

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Thursday, 3<sup>rd</sup> April, 2014

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

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

### PRAYERS

### PAPERS LAID

#### EDUCATION COMMITTEE REPORTS ON RETREATS WITH CEC MEMBERS/COUNTY ASSEMBLY CHAIRPERSONS

**Sen. Kagwe:** Mr. Speaker, Sir, I beg to lay the following Papers on the Table of the Senate:-

The Report of the Committee on Education, Information and Technology, as previously known, on the retreat with County Executive Members in charge of Education and ICT held in Naivasha, from 11<sup>th</sup> to 14<sup>th</sup> September, 2013.

The Report of the County Oversight and Networking Engagement (CONE) to Lamu, Tana River, Kilifi, Mombasa and Kwale Counties on 29<sup>th</sup> to 5<sup>th</sup> September, 2013.

The Report of the Committee on Education, Information and Technology on the retreat with the County Executive Members and the Chairpersons of the County Assemblies in charge of education and ICT held in Mombasa from 19<sup>th</sup> to 22<sup>nd</sup> December, 2013.

The Report of the Committee on Education, Information and Technology on the retreat with Chairpersons of the County Assemblies in charge of education and ICT held in Mombasa on 17<sup>th</sup> to 20<sup>th</sup> October, 2013.

#### EDUCATION COMMITTEE REPORT ON VISIT TO THE REPUBLIC OF RWANDA

The Report of the Committee on Education, Information and Technology on the visit to the Republic of Rwanda from 9<sup>th</sup> to 13<sup>th</sup> October, 2013.

*(Sen. Kagwe laid the documents on the Table)*

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

**NOTICES OF MOTIONS**

**Sen. Kagwe:** Mr. Speaker, Sir, unfortunately, the Notices of Motions are not in the Order Paper, unless I am granted permission to give the notices.

**The Speaker** (Hon. Ethuro): Are you ready?

**Sen. Kagwe:** Mr. Speaker, Sir, it is a question of just allowing me, then I can do it.

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

**Sen. Kagwe:** Mr. Speaker, Sir, I beg to give notices of the following Motions:-

ADOPTION OF EDUCATION COMMITTEE REPORT  
ON VISIT TO THE REPUBLIC OF RWANDA

THAT, the Senate adopts the Report of the Committee on Education, Information and Technology on the visit to the Republic of Rwanda from 9<sup>th</sup> to 13<sup>th</sup> October, 2013.

ADOPTION OF EDUCATION COMMITTEE REPORT  
ON RETREAT WITH COUNTY ASSEMBLY  
CHAIRPERSONS IN MOMBASA

THAT, the Senate adopts the Report of the Committee on Education, Information and Technology on the retreat with Chairpersons of the County Assemblies in charge of education and ICT held in Mombasa on 17<sup>th</sup> to 20<sup>th</sup> October, 2013.

ADOPTION OF EDUCATION COMMITTEE REPORT  
ON RETREAT WITH CEC MEMBERS/COUNTY  
ASSEMBLY CHAIRPERSONS IN MOMBASA

THAT, the Senate adopts the Report of the Committee on Education, Information and Technology on the retreat with the County Executive Members and the Chairpersons of the County Assemblies in charge of education and ICT held in Mombasa from 19<sup>th</sup> to 22<sup>nd</sup> December, 2013.

ADOPTION OF EDUCATION COMMITTEE REPORT ON  
COUNTY OVERSIGHT AND NETWORKING ENGAGEMENTS

THAT, the Senate adopts the Report of the County Oversight and Networking Engagement (CONE) to Lamu, Tana River, Kilifi, Mombasa and Kwale counties on 29<sup>th</sup> August to 5<sup>th</sup> September, 2013.

ADOPTION OF EDUCATION COMMITTEE REPORT  
ON RETREAT WITH CEC MEMBERS IN NAIVASHA

THAT, the Senate adopts the Report of the Committee on Education, Information and Technology on the retreat with the County Executive Members in charge of Education and ICT held in Naivasha, from 11<sup>th</sup> to 14<sup>th</sup> September, 2013.

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

**STATEMENTS**

STATUS OF LIVESTOCK CAMP LAND IN KITENGELA

**Sen. Mositet:** Mr. Speaker, Sir, I rise to seek a statement from the Chairperson of the Standing Committee on Agriculture, Livestock and Fisheries regarding the land referred to as Livestock Camp in Kitengela, Kajiado County.

I wish to know the following:-

- (a) What is the total acreage covered by the area?
- (b) Has the land been apportioned?
- (c) Who are the beneficiaries?
- (d) What is the current status of the land?

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

**Sen. Madzayo:** Mr. Speaker, Sir, the Chairperson and the Vice Chairperson are not in the House but I believe, given a week's time, we will be in a position to respond to Sen. Mositet's request, who is also a Member of the Committee.

**The Speaker** (Hon. Ethuro): So, we can get a response next Thursday?

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

**The Speaker** (Hon. Ethuro): Fair enough.

**Sen. Madzayo:** Much obliged, Mr. Speaker, Sir.

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

COMPULSORY ACQUISITION OF LAND TO PAVE WAY  
FOR CONSTRUCTION OF THE STANDARD  
GAUGE RAILWAY

**Sen. (Prof.) Lesan:** Mr. Speaker, Sir, I rise to request for a statement from the Chairperson of the Standing Committee on Roads and Transportation regarding the compulsory acquisition and compensation of land to pave way for the construction of the standard gauge railway.

I would like the Chairperson to:-

- (1) State which Government institutions with premises located along the intended railway route are to cede land for compulsory acquisition.
- (2) Indicate whether the Government will compensate the said institutions and how much compensation each will be entitled to.

(3) Bearing in mind that these are Government entities occupying public land, explain whether the Government should compensate itself monetarily.

(4) State the consequences of giving an executive order to cede the land at no cost to the taxpayer.

**The Speaker** (Hon. Ethuro): Chairperson of the Committee.

**Sen. Elachi:** Mr. Speaker, Sir, I wish to request for two weeks to enable us to give a comprehensive response.

**The Speaker** (Hon. Ethuro): Okay, let us have the statement in two weeks time.

#### ESCALATING BANK INTEREST RATES

**Sen. Kembi-Gitura:** Mr. Speaker, Sir, I wish to seek a statement from the Chairperson of the Standing Committee on Finance, Commerce and Budget on the escalating bank interest rates. It is common knowledge that the interests charged by commercial banks have been escalating over time as a result of which borrowing has become very expensive and is affecting development and economic growth. In the meantime, the banks continue to announce very high after tax profits, running into billions of shillings.

Mr. Speaker, Sir, in the statement, the Chairperson should explain the relationship between the said very high after tax profits being made by the banks and the very high interest rates charged. He should also explain how it is impacting on development and economic growth, particularly in the counties.

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

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

**Sen. (Dr.) Khalwale:** Mr. Speaker, Sir, I beg that you allow me to ride on that statement and request that in returning the answer---

**The Speaker** (Hon. Ethuro): It depends on whether it is compatible.

**Sen. (Dr.) Khalwale:** Yes, it is.

**The Speaker** (Hon. Ethuro): It is not for you to determine. That is for me. Proceed.

**Sen. (Dr.) Khalwale:** Thank you, Mr. Speaker, Sir, for indulging me.

Since the said banks borrow from the Central Bank of Kenya (CBK) virtually every morning, we would like that answer to be accompanied with the total profit that the CBK also makes from those banks since they borrow from the bank. We want to see whether those profits being made by the private banks are also reflected by profits made by the CBK since it also lends money to them.

**Sen. Mositet:** Mr. Speaker, Sir, if we are given three weeks, we will be able to give the answer to that request.

**The Speaker** (Hon. Ethuro): Sen. Mositet, in what capacity did you rise?

**Sen. Mositet:** Mr. Speaker, Sir, I rose as the Vice Chairperson.

**The Speaker** (Hon. Ethuro): That is okay.

Sen. Kembi-Gitura, what do you have to say?

**Sen. Kembi-Gitura:** Mr. Speaker, Sir, three weeks is too far. First of all, by that time, we shall have proceeded on recess. It is like telling me that he will give an answer after we come from recess which is 46 days after 17<sup>th</sup> April, 2014. For me, this is an

urgent matter. I am sure there is a policy statement. May I request that it be made maybe on the 15<sup>th</sup>, 16<sup>th</sup> or even on 17<sup>th</sup>, the day we are supposed to proceed on recess?

**The Speaker** (Hon. Ethuro): Vice Chairperson?

**Sen. Mositet:** Mr. Speaker, Sir, I thought we will require consultations with the Ministry of National Treasury and maybe the private sector. That is why I was asking for about three weeks. But since we will be proceeding on recess, then two weeks is okay.

**The Speaker** (Hon. Ethuro): So, we talk of two weeks?

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

**The Speaker** (Hon. Ethuro): So, let us have the statement on 16<sup>th</sup> April, 2014.

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

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

BUSINESS FOR THE WEEK COMMENCING  
TUESDAY, 8<sup>TH</sup> APRIL, 2014

**Sen. Keter:** Mr. Speaker, Sir, on behalf of the Senate Majority Leader, I wish to give a statement on the business of the Senate for the week commencing 8<sup>th</sup> April, 2014, pursuant to the provisions of Standing Order No.45.

Hon. Senators, pursuant to the provisions of Standing Order No.45, this is to present the Senate business of the coming week, Tuesday, 8<sup>th</sup> April, 2014.

The Rules and Business Committee will meet on Tuesday, 8<sup>th</sup> April, 2014 at 12.00 Noon to schedule business for the Senate for the week commencing Tuesday, 8<sup>th</sup> April, 2014. The Senate will continue with the business that will not be concluded in today's Order Paper and commence debate on a Motion to adopt the Report of the Mediation Committee on the County Governments (Amendment) Bill (No.2), Senate Bill No.4 of 2013.

On Wednesday, 9<sup>th</sup> April, 2014, the Senate will continue with the business not concluded on Tuesday and consider any other business scheduled by the Rules and Business Committee. The Senate will also commence debate on Motions by:-

- (a) Sen. (Prof.) Lonyangapuo on open and distance learning.
- (b) Sen. Beatrice Elachi on the need for Kenya to strengthen relations with the United Relations.
- (c) Sen. (Prof.) Kindiki on the need for co-operation between the national and county levels of Governments to enhance security.

On Thursday, 10<sup>th</sup> April, 2014, the Senate will continue with the business not concluded on Wednesday and consider any other business scheduled by the Rules and Business Committee. The Senate will also commence debate on Motions by:-

- (a) Prof. Wilfred Lesan on the need for fibre optic connectivity to referral and level four and five hospitals in all counties.
- (b) Sen. (Prof.) Lonyangapuo on the need to mainstream research and cascade it to the lower levels of education.
- (c) Sen. Halima Abdille on the need for the national government to construct boarding facilities in established schools in every ward in Arid and Semi Arid areas.
- (d) Sen. Mositet, on the need to restructure the Kenya Urban Roads Authority (KURA).

Mr. Speaker, Sir, I hereby lay the statement on the Table.  
This is signed by Sen. (Prof.) Kithure Kindiki, the Senate Majority Leader.

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

*(Sen. Kembi-Gitura stood up in his place)*

**The Speaker** (Hon. Ethuro): Yes, Sen. Kembi-Gitura.

#### IMPLEMENTATION OF THE POWER OF MERCY ACT

**Sen. Kembi-Gitura:** Mr. Speaker, Sir, the reason I rise is because I cannot see the Vice Chairperson of the Committee on National Security and Foreign Relations rise and yet she owes me a statement. This statement was supposed to be issued today. It has been postponed for a very long time.

**The Speaker** (Hon. Ethuro): Vice Chairperson.

**Sen. Adan:** Mr. Speaker, Sir, unfortunately, we do not have a statement. I believe I have handed over that issue to the Senate Majority Leader. So, despite our hard efforts to get the statement from the Ministry of Interior and Coordination of National Government, we do not have it. I would request if we could be given one more week to follow it up.

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

**Sen. Mositet:** Mr. Speaker, Sir, the Vice Chairperson of the same Committee also owes me a statement.

**The Speaker** (Hon. Ethuro): Order, Sen. Mositet. Why do we not dispose of the first issue first?

Deputy Senate Majority Leader, your boss was here on Tuesday morning. He acknowledged that he understood the frustrations of the Vice Chairperson and promised this House that in two day's time, we would have a statement.

**Sen. Keter:** Mr. Speaker, Sir, I am made to understand that the Senate Majority Leader is on his way. I believe he was trying to sort out that issue. That is what I have been told. Maybe we could postpone the issue to Tuesday, next week.

**The Speaker** (Hon. Ethuro): But I thought you said he is on his way?

**Sen. Keter:** Mr. Speaker, Sir, he is on his way or maybe we could have the statement later on. He can do that.

**The Speaker** (Hon. Ethuro): Are you telling us that he will reach here on Tuesday?

*(Laughter)*

**Sen. Keter:** No, Mr. Speaker, Sir. I am just saying if we agree, later on in the course of business, that statement can be given. But I thought that might be past the time for statements. So, I was proposing that we give it a week.

**The Speaker** (Hon. Ethuro): But, Deputy Senate Majority Leader, I thought the handing over should be, for the time you are holding brief, you must be seized of all the

information. How come you got the weekly statement but not the response to the other statements?

**Sen. Keter:** Mr. Speaker, Sir, that is why I am saying that he was struggling to clear that issue. He is delayed because of that specific statement.

**The Speaker** (Hon. Ethuro): Let us have the statement on Tuesday, next week.

**Sen. Kembi-Gitura:** Mr. Speaker, Sir, if it cannot be delivered today, which I do not think it will be, may I request that it be delivered on 14<sup>th</sup> April, 2014?

**The Speaker** (Hon. Ethuro): Okay. That gives them enough time.

**Sen. Kembi-Gitura:** So that the Chairperson has enough time to consult.

**The Speaker** (Hon. Ethuro): Order, Sen. Kembi-Gitura. I have already said so, do you have to repeat?

**Sen. Kembi-Gitura:** I stand guided, Mr. Speaker, Sir.

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

**Sen. Mositet:** Mr. Speaker, Sir, on 6<sup>th</sup> March, 2014, I also rose to request for a statement touching on the Committee on National Security and Foreign Relations. The Vice Chairperson is here. Yesterday she gave me a copy of the said statement but I never heard her rise to speak about it.

**The Speaker** (Hon. Ethuro): Vice Chairperson.

#### UNETHICAL PRACTICES INVOLVING OFFICIALS OF KAJIADO LANDS REGISTRY

**Sen. Adan:** Mr. Speaker, Sir, yesterday I only had one copy of the statement. I thought according to the information that I have the Senator was given his copy. But when we came to the House, he took the copy that I had. That is why I was unable to issue the statement yesterday. But nevertheless he has just given it to me.

Mr. Speaker, Sir, since he has prior information, I will be able to issue the statement now.

**The Speaker** (Hon. Ethuro): Proceed, Vice Chairperson.

**Sen. Adan:** Mr. Speaker, Sir, on 6<sup>th</sup> March, 2014, Sen. Mositet requested for a statement on the alleged delay in handling of fraudulent land cases that are reported to the Kajiado Criminal Investigation Department. The Senator particularly sought to be informed why the Kajiado headquarters has maintained only four officers at the Kajiado CID office for the last ten years; two officers at the rank of corporal and another two at the rank of constable.

Secondly, he wanted to know why there is no inspector or chief inspector who has been deployed to Kajiado.

Thirdly, he sought to know whether the lack of high ranking qualified officers is meant to frustrate investigations and prosecutions and encourage corruption.

Mr. Speaker, Sir, I wish to respond as follows:-

The Kajiado CID office has a total of four corporals and three constables. This challenge of staffing is occasioned by a moratorium on recruitment which came into force through the recommendation of the Ransley Commission which affected staffing in the police service. The effects are still being felt to date. This scenario is common in most

CID offices countrywide and is being addressed by the Office of the Inspector General and the Directorate of Criminal Investigations.

Mr. Speaker, Sir, it is not true that the low staffing levels being experienced in Kajiado are meant to frustrate investigations and prosecution of offenders in the area as several cases have already been taken to court and more are underway.

On investigations by the Land Fraudulent Investigation Unit, I wish to table a list of suspected fraudulent land cases that have been reported in Kajiado and are either before court or under investigation.

*(Sen. Adan laid the documents on the Table)*

Further, it is not true that this problem is a culmination of the corruption or attempt to block posting of senior officers to the district to handle investigations. It is not the intention of the National Police Service (NPS) and the Directorate to frustrate investigations or prosecution of criminals. It is worth noting that the office of the County Criminal Investigation Officer is also based in Kajiado Central and he assists in administering the Kajiado Central CID. There is also attached supplementary information, which I am sure Sen. Mositet has gone through.

Thank you, Mr. Speaker, Sir.

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

**Sen. Mositet:** Mr. Speaker, Sir, the Cabinet Secretary seems to be accepting what I claimed. He has already stated---

**The Speaker** (Hon. Ethuro): Order, Sen. Mositet. Seek a clarification; do not give an explanation.

**Sen. Mositet:** Mr. Speaker, Sir, I still feel it is not correct to say that the low staffing of the CID officers is not meant to frustrate land cases in Kajiado. To me, that is the purpose and it has remained so. If only I could give an example of one investor, the United Insurance Company (UIC). The land the UIC bought in Kajiado is worth more than Kshs30 billion. Since it was put under receivership a lot of bad things have been going on. Many people have been manipulating and even taking out the green cards. Some have even changed the land to themselves. As per what I was given, none of them is reported to be under investigation by the CID. That is just one of the investors I can mention. There are other individuals who have continued to lose their land while knowing very well that they had bought it---

**The Speaker** (Hon. Ethuro): Order, Sen. Mositet. That was an example. So, we will assume the others.

Proceed to respond, Vice Chairperson.

**Sen. Adan:** Mr. Speaker, Sir, clearly, the statement that I read shows that there is no intention to frustrate the work that is going on in Kajiado. The shortage is faced countrywide.

As for the case that he has just mentioned, of course, we understand as Kenyans that there is so much delay in dispensing of cases in our courts. If maybe there is a particular case that has not been handled, I can be able to liaise with the relevant Senator, then we can pick it up from there and follow it quickly.



**Sen. Obure:** On a point of order, Mr. Speaker, Sir. In this Senate, we have complained a great deal about lack of investigations. Clearly, the case of Kajiado is relevant in this case. Is the Chair satisfied that the situation should be allowed to go on?

*(Off the record)*

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

**Sen. (Prof.) Lonyangapuo:** Mr. Speaker, Sir, is it in order for the Vice Chairperson to come and confess on behalf of Government here that they are unable to recruit officers yet we have so many qualified Kenyans who are ready to protect the people and the property of Kenyans? Is she in order to come and show her helplessness here?

*(Laughter)*

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

*[The Deputy Speaker (Sen. Kembi-Gitura)  
took the Chair]*

**The Deputy Speaker** (Sen. Kembi-Gitura): Madam Vice Chairperson, do you feel helpless?

**Sen. Adan:** Mr. Deputy Speaker, Sir, with all due respect to Sen. (Prof.) Lonyangapuo, I have not indicated that there is helplessness in recruiting officers. But, of course, as Kenyans, we understand the issue of shortage of staff everywhere. We have made a lot of noise as Kenyans that we are having a lot of problems especially on the wage bill. Clearly, I would say that we have enough staff currently taking up the responsibilities of investigations and also in other sectors of the Government. But there is no helplessness as such.

Secondly, whatever has been raised by Sen. Obure is a concern to all of us. I will take that responsibility to follow up with the relevant department to ensure the speedy investigation of all the cases that are pending in the country.

**The Deputy Speaker** (Sen. Kembi-Gitura): That brings us to the end of Statements.

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

THE ASSASSINATION OF SHEIKH ABUBAKAR SHARIF  
MAKABURI AND MR. AFIDH BAHERO

**Sen. Orengo:** Mr. Deputy Speaker, Sir, I stand to give notice of a Motion of Adjournment of the Senate to discuss a definite matter of urgent national importance pursuant to Standing Order No.33.

On Thursday, 1<sup>st</sup> April, 2014, a Muslim Cleric, Sheikh Abubakar Shariff also known as Makaburi and Mr. Afidh Bahero were gunned down by unidentified assailants at around 7.00 p.m. outside Shanzu Law Courts in Mombasa County.

Mr. Speaker, Sir, I, therefore, wish to move that pursuant to Standing Order No.33, the Senate do adjourn for the purpose of discussing a definite matter of urgent national importance, being the assassination of Sheikh Abubakar Shariff and Mr. Afidh Bahero.

*(Several hon. Senators stood up in their places)*

**The Deputy Speaker** (Sen. Kembi-Gitura): Well, I thank you Senators. Quite obviously, we have the numbers.

*(Sen. Hassan Omar laughed)*

Sen. Omar, why do you think this is funny? Quite obviously, we have the numbers because Standing Order No.33, the one Sen. Orengo has relied on, talks about support of five Senators. More than five Senators stood up.

Standing Order No.33 (3) provides that:-

“If the Speaker is satisfied in terms of paragraph (2) and not less than five other Senators rise in their places in support, the Speaker shall nominate a time on the same day at which such Motion may be moved.”

The Speaker is satisfied because he had approved the Motion. So, I direct that the Motion of Adjournment shall be debated between 5.30 p.m. and 6.30 p.m. this afternoon. It is so ordered.

*(Applause)*

Next Order!

## MOTION

THANKS FOR THE PRESIDENTIAL ADDRESS

THAT, the thanks of the Senate be recorded for the exposition of public policy contained in the Address of the President to Parliament on Thursday, 27th March, 2014.

*(Sen. (Prof.) Kindiki on 1.4.2014)*

*(Resumption of Debate interrupted on 2.4.2014)*

**The Deputy Speaker** (Sen. Kembi-Gitura): Hon. Senators, this Motion is going on. Who had the Floor when debate on this Motion was interrupted? Sen. Hargura, it seems you were the last one to contribute. You have eight minutes to conclude your debate.

**Sen. Hargura:** Thank you, Mr. Deputy Speaker, Sir. I would like to proceed with my contribution to the debate on the President's Address to Parliament on Thursday, 27<sup>th</sup> March, 2014.

The President pointed out the importance of a strong, diversified economy. He mentioned impediments like expensive energy. But if we put our target at 5,000 mega watts of power, then we have to be clear on how we are going to achieve that target. Right now we are operating at about 1,700 mega watts. The Government has to put in place policies and programmes which will ensure that we generate adequate power for the country. The power also has to be cheap. "Cheap" means that we have to get renewable sources of energy like geothermal, wind, solar amongst others. However, the Government is only investing right now in geothermal energy which we heard some time back that it is not even providing the counterpart funding for donor funds to be utilized to carry out the geothermal power exploration. So, the Government has to be very serious so that it can attain the required energy which, as the President put it, is not coming out clearly.

Mr. Deputy Speaker, Sir, the other issue along the same line of the economy was the issue of developing relevant manpower. The only thing which came up here is the issue of ICT and the laptops. We know the problem this issue is generating. So, it is better the President gets sensitive to the public reaction to these things. We have been saying that instead of going for the laptops, we would rather have the infrastructure developed for the schools in areas where they do not exist. We should have enough classrooms and teachers so that we can later go to the technology part because if the infrastructure is not there, then that technology will not have any basis of being adopted.

Mr. Deputy Speaker, Sir, the other issue is on food security. The President's Speech seems to address only crop agriculture while two-thirds of this country is arid or semi arid. A quarter of the population of this country practices livestock-based agriculture. I would have expected that to come out clearly because this is a sector which has been left out for a long time. It is unfortunate that even the Jubilee Government is still is going the way of the previous Governments, ignoring the importance of this sector. I expected policy issues like introduction of disease free zones and establishment of infrastructure for marketing of livestock to have been addressed, because this affects two-thirds of this country. There is nothing mentioned on it.

Mr. Deputy Speaker, Sir, there is the issue of access to capital for development of small scale and medium business so that we can move from employment to self employment for our graduates and our youths. This has been mentioned. But we have a problem with this. We have various funds that have been set aside such as the Uwezo Fund, the Youth Enterprise Development Fund and the Women Enterprise Fund. But the way they are going, there is a trend which is coming up where by any fund which comes from the Government, one way or another, instead of following the established structures such as through the county governments on the ground, it goes through the National Assembly and the MPs become patrons of these funds. We all know what is happening to the CDF. All these funds end up in the same kitty.

It is high time that the Government looked at whether it is having the interests of a few individuals at heart or the interests of the public, the youth and women they are claiming to target. This is so that these funds are accessible to all the youth and women in this country without their political inclination being taken into account because at the

constituency level, maybe if someone is not a supporter of an MP, then he or she may not access these funds. So, it is not fair to have these funds having anything to do with political leaders. Let us use the existing mechanisms. The national Government has its own officers on the ground. Let them use their own systems so that the public will feel they can approach these offices and access these funds without their political inclination being taken into account.

Mr. Deputy Speaker, the other issue which the President noted and acknowledged is the issue of wastage in public expenditure. For a long time, we have been told that the 30 per cent of the development budget of this country goes to waste. It is not any secret; all the time, you hear it in many Government seminars; that 30 per cent of the development budget of this country goes to waste. If you know your problem, then that is what you should be concentrating on first, instead of talking of the wage bill or the cost of production. We should first plug those holes; we should make sure that whatever is generated is spent prudently, then that is the time we can think of how to generate more, how to tax Kenyans more and continue ahead.

Lastly, Mr. Deputy Speaker, Sir, there was this issue of poaching, which is a national menace and which has to be declared a disaster, but we also have to check where this poaching is taking place. In 2012, for the deaths of the elephants and the rhinos, you will find that they were more in private ranches than in the national parks or in the facilities run by the Kenya Wildlife Service. So, we have to also check what the private ranchers are doing; how equipped are they? Do they have the capacity to hold these animals? So that whenever there is a death of a rhino, we blame our officers in the KWS when, actually, it might be happening more in private ranches which are personal facilities which are of direct benefit to individuals, but which when we lose these animals, we know we are losing our national heritage and not individual properties. So, we have to also check and look at how those animals are being taken care of.

Mr. Deputy Speaker, Sir, I end my contribution by saying that the President would have explained to us more, and the Speech is not satisfactory. So, I do not support the way it is.

*(Applause)*

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. G.G. Kariuki.

**Sen. G.G. Kariuki:** Thank you, Mr. Deputy Speaker, Sir. I would like to say a few remarks on the Presidential Speech. First, is that the President, who has just been in the office for only one year, has given us food for thought and, at the same time, he has given us his past programme during the past one year.

Mr. Deputy Speaker, Sir, it is very clear to me and, of course, to many other Members of this House that the President really understands the problem we are going through in this country. He has tried as much as possible to give the chronology of the problems, and he has explained his intention to sort out some of the problems that he will be able to manage in the next one year. I think he deserves our support. The President is the President, whichever side of the House you are from; it is very important to give him and his Government total support that he deserves so that in the next one year, we shall have a reason to ask what he did on the promises that are written on this paper. Because I believe that what is important is the kind of commitment that he shows; that he

understands the problems, but he needs time to sort out some of these problems. He acknowledged that the problem is almost historical, and this is the only time we can start thinking of seeing something new happening in the form of Government activities.

Of course, Mr. Deputy Speaker, Sir, there is no time that the President will make a Statement of this nature in this House that will have no indication of problems to be resolved. Therefore, I think we need to give him an opportunity by thanking him, by supporting him, by giving him courage and by telling him that we are behind him in terms of the management of national unity in this country, because that is what he needs from us. There is no other way; there are no shortcuts in resolving problems of the nation other than supporting the Head of State in the intentions that he has already spelt out to the county; which are clear enough that he knows where he is going and where he is coming from.

That is why, Mr. Deputy Speaker, Sir, I feel very strongly that our new Government – which has been there for just a year – will do wonders if we give them the opportunity to do what they want. He started by acknowledging that Kenyans spoke during the elections by giving this country the President of their choice. Therefore, there is no need for us to doubt that situation because it is what it is. Therefore, the President has also accepted to protect the Constitution of this country because he swore to protect it and to go with it as far as he can go. This means that he supports all that is contained in the Constitution; if it is devolution, there is no doubt in anybody's mind that the President is for devolution; and the whole Government is for devolution.

There could be some elements who think that devolution will affect their livelihood in their own way, but the whole idea is to see to it that devolution is protected and to make it work. Because I do not think in any political situation in the past since Independence, we have ever had a situation where the President is commanded by law and by the Constitution to come and tell us what he is doing and what he is intending to do in the near future. In fact, we have to credit ourselves; we have to feel that we are great as a nation because we have reached this stage where the President is actually guided by the Constitution on how he should behave in future. The President is required by the law in Article 240 to apprise the nation of all he has been doing in the past.

In the next State of the Nation Address, the country will expect to hear how Article 10 has been fulfilled and whether Article 10 has been observed satisfactorily. I have no doubt in my mind that the President will accomplish what is written in the new Constitution. This is a Constitution which accepts to do things which people might think is a miracle; the people who have been in this system of Parliament and the politics of Kenya will see as if it is a miracle, but a situation of this nature had arisen where the President is directed by the written law to do or fulfill certain obligations.

Mr. Deputy Speaker, Sir, I think from this side and the side of the Opposition, we should really credit ourselves that the nation has moved a step forwards towards resolving our major problem, which has never been thought to be possible to resolve. The Speech of the President is very clear indeed, although I am a bit concerned with the editor who did the editorial bit of the Speech, because I think next time we need a very serious Statement written in a way that people will have no doubt since it is coming from the President of the Republic.

Mr. Deputy Speaker, Sir, I think it is good news that leaders of Government ought to dedicate themselves to the achievement of our Constitution, and this is what the

President said himself, which clears all the doubt. There is no doubt that the President and his Government with all the public servants who are serving under him are going to do what is required to be done. The President, in his Speech, mentioned about settling Internally Displaced Persons (IDPs). I accept that some of the IDPs were resettled, and some were given Kshs400,000. There are some IDPs who are not even aware whether this kind of activity is going on. We have a problem of IDPs in this country; I do not know who will be able to describe who IDPs are because the problem started many years back in 1992 all the way to 2007 and up to recently where we had some problem in some areas like Tana River, Marsabit and many other areas.

Therefore, IDPs should not be taken casually like it is not a problem; it is a major problem. When you are the king of the security of this nation, you must not forget that some of the causes of insecurity are the people who have been chased away from their historical residence and, therefore, I think this matter needs more serious action than what is just being said. I accepted what the President said because he did not say that the Government has already resettled everybody. He said that this process will continue, and there I agree with him. That is why I feel very strongly that he is quite willing to do what is required of him.

Mr. Deputy Speaker, Sir, in defense of our sovereignty, the President has given an undertaking that he will do whatever is in his power to support our security forces and to protect our borders, and many other things. So, I think we, in this House, need only to support the President to accomplish what he thinks he should accomplish during the time of his tenure in office in the next three years to come.

Mr. Deputy Speaker, Sir, the last page because my time is moving very fast, is dealing with security. The security of this country is a major problem, and we can sit here to discuss about investments, our relationship with neighbours, and terrorism. We are going to continue discussing all these things, but there is no solution – and Sen. (Prof.) Anyang’-Nyong’o would know, because I am sure he has done a lot of research in the past – that you cannot solve a problem unless you know the cause. You have to know the cause and then look forward to finding out how to solve that problem. Now, in the current situation, we are just talking about terrorism and the fact that they have done A, B, C, D; that terrorists are attacking several places just like that; we are becoming reactionaries. It is high time that our Government decided and thought critically how to deal with this menace, which is not easy.

As I said last time, Mr. Deputy Speaker, Sir – if you allow me to repeat myself – that terrorism is a business. These people who act as terrorists are acting on behalf of some people or some advisors; people who are very well connected and who maintain this thing. The philosophy of terrorism started in Palestine in 1937 when Jews were fighting for their State, and all that business continues even today because people learnt something out of that. Therefore, they feel that by demoralizing the Government and the people of the particular country, they will achieve what they want to achieve.

Terrorists are not terrorizing our people so that they can take over the State; they know they are not capable of taking over the State, but they can use it as an ingredient of doing harm so that it will be easier for some people who are more serious to take over the State outside the constitutional means. That should be our major concern. In fact, I feel very disturbed when I see things happening the way they are happening. It has happened in the Middle East and in so many countries; a number of counties which were stronger

than us in terms of defense and security networks, but they were dislodged by this kind of terrorism.

So, Mr. Deputy Speaker, Sir, I think it is high time that we, as a nation--- There is no point for this House to think that the President is not doing A, B, C, D or any other thing because when things go wrong, they will affect all of us. They will go to Kisumu and the problem will be in Kisumu, Laikipia and everywhere. Therefore, when you are discussing security matters, politics should be kept aside so that we are able to make a united front in dealing with this problem. I know there will be a Motion of Adjournment to discuss the guy who was gunned down the other day, but I think it is very important that---

Thank you, Mr. Deputy Speaker, Sir. I beg to support.

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Kajwang.

**Sen. Kajwang:** Thank you very much, Mr. Deputy Speaker, Sir, for giving me an opportunity to discuss the public policy contained in the President's Address to Parliament on Thursday 27<sup>th</sup> of March, 2014. I listened to the President carefully and I also read the Speech several times. But I want to highlight just a few things that I thought the President needed to put more emphasis on so that we can take this country forward. Now, we decided as a country deliberately to create 48 governments because we wanted to create other centres of growth outside the centre. That was the understanding of everybody who voted for this Constitution because the experience was that there was a lot of concentration of growth at the centre; the far flung areas of this Government, especially those that are far away from the traditional railway line and the road that passes from Mombasa to Nairobi to Uganda, needed to be considered.

In fact, what Sen. Hargura said – sometimes I miss the name – when he said that there are certain areas in this country that had been marginalized or forgotten – or whatever the word was – the truth is that we concentrated more on the European white highlands, Nairobi and Central Kenya and quite forgot other areas of this country. We thought that those areas could drive growth by growing a little faster because they already had the infrastructure; they already had some good things going on for them; that by growing them quicker and investing more in these areas, growth would percolate to the other parts of this country. That was the essence of Sessional Paper No.10 of 1965, but it never happened.

So, we learnt 50 years later that we had got it wrong; that we actually should create centres of growth in all other parts of this country so that the country could grow together. That is why it is important to look at agriculture and maize as we look at livestock. It is important that the infrastructure of this country can criss-cross the entire country without asking the question as to what is that area producing now to benefit from a road. In fact, it should be that if we give them a road, they are most probably going to produce many other things.

So, now, I was waiting to listen to the policy on the creation of wealth; that is number one; and the policy on dealing with unemployment, which is connected to creation of wealth. Thirdly, how to secure that wealth, which will be the security of this country, although they were touched here and there, I want to point out a few areas which I thought are important for growth. We have decided that in order to deal with the explosion of unemployment of the youth in this country, we should create certain funds – Uwezo Fund, youth and women funds – I want to say that the policy of creating these

funds is wrong. First, because you do not give money to the youth and tell them that they should be in a group of ten, and choose a business to do which they have not thought about. Of course, they will write a piece of paper which they do not believe in and when the money is given to them, they share it. That is what is going on.

I should have thought that if you were serious that you want to touch on the unemployment of youth and women, then you put this money into a bank and put the interest rate at 1 to 2 per cent, as already is the case; and get a youth who is already doing something to apply for the loan like any other businessman would apply for the loan; alone or jointly as a group, depending on whether they are doing a business; if it is some joint business or a single business. In that case, the bank will appraise the business, it will ask the young people whether they have an account somewhere, what they have been doing, how they have been doing it and whether they want to expand it; if so, to what level. Consequently, they will use that money better than we currently think. In fact, the way it is now, it is like a gift; it is like we want to tell the youth please, be calm; put yourself into groups of ten and come for some money.

That does not solve the problem of unemployment. Unemployment is only solved by people who are serious in investing that money, creating wealth, employing others and, that way, we will reduce unemployment. But not when they look at that money as a token from the Government. We elected the Government and the Government has now created a fund for us so that we can put ourselves into groups of ten and go and take it, divide it and go and drink. That is what is happening. So, I hope that we will think about it again. This money should also not be put in commercial banks that are in the business of selling money, because it is a big business for them. We have Postbank here, which is 100 per cent owned by Government, which has branches all over this country, which we should be strengthening, but we are taking public money, which is taxpayers' money and putting it in other banks which are competing with a good Government investment which we all love and want to protect and grow. So, some other people are looking at this money as if it is a source of funds which you can trade with and make money without paying anything back to the Government and, of course, all the other things that come with it.

Secondly, Mr. Deputy Speaker, Sir, I do not think that the wage bill is the problem for this country. Of course, it is smart to say so because people will sympathize with the Government; that there is a big burden which has been created by devolution without any facts. But the point is that this Government has enough money to pay its wages; it is only that we waste this money. Look at what the Auditor-General said recently; that on flowers, tea, newspapers and air time which we use in the offices, including Parliament, we spend Kshs388 billion. That is enough money to build the railway line from Mombasa to Nairobi without seeking any aid from China. Just those four items – flowers, tea, newspapers and airtime – consume Kshs388 billion. I was shocked when I saw those figures, and I said “Is this Auditor-General really sure”?

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

**Sen. Kajwang:** Okay.

**The Deputy Speaker (Sen. Kembi-Gitura):** Sen. Billow---

**Sen. Billow:** Mr. Deputy Speaker, is the hon. Senator in order to mislead the House---



**The Deputy Speaker** (Sen. Kembi-Gitura) Take your seat first, Sen. Billow Kerrow. I have said many times that you cannot just rise on your feet and start talking. The Speaker must recognize that you are making a point of order; and I think that is something that we have to observe.

**Sen. Kajwang:** Thank you, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kembi-Gitura): Now you can make your point of order.

**Sen. Billow:** My apologies, Mr. Deputy Speaker, Sir. Is it in order for the hon. Senator to mislead the House that Kshs388 billion is being spent on those four items when, in fact, the figure he is quoting is the total budget for more than half of the recurrent expenditure of the whole Government? I think he needs to get the number right – Kshs388 million, not billion.

**Sen. Kajwang:** Thank you, Mr. Deputy Speaker, Sir. I am not creating figures; I read these figures. I was myself very confused, but I read Kshs388 billion. But quickly, I was also told by the same Auditor-General that Kshs500 billion was not accounted for---

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Kajwang, you know when you give figures like Kshs388 billion on four items *vis-a-vis* what the Chairperson of the relevant Committee is saying--- Well, I am not doubting the figure at all myself; I mean, you must have your reason for saying so and I am sure the Chairperson has his reason for saying so. Why do you doubt those figures, Chairperson of the Committee?

**Sen. Billow:** Mr. Deputy Speaker, Sir, the total expenditure budget for the national Government, if you eliminate the non discretionary items like the Consolidated Financial Services – these are loans and interests – it comes to about Kshs1 trillion. Now, really, that one trillion includes Kshs447 billion which was to be spent on development projects; Kshs210 billion was given to counties. Really, we cannot say then that the balance of the whole of the rest of the money – which comes to more than Kshs300 billion – was spent on flowers and tea. Those figures are not correct; the correct figure would be in hundreds of millions.

**The Deputy Speaker** (Sen. Kembi-Gitura): That is a matter of debate, is it not?

**Sen. Kajwang:** It is a matter of debate, Mr. Deputy Speaker, Sir, and I am quoting a very authoritative figure. I think you should call the Auditor-General and ask him these questions.

He also said the second thing is that of unaccounted sums; he could not find the authority to spend or where they were spent and he was not sure. In the year 2010/2011, this amounted to Kshs500 billion. In fact, it should bother the Government more that a whole Kshs500 billion in this country was unaccounted for. It is like some unauthorized spending or some stealing or some non-disclosure of where the money went, which would be a terrible thing. But these are statements authoritatively made by the Auditor-General only the other day---

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

**Sen. Kajwang:** Mr. Deputy Speaker, Sir, can I continue?

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Billow Kerrow?

**Sen. Billow:** Mr. Deputy Speaker, Sir, you know that this is a distinguished House, and to throw around figures that are not based on facts--- Could the hon. Senator actually indicate which report and what page of the report carries these figures, rather

than to quote newspaper figures that may not have been properly done, because those figures are incorrect?

**Sen. Kajwang:** Mr. Deputy Speaker, Sir, next time Sen. Billow wants me to explain a little bit more on these figures, I can go to his Committee. But as a matter of fact, we are allowed in this House to quote authoritative Statements made by authoritative Government figures and constitutional office holders. This is not a waste of time; I do not create figures.

Now, Mr. Deputy Speaker, Sir, we are talking about waste and I am talking about unaccountability.

The next thing I want to talk about is where we can create wealth quickly. I hope you will give me one or two minutes to compensate for the time which Sen. Billow has robbed me of. But if we really wanted to create money, we can do so from our port. In fact, I have looked at the small country of Djibouti that has decided to run their port efficiently with the help of the Port of Dubai. That has created enormous wealth for that small desert country. They now have enough money to decide to build a highway from Djibouti to Zaire to supply goods to that country, which is not quite landlocked, but is a vast country.

I think our port is better placed in the Indian Ocean and has an open sea to the east and even to Europe; and we can make a little more money from our port if we only put a little more money on growing it. In fact, with a good standard gauge railway – if we did not put in too much debate on it and if we settled out those little things of tendering – with a functioning port, it can give us more wealth than this country can talk about even in the entire national budget. I wish we could put much more emphasis there; we compete with Ethiopia, which is almost providing a gateway for South Sudan, which should actually be our market, but it is going to be the market of Ethiopia.

Lastly, Mr. Deputy Speaker, Sir, ours is a service economy, and so long as we lead in service delivery – whether it is financial, telecommunication, railway or road, this country can make much more money than most of these countries that even have oil; and we just have to get it right and put effort there; and absorb all these youths who are becoming a threat to us. But you will not create wealth in this country unless you put more emphasis on agriculture. We forgot about agriculture; we withdrew agricultural officers---

**The Deputy Speaker** (Sen. Kembi-Gitura): Order, Sen. Kajwang; your time is up!

**Sen. Kajwang:** With those few comments, I beg to support. Thank you, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Kiraitu Murungi.

**Sen. Murungi:** Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to contribute to this Motion. At the very outset, allow me to congratulate His Excellency the President for making his Address pursuant to the relevant articles of the Constitution which have been cited in the Motion. This Address, coming timely the way it did, clearly shows this Government's commitment to constitutionalism and the rule of law.

Mr. Deputy Speaker, Sir, the President's Address focused on some critical issues which touch on the lives of all Kenyans. More specifically, the Presidential Address dwelt at some length on the issues of security and also on issues of food security. The

basic purpose of any Government is to protect the lives and properties of its citizens and people.

*[The Deputy Speaker (Sen. Kembi-Gitura) left the Chair]*

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

Mr. Temporary Speaker, Sir, let me congratulate you for assuming the Chair because I know how efficient you are.

*(Applause)*

Mr. Temporary Speaker, Sir, why is it the business of every Government to protect the lives of its citizens and other people within the country? When we talk about development, we are talking about development of the human beings. If you are not there, then that development is meaningless to you. So, you have to be there so that you can be the Speaker of the Senate. If Sen. (Dr.) Machage is not there today, he cannot be the Temporary Speaker of the Senate.

**An hon. Senator:** He can be somewhere else!

**Sen. Murungi:** Yes, he could be in heaven or hell; I do not know!

*(Laughter)*

Mr. Temporary Speaker, Sir, if you are not there, this standard gauge railway will not make sense to you, because you will never travel and you will never carry your goods on that railway. If you are not there as a person, all the food that we are talking about growing through irrigation will be meaningless because you will not be there to eat it.

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

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

**Sen. Orengo:** Mr. Temporary Speaker, Sir, is the hon. Senator in order to persistently continue to imagine and encompass that you, Mr. Speaker, if you are not there? Why does he not use an example of himself or myself? Is there something we do not know?

*(Laughter)*

**The Temporary Speaker** (Sen. (Dr.) Machage): Please, continue!

**Sen. Murungi:** Mr. Temporary Speaker, Sir, I request the HANSARD to be amended to read "Sen. Orengo" in all the places where I mentioned you.

*(Laughter)*

Mr. Temporary Speaker, Sir, at this moment, I think a critical issue which is worrying Kenyans is this issue of security. It is very unfortunate that Kenya is entangled in the web of international terrorism; we are just a front line State in the war against

terror. We must understand terrorism; that the basic purpose of terrorism is to cause fear and terror so that people do not sleep and people do not work in peace. I think they almost succeeded in this country in creating fear and terror.

(Applause)

Mr. Temporary Speaker, Sir, I think Sen. G.G. Kariuki has been studying these issues of terrorism – he goes to the university every evening after he leaves the Senate – and I heard him say that terrorists do not overthrow governments; he says that terrorists are just like mosquitoes, they will make you uncomfortable in the House, but they cannot bring the house down. So, we should not panic too much.

Mr. Temporary Speaker, Sir, the means that we use to address terrorism should not be another form of terrorism. We should not replace terror with another form of terror out of fear.

(Applause)

**Hon. Senators:** Excellent!

**Sen. Murungi:** Mr. Temporary Speaker, Sir, the terrorism that is overflowing into Kenya is associated with religious extremism; the *ihadism*, and that is also what is experienced in Nigeria and other parts of the world. Indeed, since the so-called end of the cold war, capitalism has its own way of dealing with other enemies and we have replaced this Islamic fundamentalism with communism. So, the tools that were being used to fight communism are now the tools which are being used to fight religious fundamentalists, extremism and *ihadism*.

Mr. Temporary Speaker, Sir, I do not think it is right for us to blame all the Muslims, as we have seen the tendency even in our media to try to really blame it on Muslims. The majority of Muslims in this country are victims of terror, just like the Christians and the other people in this country. That is why we should isolate the terrorists and deal with them as criminals. We should not criminalize the entire section of our society merely on the basis of how they dress or how they look.

Mr. Temporary Speaker, Sir, the biggest challenge that we have, not only in this country but in other countries affected by terrorism, is how to balance issues of trying to protect national security and at the same time protect fundamental rights. How do you handle that balance? The balance has always tilted in favour of peace and security because historically, where there are very harsh dictatorships, people do not even think about human rights. Where the dictatorship is in extreme form, for example, during Stalin or Hitler of German, there were no human rights movements in Nazi Germany. They could not exist in that situation. Human rights movement thrive where there are fairly democratic conditions; where there is a certain level of peace and security. But where dictatorship is harsh, people worry about their own personal survival. You take care of your own life and keep away from the bad dogs.

Mr. Temporary Speaker, Sir, the fact that there are foreign correspondents operating in this country is something that we should take positively and not to close that space because ultimately, that is how your life and mine are going to be protected. If lawlessness is going to fight lawlessness, then we shall create a lawless state. Even

people without any ideology in forms of robbers will have an opportunity to come and attack people for their own personal reasons. So, I think we should be very careful the way we are dealing with the issue of terrorism in this country. Personally, I was very disappointed when a county commissioner in the coast said on television that people should be killed. As a Government, we cannot condone that kind of behaviour from officials and I think that person needs to apologize and clarify that what he said is not the Government policy.

Mr. Temporary Speaker, Sir, as you know, I am now the Chairman of the Agriculture Committee of the Senate and I congratulate my very able Member.

**The Temporary Speaker** (Sen. (Dr.) Machage): Indeed, congratulations also.

**Sen. Murungi:** Thank you, Mr. Temporary Speaker, Sir. Sen. Kajwang is a very able Member of this Committee and that is why he spoke very eloquently about agriculture. We are very happy that the President touched on food security in this country. We are very embarrassed especially for some of us who have visited other countries sometimes on missions to beg for food. I remember at one time we went to China and we had been asked to request for some support and I dutifully did so. Then the officials asked me how many people we are in Kenya and I said we are about 35 million. They looked at each other and said that that is less than the population of one town in China. They were wondering how we cannot feed such a small number. I have never felt so small.

Mr. Temporary Speaker, Sir, time has come for us to take this issue seriously. We cannot go year-in, year-out begging for food and yet our country has all the means and the capacity to feed ourselves. I have been challenging my colleagues especially from northern Kenya because I can tell you next year and the year after, there will be famine in that area including Turkana and Marsabit but what do we do? We just wait for it to come and then we come to say "*Serikali hakuna kitu inafanya*". So, time has come for us to put in place very concrete plans because that is expected. There is River Dawa in Sen. Kerrow's county; it is a big and permanent river with almost 80 kilometres of arable land around it. If you do irrigation on that river, it can feed the whole of northern Kenya. Massive water resources have been discovered in Turkana but we are only talking about oil and nobody is talking about water. Why can we not invest in extracting that water and make Turkana food sufficient? The people of Turkana can even supply food to the neighbouring countries like Sudan.

Mr. Temporary Speaker, Sir, we are not investing enough in agriculture. If we are investing billions on the standard gauge railway, why can we also not invest similar billions in agricultural projects? Right now, we are singing about the oil in Turkana, the coal in Kitui but there is also oil and coal in Meru in form of agriculture because that is our natural resource. So, we would like the Government to allocate resources so that we produce more, we process more, add value and sell more.

Livestock is seen as a form of legacy of a primitive form of living which is expected to die at some time in future because we are moving from a gathering society, agricultural society, industrial society and we are now moving to information society. The people who are saying that the livestock people are going to be phased out, what meat are they going to eat if there are no animals in this country during that information age? Time has come for us to work with livestock farmers in the country and enhance livestock production because that is the oil for the livestock producers in this country. So,

just as we are focusing on other resources, let us also focus on livestock resources in the country and let us see what value we can add to them. This meat will be required in the Middle East and other places where there are no animals.

Mr. Temporary Speaker, Sir, finally, the Government has failed because they are listening too much to experts from the West. There is no country which has invalidated itself from hunger because of World Bank and International Monetary Fund (IMF) policies. So, we have to liberate ourselves from these new forms of mental colonialism and strike an independent path.

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

**Sen. Murungi:** I wish you could have given me more time.

**The Temporary Speaker** (Sen. (Dr.) Machage): Address me appropriately.

**Sen. (Prof.) Anyang'-Nyong'o:** Mr. Temporary Speaker, Sir, let me begin by complementing my colleagues who have contributed to this debate today. I have thoroughly enjoyed what they have said and benefitted from it. Let me begin from where Sen. Murungi left. Sen. G.G. also mentioned it. This is the whole idea of our approach to planning. The Jubilee Government need not reinvent the wheel if they are going to jumpstart this economy to deal with issues of wealth creation and creation of employment. Surely, what made the NARC Government successful in 2003/2005 to take this country away from negative growth rate to a positive growth rate within a matter of three years was to get the equation right.

We talked about employment and wealth creation and we gave a very definite approach to it. We put money into productive sectors. The first sector was milk and the price of milk rose from Kshs6 to Kshs17 per litre in a matter of three or four months. So, examples are there on how to invest in agriculture and jumpstart the economy and get production. You do not need a year. I was surprised that Sen. GG. Kariuki was complimenting the Government for trying to find their feet one year later. In the NARC Government, we did it in two months and within the first six months the President launched the development plan. If you start by running rather than walking, you will get somewhere.

Mr. Temporary Speaker, Sir, I would like to focus on two issues which I think were deficient in the President's Speech. First is the approach to mega projects and trying to create hope in the people of Kenya within a timeframe work which is not realistic. If you look at the project of irrigating the Tana Delta, this is a multi-billion shilling project. If you just check the timeline on how that project will take off, it cannot really take off within the next five years because of the work required. If you are going to put a million acres of land under irrigation, a lot of planning, engineering and infrastructural development is required first. I think the Government is going to be very disappointed to put a lot of hope in the Tana Delta project and expect that results would be seen next year. I doubt it myself. It would have been much better for the Government to zero in on some smaller irrigation projects which are quick wits like the one Sen. Murungi mentioned in Sen. Billow's county. That is manageable and can show results in a shorter time or to kick start irrigation projects which have been there for years but not fully implemented and used.

I am talking about projects like the Nyando Basin which is dying just because of poor Government follow up investment. The sugar belt which was thriving in 1960s has gone to seed and cities and towns like Chemilil, Miwani and Muhoroni are dying. Here is

a situation where the Government can partner with a county government to make sure there is a national irrigation plan involving the national Government and the county government so that these things can be productive in a shorter time than currently envisaged. I am not discouraging the Tana Delta project, it is worth it but to expect that it would be realized in three or four years is a dream. So, I would like the Government to cut to size their expectations on the Tana River project and tell Kenyans the truth rather than creating hopes which may not be realized.

The second thing I want to say is about land and environment. As you know land is a basic factor of production and it does not exist in plenitude particularly in Kenya where arable land is only 13 per cent of the land surface of the country; part of that 13 per cent are forests. So the land we have for purposes of agricultural production is quite small. A lot of that arable land, unfortunately, is used for speculation by large scale land owners. Due to our private property laws, they may not put it to production and, thus, deny government access to it. Since we have small land for food production, we must use it cost effectively and efficiently. At the moment, one of the reasons why we are not going to use this land cost effectively and efficiently is because of our policies on land and environment. It is a damn shame to see the Ministry of Land involved in squabbles one year in the life of the Jubilee Government when the Constitution is very clear on what the policy should be. The Constitution is clear that the body which should be in charge of land is the National Land Commission. Why any Minister should have doubts at all on this beats my mind.

Mr. Temporary Speaker, Sir, I was in Kisumu Court yesterday on a land issue. I went to the Land and Environment Court which is court number 16 at the High Court in Kisumu, the judge sits in front and the office is crowded and 75 per cent of cases which go to our courts are land cases. I do not understand why the land and environment court in Kisumu should be the smallest. I also do not understand why Kisumu and Siaya counties should have one judge to handle land issues when land and environment cases form 75 per cent of cases which go to court. The Government is being pennywise and pound foolish. As I have always said, one of the things that should happen is that if you are going to get land to be used for production, let us make it easier for those who use land most, that is, the peasants to have access to it. Right there in the annals of our legal system lies the gridlock in access to land.

The land controversies that exist in the country cannot be adjudicated cost effectively and efficiently. People have to frequent courts for years. I have a land case in my village which has been there for 27 years. One of the things that we are going to do is to reduce the cost of doing business to our peasants who are a majority in this country. We should make land more accessible and land cases to be settled much more efficiently than now. Therefore, I plead with the Chief Justice to pay attention to land and environment courts because indeed if agriculture is going to make sense, conflict of access to land must be settled expeditiously and cost effectively. That is one of the things that the President should have focused on as an issue which is a crisis in this country.

Mr. Temporary Speaker, Sir, regarding the issue of ownership of land in this country and the issue of speculation of land, one of the reasons why the National Land Commission cannot be let loose to do its job is because the people who own land most are also the people who are most politically powerful. I do not think that they have good intentions about the National Land Commission for it to work so that we can have a much

more rational access to land in this country. This is the truth that must be said if we are going to represent the people of Kenya. Let me add my voice to what my dear friend Sen. GG. Kariuki said; when we criticize the government, it is not because we are not friends of the President because the best friend is one who tells you the truth and who will criticize you when you are wrong. A friend who flatters you is perhaps the worst enemy. That is why when we went to Kiambu one day in 1980s when the former Attorney-General, Mr. Charles Njonjo, “the Duke of Kabeteshire” was transiting from being an Attorney-General, he made a very good speech. He said “I know my enemies, God protect me from my friends.”

**Sen. Murungi:** On a point of information, Mr. Temporary Speaker, Sir. I just wanted to remind Sen. (Prof.) Anyang’-Nyong’o what Jaramogi said during one of our national executive meetings when we were in FORD-Kenya. He said that there are many forms of bribery but the worst form of bribery is flattery.

**The Temporary Speaker** (Sen. (Dr.) Machage): What information was that? Are you informed now?

**Sen. (Prof.) Anyang’-Nyong’o:** I think he was emphasizing what I was saying in the sense that if a friend does not criticize you and flatters you instead, that is the worst form of bribery. I think the Senator for Meru knows exactly what he is talking about.

Mr. Temporary Speaker, Sir, let me also say something about security. We have a security guru in the House in the person of my friend called Sen. GG. Kariuki. The Senator is reported to have said that terrorists are like mosquitoes, they can buzz but they will not bring the house down. When Sen. GG. Kariuki was the Minister for Internal Security, we were critics of the Government; we were buzzing. He knew that we could not bring the House down but he detained us. I had to run away from the country to stop him from detaining me.

**The Temporary Speaker** (Sen. (Dr.) Machage): Order, Sen. (Prof.) Anyang’-Nyong’o. I think you are being unfair to Sen. GG. Kariuki. I thought you would remind him that biting mosquitoes can also cause malaria which causes death and lots of suffering. The other information you are bringing about Sen. G.G. Kariuki is totally unacceptable. It was the government arm and it had nothing to do with the person of GG. Kariuki.

**Sen. G.G. Kariuki:** On a point of order, Mr. Temporary Speaker, Sir. For the record of the House, I think it is important for us to know the truth that I did not detain any one during my tenure in office as Minister of State. The Minister of State’s job is not to detain people but to arrest then the Minister for Home Affairs detains. So, I think you should correct your information.

**Sen. (Prof.) Anyang’-Nyong’o:** Mr. Temporary Speaker, Sir, I accept the correction but I want to remind Sen. GG. Kariuki that my arrest papers were on his desk, but I escaped before he did so.

Mr. Temporary Speaker, Sir, I would like to talk about Somalia. Last week after the President gave his state of the nation Address, as the acting party leader of ODM, I criticized heavily the approach to security. I noticed soon after that the Cabinet Secretaries went on a bench to try and do a PR exercise for the Government. I watched the Cabinet Secretary for Defence speaking very good English but without any content on the issue at hand. Although as Sen. GG. Kariuki said, we need to first understand the causes of terrorism, we also know that in East Africa, we as a country have sent our



troops to Somalia so has the others like Uganda and Ethiopia. We are beginning to wonder; if we are all culpable of sending troops to Somalia, why is it that Kenya is the one getting the brunt of the action for this kind of thing? The Cabinet Secretary said that we are moving to have a standby security force at the East African level so that the territories of East Africa can come under this standby security force so that we are insulated from being isolated as a country in entry to Somalia.

Mr. Temporary Speaker, Sir, what the people of Kenya want and this is what I said - we need a clear roadmap, a clear strategy, well stated and a time framework during which we shall get out of Somalia. This is also what the Americans have been demanding of their government in the cases of Afghanistan, Iraq and other places. If you speak generally that we shall do this or that without the citizens knowing exactly what the timetable and the framework is, we are not going to give you a *carte blanche* as a Government to continue like that. In any case, you only have five years in power and you must do these things while you are there. So, any promise that is vague leaves us vulnerable to those who see us as enemies for being in Somalia.

We know for certain that we can identify and explain the causes of instability in Somalia. We can do that. If we can explain the causes of instability in Somalia, then let us deal with that problem expeditiously. One of the things that Somalia people want is stability through development. If we have good relations with development partners and the Americans once upon a time ran away from having anything to do with security in Somalia, let them give us resources for the development of Somalia; that will bring stability. Let this East African countries set up a basket of so many billions of dollars and say what we need to invest in Somalia to get it to be peaceful. Put your money where your mouth is. The western countries are praising Kenya for being in Somalia but they are not helping us to solve the problems there. So, I think the President should have come out very boldly and if he could not, he should have told the Cabinet Secretary, with that good English of hers, to state the problem much better on television than going round and round saying "we must be in Somalia because it is a security issue". We know it is a security issue, but what is the cause of that insecurity? We can explain the cause but let us finance the resolution.

**Sen. Musila:** Mr. Temporary Speaker, Sir, I stand here to support the Motion of the Speech by His Excellency the President to Parliament on 27<sup>th</sup> March, 2014. The issue of insecurity has been with us for a long time. I think to be fair to the Government and the President, it is good to acknowledge that the insecurity we are having now started way before the Government came into power. Just for record, I want to say that, technically, Kenya came out of Somalia. The operation that was started by the Kenya Defence Forces ended. What Kenya is doing now is participating in peace keeping efforts of the United Nations under a different command. That does not dilute the fact that we must look for solutions to get out of Somalia.

Kenyans are concerned about insecurity in this country. Let us also acknowledge that in the last few days, our security forces have done some good job in arresting situations that could have exploded. We must give them credit. On the other hand, we must also realize that the explosives that are coming to this country are also coming through roadblocks manned by our security forces. So, in essence, here we have a force that is trying its best to control insecurity in the country inland but we have another force out there allowing explosives to come into the country through the roads. Therefore, we

need to get the security agents to totally control insecurity by ensuring that our borders are secure and that there is no proliferation of small arms. Any explosives coming through our roads should be detected. We should not wait until they are in the country before being detected.

Mr. Temporary Speaker, Sir, I say this because today in this country, everybody does not feel secure. Even our wildlife is being killed. Wildlife feels insecure because every day we are seeing poachers killing animals. What is going to happen and is already happening is that we are going to see tourists who have been coming to this country going elsewhere. Already in the hotels at the coast, bed occupancy has dropped. What it means is that we are going to get many jobs lost. Our economy is going to suffer because of insecurity. Therefore, we must do everything possible. The Government and the public should co-operate to ensure that we reduce or eliminate insecurity that is so rampant in our nation.

Mr. Temporary Speaker, Sir, in the Speech, the President talked about infrastructure. He said that the Government was going to do 10,000 kilometres of bitumen roads in the country. That is well spoken and I applaud it but we want to know where the road is going to be constructed. In the past, in the last 50 years, the road network has concentrated in certain areas. We want to know how many kilometres are going to Manderu or how many kilometres are going to Kitui, for example. All these roads that are being built are concentrated in some areas. We cannot develop this nation by marginalizing other areas. Therefore, I want to appeal to the President to relook at the distribution of the infrastructure, especially the 10,000 kilometres that he promised this nation.

For example, I would like to see the Kibwezi-Kitui Road tarmacked. We have asked for this for the last 20 years. I would like to see the road from Manderu to Garissa tarmacked including many other roads in the counties that were left out in the past. That is the only way we can say that the Government is looking into correcting the imbalance in development that has taken place in this country.

During the last few days, the Cabinet Secretaries of this Government have been doing self-assessment but what we have seen is self-glorification and not self-assessment. If it was proper assessment, they would be telling us about their challenges, their failures and successes but what we are being told is only successes which are not visible on the ground. For example, regarding water, remember this country was going to have piped water in every household by the year 2000. Today, it is 2014 and that is a far cry from the reality. So, what is the Ministry responsible for Water and Environment doing to see to it that those mega dams that were promised by the previous governments and even started are completed?

What I am saying is that we have so many uncompleted projects out there. In Kitui, we have one called Umaa Dam which was started and already Kshs750 million has been sunk in the project but there is not even a drop of water. I know there is another dam similar to that one in Marsabit with no single drop of water. So, we would have been very pleased if the Minister for Water and Environment came and told the nation that the projects they inherited from the previous governments are going to be completed because a lot of money had already been invested in them. In my former constituency of Mwingi South, we have many projects that were started and have been abandoned. So, who do we

go to when the Cabinet Secretary in charge of water comes and talks about other things and omits the projects that have already been started and abandoned?

Mr. Temporary Speaker, Sir, the Cabinet Secretary for Education must address the issue of shortage of teachers. Every now and then, we keep on celebrating successes of schools but if you look at those schools, until recently when Samburu County was placed somewhere, in the past, other counties have always been coming last in terms performance in national examinations. Although this happens, it is not their fault. It is because some of these counties have a shortage of thousands of teachers. Primary school teachers are in short supply although there are other areas, I dare say, that are over-supplied with teachers but we expect those schools with more teachers to compete with those which have no teachers. So, I would like to appeal to the Government to see to it that there is balancing of the provision of teachers for primary and secondary schools in this country so that we have a level playing ground in terms of education.

Mr. Temporary Speaker, Sir, in the area of environment, we are not as at the moment, taking keen interest in afforestation. There is rampant destruction of forests. There is rampant destruction of trees all over. Tonnes and tonnes of charcoal are being burnt and brought to the city leaving the countryside a desert. I think we must do something if we are to sustain this country. As far as I know, there are areas that are clearly being turned into a desert because of wanton destruction of forests. Therefore, these are challenges that this country must face head on. We must stop the wanton destruction of forests. We must ban the burning of charcoal and increase tree planting in this country if we have to maintain the rainfall pattern that we have lost already.

The issue of food production has been talked about for many years as far as I can remember. Even when I was in the public service, we talked about food security. It is a shame that today, 50 years after Independence, we are yet to address the issue of food security squarely so that we can resolve it. Is it not a shame that a country like Kenya is food insecure, and yet we are so endowed with natural resources like rivers, there is no single county in this country that is arid or does not have a river passing through? In our region which is very arid, we have two rivers, Tana and Athi, traversing it, but what use have we made of them to produce food? We have heard about River Dawa and Lake Turkana.

When we visited Lake Turkana three years ago with the former Prime Minister, the people were promised that the water in that lake was going to be used to irrigate land so that there is food, for self-sufficiency. Today, three years later, there is nothing going on in Turkana. So, can we for once put our act together as a nation and see to it that we harness the resources that God gave us? Water is flowing in our rivers 24/7 to the oceans but we are doing nothing about it, we can only cry that we have no food and go to beg. You have heard what Sen. Murungi said and I am very happy that he is also the Chairman for the Committee in charge of agriculture. I hope he is going to use his tenure to improve on things. I wish he had more power.

Mr. Temporary Speaker, Sir, I just wonder whether my colleagues have noticed one thing common with this Government particularly with the Cabinet Secretaries. I wonder whether you have noticed that they never acknowledge correspondence. If they do from your side, please stand up and tell us. I write letters every now and then to Cabinet Secretaries to inquire about issues concerning the people who elected me but I have never got a reply. I think it is very bad manners for a Minister to be written a letter

by a person who has been elected by people and ignore it. I wish the Leader of Majority was here. With that kind of attitude, I humbly ask the Chief Whip or the deputy, Sen. Keter, who was very effective as the Assistant Minister for Energy because he supplied a lot of power to rural areas, to pass a message to the Cabinet Secretaries of your Government; that they must respond to correspondence from elected leaders.

I support.

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

**Sen. Billow:** On a point of order, Mr. Temporary Speaker, Sir. I am not questioning your judgement, but I thought we have heard a chain of speakers on---

**The Temporary Speaker** (Sen. (Dr.) Machage): Order and keep quiet! Sen. Kanainza!

*(Laughter)*

**Sen. Kanainza:** Thank you, Mr. Temporary Speaker, Sir. I take this opportunity to contribute to the Speech of the President. First, I want to correct Sen. Billow that this is a respected Upper House and we all have an equal standing. I have been standing up to catch the Speaker's eye for the last three days but I never got the opportunity.

Looking at my constituents who are the youth, I listened to what the President talked about the youth and it is unfortunate that the young people, year in, year out, have been used for census purposes and yet they suffer a lot to meet their daily needs. The only assistance that the Government has been able to give to the youth of this nation is through the *Uwezo* Fund which is not enough because it is being shared with women. I would have wished to hear the President promise to set aside some money to meet the needs of the youth. It is not only money, but the President should have talked of reviving the stalled projects like the Panpaper Factory in Bungoma County that would benefit many people and create employment for the youth of this nation. There are many funds that are being managed by different Ministries. How I would wish to have heard the President say that the Government is going to consolidate these funds so that they can be managed at one point. The County governments would be the best avenues to handle this money so that the young people can be able to access it.

Mr. Temporary Speaker, Sir, the 30 per cent rule that the young people, the women and persons living with disabilities are entitled to, the truth of the matter is that I do not know these young people who are getting these tenders. The youth apply for these tenders but unfortunately, they are given to the ghost youth. It is my plea that the Jubilee Coalition Government should look into it so that at the end of the five year term, the young people will have a reason to smile. But one year down the line, the young people are not contended with the system because since the *Uwezo* Fund came into being, it has been a story that has been talked about for many months yet this money has not been availed to them. They have been told to register into groups but there are no certificates. So, I really do not know where this money is supposed to go or which regions are going to be beneficiaries of this money.

Secondly, I would like to talk about agriculture which is another issue which the President did not shed any light on, and yet it is the backbone of the economy of the people I represent from western region who are sugar cane farmers. This was conspicuously missing in the President's Speech. We have seen, especially in the last two

weeks that we have a few corrupt people in this country who are walking away with large amounts of money leaving the poor farmers with nothing and yet they are the ones who are suffering day in, day out, to make sure that they eke a living. It is my wish that the President should have addressed this issue so that through sugar cane farming, our economy can grow.

Mr. Temporary Speaker, Sir, with regard to the wage bill, I remember during President Kibaki's era, he made sure that people got good salaries. In order to address the wage bill problem, reducing employees' salaries is not the best way to go. I have even seen the way Cabinet Secretaries and their Principal Secretaries are assessing their performance. How I wish that they would have involved the public and it would have been better than what is going on right now. I could only see a few media people there asking questions. If they would have involved the public in a better way as the Constitution demands public participation in many processes, the public would have come up with structured questions so that the Cabinet Secretaries can be able to tell us how the Executive is performing. To me, this is not being done well.

With the regard to the environment, our forests are being cut down every day. Where I come from, we have Turbo Forest and the Government is not doing anything yet we are talking about conserving our environment and keeping our forests intact. That is something that is not being addressed by this Government.

The cost of living in this country is so high. Maybe one of the solutions that this Government would have considered is the cost of purchasing power which has increased from Kshs35,000 to Kshs72,000. Is it because of the privatization of this sector that the cost has gone high or is it a deliberate move to benefit a few people? This is something that the President should be able to look into so that everybody in this country is supplied with power at an affordable rate.

Mr. Temporary Speaker, Sir, in conclusion, I would like to talk about the complete fiscal devolution. Most Kenyans voted for this Constitution and recently we were debating about carrying out civic education on the Constitution. We said that it must start from the President downwards. The Government must support county governments because I know Kenyans have a lot of faith in them since services have been brought closer to them. In his Speech, the President mentioned the percentage that has been given to the county governments which I disagree with because it is not 32 per cent but 28 per cent. It is important to see what the county governments are doing and what the national Government is doing.

**Sen. Keter:** On a point of order, Mr. Temporary Speaker, Sir. I really do not want to interrupt the distinguished Senator, but as she has said, in the President's Speech, there was a 32 per cent which he mentioned as the funds that went to the county governments but she is disputing it and claiming that it is 28 per cent. Could she inform us how she arrived at that 28 per cent?

**The Temporary Speaker** (Sen. (Dr.) Machage): I do not think that is an issue. Proceed, Sen. Kanainza.

**Sen. Kanainza:** Thank you Mr. Temporary Speaker, Sir, for protecting me. That is a fact and what I am advocating for is for county governments to get enough funding because we have given them functions and upon every function, enough costing must be given to them so that they can be able to perform and execute their functions.

I oppose.

**Sen. Ntutu:** Thank you Mr. Temporary Speaker, Sir, for giving me this opportunity to contribute to the Presidential Speech which I fully support. I would like to comment the Jubilee Coalition Government for facilitating the enactment of the Wildlife Act which has given us some hope especially those of us who live with wildlife. We are very happy with the Act.

Mr. Temporary Speaker, Sir, the President mentioned about a certain unit in the Kenya Wildlife Services (KWS), the so called Anti-Poaching Unit. This unit has let Kenyans down. We do not know whether they are on a go-slow because there are many rhinos and elephants being killed in national parks in their presence and yet they are not taking any action. The Government should do a thorough shake up in that unit because there is a problem somewhere and somebody must be sleeping on his or her job. They keep on telling us that it is not a big issue when two rhinos, one in the Maasai Mara and the other one in Nakuru National Park, are killed in one day. Was this a coincidence? If I was the President, I would have sacked those people like yesterday.

In the agricultural sector, we need to see clear policies with regard to wheat, barley, maize and sorghum farming for the county governments to follow. If you look at the barley farmers, they are suffering a lot because they only have one source of market. The owners of that company have taken advantage to exploit the poor farmers. They give them low quality seeds and wrong fertilizer. The farmers end up getting into a fix because they have taken loans from banks and the banks are on their necks. It is good for the Government to make very clear policies so that farmers benefit from what will be devolved to the county governments.

Mr. Temporary Speaker, Sir, insecurity is becoming a dangerous thing in this country, especially in Narok County where there is a gang terrorizing residents day and night. So far, no arrests have been made and no one has been prosecuted. In the last two months, over 22 people have been killed. What is the Government doing? Where is the security? Who is sleeping on his job? Is it the intelligence people in the counties, police officers or who?

With those few remarks, I beg to support.

**Sen. Sijeny:** Thank you, Mr. Temporary Speaker, Sir, for giving me an opportunity to contribute. Finally, I have caught your eye after struggling to do so in the last three days. I wish to commend the President for taking the initiative to come up with the report, abiding by the law and telling us what his Government has been doing for this great country.

I particularly wish to commend his requests to leaders to unite and to stop bickering and fighting. The county governments should stop fighting the national Government. He urged the three arms of Government to work in harmony.

I have looked at other aspects which I will mention briefly. I will start with the Internally Displaced Persons (IDP) issue. From 2008 to date, it is about six years or so. Kenyans have been suffering, particularly the women and children. We have had reports about the girl child. These girls are tortured. There is a lot of sexual abuse, let alone the hardship of not having proper shelter and living like wild animals. If you do not have proper shelter and all other utilities that you need, then you cannot say that you are enjoying privileges just like other citizens. No human being or Kenyan should be living in any camp. By now, the Government should be doing better. They ought to have settled everybody.

Secondly, this issue called insecurity is one that we do not know whether we can call it a monster or what. It is becoming very dangerous. As I speak, you may not be sure whether your head will be blown out. You do not even know whether you will reach home, especially now that the thugs are targeting leaders as they go home. They even know those of us who are armed. They also know who are not armed among us. That means that there is some intelligence that is giving them this information. How come this intelligence is not dealing with the issue of terrorism? Something ought to be done. It is very scary to hear a nation like the Australian Government giving alerts to the effect that their citizens should not visit Kenya. If they visit Kenya, then they should be very careful and should avoid towns like Nairobi and Mombasa and yet that is where we live.

Kenya has enjoyed the privilege of being a very peaceful nation. What is not happening? Something must be done. The Government ought to do better. The President should have given us more serious measures that he is taking as a Government in dealing with insecurity. Insecurity is driving us into poverty. It is interfering with the economy. Inflation is rising. As much as the media has been reporting differently, we are seeing very few people putting bread on the table. Many people are living from hand to mouth. Nothing has improved, more so because of insecurity and corruption.

Are our borders secured? There have been a lot of complaints from citizens about the Ministry of Immigration and Registration of Persons. There have been reports that some dangerous people are entering our country. Nothing is being done about this. Even if something is being done, then it is not good enough. How can you wait for a bomb to fail and yet you can capture it before it comes in, just because some Kenyan kept quiet after being given something small so that dangerous weapons are planted to blow up Kenyans. This is, indeed, dangerous. The President and his Government must put in place more serious measures to deal with this dangerous situation.

The *Nyumba Kumi* Initiative is not enough. Employing more police officers is not enough. With regard to this initiative, we have not been told what measures are being put in place to safeguard the initiative from being abused. Probably, this will be the cause of further insecurity as dangerous people come to monitor who you are and what you do so that they use it against you and the entire neighbourhood.

Mr. Temporary Speaker, Sir, the issue of health was a very good gesture. It was good for him to give women free maternal healthcare. However, we wish to inform him that this is not completely free. Women are still being asked to buy gloves, syringes and many other things that they may need to give birth. This should not only be a national issue as the President said, but the county governments should also be involved. Recently, I read in the media that Governor Joho of Mombasa directed all public hospitals not to compel women to provide gloves and other things that they need when they are giving birth. This should be replicated all over the country because it is a delicate situation. These are things that cannot be postponed.

It is a right of the women and every Kenyan to access the services that they need which are provided in the hospitals. Whether we talk about county or district hospitals, all public health facilities should be fully funded and supervised so that nothing goes to waste. That means that the budget on health and gender issues ought to improve. We have not seen that. We have not been told whether it will be increasing. A healthy nation performs well in terms of its economy.

The issue of affirmative action is enshrined in the Constitution. However, whenever there is a problem, women become the target in terms of solving problems. We were told that the wage bill is high and some people suggested that we do away with nominated Senators and other nominated Members of Parliament. We know, as usual, that as long as Members of Parliament come in through elections, gender proportions cannot be the same. Therefore, we need more women. Why target women? When they wanted to pass the new Constitution, men dangled carrots that they had finally catered for our issues and interests. They told us that we would rise to the occasion of leadership and articulate our issues. Even before the ink has dried, after being sworn in, we are being thrown out. We have not been given a chance to perform and they are not protecting us. The Constitution gave us an opportunity to go to Parliament. Give us an opportunity to tell you how much we have done and the challenges that we have encountered. Nobody wants to give women a chance. Why? That is a big shame! That is one area that we need to safeguard and put our feet down in letting it be. The time for evaluating the entire Constitution has not reached. Why are we targeting women?

There are many other countries like Tanzania, Zanzibar and Uganda that have nomination slots. How come their male colleagues are not fighting for their eradication? What is so unique in Kenya? Why is someone very afraid of women being leaders and helping to build the nation?

**Sen. (Dr.) Kuti:** On a point of order, Mr. Temporary Speaker, Sir. Is the Senator in order to insinuate that women issues under the Jubilee Government have not been given adequate consideration they deserve when, in fact, for the first time, Cabinet Secretaries, Members of the National Assembly, Senators, Members of the County Assembly (MCAs) and in all other levels of representation, women have been considered more under this Government?

Is she in order to insinuate that the Jubilee Government has not put women issues in their rightful place?

**Sen. Sijeny:** Mr. Temporary Speaker, Sir, I did not say that the Jubilee Government has not put measures in place. I was talking about what has been done and said that it can be done better. They are not protecting women. They should come out clearly and protect women who are being marginalised further. We know that the platform is not the same.

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

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

There is a Bill pending before the National Assembly on Affirmative Action which wants to remove a section that reads; “women police officers should not become leaders.” That is what I am talking about. What has caused this to be stopped? Why is it that when there is an issue, women become the target? That is what I am saying. If there is anything, let us look forward. If this is a matter of affirmative action, even as a Senate, we have not reached the one-third. We are yet to attain that. At the National Assembly, that has not also been achieved. That is what I am talking about. That is a fact and even the Supreme Court made a ruling on it. We were given up to 2015 to show how much we will have achieved. That is what I am questioning.



Mr. Temporary Speaker, Sir, the Speech talked more about activities that they intend to do and others that they have done. I am asking about the way forward and the achievements versus the results. What will be the indicators and how will we get to that point? That is very important.

With those few remarks, I beg to oppose.

**Sen. (Prof.) Lesan:** Thank you Mr. Temporary Speaker, Sir. I also rise to support the Motion. First, I want to—

**The Temporary Speaker** (Sen. Murkomen): Sorry Sen. Lesan. I am sorry for interrupting you. Considering that we had agreed that the reply would be given at 5.00pm, owing to the seriousness of this Motion, I will exercise my discretion under the Standing Orders to give direction so that the three Senators who have been standing the whole afternoon can make some remarks. Each one of you should take five minutes. I will allow Sen. (Dr.) Kuti, Sen. Ndiema and Sen. Leshore to be the last.

The Senate Majority Leader's time will then be reduced accordingly. I have agreed this with him.

**Sen. (Prof.) Lesan:** Thank you, Mr. Temporary Speaker, Sir. I would like to congratulate my colleagues who have passionately made contributions to the President's Speech. We have learnt quite a lot from the contributions they have made.

First of all, I would like to commend and compliment the President for the Speech he gave as the first State of Nation Address. Unfortunately, the Speech came at a time of uncertainty in terms of security in the country. Therefore, I really want to compliment the President and the National Security Council for actually making a hot pursuit of the terrorists into Somalia. It is usually a very difficult decision to make, to go across boundaries in pursuit of criminals.

Mr. Temporary Speaker, Sir, I also wish to make a comment as to what the President said about coordination of institutions currently operating in the country. It is only one year since we launched the new Constitution and, of course, we need to appreciate that certain institutions are not working properly. We are aware, of course, of one institution in the police force, where the Inspector General of Police and the National Police Service (NPS) Chairman are not working in coordination. It is good to recognize some of these hiccups in our implementation of the Constitution and take responsibility for why that is so.

Mr. Temporary Speaker, Sir, I also have a problem understanding the operations of the Inspector General of Police and the NPS. There are two Articles in the Constitution that I have difficulty in comprehending. One of them is Article 245 (4) (c). This Article, first of all, says that no person may give direction to the Inspector General of Police with respect to employment, assignment, promotion, suspension or dismissal of any member of the police force. If you go to Article 246 (3), it says that the Commission Chairman shall recruit, appoint persons to hold or act in offices in the service, confirm appointments and determine promotions and transfers within the National Police Force. Except for the English, the two Articles mean the same thing. It gives powers to the Inspector of Police-

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**Sen. Hassan:** On a point of order, Mr. Temporary Speaker, Sir. Is it in order for the Senator for Bomet to try and read verbatim and say "police force" and yet, we know that the word "force" is not used in the Constitution?

**Sen. (Prof.) Lesan:** Mr. Temporary Speaker, Sir, it is the NPS. In my understanding, probably, in terms of the powers given to any of those bodies it does not really change much if it is either police force or police service.

**The Temporary Speaker** (Sen. Murkomen): Continue, Sen. Lesan!

**Sen. (Prof.) Lesan:** Mr. Temporary Speaker, Sir, that is a lesson to me and, probably, I have to look at that. I thought that it was English, but I have issues. I do not know whether that is, probably, what is causing a problem and the challenges that we have with the two bodies as to who has the command in terms of providing security.

Mr. Temporary Speaker, Sir, I also wish to commend the fact that in the President's Speech there is an admission now that we can use technology to try and improve the way that we can deliver security to our country. There was a comment about CCTV cameras. I think that is a commendable step in that direction that we are going. But I also wish to use this occasion to ask Kenyans to be a bit more careful about our own security as individuals. Today there are 1,000---

**The Temporary Speaker** (Sen. Murkomen): Order! Your time is up!

**Sen. (Prof.) Lesan:** Mr. Temporary Speaker, Sir, I beg to support.

**Sen. (Dr.) Kuti:** Thank you, Mr. Temporary Speaker, Sir. In these five minutes, I would to support this Motion.

Mr. Temporary Speaker, Sir, in the last one year, although my colleagues from the other side of the House have said that it is too long a time to put your foot down, the number one achievement of the Jubilee Government is the implementation of devolution. The Kibaki Government passed the new Constitution and also put in place the legal framework for the implementation of devolution. However, the actual implementation of devolution was by the Jubilee Government. In this one year if there is one major achievement that the Jubilee Government can be proud of is that devolution is taking root although many doubting Thomases were saying this Government is anti-devolution.

*(Sen. (Prof.) Kindiki crossed the Floor  
without bowing to the Chair)*

**The Temporary Speaker** (Sen. Murkomen): Order! Senate Majority Leader, you must have understood the rules of the House.

**The Senate Majority Leader** (Sen. (Prof.) Kindiki: Mr. Temporary Speaker, Sir, I have realized my mistake and I am willing to do the necessary.

**The Temporary Speaker** (Sen. Murkomen): You have to do the necessary.

**The Senate Majority Leader** (Sen. (Prof.) Kindiki: Much obliged, Mr. Temporary Speaker, Sir.

*(Sen. (Prof.) Kindiki walked to  
the Bar and bowed to the Chair)*

**The Temporary Speaker** (Sen. Murkomen): Continue, Sen. Kuti!

**Sen. (Dr.) Kuti:** Mr. Temporary Speaker, Sir, I was saying that even in a sector like health which has been very difficult and there is a lot of discomfort and the professionals are up to now not satisfied, the Jubilee Government has taken a very bold step to push even them to accept what the new Constitution demands them to do. It is

good that all those teething problems can be sorted out when we have already gone ahead and devolved health services. So, this is one major achievement. If there are other issues, I think that this is the one which the Jubilee Government will take major credit for.

Mr. Temporary Speaker, Sir, there is a lot of competition going on amongst institutions. I think that the competition is about people who still have hangovers and have not been weaned off the fact that the Constitution is about institutions and not personalities. So, we have personality wars because people do not know that "Governor" is an institution. The same applies to the Senate. Kenyans and the leaders must actually get over this hangover of personalizing offices. The whole war that we have is about what the Constitution has freed us from. The Constitution freed us from a one-man totalitarian rule where a President's word was the law, even if it was said from the roof of a vehicle. We should run away from that, because the Constitution actually is about institutions. Therefore, this hullabaloo about Governors, Senators, Members of Parliament and Members of the County Assemblies (MCAs) should just all stop because we now have institutions which are governed by the law. We should just read the law and apply it.

Mr. Temporary Speaker, Sir, turning to the issue of security, this is an area that we need to really tighten the noose. I want to repeat my question; that if the Ethiopian and Ugandan forces are in Somalia, why are we being targeted? We are just like those other states that took their forces to Somalia. I think that we need to think outside the box and start wondering where this matter is coming from. Why is Kenya being targeted more than other countries that have contributed forces? If it is about bordering Somalia, Ethiopia borders Somalia. There is more to this matter than meets the eye and that is why we put so much money in intelligence. The intelligence service must tell us why this is happening.

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

Sen. ole Ndiema!

**Sen. Ndiema:** Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity to contribute to the Speech. I do not doubt that the President meant well. What we are not sure about is whether those who are in the Government have resolved to ensure that what is in the Constitution; the principles and values, are actually internalized and practised.

Mr. Temporary Speaker, Sir, these values and principles are often cited during such national occasions, but immediately after that, we do not seem to see anything going on. Perhaps, we need to instill more of civic education even among senior officials and even in schools, so that our youth can know what these values are. I say this because we cannot now say a year down the road, that there is no discrimination or marginalization. We cannot also say that in all policies we are inclusive and there is rule of law as envisaged.

Mr. Temporary Speaker, Sir, there is a feeling of frustration even from among our leaders. His Excellency the President has even at sometime lamented that even people working under him are not honest. Even the Chief Justice has doubted the efficacy of the courts in solving disputes, yet that is where the rule of law resides. When we are told to resort to other means, including soothsayers, to solve our disputes, then something is really wrong. I cannot say which ones, but I thought that I heard something like that.

Mr. Temporary Speaker, Sir, this country cannot progress unless there is a good environment for creation of wealth and employment for our youth. This is also tied to

security. We cannot be said to be secure if our youth are not fully engaged. But in this country we have put in so many regulations to be followed, in trying to instill discipline. What has resulted is that this is a country now of harassment. Any investor who comes to invest in this country is harassed. When he is not being harassed by the labour officers, he is being harassed by the tax officers, local authority officers and so on.

Mr. Temporary Speaker, Sir, investors do not refuse to pay taxes, but the level of harassment is such that these investors are now discouraged and are moving to other countries. The insecurity situation is also not helping at all. If we are not careful we are going to lose our geographical position of being an investment hub to other countries, including neighbours.

Mr. Temporary Speaker, Sir, when we talk about security, our system does not seem to be synchronized. There is no harmony in our security system. Each arm of Government dealing with security seems to be operating independently and taking care of itself. They are not proactive in any way, such that if an event happens, like the one of Westgate, each one of them certainly will acquit itself. However, at the end of the day, damage will have been done. This is because there seems not be harmony and quick communication to handle the situation.

Mr. Temporary Speaker, Sir, departments like Immigration, Customs and Wildlife also handle---

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

Sen. Leshore!

**Sen. Leshore:** Thank you, Mr. Temporary Speaker, Sir, for giving me this chance to contribute to this Motion. The President articulately told us what he has done for the past one year. To be honest, if I asked my good colleague Sen. (Prof.) Anyang'-Nyong'o what he has done for his county for the past one year, I am sure he can hardly come up with two or three sentences to tell us what he has done. I would like to commend the President because---

**Sen. (Prof.) Anyang'-Nyong'o:** On a point of order, Mr. Temporary Speaker, Sir. Is it in order for my dear friend, Sen. Leshore, while challenging me, to impute improper intentions and motives that I have not been active in my county? I demand an apology.

**The Temporary Speaker** (Sen. Murkomen): Sen. Leshore, you should apologize because his performance and his rating is based on what he does in this House on behalf of the people of Kisumu and the whole country.

**Sen. Leshore:** Mr. Temporary Deputy Speaker, Sir, I apologize.

**The Temporary Speaker** (Sen. Murkomen): And withdraw!

**Sen. Leshore:** Mr. Temporary Deputy Speaker, Sir, I withdraw. I would like to plead with him that whenever he goes to the United States (US) like the last time when he was there for one month, he should tell his cousin to take Kenya as part of his fatherland and not to impose sanctions on us.

**Sen. Mutula Kilonzo Jnr.:** On a point of order, Mr. Temporary Speaker, Sir. Could Sen. Leshore clarify who Sen. (Prof.) Anyang'-Nyong'o's cousin is?

**The Temporary Speaker** (Sen. Murkomen): I do not think it needs clarification. It is a matter of public notoriety.

**Sen. Leshore:** Thank you, Mr. Temporary Speaker, Sir. It is public knowledge that the President of the United States is a cousin to some of us, particularly the Nilotic tribes of East Africa.

Our President and the Deputy President are undergoing a lot of pressure from the International Criminal Court (ICC) and the European Union (EU), so we should applaud them because what they have done, so far, is marvelous. I would like to remind every Kenyan, especially the leaders that security does not lie in the presidency. It is upon us, as leaders, of this nation to come out and speak openly against insecurity, cattle rustling and inter-ethnic clashes. We should also speak against poaching. Terrorism and poaching are somehow interrelated. When piracy was stopped in the Indian Ocean, they resorted to poaching. One day I saw a family of elephants killed at one spot and I almost cried. We must take the security of this country very seriously and heads must start rolling from the National Intelligence Service (NIS), the Office of the President and to the NPS. We should not allocate a lot of money to the security agencies and then they do not perform. They should not speculate about crime, but deal with it before it happens.

Mr. Temporary Speaker, Sir, the other day in Eastleigh, a young man who was not even of Somali origin blew himself up and yet we continue claiming that it is only the Somalis that are terrorists. We should also look at the other side of the coin. Why is Kenya a target for terrorism? Most of these radical checks come through Lunga Lunga and yet we have a friendly country neighbouring us to the south west.

I support.

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Thank you, Mr. Temporary Speaker, Sir. I was wondering whether I can donate a minute to Sen. Wamatangi, who is interested in the debate; and then I will spend three to four minutes replying.

**Sen. Wamatangi:** Mr. Temporary Speaker, Sir, I rise to support the Motion. The best judgement that we can place on this Government is to answer to the question of whether we can adjudge that the past one year has been a year that this Government has demonstrated that it genuinely wants to deliver the promises of the Constitution and the Jubilee Coalition manifesto to the people of this country. When we are doing that, it is important for us to appreciate the fact that the process of implementing this Constitution is new to us irrespective of whichever side we belong.

We have faced various challenges in implementing the Constitution. We, as a House of the Senate, have also had our challenges. We even had to seek advice from the courts. Nonetheless, this Government has done a lot to demonstrate goodwill and good intentions to deliver its promises to the people. It is important at this time for the nation to address itself to the issues that affect every one of us irrespective of our faith, religion or where we come from. The other day I am sure all of us saw the heart wrenching images of a young child with a bullet lodged in the head. We must unequivocally learn to tolerate each other irrespective of where we come from.

I support.

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Thank you, Mr. Temporary Speaker, Sir. I want to take this opportunity to thank this House. This Speech and the discussions that have followed the Presidential Speech together with the report to the two Houses of Parliament is a demonstration that the new Constitution demands accountability of all public officers in quantifiable measures. In the past, no such obligations arose, especially in terms of tabling a report that is detailed along the parameters identified within the Constitution.

I am grateful to the contributions that have been made here, those who have supported this Motion and those who have praised the positive aspects of this Motion. I

am even more grateful to those who have criticized some aspects that they felt, perhaps, could have been done differently because it is for that reason that this report was tabled before this House; so that we can improve on the thoughts of the President. It is no longer a one man's show so that our homeland can be better governed and more secure. Therefore, I want to appreciate every suggestion that has been made here. As the Senate Majority Leader, I want to ensure that whatever decision this House makes, we shall follow through and connect with the Executive. We shall ensure that recommendations made in this House are taken seriously.

Mr. Temporary Speaker, Sir, lastly, during Sen. Musila's contribution, he mentioned the need for us to remind government offices, especially Cabinet Secretaries, to be responding to correspondence from this House, I will do that duty. I want to go on record that I will pursue that responsibility.

With those few remarks, I beg to reply.

**The Temporary Speaker** (Sen. Murkomen): You are meant to move for record purposes.

**The Senate Majority Leader** (Sen. (Prof.) Kiindiki): Mr. Temporary Speaker, Sir, accordingly, with those remarks, I beg to move.

**Sen. Obure:** On a point of order, Mr. Temporary Speaker, Sir. For record purposes, in his reply, the Senate Majority Leader has made reference to a point made by Sen. Musila. What Sen. Musila requested was that Cabinet Secretaries respond to requests and communication from Senators and not necessarily the Senate.

**The Temporary Speaker** (Sen. Murkomen): I think it is noted by the Senate Majority Leader. Hon. Senators, this is not a Motion affecting counties and, therefore, I will put the Question straightaway.

*(Question put and agreed to)*

### **MOTION FOR ADJOURNMENT UNDER STANDING ORDER NO.33**

THE ASSASSINATION OF SHEIKH ABUBAKAR SHARIF  
MAKABURI AND MR. AFIDH BAHERO

**Sen. Orengo:** Thank you, Mr. Temporary Speaker, Sir. I wish to move that pursuant to Standing Order No.33, the Senate do adjourn for the purposes of discussing a definite matter of urgent national importance, being the assassination of Mr. Abubakar Sharif also known Makaburi and Mr. Afidh Bahero.

Let me at the preamble say that in Kenya we agreed to live together and to have a Government over us together on the basis of the Constitution. This Constitution requires that every person has an obligation to respect, defend and protect the Constitution. It is not a task for leaders only, but for every person. This is upon every person and not only leaders.

Similarly, the Constitution requires of us, under Article 10, to enjoy its fruits by being patriotic, living in the idealism of patriotism and fighting for national unity so that we live as one people under one Government. I will say this as a preamble since I do not want to be misunderstood.

Similar comments were made earlier by Sen. Murungi which, probably, should form a basis of this Motion. He said that in the Bill of Rights, there is the freedom of expression. The freedom of expression does not extend to propaganda for war, incitement, violence or hate speech or advocacy of hatred that constitute ethnic incitement or vilification. We recognize the fact that for us to live together as citizens of one nation, there is certain conduct that we, as Kenyans, must follow so that our unity as a people is not undermined. Having said that, the fact that this Constitution requires us to live under the rule of law to the extent that we are governed by laws rather than men, it is important that we abide by the promise and prescriptions in this Constitution. You may not like what I like or what I do. However, since we have decided to live together in a country called Kenya, then we must be guided by the Constitution.

There is a growing trend and this Senate needs to express itself clearly with regard to the elimination of citizens or persons who may or may not be very well known within our communities. This elimination calls into question the integrity of the Constitution. We must speak openly and clearly about it. I want to quote the words of Henri Vogt who said; "I may not agree with what you say, but I will defend unto death your right to say it."

If you put this matter in context and look at Mr. Makaburi in isolation, without looking at the consequences or what happened when his life was eliminated, then you will see that Kenya may become a nation that will be ruled by anarchy and not by the protection of the law that we desire. If this happened to Mr. Makaburi because you thought that you did not like him, if you go back to history, you will see that it has also happened to people that we liked.

As I speak, today, those who eliminated Dr. Robert Ouko are still unknown. They have not been punished for that crime. Those who murdered Odhiambo Mbai, at a time when we were discussing and debating about this Constitution, are not known and have not been punished. Similarly, those who murdered the cleric known as Mr. Rogo have not been arrested or apprehended.

A trend is growing, in the coast region, particularly where a certain category of people are being murdered. Unless we find a solution, it will appear that they are being murdered because of religious prejudice which we cannot say is not so until the culprits are arrested and prosecuted. I want to say that although there have been promises made by the Cabinet Secretary in charge of Interior and Coordination of National Government that they will leave no stone unturned until the murderers of Sheikh Abubakar Sharif are found and dealt with in accordance with the law. This has been said very many times in respect of other murders and killings, particularly in the coast region and the City of Mombasa.

Unless this is dealt with in accordance with the law, it will assume a different dimension. It will be assumed that there is a policy of vilification and oppression of members of a particular sect or community. It cannot be a coincidence that five or six murders can happen in a row without one person being held responsible. The worst thing is that these things are happening in broad daylight. The murder of Sheikh Abubakar, as the reports in the print and electronic media indicate, happened in broad daylight. It happened at a time when you could identify and see people in daylight. That happened near a Government institution of law, the Shanzu Law Courts. That means that we are not safe

anywhere. Even outside the precincts of Parliament, something like that can happen and we would only be told that so and so has been murdered.

In conclusion, I condemn the murder of Sheikh Abubakar Sharif. We should remember that if you do not defend your neighbour and if you are not your brother's keeper, then a time may come when your brother may not be your keeper. Therefore, for whatever reasons we may have disagreed with our brother Abubakar Sharif, it is upon us to make sure that the law takes its course and those who committed this offence are arrested and dealt with in accordance with the law.

If no arrests are made and nothing is done, it will be assumed that they were being targeted because of their religion or what they believed in and that will be wrong. In fact, this Constitution is not a "majoritarian" Constitution. It is a Constitution that is friendly to minorities, particularly, and that is why it is a liberal democratic Constitution. The right of the person or individual is the core value and principle upon which our Republic is founded. I hope that this will not be another case of tough talking. I know that we are living in the front line of the war against terrorism. If we begin to count the number of people that we have lost from 1998 up to now due to local or international terrorism, then the State and the Government would be required to take action. That action must be taken within the confines of the law. The life of Sheikh Abubakar Sharif is protected under this Constitution. We cannot begin to say that because of war against terrorism or a particular crime, a person who is Kenyan can be eliminated in that manner.

With those remarks, I beg to move and ask Sen. Hassan, if necessary, to second the Motion.

**Sen. Hassan:** Thank you, Mr. Temporary Speaker, Sir. It humbles me to hear the likes of Sen. Orengo discuss the matter so articulately. I say that because some of us, Muslims, are always charged with the cares and responsibilities of our people. This country has developed a trend. Any retaliation whether in excess of the law or otherwise, should be legitimized to avail strategic systemic processes of profiling stigmatization. You do not expect us, as Muslim Leaders who come from predominantly Muslim areas or who are Muslim by faith, not to speak against transgressions against our own people. That will not happen as long as we exist in a country that has a constitutional framework. We will continue to insist on the constitutional framework. That is why I am here to second the Motion by Sen. Orengo.

Sen. Orengo is one of those people who epitomize the democratic struggle of this country; that is why people like him can speak to things like this. Democracy and justice, in particular, is not a popular discourse, but a discourse of the Constitution.

Strategies of Government have literally put our leadership under pressure. Today, I was considering not going for the meeting convened by Muslim Leaders which was being addressed by the Minister for Interior and Coordination of National Government. However, I decided to go on account that maybe there could be something useful out of it. If this other coalition would care to listen as to why Muslims predominantly vote for CORD – this is because of our inherent suspicion and mishandling of security matters that jeopardized the rights of Muslims. This literally made it appear as if the Muslims' existence in this country was toxinism. That is why we want people who could internalize social justice and discourse in matters of constitutionalism. That is why it was difficult to tell the Kibaki Government to stop extra-judicial killings.



It was easier to tell a person of a social justice and human rights background like Raila Odinga that extra-judicial killings are wrong and he put his foot down. We should not behave, in this country, as if we are some fundamentalists rightwing parties; the right of the right, like a tea party that validates the killing of other people that makes it okay to kill in the name of security.

Whereas we accept that there are issues and challenges that this country has, we must also appreciate that there is a Constitution in place. For us, this is much as a legal dispute as much as it is a political discourse. That is why, time and again, it is only our friends, ideologically who stand with us. They have made it very difficult for us to tell people to respect the rights of Muslims because of a systemic strategy of profiling.

I can tell you this. I appreciate the sentiments of Sen. Orengo and other Senators who have supported us in the past. We will not tire. We will speak against the grain of public opinion if we must. Yes, people got hurt in churches, but yes, people have been hurt in Mosques. Muslims are double victims. We speak about their children when they are arrested and incarcerated outside the Constitution. All mothers and fathers bear the same pain. How do we escalate the emotions of our country and expect some of us to keep quiet? We are the representatives of these people. Some say that they voted for us. They voted for me to stand for justice for everybody. We adjourned this Senate to discuss the Likoni attacks and everybody else is blind to it. We took time to visit the bereaved and the injured. We also visited the church where we went with the Deputy President of this Republic. We made statements and called for calm and peace. What makes it different when a Muslim is violated in this country? Why do you not expect us to do that? You like it or not, whether it satisfies public opinion "majoritarian" as it is put, Muslims, human rights activists and all good meaning Kenyans who stand for justice no matter who it affects--- That is what we came to do in the Senate; to change the course of politics in this country. These remarks were seldom to be heard in such kinds of institutions.

With those remarks, I beg to second.

*(Question proposed)*

**The Senate Majority Leader** (Sen. (Prof) Kindiki: Mr. Temporary Speaker, Sir, I rise to support this Motion because this is a Motion that touches on the death of yet another Kenyan. One Kenyan dead is one too many. So, I want to go on record that I support this Motion.

Mr. Temporary Speaker, Sir, however, I am unable to support this Motion in its current form, especially the Secunder. The Senator for Mombasa, my brother and friend, has actually succeeded in concretizing my fears that the current form of this Motion is flawed. I have listened to my learned Senior, Sen. James Orengo, whom of late has actually concretized and matured in eloquence and jurisprudence. The overall picture that comes to mind and objective of discussing the death of a Kenyan in unknown circumstances is something that is a matter of urgent national importance. However, I have two problems with the language of this Motion. The first one is the use of the word "assassination." This is presumptive. What we know, as Kenyans, is that Sheikh Abubakar Sharif, also known as Makaburi, died or as we are told, was killed. So, we do not know whether it is an assassination within the dictionary meaning of the word

“assassination.” We do not know what caused his death. So, the problem is the use of the word “assassination.”

Mr. Temporary Speaker, Sir, secondly and even more substantive, is that in circumstances that are taking place in our country today, the second paragraph of this Motion is capable of distorting the very noble intentions of this Motion. I presume it may actually start us on a wrong trajectory of dividing the country at a time when our unity is even more critical than any other time in the history of our country. Two weeks ago, worshippers at the Joy in Jesus Church were sprayed with bullets by unknown people and we lost lives. A week ago, six people in Eastleigh, which is part of Nairobi City, were killed. We do not even know the faiths of the six Kenyans who lost their lives through the criminal activity that took place in Eastleigh. I think a year or so ago, some clerics of Muslim faith were killed. Last year a cleric of the Christian faith was killed in the North Coast while he was on his knees praying in church in the night alone. Two weeks after that horrific death, another cleric was killed in Kwale, in the South Coast.

Mr. Temporary Speaker, Sir, let us not take advantage of the horrendous offences that are taking place in this country to divide the country when our unity is needed most. I have no problem discussing the tragic death of Sheikh Makaburi, but not in this context and the language that has been used by my brother and friend, Sen. Hassan Omar – dangerous talk. The moment you start setting the country on a trajectory of religious hatred and incitement, you are preparing the country for chaos. I vehemently--

**Sen. Hassan:** On a point of order, Mr. Temporary Speaker, Sir. Is the Senate Majority Leader in order to make judgement and conclusions of the language and tone and yet, he had an opportunity, as I spoke, to seek further clarification from me?

**The Temporary Speaker** (Sen. Murkomen): Sen. Omar, I want to make two interventions on Sen. Kindiki’s contribution. First, the Motion as it is, is not what you are referring to. It is only as brief as I read; “that the Senate do adjourn.” The substance which you have challenged was actually to challenge the contributions of both Sen. Omar and Sen. Orengo, rightly so, because you are also entitled to your contrary opinion to what they have submitted. I think that what Sen. (Prof.) Kindiki is doing is just giving a contrary opinion. But I want the House to know that the Motion, as it is, is not squarely on Sheikh Abubakar. It is an opportunity for us also to debate the wider discussion about security. For that reason, I think that Sen. (Prof. Kindiki) has done that, by responding to what you think that you disagree with the other Senator. You are within your right to do so and Sen. Omar has also done it. He has his own opinion and you have a contrary opinion to it.

Sen. (Prof.) Kindiki, I want you to complete in the next two minutes.

**Sen. Hassan:** On a point of order, Mr. Temporary Speaker, Sir. My challenge is not on Sen. (Prof.) Kindiki’s right to opinion. My challenge is on his attempt to make it appear like my contributions are trying to create any animosity among people.

**The Temporary Speaker** (Sen. Murkomen): Order, Sen. Omar! If I listened to yourself very well, you dwelt within discrimination of a particular section of the public. What Sen. (Prof.) Kindiki is saying, in his submissions, in my opinion, is that it is not confined to that one sector of the society. Therefore, he challenged you to try to keep it as uniform as possible. That is why I am saying that it is his opinion, which is contrary to your opinion. I am unable to say which one is wrong or which one is right.

**The Senate Majority Leader** (Sen. (Prof) Kindiki: Mr. Temporary Speaker, Sir, for the record, I have supported very many Motions that have come not only from the Minority side, but also particularly from Sen. Hassan, who has been a good friend of mine for many years. My pain or difficulty arises from the fact that we must maintain the unity of our country in the circumstances that we are in. Secondly, this Senate being the Upper House is actually the House that is supposed to put the nation together. So, it is in that context, really, that I was saying that it is a good Motion, but let us restrain ourselves from a language that can divide the nation.

Mr. Temporary Speaker, Sir, finally, this is a good Motion, but we do not want to lose it by suggesting that, for example, Sheikh Makaburi and others who have been killed, were killed because they are Muslims and that nobody else from other faiths has died. That is what I was trying to demonstrate; that the tenor is wrong. But in terms of condemning crime and saying that a time has come to make our homeland a safe place where people, both local and foreign, can come and enjoy their lives, investments and holidays, that cannot be gainsaid.

Mr. Temporary Speaker, Sir, with those very painful remarks, I beg to support.

**Sen. (Prof.) Anyang'-Nyong'o:** Mr. Temporary Speaker, Sir, I rise to support this Motion for Adjournment.

Mr. Temporary Speaker, Sir, what worries me – and I think that the previous speaker has expressed that worry – is that we may be seeing a pattern at the Coast of the Republic of Kenya which is dangerous. That is a pattern where Muslim clerics are gunned down and then the security forces do not tell us what happened after they have turned all those stones that they are supposed to be turning. The other pattern is where clerics of the Christian faith are also gunned down and no information comes as to what happened, and security forces keep on turning the stones. This can set an extremely dangerous trend in this country, where suspicions begin coming up that a war of religious faiths is emerging in the country. So, everytime a Christian cleric or Christians are gunned down in a church, we have to go down and calm nerves and say: “We shall look for the criminals; this is not a religious issue.” Immediately after that a Muslim cleric is gunned down. We go down again and say: “We shall turn the stones and find the criminals. This is not a religious issue.” In the final analysis, Kenyans will say: “Do not be clever.” Something is happening, where the security forces, with all the resources that we give them, the secrets they keep and the faces that they put among themselves; that this country has the best intelligence south of the Equator and north of it, and yet they do nothing--- As Sen. Orenge said very clearly, we have had assassinations in this country and the very well endowed intelligence systems tell us nothing in trying to turn the stones.

Mr. Temporary Speaker, Sir, this nation is not made of stupid men and women. President Abraham Lincoln once said that you can fool some of the people some of the time, but you cannot fool all the people all the time. I am sorry that when it comes to the security issue, somebody is trying to fool all the people of Kenya all the time. This cannot be countenanced by this Senate. One day somebody went to Jesus and asked him: “What is the most important law?” Jesus said: “Love thy neighbour like thyself.” Then he asked: “But Lord who is my neighbour.” We must rise up and say that every Kenyan is our neighbour.

We live in a Republic where there is a fundamental law which says that every Kenyan has a right to life. This right to life does not allow any security force to kill somebody just because he is a suspected criminal. I am afraid to say that Kenyans suspect and are, perhaps, right. As we have said before, there is a third force in the security services which is involved in this funny underground war, which is embarrassing the people of Kenya and the Government of the Republic of Kenya. Unless we say it as it is and have another ocular proof to prove otherwise, then we shall be part and parcel of concealing the truth from the people of Kenya.

Mr. Temporary Speaker, Sir, this Motion is very important. The right to life also means that we live in a country where the rule of law is respected. The rule of law means that you obey the law, including the security forces. I am glad that the other day, finally, the Government responded positively when a County Commissioner said that they must pursue and shoot criminals. I am glad that the boss of the NPS came up and said: "No! That is unlawful, you cannot do that." If that is, indeed, true, then for somebody to be gunned down in broad day light or broad moonlight when we have intelligent forces everywhere is a sign that something is wrong. There is no intelligence in this country because we know that the coastal part of this country has problems with security.

There should be intelligence people everywhere looking after our lives, but when day in, day out, this happens and the security forces are not finding out what is happening, it means something is wrong with the State of Kenya. Everybody is entitled to be pained because it can happen to us. It can happen to any of us sitting in this House because some nitwit who thinks that somebody must be killed to pay attention to himself or herself, to advance that funny cause, will take a gun and shoot you. Stones will be turned and nothing will happen, but you will be down there six feet deep in the grave with no way to defend yourself or to claim your right to live in a society where the rule of law matters. I am afraid it is the responsibility of the Government to act.

**Sen. Bulle:** Ninamshukuru Bw. Spika wa Muda kwa kunipa nafasi hii. Ningependa kuchukua fursa hii kuunga mkono hii Hoja. Hii ni Hoja inayofaa na ina maana sana. Sisi wengine hatujui ni wakati gani tutachukuliwa. Lakini tumejitayarisha na tuko tayari. Mambo mengine ambayo yanafanyika huwa ni maksudi na ndio sababu tunasema kwamba Serikali hii imelala. Mimi nikiwa Seneta wa Jubilee, ninasema kwamba kuna mambo fulani yanayotendeka hapa nchini Kenya na hakuna hatua inayochukuliwa.

Kule ninakotoka, mtu huchukuliwa na maafisa wa Serikali na haijulikani ni wapi anapelekwa. Baadaye unakuta mtu ameuliwa na hata tukitoa ripoti kwa maafisa wa Serikali, hakuna hatua inayochukuliwa. Wakati mwingine kuna madai kwamba huyo mtu amepatikana na makosa ya kuvuka mipaka au *tresspass*. Tangu nichaguliwe, watu 12 wameuliwa katika kaunti yangu ilhali kuna Serikali.

Maofisa wa mbuga za porini husingizia kwamba ni wawindaji haramu. Kuna Katiba inayolinda kila Mkenya na inafaa kila mtu apelekwe korokoroni ili tubainishe kama ni ukweli au la. Kwa hivyo, inafaa tuhakikishe kwamba Wakenya wamelindwa. Maneno matupu hapa Seneti hayafai. Mimi nilikuwa nataka kutoka wakati hii Hoja ilianza kujadiliwa. Inawezekana Mkenya yeyote kuuawa wakati huu. Mimi nikitoka hapa nitabadilisha mavazi yangu kwa sababu nimebeba nguo za kubadilisha kwenye gari langu. Hii ni kwa sababu sina imani kabisa kwa hii Serikali. Hatujui ni watu gani

wanaowaua watu. Kusema kwamba ni Waisilamu au ni Wakristo ni uongo mtupu. Kuna biashara ambayo inaendelea na inafaa tuijue.

Bw. Spika wa Muda, hakuna mtu anayeweza kutupa uchafu kwa nyumba yake. Haiwezekani mtu anayetoka Eastleigh atupe vilipuzi kule Eastleigh. Hivi sasa, watu karibu 1,000 walishikwa, wengi wao wakiwa wanabiashara na wengine ni wale ambao wameathirika. Haijulikani ni nani anatenda matendo hayo. Mimi ninaamini kwamba hii ni biashara na ni lazima tuichunguze. Hata walinda usalama wetu hawako sawa na inafaa wachunguzwe kwa sababu wao huchukua hongo. Inafaa kila Mkenya---

**The Temporary Speaker** (Sen. Murkomen): Order! Your time is up!

**Sen. Mutula Kilonzo Jnr.:** Mr. Temporary Speaker, Sir, I rise to support this Motion. We are living in dangerous times, in the words of Horbes; what is happening in Kenya today was described by him in the olden days. Life was nasty, brutish and short. We are living in a country where there is absolutely absence of law and order. I am not quite sure whether when we have a Motion of Adjournment like this and we are on live television like we are, whether anybody is listening. We are just talking and after a few months we will forget and somebody else will die. People brandishing guns on a street or on a highway will shoot somebody else. After they do that, there are people who are going to look for things under stones, but nothing will be done. I do not know whether they are looking for snakes.

The disturbing thing is that we are the leaders of this country, we have been elected to protect our people and yet we are the ones complaining. We are whining more than the people who we are representing. Who is supposed to defend Kenyans? All of us are going to leave here in nice tinted cars, with bodyguards, but many Kenyans are suffering. How long are we going to debate and fill our HANSARD with things that are just being debated? This Senate, whether from the majority or the minority, must go beyond what we are doing because it is not going to help. It is called lip service to the people of Kenya who elected us.

We should, first of all, accept responsibility as leaders of this country that we have failed Kenyans. We have failed to protect our people and the people who are now the mercenaries one day kill Christians, the next day a Muslim and for them then, there is a balancing act. We must condemn this. We must stop our business to do something a little more drastic than sitting here comfortably in an air conditioned room while people are dying everywhere.

Mr. Temporary Speaker, Sir, what is even more serious is that it is happening in Mombasa. Where are we going to live if people are going to be doing this? The Senate Majority Leader is upset with the wording of the Motion, but when people walk out of a car brandishing guns and shoot somebody dead, how else can you describe that death other than an assassination? I need an English word to describe what happened. That gentleman, for whatever he has done---

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

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

**Sen. Mutula Kilonzo Jnr.:** Yes, is it about assassination!

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Mr. Temporary Speaker, Sir, the word is "death". He died. He was killed by bullets.

*(Laughter)*

**Sen. Mutula Kilonzo Jnr:** Professor, you are failing me, come on. You are failing your student. The most important reason that we celebrate people like Kisozi Muniyao who raised our flag in Mount Kenya during our Independence Day is because of the freedoms of movement, religion and speech. That is why Kenyans died. Let me tell you; as the first Senators of this Republic under the new Constitution, we must do something and not just make noise and whine.

Therefore, I support this Motion and urge that this Senate takes more action on this issue. We have to bring these people here or somewhere else and they must take responsibility. Somebody is responsible.

**Sen. Wamatangi:** Thank you, Mr. Temporary Speaker, Sir. I rise to support this Motion and, indeed, send my condolences to the family of the late cleric of Mombasa, Sheikh Makaburi. The history of this country is clear. It is already written. I doubt that either way in this House someone will try to rewrite what the history books bear with regard to what this nation has gone through.

The peaceful coexistence between all Kenyans; the people in Mombasa, Nairobi and all over; between Muslims, Christians and Hindus and all other faiths; between blacks and whites and all other races, including foreigners, is clear to all of us. We have been living together. The mistake we can make is to be confronted by a specific problem and to lose sight of it by categorizing or sectionalizing it as a war against a religion or counter religion.

I remember during the catastrophe at Westgate, the first people who came out to condemn that act were a joint group of Muslim clerics led by Imams. They said clearly that those people who had committed that act were not even Muslims because that is not what Islam proclaims. Why can we not tell ourselves that irrespective of their faith, a man trying to do something like that is not a Christian, Muslim or Hindu? That person is just a criminal.

In Turkey, in 2003, a young man walked into a Synagogue and exploded himself and killed many people. After the explosion, the Rabbi of that Synagogue was all over, saddened in tears. The young man who had exploded himself was a son of a local Muslim leader. That Muslim leader told his family; let us go and seek the Rabbi. They held hands and together they walked. In the words of the Muslim father of the young man who had exploded himself, they all said; “we apologise because your lives and the lives of the people in that synagogue are as important as the lives of any Muslim and we do not even know what led our young man to do that kind of thing.”

That is the problem we are having. We have a small group of people who cannot interpret correctly and properly what they ought to do or to express themselves. We must be bold enough to say to our young people that it does not serve any purpose for them to hang a grenade in a church; neither will it serve any cause for any person to assassinate a Muslim cleric. We must seek to live together and uphold the history of this country the way we have always lived.

With those few remarks, I support this Motion.

**Sen. (Prof.) Lonyangapuo:** Mr. Temporary Speaker, Sir, I rise to support this Motion of Adjournment. I would like to tell my colleague, Sen. Hassan, that we, as the Senate, feel what he is feeling considering the tragedies he has gone through. On behalf

of our people, we pray and sympathise with him. We understand what he is going through. We understand this to the extent that we have told the Senate Majority Leader that the feeling is justified. Sen. Hassan is justified to talk the way he talked.

A few days ago, the Senator brought a Motion of Adjournment to discuss the tragedy that took place in a church where people were killed. As we go through these times, we need to call upon ourselves, as Kenyans, to be strong and to ask what may have gone wrong so that we do not throw blame excessively to one another when we have been living peacefully to the best of our ability for the last 50 years.

If you go to West Pokot, you will find an estate called *Kisumu Ndogo*. You will also find that there is a place called Kiambu in Mombasa. That means that we, as a nation, have blended together to the extent that we have lived well. The issue that wants to crop in our midst, we, as Kenyans, should not allow it to take root. We should not allow our spirits to be put down by new emerging scenarios that want to kill the spirit of Kenyans.

When I was in England, there is a programme I used to watch called *Neighbours From Hell*. Neighbours would watch what other neighbours were doing and take a video. One would go to work and, at the end of the day, they would go home and see what someone else was doing to their cats or dogs. Those behaviours are not here in Kenya. We must stand to condemn the alien behaviours that have started creeping into our land. We must stand to condemn them. People should rally behind the leadership of the day. We may need to call upon the Senate to hold a sitting with the Head of State to give him and his leadership the support and advise that is so much needed. This problem is not one sided. Anyone in leadership would have been affected.

I know that the Minister for Interior and Coordination of the National Government and his officers are not sleeping as a result of the troubles they have gone through. We, as a nation, need to come out strong. I read a book entitled; *Tough Times Come But They Do Not Last*. When we remain tough as a people, we will stand. The tough times can only stand if we choose that. We should not allow Christianity and our religion to be used as a weapon to tear us apart. We need one another, the Muslims and other colleagues.

We have other Kenyans who are not religious at all. Who are they supposed to run to? The Senate is the ultimate apex. We must rally our people behind us. I want to thank spiritual leaders, both Christian and Muslims for the way they have come together when issues arise. They have never pointed fingers at one another. We need to ask ourselves what we can do to change or convert some things that the young people may be going through, if any.

I stand to say that Mombasa is the choice county for all of us, as Kenyans. We do not want tourism affected by these senseless killings that are taking place in coast region. All Kenyan citizens need to stand with the people of Mombasa County, Kwale County and the whole of the coastal region and ensure it is very secure. The tourists should be safe and secure. If there is anybody who has a problem, the Constitution says that that person should be arrested and taken to court. If somebody has become a problem there is even life sentence. Somebody is jailed and eats free food. We do not even charge them for all those years that they have been jailed.

Mr. Temporary Speaker, Sir, I support.

**Sen. Elachi:** Thank you, Mr. Temporary Speaker, Sir. I also rise to support this Motion knowing very well that baby Osinya's mother will be buried this weekend in Busia. Therefore, the mothers of this country are wondering if we, leaders, will stand and preach peace.

Mr. Temporary Speaker, Sir, I think that we should be very careful not to look at it as an issue between the Christians and Muslims. I know that the Senator for Mombasa was voted for by all people. They know him as their Senator. Therefore, I will also plead that whenever he speaks, he should remember that Muslims, Christians and even the atheists voted for him. I know that he is bitter. We, as Senate, appreciate that we are fighting terrorism in this country. Maybe the terrorists will also use different tricks, so that instead of focusing and dealing with the main issues, we will start fighting along ethnic and religious lines. Even within the Muslims, I know that the Somalis will also come out and start crying. So, we have to be very careful as we move on as a country, especially at this trying time.

Mr. Temporary Speaker, Sir, I know that within the social media and Short Message Service (SMS) there is a message going on saying: "Be careful in Nakumatt Mall. Do not go to this place." This is also bringing a lot of fear because we do not know what will happen next. We know that our brothers, especially the youth in the coast region feel very bitter and want to hold demonstrations. Therefore, they will riot, destroy property and be killed. So, what we should be doing, as the Senate, is to urge for calm and peace, especially, tomorrow when the Muslims go to Friday prayers in the mosques. We also need to urge the youth not to find themselves in more challenges and problems. We do not want to count losses in terms of lives at the end of the day.

Mr. Temporary Speaker, Sir, let us also start thinking about Eastleigh. We have seen the riots there and need to support even the religious leaders who are meeting today and the Ministry that is in charge of internal security. We, as leaders, need to sit down and find ways of ensuring that tomorrow will be calm. We, as Christians, do not talk much, but really like condemning in a very different way. What we, as Christians, need to do is to hold our Muslim brothers' hands and say: "This is our country. We all must fight this terrorism." This is because when a mall is bombed, it does not affect only a Muslim or a Christian.

Mr. Temporary Speaker, Sir, I think that it is time that we sat down with the President and told him: "If we want investors to come to this country and invest, we must deal with issues of security without fear or favour. Let us deal with individual criminals without mercy. We have reached a point in this country where we are losing it. It is time to fight crime and say: "If you have killed, you must face the law."

Mr. Temporary Speaker, Sir, with those few remarks, we pray that God rests in peace the souls of those who have departed through terrorism.

**Sen. G.G. Kariuki:** Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity to say something about this Motion for Adjournment.

Mr. Temporary Speaker, Sir, listening to what the hon. Senators are talking about and what has happened, it really makes me feel that we are in a big problem and have to do something. I do not know how we will do it, because our talking here will not stop something else from happening tomorrow or the day after. It may continue because it is orchestrated by some people who are not known to us, but to some other people whom we do not know.



Mr. Temporary Speaker, Sir, the Muslim who was killed in Mombasa was a leader in his own right. He had every right to express his constitutional right to take sides. But no one in this country has the power to take anybody's life. The natural law is given by God himself. Actually life is a natural right which gives life to the Constitution. However, when we are talking about this bad affair, we need to be extremely careful because we are talking to the nation. The majority of our people are not ready to describe or interpret what we are saying.

If somebody listened to my friend, Sen. Omar, when he was seconding this Motion, you will understand his bitterness. But we are in this House as people who are expected by this nation to guide the entire nation towards prosperity, peace and security. We should not stand here and make statements which can easily divide the people of Kenya and make them fight for no reason at all. But this does not mean that the Government should not take responsibility. It is up to the Government to come out with a Statement, through the Senate Majority Leader and say how far these investigations have gone. By just keeping quiet and watching the situation, we are not going to control the rumour mongering and the people who would want to divide us even further. This is because we will be divided through this kind of thing.

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

**Sen. G.G. Kariuki:** Mr. Temporary Speaker, Sir, I beg to support.

#### ADJOURNMENT

**The Temporary Speaker** (Sen. Murkomen): Hon. Senators, it is now time for interruption of the business of the House. The Senate stands adjourned until Tuesday, 8<sup>th</sup> April, 2014, at 2.30 p.m.

The Senate rose at 6.30 p.m.