the National Government to provide security for its citizens. Mine is to assure this House that the Standing Committee of the Senate on National Security, Defence and Foreign Relations will visit Laikipia County on Monday. I urge the Senator for Laikipia County to make himself available for that visit on Monday. He should find us a meeting venue where we can meet with people because that fact-finding is what will guide us to invite the Cabinet Secretaries before our Committee.

I would like to send a stern warning to the bandits that they shall not be tolerated anywhere in this country. Kenya is a democratic Republic and has a right to protect its

citizens. This county has all the weapons that we need to deal with the insecurity in Laikipia County. We make our weapons manufacturing company in Kenya that was launched by His Excellency the President. I am sure that the security machinery has enough weapons to deal with the bandits.

Madam Temporary Speaker, I can assure you that our Committee will solve the issue of insecurity in that region for once and for all. I urge all the Members of the Standing Committee of the Senate on National Security, Defence and Foreign Relations, to be ready to fly to Laikipia County very early on Monday, so that we can report our findings to the House on Tuesday next week.

I thank you.

**The Temporary Speaker** (Sen. Pareno): Proceed Sen. Kinyua.

**Sen. Kinyua:** Madam Temporary Speaker, I thank the Chairperson of the Standing Committee of the Senate on National Security, Defence and Foreign Relations. I would like to assure him that I will join them on Monday. The only thing that the Chairperson of the Committee has not addressed is when he will table a report to this House after the county visit. I would like the Chairperson to give a rough idea on when the Committee will hold a meeting with the other security organs that he mentioned.

**The Temporary Speaker** (Sen. Pareno): Those are details that can be worked out by the committee, which the Chairperson has given an undertaking. I, therefore, refer this Statement to the Standing Committee of the Senate on National Security, Defence and Foreign Relations. The Chairperson of the Committee has given a commitment. The Standing Committee of the Senate on National Security, Defence and Foreign Relations is, therefore, ordered to proceed to the ground by Monday and report its findings on the Floor of this House in the next Sitting.

The Chairperson of the Standing Committee of the Senate on National Security, Defence and Foreign Relations, Sen. Outa, should also liaise with the security apparatus for a successful and fruitful engagement, so that we get a way forward.

I would like to rearrange the Order Paper. We are going to start with the Statement pursuant to Standing Order 52(1) by the Senate Majority Leader. Thereafter, we shall proceed to the Statement by Sen. Wambua before we go back to the statements under Standing Order 42.

Let us move to Statement under Standing Order No.52.

BUSINESS FOR THE WEEK COMMENCING  
TUESDAY, 14<sup>TH</sup> SEPTEMBER, 2021

**Sen. Wamatangi:** Madam Temporary Speaker, pursuant to Standing Order No. 52(1), I hereby present to the Senate the business of the Senate for the week commencing Tuesday, 14<sup>th</sup> September, 2021.

Before I proceed with the Statement, allow me to take this opportunity to welcome hon. Members back the August House from recess. I trust that you are all well and have had an opportunity to interact with your constituents and family Members.

Madam Temporary Speaker, on Tuesday 14<sup>th</sup> September, 2021, the Senate Business Committee (SBC) will meet to consider and approve the Business of the Week.

Subject to approval by the Committee, the Senate will consider Bills at the Second Reading Stage, Committee of the Whole Stage and Motions on reports filed by select Committees.

On Wednesday, 15<sup>th</sup> and Thursday 16<sup>th</sup> September, 2021, the Senate will consider business that will not be concluded on Tuesday 14<sup>th</sup> and Wednesday, 15<sup>th</sup> September, 2021 respectively and any other business scheduled by the SBC including Petitions and Statements.

Madam Temporary Speaker, there are 12 Bills due for the Committee of the Whole stage and 24 Bills due for Second Reading. These Bills have been allocated slots in the weekly programme of the Senate business that is circulated every Friday.

In this regard, I urge respective Movers to be available in the Senate whenever their Bills are scheduled on the Order Paper.

Standing Committees are encouraged to hasten consideration of Bills referred to them and table reports thereon.

Committee chairpersons and individual Senators proposing amendments are urged to be available in the Chamber to move the same at the Committee of the Whole stage.

Allow me, at this juncture, to point out that as indicated in Orders Nos,8,9 and 10 in the Order Paper for today, there are Divisions on critical business which include those relating to disbursements of monies to the counties. These are-

The County Government Cash Disbursement Schedule and the County Governments Grants Bill (Senate Bills No, 35 of 2021).

I urge hon. Senators to remain in the Chamber so that the resolution of the Senate on the same is made and allow unlocking of funds to counties by the National Treasury. That is already done.

The Senate resumes its sittings with an already full plate. Allow me in conclusion, therefore, to thank all Senators for their dedication and commitment that they have continued to exhibit in service to the people of Kenya and urge that we all continue to do the same during this part of the Senate calendar.

I thank you, and hereby lay the Statement on the Table of the Senate.

*(Sen. Wamatangi laid the document on the Table)*

STATE OF HEALTHCARE IN PUBLIC  
HOSPITALS IN KITUI COUNTY

**Sen. Wambua:** Thank you, Madam Temporary Speaker. I rise pursuant to Standing Order No. 48(1) to seek a Statement from the Standing Committee on Health regarding the state of healthcare in public hospitals in Kitui County.

In the Statement, the Committee should-

(1) Find out why public hospitals in Kitui County are frequently short of drugs and other critical medical supplies which has resulted to patients incurring exorbitant costs to access medical care from private health facilities;

(2) Establish why diagnostic equipment are either missing or dysfunctional in almost public health facilities in Kitui County;

(3) Ascertain the serviceability of medical diagnostic equipment currently in use in private hospitals in Kitui County and the reliability of results of medical tests and examinations conducted using the said equipment;

(4) State why patients are required to pay for ambulances services whenever they are being transferred for medical care within and or, outside the county;

(5) Explain why healthcare workers including casuals are not being paid their salaries and wages in good time;

(6) Urgently take all necessary measures to cause a resumption to normalcy in provision of healthcare services in public hospitals in Kitui County.

Madam Temporary Speaker, indulge me for 30 seconds. I will be providing photographic evidence on the rotten state of public hospitals in my county to the Committee to help them visualize what the Statement is about.

**The Temporary Speaker** (Sen. Pareno): Sen. Wambua, I thought you had a Statement under Standing Order No. 47 on the drought. I called you to issue that one so that you follow the listings and react to both.

#### THE DROUGHT SITUATION IN KITUI COUNTY

**Sen. Wambua:** Thank you, Madam Temporary Speaker, for giving me another opportunity to issue a Statement under Standing Order No. 47(1).

I rise, pursuant to Standing Order No. 47 (1), to make a Statement on an issue of general topical concern, namely; the drought situation in Kitui County.

Drought has been declared a national disaster by the Government. The National Drought Management Authority (NDMA) in their July 2021 Bulletin noted that the top 12 drought-affected counties are Turkana, Mandera, Garissa, Wajir, Baringo, Kilifi, Tana River, Kwale, Marsabit, Kitui, Kajiado and Isiolo.

The worsening trend across most of Arid the and Semi-Arid (ASALs) Counties, which represents 84 per cent of Kenya's land mass, is a result of poor rains received during the March-May long rains season.

Already, more than two million people are facing starvation according to NDMA and there are cases of inter-communal resource-based conflicts caused by dwindling pasture and water.

Madam Temporary Speaker, the drought situation in Kitui County is dire and is taking a big toll on the people, especially school going children, women, the elderly and persons with Disabilities (PWDs); our livestock have not been spared either.

The earliest rains are expected is after mid-October/early November and it would take another three months up to late December or early January for food to be available from farms in the county. This is assuming that the rains will be sufficient.

The impact of this drought is already being felt as the aggravated food insecurity continues to rise, decreased pasture for livestock and resource-based conflicts have also been reported.

The national Government must move with speed to provide food assistance and increase cash transfers targeting food-insecure households.

The County Government of Kitui must urgently establish and operationalize a feeding programme across the county. A few weeks ago, scores of pupils at Kalima Mundu Primary School in Kyuso Sub-County in Kitui fainted while in class due to

hunger pangs, leading to a public outcry and pleas to donate foodstuff to the school by well-wishers.

Madam Temporary Speaker, the best proactive approach to this perennial problem is for both the County Government of Kitui and the national Government to collaborate in coming up with an elaborate water masterplan for the county. This plan should involve well researched and strategically constructed earth dams, boreholes, sand dams and domestic/institutional rain water harvesting programmes.

The kneejerk reactions to drought situations and attendant starvation currently obtaining in Kitui County are a mockery of devolution. Both agriculture and water are devolved functions and the residents of Kitui County deserve better services in these two sectors from their County Government, even as the National Government and development partners come in to arrest the situation.

Madam Temporary Speaker, I also urge the National Assembly to prioritize the passage of the Mung Beans Bill to ensure farmers from this region can grow their crop even with strained and erratic rainfall. The Senate did its part and passed the Bill in record time. The National Assembly should move with speed to come to the rescue of farmers and their children in Kitui County and beyond.

Thank you, Madam Deputy Speaker.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Thank you, Senator.

That is under Standing Order No.47(1). Under normal circumstances, we do not allow anybody to ride on it, except for the case we had earlier. Allow me to take the two remaining statements and then we will allow---

**Sen. Madzayo:** Hoja ya nidhamu, Bi. Naibu Spika. Ninaelewa jinsi sheria inasema kuhusu Kipengele cha 47(1). Kwa sababu ya huu ukame, Rais ametangaza kuwa hili ni janga kubwa la kitaifa. Ingekuwa vyema iwapo ungenipa dakika tatu ama nne hivi, niunge mkono wito wa Rais na pia nimuunge mkono ndugu yangu ambaye amesema janga hili limemfikia kila mtu. Hata mimi janga hili limenifika.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Sawa. Ninakupa dakika tatu peke yake.

**Sen. Madzayo:** Bi. Naibu Spika, ninaomba dakika nne.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Dakika tatu tu kwa sababu tunataka kumaliza hili swala.

**Sen. Madzayo:** Bi. Naibu Spika, unajua wewe ni mwingi wa imani, kwa hivyo ninaomba---

**The Deputy Speaker** (Sen. (Prof.) Kamar): Unajua wakati mwingine hata huwa hatuelewi Kiswahili chako.

*(Laughter)*

**Sen. Madzayo:** Asante, Bi. Naibu Spika, unajua wewe ni mwingi wa imani pia wewe ni mama na wanaoumia zaidi katika janga la njaa ni akina mama.

Ninamshukuru ndugu yangu kwa kuleta hii Taarifa kuhusu janga la njaa nchini, hususan akigusia upande wake wa Kaunti ya Kitui. Ni kweli kuwa kuna maeneo yaliyotangazwa kwamba yamo hatarini kuathirika na janga hili la njaa. Miongoni mwa kaunti hizi ni Kitui, Garissa, Kilifi, Mandera na kwingineko.

Janga la njaa linapotokea, watoto wa shule na akina mama ndio wanaathirika zaidi. Wazee hawaendi shambani wala hawashughuliki na watoto na haya yote ni mzigo.

Mama amebeba mtoto mgongoni huku anatafuta kuni. Ni mama ndiye anapikia mtoto asubuhi kabla mtoto kwenda shule. Mama anashughulika na mambo mengi.

Bi Spika wa Muda, ni vizuri kwamba Rais amesema kuwa hili janga la njaa lishughulikiwe vilivyo. Wizara ya Ugatuzi na Mipango, wapeleke chakula haraka iwezekanavyo katika maeneo yaliyotajwa kuathirika sana na njaa. Tunasikitika kuona mifugo wanakufa kwa kukosa maji.

Hivi sasa, mifugo wanakufa kwa sababu hakuna mito ambayo inatoa maji na visima vimekauka. Mifugo inakufa na hiyo ndio faida ya watu wanaishi katika maeneo ambayo yana upungufu wa mvua.

Bi. Naibu Spika, janga hili limeathiri sana watoto wa shule kwa sababu shule nyingi zimelazimika kufungwa. Tarabitu za shule hazifuatwi kamwe. Wanaopoteza ni watoto ambao shule zao zimefungwa kutokana na janga la njaa. Nahimiza Rais Kenyatta amrishe maafisa wote wanaohusika na mambo ya ugatuzi waaande mashinani ili wajione hali ilivyo. Ningependa kuona Wizara ya Ugatuzi na Mipango ikijihusisha vilivyo na yote yanayoendelea katika eneo zilizoathirika na janga la njaa. Kaunti zilizoathirika na janga la njaa ni kama Kitui, Kifili na zingine mingi.

Ningependa kuona wizara hiyo ikifanya kazi kwa sababu imekuwa ikizembea wakati mwingi. Wizara hizo lazima ziende katika kaunti zilizoathirika na kuonyesha utaalamu wao. Hatutaki maafisa wanaohusika kukaa tu katika ofisi zao hapa Nairobi.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Hon. Senators, let us go back to the statements under Standing Order 48(1). We will start with the statement by Sen. Pareno.

#### INCESSANT HUMAN-ELEPHANT CONFLICT IN KAJIADO COUNTY

**Sen. Pareno:** Madam Deputy Speaker, I rise under Standing Order 48(1) to seek a Statement from the Standing Committee On Lands, Environment and Natural Resources on the incessant human-elephant conflict in Najilel Area of Ewaso Kedong, Olokiring'a and Sarishishe areas of Kajiado County. In the statement, the Committee should: -

- (i) Outline the long-term strategies put in place by the Kenya Wildlife Services to ensure that encroachment of elephants into residential areas and farming communities to disrupt livelihoods is dealt with permanently. This is the fourth or fifth statement that I have brought before this House on the issue of human-wildlife conflict.
- (ii) State the compensation measures and mechanisms in place to compensate the families affected by this conflict giving the details of the amounts and individuals compensated particularly stating the measures that the Government is taking to compensate the family of Mr. Isaack Lenkaiya Koruta from Itila Location, Oyarata Sub-Location in Kajiado South Constituency who was brutally attacked at Boijo area by the elephants while he was herding his animals.
- (iii) Apprise the Senate on the policies, if any, to relocate the elephants to public game reserves so that they do not meander into private farms.
- (iv) Outline the targeted interventions, if any, to ensure continued schooling by school going children whose safety and school attendance has been

affected by the presence of the roaming elephants causing high absenteeism from school.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Thank you, Sen. Pareno.

I will only give Sen. Wambua two minutes to comment on the statement because he is my former student.

**Sen. Wambua:** Madam Deputy Speaker, I appreciate the fact that I am your former student and that should count for something.

I thank Sen. Pareno for bringing this statement on the conflict between human beings and wildlife. I do not know why this matter is so difficult to deal with. All those cases have been documented and presented to the KWS and all the relevant ministries. The compensation amounts are known, so I do not know why it has taken long for the victims to be compensated. We should ask the management of the KWS and the parent ministries to appear before the Senate and explain to the Senators why it is so difficult to compensate people who have lost their loved ones, livestock and other properties to wildlife.

I say this because last year, we had an incident in Kitui in a place called Miambani Ward. A lion broke loose and invaded people's homestead and devoured many livestock and to date, nobody has been compensated for anything.

Madam Deputy Speaker, I stand to ask, in solidarity with Sen. Pareno, that action needs to be taken. The Ministry of Tourism and Wildlife must make sure that the owners of the livestock that have been killed by wildlife are properly and fully compensated without further delay.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Thank you, Senator. That was a good intervention.

There are a number of Statements in the Order Paper and I would like to defer them as follows.

Statements by Sen. Omanga to the Committee on National Security and the other one to the Committee on Devolution and Intergovernmental Relations because she is not in the House.

#### ALLEGED INCREASED RATE OF KIDNAPPING OF CHILDREN

#### ALLEGED EVICTION OF RESIDENTS OF NAIROBI CITY COUNTY STAFF HOUSING UNITS

*(Statements deferred)*

I also defer the next Statement by the Senator for Murang'a from the Committee on Tourism, Trade and Industrialization concerning operations of Murang'a County Creameries.

#### OPERATIONS OF MURANG'A COUNTY CREAMERIES

*(Statement deferred)*

I also defer the Statement by Sen. Kwamboka from the Standing Committee on National Security, Defence and Foreign Relations regarding alleged discrimination,

enforcement of the nationwide curfew for containment of the Covid-19 pandemic. I do not see the Senator.

ALLEGED DISCRIMINATIVE ENFORCEMENT OF  
THE NATIONWIDE CURFEW

*(Statement deferred)*

The next statement by Sen. Wambua has already been done.  
We move to the next Order.

**MOTION**

ADOPTION OF REPORT ON THE PUBLIC FINANCE  
MANAGEMENT (SINKING FUND) GUIDELINES, 2021

THAT, the Senate adopts the Report of the Sessional Committee on Delegated Legislation on the Consideration of the Public Finance Management (Sinking Fund) Guidelines, 2021 laid on the Table of the Senate on Wednesday, 8th September, 2021, and that pursuant to Section 18 of the Statutory Instruments Act, Section 205 of the Public Finance Management Act, and Standing Order 221(4)(b), annuls in its entirety, the Public Finance Management (Sinking Fund) Guidelines, 2021.

*(Motion deferred)*

**BILLS**

*Second Reading*

THE PUBLIC PRIVATE PARTNERSHIP BILL  
(NATIONAL ASSEMBLY BILLS NO.6 OF 2021)

*(Bill deferred)*

*Second Reading*

THE COUNTY HALL OF FAME BILL  
(SENATE BILLS NO. 9 OF 2021)

*(Bill deferred)*

*Second Reading*

THE DISASTER RISK MANAGEMENT BILL  
(SENATE BILLS NO. 14 OF 2021)



*(Bill deferred)*

*Second Reading*

THE HEALTH (AMENDMENT) BILL  
(SENATE BILLS NO. 26 OF 2020)

*(Bill deferred)*

**COMMITTEE OF THE WHOLE**

THE MENTAL HEALTH (AMENDMENT) BILL  
(SENATE BILLS NO. 28 OF 2020)

*(Committee of the Whole deferred)*

**COMMITTEE OF THE WHOLE**

THE BASIC EDUCATION BILL  
(SENATE BILLS NO. 4 OF 2021)

*(Committee of the Whole deferred)*

**COMMITTEE OF THE WHOLE**

THE COUNTY LICENSING (UNIFORM PROCEDURES) BILL  
(SENATE BILLS NO. 32 OF 2020)

*(Committee of the Whole deferred)*

**COMMITTEE OF THE WHOLE**

THE SALARIES AND REMUNERATION COMMISSION (AMENDMENT)  
BILL (SENATE BILLS NO. 31 OF 2020)

*(Committee of the Whole deferred)*

Next Order.

**MOTION****PROVISION OF COLOSTOMY BAGS TO COLON CANCER  
PATIENTS AND SURVIVORS IN COUNTY HOSPITALS**

THAT, AWARE THAT the colon is part of the digestive system with a major role in the absorption of water, minerals and elimination of waste;

FURTHER AWARE THAT colon cancer can cause serious blockage of the colon that may necessitate removal of parts of the colon, the entire colon or the entire colon and the rectum;

COGNIZANT THAT persons who have gone through ileostomy, colostomy and urostomy need to use a bag to empty their wastes for the rest of their lives post-surgery;

CONCERNED THAT urine bags, adult diapers, artificial breasts, colostomy or ileostomy bags are not listed as goods exempt from tax or zero rated in the First and Second Schedules of the VAT Act 2013, and therefore attract 16 per cent value added tax and customs duty;

ACKNOWLEDGING THAT Article 43(1a) of Constitution of Kenya states that everyone has a right to the highest attainable standards of health, and health is a devolved function and therefore under the mandate of the county governments;

NOW THEREFORE, the Senate calls upon the Ministry of Health and) in partnership with the Council of Governors to:

1. create and maintain a register of all the colon cancer patients and survivors in county hospitals, including the biodata of the histology of the patients;
2. provision of colostomy bags for those who are permanent users;
3. include the purchase of palliative care products in the health budgets of all county governments;
4. ensure all county hospitals stock these palliative care products to enable increased access and lower commercial prices; and
5. engage the Treasury and Kenya Revenue Authority (KRA) to waive taxes on long-term health consumables such as colostomy bags, prosthesis and others in the upcoming budgetary cycle to ease the burden on Kenyans.

*(Sen. (Dr.) Musuruve on 8.9.2021)*

*(Resumption of debate interrupted on 8.9.2021)*

**The Deputy Speaker** (Sen. (Prof.) Kamar): You had started to move. You still have 18 minutes.

**Sen. (Dr.) Musuruve:** Madam Temporary Speaker, thank you very much for giving me this opportunity to continue with this Motion on provision of colostomy bags to cancer patients.

As a cancer survivor, I am talking on behalf of millions of Kenyans who are suffering. They are just isolated and there is no one to help them. Some of them end up suffering until they are just buried without any assistance.

This Motion is seeking for the county government to identify persons who are suffering from colon cancer in their counties; have a register for them and see points of intervention and how to help them in their suffering.

Madam Temporary Speaker, I am also seeking in this Motion for the county governments to also put in the county budgets some amount of money that will go towards helping people suffering from cancer, especially there are those who have and walk with colostomy bags wherever they go because part of their intestines have been cut off. We know very well the role that the intestines play in our bodies.

Every day when we wake up, some people take a cup of tea and others fruits and all that. We need to eat for our bodies to remain healthy. Even as our bodies remain healthy, there are some waste that need to be excreted for a balanced digestive system. However, those people who have colostrum cancer, some of them their intestines have been cut off. They are not even able to do the normal things that everybody else does.

Madam Temporary Speaker, they must walk with their colostomy bags. When you are talking of colostomy bags, they are damn expensive. They are way out of the reach of the common person. As I stand here as a cancer survivor, I am speaking about the common person; the *mwananchi* who is really suffering and does not know what to do.

Some of these survivors who had colon cancer need to keep changing their colostomy bags. When it comes to real-time situation after eating after some hours in a day or two days, the body has to excrete the waste. If the body does not do that, it becomes fatigued. The waste also goes to other parts of the body instead of being excreted. People get diseases and all that. I want us to feel the plight of these cancer patients who are suffering and have no way out.

Madam Temporary Speaker, when it comes to provision of these bags, nobody comes in to aid those cancer patients who are always walking around with their bags. There is need for Kenya Revenue Authority (KRA) to also intervene and waive the taxes that come along with health devices such as colostomy bags. They should not be taxed at all. Even for prostatitis, they should not be taxed so that they are affordable to the common man.

It is unfortunate that sometimes we do not remember the declarations that Kenya signed like the Abuja Declaration. That 15 per cent of money should go to health. Sometimes we forget these declarations. I am speaking about an issue that can affect everyone. Everyone is a candidate of cancer. Nobody can say that someone was too careless with his life and he got cancer. I am talking about a Motion that is going to help you, me and all Kenyans. Millions of Kenyans are suffering.

Madam Temporary Speaker, when it comes to palliative drugs, they are also very expensive. Sometimes you will find that cancer patients want the drugs but they are not able to access the drugs because they are so expensive. Palliative drugs should be exempted from tax 100 per cent. Apart from that, they should be available in hospitals.

Sometimes you find cancer patients like someone has colon cancer and all the pains. However, they do not have the palliative drugs. There is need for the county governments to ensure that these drugs are absolutely free so that we defend our

constitutional requirement. Article 43 demands that everyone has a right to the highest standards of health. We must do something as a Senate.

Madam Temporary Speaker, as I speak here, I feel the pain of those cancer patients who are permanently walking with colostomy bags. Many people walk with these colostomy bags but nobody has aired this issue. Even Napoleon Bonaparte himself was a user of colostomy bag. He died of stomach cancer. I am speaking about an issue that we must look for ways and means of legislating so that cancer patients especially those who wear colostomy bags are helped.

Some of these patients and I was able to interact with one. He told me that it is unfortunate that he changes the colostomy bags maybe in a day even three or four times. If they are not changed, you can imagine what goes on. When it comes to excretion, it is normal. If you do not excrete, it means there is something wrong with you.

Madam Temporary Speaker, there are organs of the body that actually do this function. The lungs, skin and colon are very important in excretion. If someone is not able to excrete the waste matter, it means that it goes back to his body. He is not even comfortable then he will be diseased. This is something we can rectify.

When it comes to the use of colostomy bags, they should not be ridiculed. They need to be understood. There is need for awareness about even the use of colostomy bags. Even in county governments, the county executives should ensure that even in their budgets, they do not only have money set aside for medical equipment without touching the issue of cancer.

Madam Temporary Speaker, people with cancer are never followed. Nobody ever makes a follow-up to see how they are getting on. Even the active cancer patients, no one makes a follow up. However, when somebody dies, you will just hear that he fought a good fight. He was brave. No one wants to be brave and no one wants to fight a fight. There is no fight. When you are in the land of the living you behave as the living. There is need for intervention so that those who use colostomy bags are helped during their time in life. They have a right to health.

When you talk about issues of health, it touches on Sustainable Development Goals (SDG) 3 that talks about good health. We cannot talk about Vision 2030 and health if we are forgetting a big chunk of people that have cancer.

Madam Temporary Speaker, my humble request as I move this Motion is that county governments should implement the Constitution requirement of ensuring that everyone is health because health is a mandatory requirement. They ensure also that palliative care is given. They even ensure that there is a register for those who have cancer.

I want to say on the Floor of this House that it is very unfortunate. When it comes to active cancer patients and cancer survivors, there are so many Non-governmental Organisations (NGOs) that deal with cancer. Some of them are even briefcase NGOs. However, if you are a real cancer patient and you go to them, they will not help you.

If you want chemotherapy, they will not help you. However, they will earn a lot of money. Some of them are even donor-funded and they get a lot of money. When it comes to supporting the real cancer patient who needs to be supported, they do not do so.

Madam Temporary Speaker, I know some Non-Governmental Organisations (NGOs) wait even for someone to die. They say that this is a foundation in honour of so

and so who had cancer. All that, but your family does not benefit. The money goes to them. It is time NGOs stopped being canning and stop gambling with the lives of people.

We should never say when someone has died of cancer that she fought a good fight or she really braved. We need to intervene at the time when somebody is alive and see how to help that person. We want our citizens to be productive. Even those who are cancer survivors, they need to be productive. They can only be productive if we implement the Constitution requirement of ensuring that everyone's health is catered for.

Madam Temporary Speaker, there is need also to do a county audit to see how do county executives deal with the issue of cancer. A lot of money is even taken to counties to deal with cancer. However, when you come across the real cancer patients, you find that nobody is helping them.

On my phone I always receive a message from a cancer survivor like me who is going through pain. She is always asking for money for drugs and all that because of the pains she is going through. However, there is money that has been sent somewhere to help her. There is money in the counties and even nationally. Sometimes even nationally you just see people talking about cancer awareness. They get a lot of money on behalf of these people who are suffering. It is time people stopped using others as rubberstamps.

Madam Temporary Speaker, my fair request is that there is need for an audit to find out what counties do about cancer patients. The real cancer survivors should be brought on board. Some of these people just have white elephants where they say, we are doing this for cancer. We have screening, but if you go to them, they will not help you. I am saying from an informed perspective.

Even as a cancer survivor, I have done so many cancer awareness activities in this country. Even from the time I was a lecturer, I was aware that I also have a constituent as a cancer survivor. I used my money to do all these things. When you approach these NGOs, they will not support you, but they will want you to be part of them so that they use you as a rubberstamp. We are helping the Musuruvu Foundation. I do not want to be used as a rubberstamp. I have my brains. I am speaking for a group that is not remembered.

Madam Temporary Speaker, I suggest that as this Motion goes to the Floor, I hope my fellow Senators will support me. As they support me, let the concerned authorities do what is actually meaningful and humane. I call upon Sen. Wambua to second me in this Motion.

**The Temporary Speaker** (Sen. Pareno): Sen. Wambua, proceed.

**Sen. Wambua:** Madam Temporary Speaker, thank you. Looking at the time, I do not have a lot of time to second this very important Motion. However, I will spend the time that I have as wisely as I can to make sure that I am able to second within the constraints of the time that I have.

I will begin by thanking and congratulating Sen. (Dr.) Musuruvu for bringing this Motion to the Floor of this august House. She has distinguished herself as a leader in this country who really fights for the rights of the less privileged and vulnerable in society.

Madam Temporary Speaker, as I support this Motion because it is a straightforward Motion that should attract the support of all Senators in this House and all stakeholders in the health sector. This is because health is listed as a basic human right under Article 3 of our Constitution on economic and social rights; that every Kenyan has a right to access the highest standards of health attainable in this country.

The provision of colostomy bags in hospitals across this country has been made impossible and inaccessible to a lot of people because of the cost of the bags. One of the major factors that make these bags and other items in the health sector very expensive is the issue of the Value Added tax (VAT). I do not even understand why Government would want to tax appliances or items like these that are supposed to go helping the vulnerable in society.

Madam Temporary Speaker, the place to start would be even in support of this Motion is to ask the Government to zero rate taxes. It is not just colostomy bags, but other items needed by cancer and other patients, including urine bags and artificial breast. By just that act of reducing or zero rating these items, the costs would go very low. They would become not just accessible, but affordable to a great majority of patients.

One of the other things that I would ask Sen. (Dr.) Musuruve to look into is even on the titling of the Motion itself. This is because she is talking about colostomy bags to cancer patients and survivors in county hospitals. I know where she is coming from. She is coming from a position that health is a devolved function. When we legislate then we have our counties in mind. However, if we can just have provision of colostomy bags to colon cancer patients and survivors without limiting ourselves to county hospitals---

Madam Temporary Speaker, we have other extra county hospitals where we have cancer patients. We have colon cancer patients in national hospitals and referral and teaching hospitals. If we will provide colostomy bags to colon cancer patients in county hospitals, then we should also provide the same in national referral and teaching hospitals. That is one thing I would want to see happening in this country.

Secondly, I want to really emphasize on the issue of creating and maintaining a database to know the number of colon cancer patients that we have in this country and the stages. This is important to both levels of government. National Government is for purposes of formulating policy on how to deal with cancer patients across the country. That is a standard measure on how to address ourselves as a nation to colon cancer patients.

Madam Temporary Speaker, to the county governments for purposes of knowing what kind of medications at what level they need to procure. Even how are they going to engage with partners outside the country in the provision of healthcare for cancer patients? That database is very important. This database should be available for all sectors and categories of illnesses in our country.

One of the reasons why we have a problem in procurement of drugs in many hospitals especially the county hospitals is because they do not even have a database of knowing what kind of medication or drugs they are supposed to buy to respond to various kinds of diseases and illnesses in their counties.

Madam Temporary Speaker, you realise in a county like Kitui where we have many snakebite cases, the County Government of Kitui should have a database for that kind of challenge. This is so that when they are procuring their drugs, they know that they need this volume of drugs to deal with snakebites. A county like Elgeyo Marakwet where there are no snakebites may not spend as much in terms of procuring snakebite drugs for their patients.

This database is important for the prevalent illnesses and diseases that we deal with across our counties to help the national Government to formulate a standard policy for all the hospitals and in helping county governments to make decisions on

procurement of drugs. They should also be assisted in recruitment of personnel who include medics. What cadres do they need to deal with and the challenges that they face?

Madam Temporary Speaker, in conclusion, one of the things that I have admired with Sen. (Dr.) Musuruve, as I said when I was starting, is her commitment and drive in addressing issues.

**The Temporary Speaker** (Sen. Pareno): Just for information, when you said you were pressed for time and you thought you did not have it, after looking at our Standing Orders, you have enough time. Therefore, you should not press yourself to conclude if you still have much to say. You were entitled to a total of 15 minutes from the time you started.

**Sen. Wambua:** Thank you, Madam Temporary Speaker. In that case, I will say a little more about this Motion.

Let me first conclude my train of thoughts on the issue of the commitment and focus that Sen. (Dr.) Musuruve brings to the Floor of this House, especially issues that affect the less privileged and people living with disabilities. It is really admirable that she has been a real champion. For the PWDs, they have found a real champion in the person and character of Sen. (Dr.) Musuruve.

On this issue of the provision of colostomy bags to colon cancer patients and survivors, colon cancer has continued to claim many lives in this country. Personally, I lost a relative to colon cancer. As Sen. (Dr.) Musuruve said when moving the Motion, part of the colon is removed because that is part of the treatment. It makes life a bit bearable for the patient. The least you want to do with a colon cancer patient is to have them worry about the sickness and the cost of treatment. That is actually being unfair to those patients.

Madam Temporary Speaker, so, in line with this Motion, both the national Government and county governments through this Senate can come up with a policy, apart from just zero-rating or removing Value Added Tax (VAT) on colostomy bags, to ensure that the bags are available in all our facilities. There is this talk about affordability of medical care in this country and other parts of this region. It is one thing for medical care, equipment and items to be affordable and a completely different thing for those items to be available.

As we move towards making colostomy bags affordable, we should also ensure that they are equally accessible and available in every part of this country. As the Senator has said, anyone can get colon cancer. It is not hereditary or a lifestyle disease. It is a disease that anyone anywhere in this country can get.

Madam Temporary Speaker, with those few remarks, I support the Motion for the provision of colostomy bags to colon cancer patients and survivors in county hospitals.

I thank you.

*(Question proposed)*

**The Temporary Speaker** (Sen. Pareno): Sen. Cherargei, proceed.

**Sen. Cherargei:** Thank you, Madam Temporary Speaker. From the onset, I congratulate Sen. (Dr.) Musuruve. Of late she is overworking in representing the people living with disabilities. I want to start from where the Motion has quoted Article 43 of the Constitution that provides for economic and social rights. You know very well that one of the basic rights in the celebrated Bill of Rights Chapter IV of the Constitution is access to

affordable healthcare services in this country, including reproductive health. This Motion has come at a better time.

We know that every time you are in the village, most of the funerals we attend are because of cancer. People have suffered because of cancer. Therefore, the unfortunate sad reality about cancer is that most of the time people die because of late diagnosis.

Madam Temporary Speaker, therefore chemotherapy comes late and it becomes a big challenge. Families use a lot of money to try and treat the cancer patients. Unfortunately, the patient may die leaving the family poorer than they were. I support the provision of colostomy bags to colon cancer patients and survivors in county hospitals.

Under Article 27 in the Constitution 2010 of Kenya, human dignity forms our basis of the Bill of Rights. The fact that you can provide these colostomy bags for the people is very important.

**The Temporary Speaker** (Sen. Pareno): Order. Sen. Cherargei, you will have a balance of 13 minutes when this matter comes up next on the Order Paper.

### ADJOURNMENT

**The Temporary Speaker** (Sen. Pareno): Hon. Senators, it is now 6.30 p.m. time to adjourn the House. The Senate therefore stands adjourned until Tuesday 14<sup>th</sup> September, 2021 at 2.30 p.m.

The Senate rose at 6.30 p.m.