

# PARLIAMENT OF KENYA

## THE SENATE

### THE HANSARD

Thursday, 6<sup>th</sup> March, 2014

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

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

### PRAYERS

### NOTICE OF MOTION

#### RELEASE OF KCSE CERTIFICATES WITHHELD BY SCHOOLS ON ACCOUNT OF FEES BALANCES

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

THAT, aware that on 3<sup>rd</sup> November, 2004, Parliament passed a Motion requiring the Government to release all KCSE certificates held by schools on account of fees balances and requiring schools to cease withholding certificates on account of fees balances; appreciating that in December 2006, the Government of the day ordered the release of all KCSE certificates held by schools, but that the certificates were released only that one time; concerned that since 2007, schools have continued to withhold certificates, especially those of orphans and children from poor families on account of fees balances; aware that Section 10(1)(b) of the Kenya National Examinations Council Act (No.29 of 2012) outlaws the withholding of certificates by any person or institution; the Senate urges the national Government to take immediate measures to release all certificates held by heads of secondary schools since 2007 and to ensure that no head of a school, person or institution continues to withhold KCSE certificates.

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

### STATEMENTS

**The Speaker** (Hon. Ethuro): Let us take the requests first.  
Sen. Stephen ole Ntutu.

## REPAIR OF ROADS WITHIN NAROK TOWN

**Sen. Ntutu:** Mr. Speaker, Sir, I rise to seek a statement from the Chairperson of the Committee on Devolved Government concerning a contractor who was awarded a job to fix roads within Narok Town. The contract was awarded to the contractor almost two and a half years ago. A sum of Kshs277 million was paid to the said contractor, but nothing seems to be on going. I wish to express my disappointment over this contractor because Narok Town residents continue to lose their lives and property during the rainy season because of a poor drainage system and bad culverts which should have been fixed by now. My areas of concern are as follows:-

(1) What is the name of the contractor?

(2) What is the position or status of this project?

(3) What is the Government doing to ensure that the work is done or the contractor discontinued if he is unable to perform?

**The Speaker** (Hon. Ethuro): What are the comments of the Chair of the Committee? Which Committee is this directed to Sen. Ntutu?

**Sen. Ntutu:** Mr. Speaker, Sir, the Committee on Devolved Government.

**The Speaker** (Hon. Ethuro): That committee is yet to be constituted. But the matter can still be handled by the Committee on Energy, Roads and Transportation.

Vice Chair, what are your comments?

**Sen. Mwakulegwa:** Mr. Speaker, Sir, we will answer this question in two weeks time.

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

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

**Sen. Karaba:** Mr. Speaker, Sir, it is as if there is a problem with the issue of roads and what we are expected to handle in this House. There are many questions that are coming here on the issues of roads yet nothing seems to be coming forth. Could we demand to know the state or the Government position regarding the construction, maintenance and improvement of roads because they are all in a mess and no statement seems to be coming forthwith.

**The Speaker** (Hon. Ethuro): Sen. Karaba, what is the basis of those assertions?

**Sen. Karaba:** Mr. Speaker, Sir, it is on the basis of what I asked last year about a road in Kirinyaga. Even after the answer was given, up to date, nothing seems to have happened on Kutus-Kerugoya Road. This road is in a very bad state. The Chairman and the Committee promised to visit that road some time last year, but they never did so. Similar questions have been raised, but nothing is happening on the ground.

**The Speaker** (Hon. Ethuro): Order, Sen. Karaba!

**Sen. Mwakulegwa:** Mr. Speaker, Sir, we satisfactorily answered that question last year. The only pending statements which were due actually lapsed because this is a new session. However, if he wants us to respond to that question again, he needs to put a new question and the committee will be able to answer it to his satisfaction.

**The Speaker** (Hon. Ethuro): Sen. Karaba, I hope the Vice Chairperson is absolutely clear. That is why I asked on what basis you were asking the question. If it is matter of last year, you have just confirmed that it lapsed.

Secondly, we have a statement tracker. The only statements that were actually due had nothing to do with the Committee on Energy, Roads and Transportation. They are only due today. We have not exercised that order. So, you are really acting on absolute bad faith. You need to apologise.

**Sen. Karaba:** I apologise, but not on---

**The Speaker** (Hon. Ethuro): Order, Sen. Karaba! You cannot use the word “apology” and “but” in the same breadth; one against the other.

**Sen. Karaba:** Mr. Speaker, Sir, I apologise.

**The Speaker** (Hon. Ethuro): Okay. Sen. Obure.

#### GOVERNMENT POSITION ON EXTRA CHARGES LEVIED BY SCHOOLS IN KISII COUNTY

**Sen. Obure:** Mr. Speaker, Sir, I would like to request the Chairperson of the Senate Committee on Education, Information and Technology to tell us if the Cabinet Secretary for Education, Science and Technology is aware of the number of students in various day public secondary schools in Kisii County who have been sent away from school for failing to pay levies imposed by the school.

Secondly, I also want to know if the Cabinet Secretary will agree that this is a violation of the national government policy which guarantees free quality secondary education for Kenyan students, including those in day public secondary schools.

Mr. Speaker, Sir, I also want to know if the Cabinet Secretary is aware that allowing schools to levy extra charges to cater for other non-tuition fees has opened the window to lock out students from very poor families from accessing free secondary education.

Lastly, if the Chairperson could outline what measures the Cabinet Secretary is taking or intends to take to provide interventions to protect the very poor students who often find themselves victims and are unable to utilize tuition already paid by the Government in those schools.

**The Speaker** (Hon. Ethuro): Chairperson, Committee on Education, Information and Technology.

**Sen. (Prof.) Lesan:** Mr. Speaker, Sir, I am a member of the Committee. We will answer that question in two weeks time.

**The Speaker** (Hon. Ethuro): Okay, in two weeks time.

Sen. Haji.

#### CAUSE OF POWER BLACKOUT IN GARISSA TOWN

**Sen. Haji:** Mr. Speaker, Sir, I rise to seek an urgent statement from the Chairperson of the Standing Committee on Energy, Roads and Transportation relating to a total power blackout in Garissa County arising from blowing up of all power generators in Garissa Town yesterday evening. In the statement, the Chairperson should:-

(a) Explain why the Ministry of Energy and Petroleum had not installed standby generators for use in case of such an eventuality.

(b) State whether he is aware that such a power blackout poses a serious breach of security in Garissa Town in light of the fact that the town has suffered repeated attacks by the *Al Shabab* terror group resulting in deaths of several people a few months ago.

(c) Confirm that the Ministry will, as a matter of priority, beginning from tomorrow, restore the electricity supply in Garissa town.

**The Speaker** (Hon. Ethuro): Committee on Energy, Roads and Transportation.

**Sen. Mwakulegwa:** Mr. Speaker, Sir, this being an emergency question, we shall answer it on Wednesday.

**The Speaker** (Hon. Ethuro): Sen. Haji, what is your response?

**Sen. Haji:** Mr. Speaker, Sir, there is a total blackout. In view of the issue of insecurity that I have mentioned, I want to put on notice the Ministry, through the Chair, that if one person is killed as a result of this blackout, we will sue them in court. So, he should be able to answer this question by Tuesday, next week, not Wednesday.

**Sen. Mwakulegwa:** Mr. Speaker, Sir, we all know that the Cabinet is out of town. That is why I have said that I have talked of Wednesday so that between Monday and Tuesday we make contact, so that we get a reply that will be befitting the incident that has happened in Garissa. It is unfortunate. I am sure the KPLC is doing everything possible to restore electric power.

**The Speaker** (Hon. Ethuro): Order, Sen. Mwazo! Whether the Cabinet is out of town or not, they are still holding office.

**An hon. Senator:** They are not out of the country.

**The Speaker** (Hon. Ethuro): They are also not out of the country as the good Senator who is a neighbour to Garissa County has just said. But even if they were, they will still be available. That is why Parliament gives them sufficient resources to operate. Both of you agree that it is an emergency. An emergency should be tackled at the next earliest opportunity. That should be principle. With the reasons you are giving, we are not talking about this week, it is next week. They will be back to the office by Monday anyway. So, I would encourage you, since you already appreciate the matter, to contact them on phone even before they come back to town. I am sure even while they are away they are not engineers, they will still contact other people. So, they do not need to come to Nairobi or go to Garissa. They can communicate and action can be taken. So, let us have the statement on Tuesday.

**Sen. Mwakulegwa:** Yes, Mr. Speaker, Sir, we will bring it on Tuesday.

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

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

**Sen. Mositet:** Mr. Speaker, Sir, on behalf of Kajiado County, I stand to request for a statement from the Chairperson of the Committee on National Security and Foreign Relations on problems and unethical practices involving officials of the Lands Registry in Kajiado County. Kajiado County land owners and business community are greatly alarmed at the number of criminal cases filed with regard to fraudulent land deals involving millions and billions of shillings. Such cases, once reported to the CID at

Kajiado, have been routinely been taken away by the CID, Nairobi. Once these cases are taken away, there is no progress or feedback resulting into permanent deadlock, distress and desolation for the victims. The people of Kajiado County fully believe the CID officers based in Nairobi may not be committed to investigations, preferring to procrastination for unknown reasons.

Mr. Speaker, Sir, Kajiado headquarters has only four staff at the CID. That is; two officers at the rank of Corporal and another two officers at the rank of Constable. This has been so for the last ten years. The people of Kajiado County want to know:-

- (1) Why do they not have an Inspector or Chief Inspector?
- (2) Is this meant to frustrate investigations and prosecutions?
- (3) Has corruption got its way to block Kajiado not to have qualified officers to handle this?

Mr. Speaker, Sir, those are the worries of the residents of Kajiado County.

**The Speaker** (Hon. Ethuro): Who is your statement addressed to?

**Sen. Mositet:** The Chairperson of the Committee on National Security and Foreign Relations.

**The Speaker** (Hon. Ethuro): Sen. Haji, what do you have to say?

**Sen. Haji:** Mr. Speaker, Sir, we should be given two weeks, so that we---

*(Loud consultations)*

I will wait to be heard by the Speaker.

**The Speaker** (Hon. Ethuro): Sen. Haji, you appreciate why it is your turn. The Tuesday answer is never different from the kind of answer being sought. Yours is an emergency, the town is in a blackout and there is insecurity. This is a problem that has been there for over a decade. So, surely, two weeks seems reasonable.

**Sen. Mositet:** Two weeks is okay, Mr. Speaker, Sir.

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

#### CONSTRUCTION OF SEA WALLS AND JETTIES ALONG THE COASTAL AREAS

**Sen. Kisasa:** Mr. Speaker, Sir, I am Senator Mshenga Mvita Kisasa. I would like to seek a statement from the Committee on Energy, Roads and Transportation. I wish to know the following:-

(a) Why the budgetary provision for the construction and maintenance of sea walls and jetties, which have been provided for the coastal areas of Kwale, Lamu, Kilifi and Malindi for over 20 years, has been discontinued during the 2013/2014 budget

(b) Could the chairperson confirm that ongoing works on sea walls along the coast have stalled and that the Shimoni Jetty in Kwale county is about to collapse due to lack of funds?

(c) What informed this drastic action?

(d) What measures will be taken to reinstate the budget for sea walls and jetties to avoid danger occasioned by the pending crisis?

**The Chairperson** (Hon. Ethuro): Sen. Mwazo, what is your response?

**Sen. Mwakulegwa:** Mr. Speaker, Sir, we shall respond in two weeks' time.

**Sen. Kisasa:** That is okay, thank you.

**The Speaker** (Hon. Ethuro): I think I am now beginning to appreciate Sen. Karaba's concerns. He must have anticipated trouble in advance. Yes, Senate Majority Leader.

BUSINESS FOR THE WEEK COMMENCING  
TUESDAY, 11<sup>TH</sup> MARCH, 2014

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Mr. Speaker, Sir, mine is to make a Statement regarding the business of the House. Hon. Senators, pursuant to Standing Order No.42, the business of the House next week will be as follows:-

On Tuesday, 11<sup>th</sup> March, 2014, the Rules and Business Committee of the House will meet at 12.00 noon to schedule business for the week. On that day, the Senate will continue with the business that will not be concluded in today's Order Paper.

On Wednesday, the Senate will continue with the business not concluded on Tuesday and consider any other business scheduled by the Rules and Business Committee, including the approval of Senators nominated by the Rules and Business Committee to be members of the respective committees indicated below:-

**Sessional Committees**

Committee on Devolved Government

Committee on Implementation

Committee on Delegated Legislation

County Public Accounts and Investments Committee

**Standing Committees**

Lands and Natural Resources Committee

Committee on Information and Technology

Committee on Roads and Transportation

Labour and Social Welfare Committee

On Thursday, 13<sup>th</sup> March, 2014, the Senate will continue with the business not concluded on Wednesday and consider any other business scheduled by the Rules and Business Committee of the Senate.

Mr. Speaker, Sir, I thank you and I hereby lay this statement on the Table.

*(Sen. (Prof.) Kindiki laid the document on the Table)*

**The Speaker** (Hon. Ethuro): Hon. Senators, are there any interventions on the statement from the Senate Majority Leader, including a response from the Senate Minority Leader?

**Sen. Abidrahman:** Mr. Speaker, Sir, this is more or less a Procedural Motion and the business of the week as decided by the Rules Business Committee.

I support.

**Sen. (Prof.) Lonyangapuo:** On a point of order, Mr. Speaker, Sir.

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

OUTBREAK OF FOOT AND MOUTH DISEASE  
IN WEST POKOT COUNTY

**Sen. (Prof.) Lonyangapuo:** Mr. Speaker, Sir, Last week, I sought a statement regarding the outbreak of foot and mouth disease in West Pokot County. The Chair ordered the Committee to give an answer yesterday. I have been waiting to see the Chairperson for the Committee on Agriculture, Lands and Natural Resources to stand and give the answer. However, this has not been forthcoming as yet.

*(A Senator walked into the Chamber)*

Mr. Speaker, Sir, he is walking in now.

**The Speaker** (Hon. Ethuro): Sen. (Prof.) Lonyangapuo is right. There was a statement due from the Chairperson of the Committee on Agriculture, Lands and Natural Resources today. Is there any Member of that committee here? Yes, Sen. Kerrow!

**POINT OF ORDER**

PRESENTATION OF COUNTY BILLS PUBLISHED BY THE  
GOVERNMENT IN THE SENATE

**Sen. Billow:** Mr. Speaker, Sir, mine is to seek a clarification from the Majority Leader on the statement he presented. If you listened to the statement, there is nothing out of the ordinary other than the Motions which have been brought in this House by the Members. But we agreed that all the Bills that are prepared by the Government, which for one reason or the other, are not coming to this House, but are touching on the counties, would also be moved in the House. Would I be in order if I would suggest to the Senate Majority Leader that with the agenda for the business for next week, he should, as the Senate Majority Leader, seek all the Bills that touch on county governments and which have been published and present them before the House for debate, so that this House can work in accordance with the Constitution? We cannot ignore the fact that there are many bills being published by the Government and yet these Bills touch on the counties, but are not being presented to this House.

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Mr. Speaker, Sir, to a little extent, I agree with the sentiments of Sen. Billow Kerrow. But first and foremost, the purpose of my statement was to provide the business of the House for next week. Normally, that business is decided by the Rules and Business Committee when it meets every week. So, I do not think it is during a statement like this one where I can start saying which Bill will come when. That can only be known after the Rules and Business Committee has met and made its decisions.

Secondly, I also do not agree with Sen. Billow because I am aware that this House has business, including legislative business. The question which arises is whether there

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are Bills which have been published and they are not before this House and should be before this House. That is a completely different question which is being handled even from the Rules and Business Committee directives. The Senate Majority Leader is working on that as a separate issue. But to expect that I can come here and tell you: "Next week, the following Bill will be before the House," This will be pre-empting the work of the Rules and Business Committee.

Thirdly, Mr. Speaker, Sir, perhaps, what Sen. Billow Kerrow is asking is a different kind of statement which I am entitled to make on a day like today regarding the exercise of my mandate. I will not use my discretion to give that statement. Maybe one of these days I will do so with the permission of the Chair, of course. But definitely there is that request. The issue of weekly programme is a routine statement which is given in the generalities in which I have presented that statement.

Thank you, Mr. Speaker, Sir.

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

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

**Sen. Billow:** Mr. Speaker, Sir, in the Order Paper, the statement was very clear that the Senate Majority Leader was discussing business for the Senate for the forthcoming week. In his presentation, he mentioned specific Motions that will come before this House.

I appreciate that the Rules and Business Committee (RBC) has to agree on the Calendar which is specific to various Bills. However, I think it is important for him to give an indication in the same way that he has mentioned. He should tell us why those ones are lined up even if the Motion will not appear in the manner that has been given by the RBC. He needs to give us an idea of what Bills have been published by the Government, which, he, as the Senate Majority Leader, should have presented before this House.

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Mr. Speaker, Sir, there is no problem in providing that information if it is requested. However, if I recall, last week, during my weekly statement, I listed six Bills. Some of those Bills were Private Members' Bills, but three out of the six Bills had to be republished since they had lapsed. They were published in the first session. Three Bills were sponsored by the Senate Majority Leader and there will be more.

Just for clarity, what Senator Billow wants is a list of the proposed legislation by the Government that touches on counties that will be brought to this House. Such information can be provided. However, it does not have to come in the context of a weekly statement or as business for the coming week. It has to come in the context, in my view, of the weekly statement by the Senate Majority Leader regarding the discharge of responsibilities which is a discussion statement that can be exercised or with the direction of the Chair. Upon request by the House, that information can be given.

**Sen. Hassan:** On a point of order, Mr. Speaker, Sir. I want to borrow from Sen. Billow's assertions. I think he is not only challenging the mandate of the Majority Leader in making that statement, but, in totality, our mandate as the Senate. There are Bills in the National Assembly that ought to have been in the Senate. You must move progressively and bring these Bills for discussion in terms of asserting the mandate of this Senate

without necessarily having to wait for somebody to arbitrate. The RBC can immediately proclaim that they are properly before the Senate.

**The Speaker** (Hon. Ethuro): Order, hon. Members! I do not think it is appropriate to discuss the mandate of the Senate Majority Leader at the Plenary if he had issues. I think the Senate Majority Leader is very clear that he is willing to give a separate statement in the House as we so desire. For now, we will deliberate the matter of the RBC. They will give us the way so that we do not turn this into a debate.

**Sen. Billow**: On a point of order, Mr. Speaker, Sir. I appreciate your direction. However, I just want to seek a clarification. We have Majority Leaders in both Houses. My understanding is that the Government Business in the House is conducted through the House Majority Leader. What I have not understood and what I need a clarification on is: On what basis does a government Ministry take a legislative agenda to one House and not the other? That is my concern in raising those questions.

**The Speaker** (Hon. Ethuro): I think that is a legitimate statement. It is a separate statement from the weekly one. Therefore, you know what to do. Complete the statement, it will be approved and we are in the House to do the needful.

**Sen. (Eng) Muriuki**: On a point of order, Mr. Speaker, Sir. Whereas it is obvious to appreciate the point by Sen. Billow Kerrow, I am of the strong view that the Constitution requires Bills coming from whatever source, in this case principally from the Government to the Executive, to pass through a caucus of both Speakers. This is what is not happening. A decision should be made as to what Bills must specifically come to the Senate, which ones must go to the National Assembly and which ones must go to both Houses.

With all due respect, our Senate Majority Leader is the correct person to follow. If that is not happening, the Executive will continue to operate as they do and address the Bills, from whichever department, to the National Assembly. If they do so, there will be a gap. I request that a direction comes from the Chair so that we know where the gap is. We all need to clear the air and if the Majority Leader expects to be given these Bills by the Executive to table here, what route should we take?

**The Senate Minority Leader** (Sen. Wetangula): On a point of order, Mr. Speaker, Sir. Allow me to further the argument that Sen. Billow Kerrow has been pursuing and ably touched on by Sen. Karue. We appreciate the considerable frustration that the Senate Majority Leader is going through; whether he is being ignored by his colleagues somewhere or, probably, he is not being consulted. The Government in power cannot sit and choose which Bill goes to which House. This is left to the Speakers of both Houses. That is what the Constitution says.

Article 110(3) says:

“Before either House considers a Bill, the Speakers of the National Assembly and the Senate shall jointly resolve any question as to whether it is a Bill concerning counties and, if it is, whether it is a special or an ordinary Bill.”

You are not left with any discretion. Every Bill must be considered by the two of you before it is tabled either in the Upper House or the Lower House. When this is not done, then the Constitution is breached. This Senate is being bashed out there for not having enough work to do when someone out there is truncating the work we ought to do

by deliberately not allowing Bills to come to this House. What is left is for us to encourage you to be vigilant. Any Bill published and placed before the Lower House, if your brother there does not call you to look at it, then Sen. (Prof.) Kindiki has a right to inquire legitimately as to why Bills are being sent to the Lower House and not the Upper House and why he is not being given Bills to present here because Bills can originate from either House. There is no law or provision in the Constitution that says that a Bill must originate from the Lower House.

Secondly, we oblige, as the Senate, but in the event this process continues, when a Bill is tabled in the Lower House in total disregard to this provision, you should simply take it up and table it here as well. We should simply cause a stalemate. We should debate it, pass it and you exercise your responsibility by taking it to the President for assent. So, let us see which one he will assent to and whether he will choose to go with the Lower House or the Upper House. We all have the responsibility and the constitutional duty to deal with work that comes for legislation. I want to encourage the House; if we just sit back, lament, cry and feel frustrated and helpless that, may not help anybody. This is not a matter that can be left to one side of the House. It is this House. People are saying that the Senate is idle when we have a lot of work to do. Nobody is saying that Sen. (Prof.) Kindiki or Sen. Wetangula is idle. They are saying that the Senate is idle and that is all of us. We must take this and deal with it squarely or as Sen. Kajwang would say, “perpendicularly”.

**The Senate Majority Leader** (Sen. (Prof) Kindiki): Mr. Speaker, Sir, I rise to support the statements and the contributions by the Senate Minority Leader. However, before I do that, I want to assure him and the Senate that the Senate Majority Leader is not frustrated, cannot be frustrated and will not be frustrated because there is nobody with the capacity to frustrate the Senate Majority Leader. This is just for the avoidance of doubt.

Having said so, I want to go on record that I support the sentiments of the Senate Minority Leader which, I think, is the feeling of the entire Senate. Somebody somewhere is breaking the law. Whoever that person is, the law must be applied against that person or institution. In particular, with regard to Bills coming to this House, or the Lower House, the determination of this is made by the two Speakers jointly. If Article 110(3) is not operating, then we have to make it operate.

Secondly, as Sen. Wetangula has said, there is no limitation as to which House a Bill can originate from. We cannot be a Chamber of lamentations or a Chamber of complaining. We want to see this House going forward and you can rely on the support of the Senate Majority Leader. I highly doubt that the problem we are experiencing here is a systemic problem. It is not systemic.

There are one or two people somewhere who may have sat and imagined that, somehow, they can subvert the Constitution and get away with it. Going forward let the Bills flow. Let the Bills flow to the Table of this House. Let them be legislated. How that will be resolved eventually is the same way that other crises have been resolved. Without much ado, I would like to say that the Office of the Senate Majority Leader will support the mandate of this Senate without any reservation whatsoever.

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

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

**Sen. Hassan:** Mr. Speaker, Sir, can I propose that this Senate summons every Cabinet Minister who has presented a Bill before the other House to ask them about the determination, particularly for those Bills which we strongly feel are County Bills?

**The Speaker** (Hon. Ethuro): Order, hon. Senators! I think the Majority Leader has concluded this matter by supporting the assertions by the Minority Leader which were provoked by the Senator for Mandera. So, let us leave it there, at this particular point. I think the issues are very clear. Your Speaker can only agree with the final statement made by the Senate Majority Leader; let the Bills flow. I think he has made a commitment. He is the Senate Majority Leader and nobody has capacity more than him. So, I expect Bills to flow from next week. Failure to do so, we may be forced to shame one or two people who have decided to subvert the Constitution. I will definitely ensure that nobody, at least from where I sit, does so. Also there is a time when we have to conclude things. We cannot continue like before. So, let me leave it there.

### COMMUNICATIONS FROM THE CHAIR

#### POSTPONEMENT OF RULING BY THE CHAIR

**The Speaker** (Hon. Ethuro): Hon. Senators, I also have a few statements to make: The first one is about the statement raised by Sen. Hassan and most of your contribution encouraged me to sleep over it. I think one night is not enough, but I ask for indulgence for more nights so that I can make it on Tuesday. More fundamentally, we are doing the consultations. We are looking for all the requisite information because by the time your Chair makes a communication, it must be borne by facts, all the issues having been determined so that we give direction in terms of way forward. We do not want to do it half-heartedly thus raising more questions than answers. So, I am asking for your indulgence that we dispose of that matter on Tuesday.

#### PROVISION OF SUPPORT TO SENATORS IN DRAFTING LEGISLATION

We want to encourage the Senators that pursuant to Standing Order No.115, when coming up with Public Bills of the Senate, in their individual capacity or Committees of the Senate, you may seek the support of the directorate of legal services for the drafting of legislative proposals for introduction in the Senate. So, I want to confirm that facility is available to each and every Senator, including your Committees. You do not need to write anything. Just go there, we will give you an officer, talk because you are paid to talk, just talk what you want to talk and they will put you to form which you will be working on.

## ELECTION OF CPA KENYA BRANCH OFFICIALS

The second communication is about the Commonwealth Parliamentary Association (CPA). The CPA is an association of commonwealth parliamentarians, who irrespective of gender, race, religion or culture are united by a community of interest, respect for the rule of law, individual rights and freedoms and by pursuit of positive ideals for parliamentary democracy. Its mission is to promote the advancement to parliamentary democracy by enhancing knowledge and understanding of democratic governance. The CPA pursues these objectives by means of the following:-

(i) Annual commonwealth parliamentary conferences, regional conferences and other symposia;

(ii) Inter-parliamentary visits;

(iii) Parliamentary seminars and workshops;

(iv) Publications, notably; *The Parliamentarian*;

(v) Conference, documentaries and newsletters on CPA activities and parliamentary and political events.

(iv) Parliamentary information and reference centre for research and communications.

The Parliament of Kenya has been an active member of the commonwealth and constitutes the CPA, Kenya branch which comprises all Members of Parliament, that is, the Senators as well as members of the National Assembly, who opt to join and pay an annual membership fee of Kshs500 only or a life membership fee of Kshs2,000 as per the branch rules. So, if you pay for life membership, you save Kshs500 for one term and you are a member for ever even if you cease to be a Member of Parliament or a Senator. Therefore, you will have access to facilities when you go to the Westminster or to the House of Commons. You can access the lounges there and other things. I am sure Sen. Kajwang can confirm that.

The management of the affairs of the branch is vested in the executive committee whose members are elected at the general meeting that is called after a general election. We have convened a meeting to elect branch officials – Kenya branch, on Tuesday at 11.00 a.m. at a joint Kamukunji. So, I am inviting all of you to attend, but even before then, you can only attend as a member. So, I am also encouraging you to pay the requisite fees. There should be a form outside this room where you can do so. I would really encourage each and every Senator, once we decide to take this position, we must also make sure that we participate in all things that will help and promote parliamentary democracy.

**The Senate Minority Leader** (Sen. Wetangula): A comment, Mr. Speaker, Sir.

**The Speaker** (Hon. Ethuro): What is it, Senate Minority Leader?

**The Senate Minority Leader** (Sen. Wetangula): Mr. Speaker, Sir, can I be allowed to comment on that?

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

**The Senate Minority Leader** (Sen. Wetangula): Mr. Speaker, Sir, first, you and I, who are life members, need not pay again. Secondly, this is an organization or an association where parliaments are represented. I have been noticing a trend where when

we go to these meetings, the National Assembly seems to think that they have greater legitimacy in having greater representation than this House. I want to encourage you, as our leader, because the leaders of CPA are the Speakers, we go to the meeting with a defined agenda as to the representation on the Executive Committee of CPA for Kenya. In my view, there should be equal representation from the Senate and the National Assembly. Why? Although there is an argument that in the National Assembly, there are more members, but those more members are equal to each Senator who represents a County in which constituencies are based. If you take the Senator for Busia - Sen. Wako - he is equal to seven Members of Busia County. So, you cannot say that because they are seven from there, therefore, they must have more representation. I want us to define the rules before we go to the meeting so that if we are going to have eight officials, four must be from the Senate and four from the Lower House.

**Sen. Leshore:** On a point of order, Mr. Speaker, Sir. I do not know if I am a life member myself because I used to know that I was a Member in the Seventh, Eighth and Ninth Parliament. Could you kindly find out if some of us are life members, especially for those who have been in Parliament for quite a number of terms?

**The Speaker (Hon. Ethuro):** Life membership is not a factor of longevity. Just because you are like senior Sen. G.G. Kariuki, it depends on your own willingness to make the decision whether you want to be a life member or you want to be an annual member. So, you either pay annual fees which means every year you pay Kshs500 or you pay Kshs2000, once and for all. That is how you become a life member. So, for further reference, I am sure we will find out for you and advise accordingly.

Regarding the other issues raised by Sen. Wetangula, I want to confirm that those issues will be canvassed according to the lines you have suggested. In fact, we will have our own Kamukunji before the joint Kamukunji to determine, not only that item, but many other issues.

*(Resumption of Statements)*

**Sen. (Prof.) Lonyangapuo:** Mr. Speaker, Sir, we are still waiting for the response.

**The Speaker (Hon. Ethuro):** Yes. Chair for Agriculture?

**Sen. Okong'o:** Mr. Speaker, Sir, I am a member of that Committee and the chair, the deputy and other committee members are out of the country. So, we have no brief on the question. As soon as they come back, we will check on that.

**Sen. (Prof.) Lonyangapuo:** Mr. Speaker, Sir, I do not know whether the Committee is serious with its work because last week you directed that given the nature of the statement I sought and the way he is trying to answer the question casually; they agreed that they will respond this week to finality. I am surprised that he is trying to say they have gone on holiday when things are serious in my county.

**Sen. Okong'o:** Mr. Speaker, Sir, the Chairperson, the Vice Chairperson and some Members of the Committee left without the knowledge of some of us, as Members. I am told they are out of the country. That is my position. That is why I said I do not have any

brief with regard to their whereabouts and the position of that Question. I undertake that as soon as I get where they are, we will respond to it on Tuesday, next week.

*(Loud consultations)*

**The Speaker** (Hon. Ethuro): Order, hon. Senators. This is a Statement on the outbreak of foot and mouth disease. This is a real emergency. This is the reason sometimes our livestock products are not acceptable in the European and the Middle East markets. So, if the Committee does not have an appreciation of such, then I wonder what is important to them. Secondly, the fact that some Members have travelled does not stop the work of the Committee. That is why you are here to confirm that the work should proceed. So, seize the opportunity and deliver. Can we have a response on Tuesday?

**Sen. Okong'o:** Well directed, Mr. Speaker, Sir. I will do so on Wednesday, next week.

**The Senate Minority Leader** (Sen. Wetangula): On Tuesday, next week.

**Sen. Okong'o:** Most obliged, Mr. Speaker, Sir.

**Sen. Murkomen:** On a point of order, Mr. Speaker, Sir. I was just offering an advice. Is it in order for me to tell Sen. (Prof.) Lonyangapuo to consult the Permanent Secretary, who comes from Pokot like himself, because this is an emergency?

**Sen. (Prof.) Lonyangapuo:** Mr. Speaker, Sir, the business of this House is not operated on who knows who. I think my Senator neighbour here knows that very well. This is a serious matter and we should not treat it casually. I brought it here because I wanted it to get the attention it deserves.

**The Speaker** (Hon. Ethuro): Hon. Senators, that is well put. This is serious business which must be transacted in this serious manner. It should not be based on filial ties, kinship ties or good neighbourliness. At that rate, Sen. Murkomen himself would have volunteered because he is a very good neighbour of Sen. (Prof.) Lonyangapuo.

**Sen. Mositet:** Mr. Speaker, Sir, that issue is quite serious. I thought even though we do not have the chair here, the Committee Member in the House can make a Statement. I thought you could rule over that because I am just imagining the number of livestock in West Pokot and Turkana affected. There is no way they can express how they are feeling unless their Senator can raise it in the House here. Why can the Chair not rule that the Ministry goes straight to the ground and work on that issue?

**Sen. Elachi:** On a point of order, Mr. Speaker, Sir. As much as we would like to go that route, we would also like to understand that if the Chair and the vice-chair of the Committee are outside the country and the hon. Senator says he does not know about it, does it mean they approve themselves without going through the Committee on any trip? As much as we would like to go back to it, we would also like to understand that if the Chair and the Vice Chair of the Committee are outside the country, does it mean that we must wait for them to approve without liaising with the Committee on any trip?

**The Speaker** (Hon. Ethuro): That question is unfair to the Member. So, I will not entertain it. I will never take instructions from Sen. Mositet. We do not run Ministries. So, let us give the opportunity to the Senator. As a Member of the Committee, he has agreed to assume that responsibility. In my mind, I have no doubt that he will rise to the

occasion come Tuesday. I am sure the Ministry has officers on the ground and part of the response will be basically that kind of determination; whether action has been taken or not even as the Statement is being sought.

Next Order!

## MOTIONS

### COMMENDATION TO MS. LUPITA NYONG'O FOR WINNING AN OSCAR AWARD

THAT, aware that the film industry is one of the leading and prestigious occupations; noting that Ms. Lupita Amondi Nyong'o is a Kenyan actress who featured in the movie *'Twelve Years a Slave'*; further aware that she made history by being the first African woman to win an Oscar Award of the Best Supporting Actress at the 86th Academy Awards held in Los Angeles, United States of America, for her role in the movie; appreciating that it is through relevant education, training and hard work that she was able to win this award and many others; realizing that she is an inspiration and a role model to many, including the African women and youth; cognizant of the fact that she has uplifted the Kenyan profile in the world; the Senate records its commendation to Ms. Lupita Amondi Nyong'o for her exemplary performance.

*(Sen. Adan on 5.3.2014)*

*(Resumption of Debate interrupted on 5.3. 2014)*

**The Speaker** (Hon. Ethuro): Sen. (Prof.) Lonyangapuo, you had a balance of two minutes.

**Sen. (Prof.) Lonyangapuo:** Mr. Speaker, Sir, I had a balance of two minutes to go. I was congratulating the young girl who brought fame and honour to Kenya, Ms. Lupita Nyong'o. We have such huge talent in Kenya that we must be recognize ourselves rather than waiting for our talent to be recognized by people in a far away land, just like Lupita has been honoured in the United States, yet we have not done anything for her.

On Monday, we had the honour of learning the performance of our students in KCSE, where we were told that there was a young boy from Alliance Boys High School who did very well and the top girl in the whole Republic came from Moi High School Kabarak. I do not know what it will take for us to be able to recognize and thank such a pool of talent in our young children when they excel. We do not have to wait for other people to come from outside in order to recognize that talent. We should be able to set aside scholarships to send such brilliant brains to top universities in the world to study some of the courses that we think we can benefit from. I do not know whether we have any scholarships dedicated to the top girl or boy in KCSE at all except the philanthropic scholarships that are being given by the Equity Bank. They call it "Wings to Fly". That is

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not a Government initiative. I would like to challenge the national Government and the county governments to see how they can rise to the occasion and be able to recognize the talents that we have.

Mr. Speaker, Sir, we have not recognized the talents of even our own researchers in Kenya. Late last year, Dr. Menage, a young medical doctor from West Pokot was honoured in Norway. The whole world recognized the work of this young scientist, but here in Kenya we do not do it. It is a very big challenge that we need to wake up to as a nation and be able to appreciate what we have around. We should even be able to---

**The Speaker** (Hon. Ethuro): Order, Sen. (Prof.) Lonyangapuo, your time is up!

**Sen. Wako:** Thank you, Mr. Speaker, Sir, for giving me this opportunity to speak on a Motion ably moved by a Member of my Committee, Sen. Adan and seconded by Sen. Lesuuda. We are all very proud of Lupita Nyong'o for the unprecedented win of the Oscar Award at the 86<sup>th</sup> Academic awards ceremony.

Since she won, it is important to note that most of the critics who have written about her win have actually lauded her for what one critic said; bringing a breath of fresh air in Hollywood. Her talent is raw. In other words, a breath of fresh air has been brought to the Hollywood which has been there for the 86 years through our own Kenyan lady. She has a great future ahead of her and she has made Kenya, Africa and the black people wherever they are proud. It was very interesting to note that an article appeared in a Uganda daily newspaper yesterday saying that she had also made Uganda proud because it can be identified as a neighbour to Kenya where Ms. Lupita was born. So, we are all very proud of her.

Mr. Speaker, Sir, I also want to take this opportunity to congratulate her parents, Dorothy and Sen. (Prof.) Anyang'-Nyong'o for providing a very exemplary example on how to bring up children, nurture them and guide them. We learnt that each and every one of us in this world has unique talents bestowed upon them by God. Therefore, the challenge is always how to discover that unique talent and having discovered it, how now to make it flourish. The parents helped Ms. Lupita to discover her unique talent. In Kenya, we always encourage our children to go for the academia; for the usual professions and so on, but Ms. Lupita's parents they allowed her to nurture that talent. Therefore, I want to congratulate Sen. (Prof.) Anyang'-Nyong'o and Dorothy, the mother. Ms. Lupita has been in many ways an inspiration to many young people and her famous statement that you can validate your dream is encouraging.

The important thing here is what has been stated in the Motion which is before us. How does a young person validate their dream? In Kenya today, we have very many young brilliant people, but we the older generation having given them the old culture on how to be a success through corruption and shortcuts here and there, the young people also believe that they can similarly succeed by using wrong methods to succeed. Here is a very good example of a young person who has succeeded because of using her talents, being committed to her work and so on.

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

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

“Mr. Speaker, Sir”, that is the type of culture that we in Kenya should nurture amongst the young people. I am glad that Ms. Lupita is now helping us to nurture that culture of hard work amongst our young generation. Before her win, it is not that she was already up there, but she began from here in Kenya by acting in local drama, Sunday school and national theatre. In fact, I hear that she is not just an actress, but she is also a film and video director and she has really had a number of those videos acclaimed.

**Sen. Ong’era:** On a point of order, Madam Temporary Speaker, “Sir”. Is Sen. Wako in order to keep calling you “Mr. Speaker, Sir”?

**Sen. Wetangula:** On a point of order, Madam Temporary Speaker. On the same note, is the distinguished Sen. Ong’era in order to refer to you as Madam Speaker, Sir?

**The Temporary Speaker** (Sen. Ongoro): There seems to be confusion in the House.

**Sen. Wako:** Madam Speaker, I know you are Madam Speaker.

**The Temporary Speaker** (Sen. Ongoro): Thank you.

**Sen. Wako:** Mr. Speaker, Sir, as I was stating---

**Hon. Senators:** Aah!

**Sen. Wako:** Madam Temporary Speaker, indeed, it is a testimony of those who have worked with her locally; they talk about her humility. They talk about her being very meticulous and thorough in preparations for the plays, music and so on, to the point of being regarded as a thorn in the flesh of those of her colleagues who wanted an easy way out and who were not as prepared for what they were going to do and so on. They talk of her as being fully committed and passionate in the realization of her dreams.

So, “Mr. Speaker, Sir”, what we are now---

**The Temporary Speaker** (Sen. Ongoro): You are excused!

**Sen. Wako:** Madam Temporary Speaker, having been in the National Assembly for over 20 years, I am used to the words “Mr. Speaker, Sir.” That is what just comes out automatically. But I am undoing it now, Madam Temporary Speaker, “Sir”.

*(Laughter)*

**Sen. Wako:** Sorry, Madam Temporary Speaker.

She followed a long trail of Kenyans who have done very well. Of course, we have our own President Obama, a Kenyan who is now the President of the United States of America, the Nobel Laureate, the late Prof. Wangari Maathai and many other Kenyans who are not all that well known. The other day, I was surprised when I went to the United States and I learnt that one of the top scientists at NASA who takes those jets to the moon and everywhere else is actually a Kenyan. One of our top Information Technology specialists in the world is actually a Kenyan. In fact, when I look at what Kenyans are doing out there, and they all rank top, I began wondering this is happening. Somehow when Kenyans go out there, their talents come out and so on. However, when they are within here, we do not really appear to have the environment in which people can really discover their talents and make them work for them. So, it is a very big challenge to Kenyans and to our society here to try to create a society in which talent can be nurtured.

Madam Temporary Speaker, Sir, I want---

**The Temporary Speaker** (Sen. Ongoro): Madam Senator, now that you are insisting on calling me Madam Temporary Speaker, Sir, throughout, your time is up!

**Sen. Hassan:** Thank you very much, Madam Temporary Speaker. I think I want to agree with everybody else who has spoken before me. I think there is absolutely nothing new that I can add. Mine is to just say that we, as the Senate, are extremely honoured to be associated with the father of Lupita, Sen. (Prof.) Anyang'-Nyong'o. This is a man, hon. Senators have known to be a very great inspiration to many people. I think knowing the history of her father literally ties Ms. Lupita to the very aspirations the family has had for many years, including their dominance in many other areas like intellectualism and medicine.

Madam Temporary Speaker, mine is to simply also congratulate Ms. Lupita for not only winning the Oscar, but for the demeanor upon which she has tried to project herself with the style and eloquence, which actually many of those who have monitored Hollywood, would tell you that this type of success is reminiscent of a very intellectual powerbase, with respect to the comments. Even as she won the Oscar a lot of the comments that followed from what I call the critiques of theatre or Hollywood, said that her speech was undoubtedly the best. This is because in her speech she realized where she came from and inspired many of us who feel that we need to also aspire for the greatest heights. So, as we sit here in this Senate, I think that many Kenyans have set the trend upon which we want this country to rise out of. This country has for far too long been able to drive itself on other factors other than meritocracy.

I do recall one of the Senators saying the Lupita might have come from a family of opportunity, but that does not mean that it took away the hard work for her to get where she is. So, I think that many of us have had the wrong role models, particularly, the politicians. I once saw an article that said that most of the Kenyan celebrities are actually politicians. That celebrity, stardom or status is earned through issues to do with the kind of wealth the people project and status in terms of ethnicity or whatever position that holds.

Madam Temporary Speaker, I think that it is important now to really inspire our young people to borrow from the right role models. As Sen. Dullo said, there are many people in the field of theatre and arts who can inspire many Kenyans to venture into these fields. But as we expand these opportunities, I think that we want to ensure that the field of arts becomes a meaningful field for young people to earn a productive life out---

*(Sen. Hassan's microphone went off as  
the Chair's microphone was switched off)*

Madam Temporary Speaker, if you held the microphone up it would be much easier. This must be a real Chinese product. If you switch off that microphone and this one also goes off, that can only be a Chinese product.

Madam Temporary Speaker, that said and done, I think that we need to---

**Sen. Murkomen:** On a point of order, Madam Temporary Speaker. Is it in order for Sen. Omar Hassan to insinuate that whenever anything fails, even a microphone, it

must be Chinese, when China is a serious global partner and the best partner of this Republic? Counterfeit can be counterfeit, but you cannot call it Chinese

**Sen. Hassan:** Madam Temporary Speaker, in fact, I was trying to praise China; that you can put off a microphone from different positions.

**Sen. Billow:** On a point of order, Madam Temporary Speaker. I would appreciate if you could rule Sen. Murkomen out of order, because this set is, in fact, printed that it is made in China.

**The Temporary Speaker** (Sen. Ongoro): Order, Senator! Sen. Hassan, if you have insinuated that Chinese products are substandard, then I will require that you withdraw that statement and stick to your contribution.

**Sen. Hassan:** Madam Temporary Speaker, I did not say that. That is an insinuation that was borne out of Sen. Murkomen. In fact, Sen. Billow has actually confirmed that there is a sticker written “made in China.”

**The Temporary Speaker** (Sen. Ongoro): Can you confirm that your statement is in good faith?

**Sen. Hassan:** Madam Temporary Speaker, it is in absolute good faith that holds to the demeanor and stature of the Senate.

Madam Temporary Speaker, to allude to my last statement of support to Sen. Dullo’s Motion, we, as a Government, people and society, must start to meaningfully invest in this alternative field. I believe that these are also avenues of employment for young people. These avenues can create and generate wealth and enormous resource for our nation. If we can invest in this, we can be sure that it will also be an income and tax earner for this nation. The Governor for Machakos started something called “Machawood.” That is actually intended to build the film industry. If we can start a soccer academy and professional footballing in this country, sooner than later, we might have Kenya in some of the highest echelons of achievements in sports and arts.

Madam Temporary Speaker, I want to, again, congratulate Sen. Anyang’-Nyong’o for the great achievement. Although it is not his directly, I think that he played an extraordinary role. I remember the last time I was with him in Kisumu, there was also another award going on. Sen. Anyang’-Nyong’o had to wake up very late at night to follow the proceedings. At that point, also, the daughter won an award. So, as a parent, he takes keen interest and we congratulate him and the family.

Madam Temporary Speaker, I beg to support.

**Sen. Karaba:** Thank you very much, Madam Temporary Speaker, for allowing me to contribute in support of this Motion which was moved by a very well-versed, Sen. Dullo, from Isiolo.

Madam Temporary Speaker, I am happy that, at least, this is coming from a lady who is in her 30s. She must have gone through the school drama society and won several awards for her to be where she is now in America. In Kenya, we have such talents in schools. These ladies and gentlemen perform very well. Much as we find students performing very well in drama, Science congress and music festivals, nothing happens after that, even after performing in State House. They are given maybe about Kshs50,000 by the Head of State or just a talk of encouragement. From there, nothing else happens. So, this is an eye-opener. If a lady like Ms. Lupita can go on her own to the United

States, propel her talent and become number one in Oscar awards, that is encouraging. There are very many other wasted talents, which otherwise the Government would have tapped. I am, therefore, appealing to the Ministry concerned, to make sure that those who win awards in drama festivals and other festivals, particularly the Sciences, are sponsored to even higher levels, so that we can even tap more talents and get more of the Lupita Nyong'oos winning.

Madam Temporary Speaker, there are many others who have been forgotten having done very well. Particularly in marathon, we have had quite a number of young people winning several marathon awards, even for five years consecutively. For example, Ngugi won the world marathon more than five times. There is also Lang'at. After we honour this lady, we should even recognize the other young men and women who have done Kenya proud. If we only concentrate in the Oscar award, many other awards might go to waste. That is why the Senate should go a step further and recognize those people who have done Kenya proud, particularly in marathon, football and so on.

Madam Temporary Speaker, I also remember 1499 when Vasco Da Gama went around the Cape of Good Hope and managed to get to Malindi. He found an African Swahili man called Majid. For many reasons Majid has not even been recognized to have done Kenya proud. When he was found by Vasco Da Gama in 1499, the same Majid from Kenya, took him all the way to India to a town called Goa in 1502. He took three years to take Vasco Da Gama across the Indian Ocean. Since that time nobody even seems to care about what he did. This is a gentleman who did very well for Kenya. So, Kenya has been doing very well right from the 15<sup>th</sup> Century. Therefore, we can have a committee or even somebody to think about culture and those who have done very well, including, Munyao who went up Mt. Kenya to hoist the Kenyan flag during Independence time.

These are heroes who have gone and we are not even remembering them. We only remember them once in a while. Even for this case, maybe after next year, Ms. Lupita Nyong'o will be forgotten. Why can we not come up with a monument or a structure which can be constructed in the name of past heroes who have done us proud in this country, so that those people who were not there at the time that these things were done, can see their pictures and read their memoirs? That is the only way that we can keep alive the history of Kenya.

Madam Temporary Speaker, many awards, of course, are given on 1<sup>st</sup> June, 20<sup>th</sup> October and 12<sup>th</sup> December, but these people are normally forgotten. Those who will be in the committee for awarding people should come up with ideas and correctly identify Kenyans who deserve to be awarded. They should not just list people who have done very little to Kenya to be awarded those medals.

Madam Temporary Speaker, I support this Motion, which is in good faith. We hope that she will continue winning other awards. However, this should not be seen as a one-community success. It is a Kenyan success. What I have noticed in Kenya and many other countries is that we identify with success, regardless of the community that you come from. The moment you hear that it is a Kenyan who has won, you feel that you belong to Kenya. This is one way of promoting nationalism. So, if we could have more of these people winning and more of these debates coming to the Senate, I am sure that we

are going to have one cohesive Kenya. This is one country that we need to protect and this is one way of trying to promote nationalism.

Madam Temporary Speaker, I beg to support.

**Sen. Obure:** Madam Temporary Speaker, first, I want to thank Sen. Dullo for bringing this Motion at the very appropriate time. I also want to congratulate Ms. Lupita Nyong'o for this very significant achievement. It is clearly the result of very hard work, perseverance, focus and commitment.

Madam Temporary Speaker, I also want to join others in thanking the parents for providing a conducive environment and the teachers who guided her through and encouraged her on this course. Her success will obviously inspire many other young people in this country to develop their talent and bring them to the fore. This is clearly a historical and landmark achievement, which has put Kenya and Africa on the world scene in a very positive way.

Madam Temporary Speaker, we are all aware that there are many parts of the world where Africa is still seen as a dark continent. Out there when you speak about Kenya and Africa, images emerge of hunger, poverty, lawlessness, road carnage, tribal conflicts, bloodletting, drought and rampaging floods, internally displaced persons, refugees and all that. I believe that Ms. Lupita's success has helped to reduce the negative impact of these images. There are people out there who will start seeing something good coming out of Kenya and out of Africa. Ms. Lupita has cleared brought immense goodwill for Kenya and this goodwill will help to enhance brand Kenya. What she has done for Kenya will take the efforts of all our diplomats working together for many years to achieve if they do at all. The only other time when Kenya has featured prominently in glory is when our athletes have won medals in international competitions. However, Ms. Lupita's performance and success in the world of arts and entertainment industry has brought a different perspective.

Indeed, there is a completely different dimension that Kenya has other forms of talent. The questions we must now ask ourselves are; how do we identify these talents? How do we motivate those with talents to move to greater heights? What measures do we put in place to nurture these talents? What facilities or what infrastructure do we provide for use by other potential Ms. Lupitas in our respective counties? These are significant questions which we must begin to ask ourselves. She raised this challenge and said a child anywhere has a valid dream. This is a very huge challenge. It is now our duty and our responsibility to ensure that the child's dream is actualized. We should help to actualize the dreams of our children in this country.

We begin by recognizing and appreciating the potential which exist in the midst of our own children. We must urge the national Government in particular to develop a realistic policy for the development of arts and for the development of the film industry in particular in a systematic and sustainable way. We must begin to give prominence to local actors at every opportunity; at our own rallies, national functions, radio and televisions and other platforms so that they can have an opportunity to showcase their talent and develop them because those talents will be good for Kenya.

We all appreciate that today in the advanced countries, the contribution to their economy comes from services provided by actors, entertainment and sports. We are still

far from reaching those levels, but the time is now and we should be moving steadily towards that direction.

Madam Temporary Speaker, finally, I want to support the initiative taken by Sen. Adan Dullo and I strongly support this Motion.

**Sen. Mutula Kilonzo Junior:** Madam Temporary Speaker, Sir, I rise to support this Motion by my good friend, Sen. Fatuma Dullo and to say that as early as 3<sup>rd</sup> March, 2014, *the Times Magazine* noticed the talent in Ms. Lupita. As I contribute, I just want to read just a portion of it just for record as to how they described Ms. Lupita Nyong'o. The director said "passing is the humanity, she is the dignity in the tale, she is the grace in the film and you cannot make that up. The person has just to have it. Ms. Lupita is the real deal, she is a real artist. I saw a lot of beautiful girls, but there are not a lot who can do it from inside out." This is a proper description of an artist, the person we are seeking to recognize, but it begs the question and as I have heard from the contributions, I am beginning to wonder whether we have watched this movie in detail.

In this movie, they have got nothing to celebrate. It is a sad story of how people were mistreated in slavery. It takes Ms. Lupita Nyong'o being whipped severally by her master for her to become a hero; it takes Ms. Lupita to be defiled by the master in the film in order for her to become a hero. So, there is a message in it. As we recognize Ms. Lupita for demonstrating the sort of oppression that was there in America sometimes back, we must also begin to ask ourselves the question that it took a Kenyan girl, 31 years old, to show the story of American slavery to Kenya. The question we must ask ourselves is whether or not we ourselves need to confront the truth of the things we have done in order for our story to be shown by the Americans. The Americans have recognized that they mistreated their own people, therefore, they made a film in which Ms. Lupita Nyong'o is the hero. I was happy to see Sen. (Prof.) Anyang'-Nyong'o looking very nice in a tuxedo and supporting Ms. Lupita when she was getting the award, but this lady defined the simplicity of this country, the simplicity of the youth and I identify myself 100 per cent with the talent that I have seen.

There is something wrong about ourselves because it takes Mr. Ezekiel Kemboi to go out there and run tirelessly for him to win and come back a hero. It takes Ms. Lupita Nyong'o to go through so many rigorous training in school for her to come back as a hero. We do not recognize this, but maybe it is Biblical because in the Bible even the prophets were rejected at home. So, as we recognize Ms. Lupita, I believe that in addition to recognizing this lady for what she has done---

**The Temporary Speaker** (Sen. Ongoro): You have to wind up in 30 seconds.

**Sen. Mutula Kilonzo Junior:** I think there is a mistake with the timing. In 30 seconds, I want to say that in recognizing Ms. Lupita as a person who should be given a commendation, I believe this country ought to give her yet another role as an ambassador of good will for the oppression of women so that the women of this country can know that, indeed, the womenfolk have come from far, whether it is in America or Kenya.

**The Temporary Speaker** (Sen. Ongoro): Sorry about that. At this time because of the timings, as it is in the Standing Orders, I have to call upon the Mover, Sen. Adan Dullo to respond.

**Sen. Adan:** Madam Temporary Speaker, I wish to take this opportunity to thank my colleagues who have really contributed to this particular Motion although, initially, it looked like a fancy kind of Motion, but it has really attracted a lot of attention, especially regarding the concerns raised by Members. I believe that there is a lesson that can be learnt from the achievements of Ms. Lupita Nyong'o. Clearly from the recommendations and concerns raised by my colleagues, it is really important for us to urge the Committee of on delegated legislation to look at the HANSARD and pick out the recommendations made by various speakers and try to see how the county government can implement them. This could be quite useful to our youth and women in this country.

Madam Temporary Speaker, one of the concerns that I wanted to point out is the way this Motion has brought us out in terms of nationhood. We have a lot of insecurity and fighting between communities living in our counties. If we encourage the creation of films and music between the communities, it would be one of the unifying factors. It is important for us to look at the recommendations and see how we can implement them. Finally, I would like to say that we urge the county governments to see how they can budget for the interest of youth in the country so that we can nurture and exploit their talents.

Finally, I wish to thank all those who have contributed to this Motion and as for Ms. Lupita Nyong'o, the sky is the limit.

Thank you, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Ongoro): As you are aware, this Motion does not concern counties, so I will proceed to put the Question.

*(Question put and agreed to)*

**The Senate Minority Leader** (Sen. Wetangula): On a point of order, Madam Speaker.

**The Temporary Speaker** (Sen. Ongoro): Senate Minority Leader, what is out of order?

**The Senate Minority Leader** (Sen. Wetangula): Madam Temporary Speaker, nothing, but I just want to request the Chair that following this successful Motion - and I congratulate Sen. Adan Dullo - that the Chair directs the Clerk's Office to get the HANSARD proceedings and mail them to Ms. Lupita Nyong'o for her records.

**The Temporary Speaker** (Sen. Ongoro): Well, going by the mood of the House, I do not think that is an extra ordinary request. That can be done. It is so directed.

Next Order!

Order, Senators; the Motion under Order No. 9 has been deferred at the request of the Mover.

PROVISION OF EDUCATION FOR DECEASED  
OFFICERS' CHILDREN

THAT, aware that many officers serving in Kenya's National Security Organs die in the line of duty; further aware that most of them are very young with those who are married having young spouses and

children; concerned that the compensation given to their next of kin is not adequate to cater for the needs of their immediate family members particularly their children's education, family upkeep and other basic needs; the Senate calls upon the National Government to provide for the education of the deceased officers' children up to university level to cater for the basic needs of their immediate families.

*(Motion deferred)*

Next Order!

COUNTRYWIDE CIVIC EDUCATION ON  
NEW DEVOLVED SYSTEM

THAT, noting that the Constitution of Kenya, 2010 fundamentally changed the architecture of Government in the country; aware that many people in Kenya including elected leaders are not conversant with the new structure and especially the devolved system, the Senate urges the national executive to undertake comprehensive, well structured and systematic civic education countrywide on the new system so that Kenyan people can understand and positively participate in its implementation.

**The Temporary Speaker** (Sen. Ongoro): The Motion by Sen. Amos Wako has been deferred at the request of the Mover.

*(Motion deferred)*

Let us move to the next order.

**Sen. G. G. Kariuki:** Thank you, Madam Temporary Speaker. The Motion in front of us is one I consider to be very important for this nation. It is an issue that affects every person in this country and mostly Members of the Senate and the National Assembly. All the elected persons in this country are concerned about the security of this nation. I wish hon. Members would see it that way because it is a matter of national importance.

*(Sen. Musila stood up in his place)*

**The Temporary Speaker** (Sen. Ongoro): Order, Senators. First of all, Sen. G. G. Kariuki, I think it would be in order if you first moved the Motion. Hon. Members, unless there is something completely out of order, allow him to finish moving and then you can point out what, in my opinion, I have not noted.

**Sen. Musila:** Madam Temporary Speaker, the Senator has already realized his mistake. He was debating without moving the Motion. I think he has now acknowledged and he will move the Motion. That is the point I wanted to raise.

CONSTITUTION OF COMMITTEE TO UNDERTAKE  
SECURITY REVIEW IN KENYA

**Sen. G. G. Kariuki:** Thank you Madam Temporary Speaker. I want to thank my friend, the former Provincial Commissioner (PC), whom I liked very much. He worked very hard.

**The Temporary Speaker** (Sen. Ongoro): Order, Senator. You have not yet moved the Motion. You have to move the Motion before you start making your contributions.

**Sen. G. G. Kariuki:** Madam Temporary Speaker, I beg to move:-

THAT, aware that national security is prerequisite for maintaining a stable nation state; concerned that Kenya continues to be confronted by factors that threaten national security such as terrorist attacks, road carnage, cattle rustling, inter-ethnic conflicts, food shortage and floods; further concerned that various forms of threats to national security, such as cyber-crime and terrorism, constantly mutate thereby posing a challenge to security organs; appreciating the efforts of successive governments to safeguard national security; noting with concern that despite the efforts insecurity continues to increase; further noting that no security review has been carried out since Independence to forge a common strategy on safeguarding national security; the Senate urges the National Government to constitute a Committee to undertake a comprehensive security review with a view to formulating modern strategies capable of containing crime and safeguarding national security interests.

Madam Speaker, by moving this Motion, I am guided by Article 238 of the Constitution which is very clear. For the record of the House, I will refer to it so that we are clear on what we are doing here.

First of all, I will give the description of “national security.”

“National Security under Article 238 is protection against internal and external threats to Kenya’s territorial integrity, sovereignty, its people, their rights, freedoms, peace, stability prosperity and other national interests.”

Guided by that article, national security represents all the interests that Kenya has in and outside Kenya. That is why this Motion is very important. If the security of a nation is not guaranteed and assured, then we have not assured the people of Kenya of good living, food, investments and there is nothing you have assured the people of Kenya when the security situation is the way it is today.

National security is synonymous with national interests and it is the key to the survival of a nation. It is important that we note that. We definitely know that is what it is. Protection against internal and external threats is the job of our national government. The security of any nation should be held as number one in all our considerations. In fact, this should also be considered by providing money that can assist to sustain the security of our nation.

It is for the good of this House if I explain the current state of insecurity. Concern has been raised, recently, about the occurrences in Kenya which have exposed

weaknesses in our security systems. First of all, we will start with the road carnage. Road carnage has continued unabated. In a year, we lose about 3,000 lives. That matter is not taken very seriously by the leadership of this nation. This includes the National Assembly, the Senate and the County Assemblies because we were elected to ensure that we minimize dangers that face our people. That is just about road carnage.

Let me now turn to corruption, tribal conflict, cattle rustling, petty crimes, organized crimes, terrorist attacks, food insecurity, climate change, natural calamities and fire disasters. All these are matters of grave concern. When you read the newspapers, you will see that in one year, we lose about 3,000 people through road carnage alone. What about cattle rustling? Those figures have not been documented and I do not understand the reason why that kind of information is hidden from Kenyans.

Kenyans need to know how many people are dying in these kinds of atrocities like cattle rustling. It is important so that the country can feel comfortable to look for money to support those involved in this kind of hooliganism so that we control and ensure that the crime does not spread. Going further down, from 2012, about 20 terrorist attacks have taken place in our country. In Nairobi, Mombasa and North Eastern Province, scores of people have lost their lives. Nobody has taken it upon themselves to let the country know where terrorist attacks have taken us and that people should be vigilant so that they also control these kinds of atrocities.

Looking at the whole thing, there is also something referred to as “mob violence.” Why do we hear that someone has been killed through mob justice? This is because there is no trust in our armed forces. That is why the public decides to take up the matter. If they take these people to the police station, they are either released or if they are lucky to go beyond the police station, they are taken to court and they get released. That is why people take the law into their own hands. That is running the law of the jungle. However, we need to give people confidence. Our courts and our offices and leadership should be clean so that we do everything possible to show our people the correct direction. There are also other things like pick-pocketing.

Let us not be so comfortable that we fought for the second liberation. Time is coming when we will have to fight for the third liberation. This will affect us and we will be catalysts of the third liberation war. This is because when you have about 46 per cent of people living below the poverty line, what are you telling the world? You are saying that this country has 46 per cent of desperate, frustrated people who are ready to take up arms under an established system. That is my fear. This is something that we need to look into. It is a simple matter when you read it in the newspapers or from reports which are given out by those who take time to do some study and produce figures like the ones we are referring to. We must know that we are treading on very dangerous grounds. I am sorry if that is how we are ranked.

The issue of internally displaced persons (IDPs) should also be taken into account when we are dealing with this matter. We tried to ask for the profile of IDPs but there was a problem because we tend to talk about what happened since 1895. The challenge here is that there is corruption with impunity. Corruption with impunity is what has brought us all these problems. If you look at cattle rustling, you will see that this is just

like an industry. The *matatu* business is another industry that cannot be managed unless we move to do new things and think outside the box.

The challenge now and the way forward is that we have to formulate the National Security doctrine that will guide the national security strategy and policies that should be undertaken. We have to create security coordinating bodies and institutions. There needs to be an institution that can fill the grey areas and to operate outside the bureaucratic structure. That is the only way we will give this country a new lease of life. We need to change with the world. The world has advanced technologically and we should not be left behind. We should be able to detect crimes when they are committed and even before they are committed. The best security, in my experience, is to be able to know that a crime is going to be committed and not to act afterwards. However, in this country, after somebody has been killed is when we start running around and after a while that chapter is closed.

I am suggesting that we should be able to form a committee which is going to be independent and to try and bring in international recommendations to deal with crimes of this nature. There is need for urgent attention to national security as a prerequisite. The time to act is now. During the cold war, certain situations were supported by the external forces for the purpose of fighting communism but now, this is a problem we have to deal with ourselves. There is nobody from outside who will assist us because the insecurity we are experiencing is sometimes perpetuated by those who were our friends during the cold war. This is the time to improve our intelligence network and the police because we cannot continue to operate the way we did immediately after independence when we used to follow politicians to find out what they were talking about. We should understand where this country is going.

Madam Temporary Speaker, Sir, this country is heading into big trouble. I am not trying to overstate what I feel. Our armed forces should be reorganized and given all the facilities. The kind of vetting that is going on now is not a panacea to our problems because we are interviewing the same people. We need to re-inject a new understanding which can only come when we open up ourselves to the international community to exchange ideas and see how they have solved this problem.

I beg to move.

**Sen. (Prof.) Lonyangapuo:** Madam Temporary Speaker, I rise to second this Motion. On the onset, I want to thank Sen. G.G. Kariuki for coming up with this Motion at this time when Kenyans are becoming very security conscious as a result of the incidences that we witnessed sometime, not long ago.

The Mover of this Motion has stated what is worrying the 40 million Kenyans who reside in this country called Kenya. In the National Anthem, we have a stanza asking us to love and protect our country and we sing it with pride. With the trend of insecurity that we are witnessing now, sometimes we fail to know whether we should sing with dignity, honour and pride that this is our motherland. Looking at some of the challenges that have been stated, we should come up with revised strategies that can make sense in the lives of Kenyans today.

Terrorism which was not there before is now a real threat. We have been told that these terrorists and foreigners find their way into this country and sometimes we hear that

our young people have been taken to some training grounds outside this country. This sends a bad signal to all of us. We wonder where our security intelligence officers are to detect those who are disturbing the peace that has always prevailed in Kenya to the extent that we can have some people simply walking into the country and causing trouble, like they did at the Westgate Mall and yet the mall is right in the heart of Nairobi. We keep hearing that these terrorists came all the way from a neighbouring country which is many kilometres far away from here and they passed so many villages in order to reach here using vehicles. Where are our security agents when this is happening? Our policemen are always on the road and we wonder what they check.

Madam Temporary Speaker, Sir, nowadays, I am surprised that when you enter the Jomo Kenyatta International Airport (JKIA), our security officers usually open boots of vehicles to check whether there is anything unfamiliar entering the airport. These kind of reactionary security measures are making us a laughing stock of everybody. We have the borders separating the five countries that neighbor us but we do not know who comes to our soil from the neighbouring countries. We used to say that Kenya is a land of peace in the midst of turmoil and troubled states. We continued languishing in that state till we forgot that we needed to protect our land. If you try to find out how they enter the country, sometimes we are told that they do so by vehicles. It is not shocking that we hear tales that they bribed their way in, and the Kenyans who are supposed to safeguard our security took bribes from them. Our security officers at the top, starting from the President of the Republic of Kenya, should come up with a serious strategy on how national security can be enhanced.

The Mover has also talked about the lives of Kenyans not being guaranteed on the road. When you leave your home alive, sometimes you do not reach where you are going because of road carnage. We need to ask ourselves what has gone wrong when we talk of road carnage. There are the famous “Michuki Rules” that have been put in place but we do not practise them. The reason we refer to them as such is because the late Michuki was very firm when he was the Minister that he could not compromise at all. However, those rules are no-longer being followed. I am surprised that we now have the latest methods of containing road carnage. It does not make sense that public vehicles do not travel at night. I do not know what is different on the same road at night and during the day. There should be rules on how this can be managed. There are places that you can find joy and pleasure travelling at night so that you can reach where you are going.

Madam Temporary Speaker, it looks like Kenyans are very good at reacting when a problem has come up and they come up with some funny strategies that sometimes do not last. Because of what is happening, our security officers copied and pasted some of the rules our neighbours are employing. We are now talking about *Nyumba Kumi*. What is *Nyumba Kumi*? That you are supposed to count ten houses and put somebody to watch over them. Will this be with a salary or without? I wonder whether we know what we are doing. We have always operated on a Kenyan culture where elders, women and youth know who has come home. There was a Motion we debated in this House which was talking about remuneration of village elders called *wazee wa mtaa*. I do not know whether somebody got wind of the Motion and then came up with this idea of *Nyumba*

*Kumi*. Who is going to run this *Nyumba Kumi* thing? We need to discuss and see whether it makes sense for us here as Senators.

Madam Temporary Speaker, what is cattle rustling? Cattle rustling is like a game where people go to steal in order to eat more. When a thief steals somebody's cow, where is the security and what has gone wrong? The problem is that we have never come up with the latest technology of how we can contain cattle rustling. If you go to West Pokot and Turkana where cattle rustling is practised, there is no network connectivity. Which means it is impossible to report an incident and yet this Government has power to encourage mobile telephone providers to take boosters to strategic areas, paid for by Government. In West Pokot, we only had one police car nicknamed *Kanyarkwat*. When you saw *Kanyarkwat*, you knew that drunkards were in trouble because they would raid *chang'aa* dens. I am happy that today the national Government has sent 15 police vehicles to West Pokot. I want to applaud the Government for this. However, the police officers do not have houses.

We usually have inter-ethnic conflicts that sometimes occur, usually during the time of elections. This leads to Internally Displaced Persons (IDPs) and we are not able to settle them. There is a newer version of IDPs that is emerging nowadays. They are called externally displaced persons. Due to rain, some places give way in the mountains and people get externally displaced by nature. How do we step in so that these people are assured of their security? There are people in Papach Division in West Pokot who were displaced some three years ago and they are still staying in the caves. That is a serious security matter that the Government should have addressed.

Madam Temporary Speaker, our perpetual enemy is food shortage. Who does not know that in northern Kenyan, particularly, Turkana County and the neighbouring counties, we have shortage of food every year? What have we done? We have come up with a very brilliant plan called "one million acres put under irrigation." But instead of taking it where hunger is, we have taken it to the people who do not want it, that is, in Tana River and Kilifi. I still insist that this was a very misplaced idea. We should have shared those acreages in the counties where we have problems. For example, Isiolo County should have been given some portion to do irrigation and so on. Food insecurity is a serious threat to our people. We see photographs of people eating dogs, which is an absurd thing.

Madam Temporary Speaker, floods is also a serious national threat to our people. Every year, we hear of floods in Budalangi and other places, and we have not done anything about it.

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

**Sen. (Prof.) Lonyangapuo:** Madam Temporary Speaker, I second this Motion.

*(Question proposed)*

**The Senate Minority Leader** (Sen. Wetangula): Thank you, Madam Temporary Speaker. Allow me to congratulate my good friend, Sen. G.G, the distinguished Senator for Laikipia County, a county that has more than its fair share of security challenges in

this country, for bringing this Motion. Indeed, Sen. G.G. has constantly been on the frontline in talking about matters security.

Madam Temporary Speaker, he has listed many things and articulated them well. I think that it is a concern of this Senate. Take something like road carnage and other serious security challenges that the distinguished Senator for West Pokot has spoken about; until and unless we have serious change in attitudes and approach to these things, we will continue having these challenges. It is not that we do not have the law. We have the law, but it is just corruption and lack of the will to enforce the law.

Madam Temporary Speaker, when you take the issue of road carnage and I take this opportunity to send condolences to families in western Kenya, one in Vihiga, that lost 15 members in one road incident--- Yesterday, a truck ran over school children near Webuye, killing them instantly. The roads are there and some are quite motorable. But the problem is failure to observe and enforce the rules. I agree with Sen. Lonyangapuo. How does banning travelling at night reduce road carnage? A speeding and reckless driver will be reckless both in the day and at night. He will continue causing accidents. In fact, many of the bad accidents that we are seeing today occur during the day.

Madam Temporary Speaker, I have said before that one man called hon. John Michuki brought sanity to our roads in less than two months, by simply being uncompromising and saying that the law must be followed. Many of us really interacted with hon. Michuki and he used to have a very simple philosophy in life. His was reward and punishment. There were no two ways about it. You are either rewarded for what you do or punished for it. He was able to bring a lot of change.

Madam Temporary Speaker, if you look at what is happening between the counties of Pokot and Turkana, the Government cannot just stand aside and watch. They have the capacity, forces and money from taxes, to send personnel to tackle the challenges that those counties are facing. Look at Moyale in Marsabit County; forces from a neighbouring country have been walking in and out of our country at will. Look at Turkana, at the tip near Kibish, the Merilles have been walking in and out of our county at will, yet we have forces. We vote for money every year and we have a well trained army and police. Everytime they go out there on international assignments, they are always feted as the best. Why can they not be the best in Kenya also? This is the problem.

Madam Temporary Speaker, until we realize what threats face this country and even those vested with authority to guard our country, lives and realize the enormous responsibility placed on their shoulders, so that we do not see what we saw in form of the bungling of the Westgate Mall--- The other day an explosive device went off at the airport and the Inspector General said that it was a bulb. I was shot at and the Inspector General said that I hit a billboard on a road where there is no billboard. When there are problems, let us not look for excuses. I did not even accuse anybody of shooting at me. I told the police: "My car was shot at. Who did it and why?" It was as simple as that, but then they diverted it and looked even more ridiculous saying that I hit a billboard, where there is absolutely no billboard. This is not just about me, but many Kenyans. You saw the bus that killed about 50 people on the way to Narok. What did we see? The Minister for Roads ran there and said: "No travel at night," simply because the accident happened

at night. That is not strategy. That is called kneejerk reaction to an otherwise very serious problem.

Madam Temporary Speaker, I agree with my colleagues that now criminals are even more sophisticated. We have explosive devices and challenges from our neighbour, Somalia, a failed state that has given us challenges for the last over 20 years, where small arms and light weapons are brought into the country. We have seen what has happened in Eastleigh. Our colleague in the Lower House, hon. Hassan of Kamukunji, was disabled by an explosion in a hotel. These are things that are controllable. You will find that, that device may have come all the way from Kismayu or Mogadishu, through controlled borders, public transport and police checks until we lose lives.

Madam Temporary Speaker, in fact, Sen. G.G. would have gone a little further to ask for a national conference on security, so that all leaders of goodwill in this country can come together. Security is not just about the President, the Inspector General or Commander of the Forces. It is about all of us. It is just as culpable for a citizen who sees a person who is dangerous and keeps quiet, as a policeman who takes money from a person who is dangerous and lets him go. We need to appreciate the value of life.

Madam Temporary Speaker, cattle rustling has also been a serious problem. You saw what happened in the sugar-belt of Nyanza, where cattle rustlers walked into a home of a Member of Parliament, slaughtered his parents and walked away. Early last year, you saw what happened in Bungoma County, and I thank this Senate because I moved a Motion for Adjournment and got overwhelming support, when bands of marauding criminals went round the county maiming, killing, cutting and amputating arms from people. It was such a horrendous experience for the people of Bungoma, that we had to get our youths to form vigilante groups to bring sanity and order to our county. Sometimes it helps. Those of you who have watched a series of movies by some great film actor who passed away a year ago called Charles Bronson, called "Death Wish 1, 2, 3 and 4, where the police failed, he became the vigilante and tracked down all the criminals. There is another movie which you should watch, called "The Star Chamber," starring Michael Douglas and Yaphet Kotto, where they formed a chamber. Criminals are taken to court, tried and when there is miscarriage of justice, they go to the Star Chamber and review the case, decide whether or not that man was properly acquitted and then mete out justice in accordance with the interest of society.

Madam Temporary Speaker, I remember one time I was in a court in Kibera and a suspected robber was on trial. A witness in the box was testifying how he knew the fellow and in the presence and full view of the magistrate, police and everybody, the criminal was telling the witness: "Continue talking like that; I will come out and you will see." That meant that the criminal knew already that he would be acquitted, yet he was being charged with an offence that carried a death sentence. Indeed, I later followed the case. He came out and went and killed the witness. These are the challenges that we face.

Madam Temporary Speaker, the security organs in this country must be more accountable to the people of this country. We vote money for them and you know very well that nobody audits our Forces. Nobody asks them to account. Nobody asks the Commissioner of Police to come to Parliament regularly to give us a full account of the money that we give them. They are shrouded in the secrecy of the Office of the President,

and because of security reasons, you cannot audit it. The money comes and it just does what they do. We must hold everybody to account for their time, for their space, for their responsibility and for their duties.

Secondly, we must ensure that Kenyans obey the law, regardless of who they are. One of the biggest contributors to challenges to security in this country is our courts of law where justice is for sale. I am sure these Members in their private offices there have been once or twice visited by their constituents who asked for money to go and bribe magistrates to be acquitted. I have been and I am sure many others have been. When such things happen and you see your poor neighbour selling an acre of land to go and buy justice for their loved ones who have fallen prey to the law, then you know we have a serious problem. These are some of the things we need to confront. You have seen in the coffee growing areas, when payments are made to farmers, criminals take charge. As you walk home with your money in the evening, you are told; “*toa ile pesa*”, and if you do not give them money, you are killed and yet we pay taxes for security.

So, I would encourage those who will speak after me, if there is need to do so, to, in fact, amend the Motion and call for the need for a national conference to address matters of security, the challenges facing us, the modern day crime like cyber crime and the criminal empire that is run from Kamiti Prison. All the SMSs you get about winning lotteries that you have never participated in and others sending threatening messages, are all from Kamiti Prison. The other day, we saw in the media that in one afternoon raid, the prison officers recovered 3,600 sim cards in Kamiti Prison. Surely, if these are correction centres, how do they become cells for organized crime? Something is wrong somewhere and it has to be addressed. The reason people are sent to jail is to deny them the freedom and privileges that good citizens enjoy and give them an opportunity to be rehabilitated. But if you go to Kamiti and you continue running your empire as if nothing happened, then there is something wrong somewhere. We need to relook at our correctional services. At Bomas, I refused to call them correctional services, I said a prison is a prison. When you commit an offence and you are sent to prison, you go to prison. You do not colour it with a name that looks good when, in fact, you are in prison. When you go to there, you are corrected and correction still includes reward and punishment.

**The Temporary Speaker** (Sen. Ongoro): Senator, your time is up.

**The Senate Minority Leader** (Sen. Wetangula): I support.

**Sen. Musila:** Madam Temporary Speaker, let me, first, congratulate Sen. G. G. Kariuki. Ever since he came to the Senate, he has been very concerned about security issues. Every Motion that he drafts concerns security. No wonder he was at one time my Minister for Internal Security. The issue of insecurity in this country is real. We have recently noticed and heard of crimes that we had never heard before, for example, in Kirinyaga, Murang'a and elsewhere. Most of them ended up in deaths of innocent Kenyans. The issue of cattle rustling is as old as this nation. One wonders why it has taken this country and the governments that have been around this long to stop this menace. It is like an accepted practice yet it destroys people's property, livestock and loss of lives and we take it as normal.

Madam Temporary Speaker, lately, urban crime has been very severe in this country. Last week, there was a shootout near The Nation Centre and an innocent woman

lost her life and her husband was shot. When you see that photograph where innocent Kenyans who are doing their normal business in the centre of town were running for their lives, this is Kenya today. We have countless types of crimes. Cyber crime is a serious one but my humble view is what concerns us most is this loss of life of innocent Kenyans while those people who are charged with the responsibility of ensuring that people's property and lives are protected just watch.

Again, we have external threats. I know we have responded to threats from Somalia where people were coming from Somalia to kidnap tourists and doing all sorts of things and they get away with it. In Turkana, the Merilles cross over any time they want, steal and kill people but we hear nothing about what the Government has done. There is no policy to pursue those people who have harmed Kenyans. We just say "they are from Ethiopia" as if you cannot have a policy to pursue people who commit crimes in your territory. That is internationally accepted.

Madam Temporary Speaker, we have piracy. We have pirates in the Indian Ocean who act as if this nation has no security organs. They capture ships and do whatever they want until ransom is paid. We have watched in complete utter disbelief when a chopper comes to bring ransom from overseas to the pirates. The proceeds then come to Kenya and are invested as we watch and do nothing about it. In Ethiopia, we have the Oromo Liberation Front (OLF) which operates in our territory and whenever they want, they steal and kill but nothing happens. Acts of lawlessness in this country are too many to count. In my own county, between our border with Tana River County, people are killed and cattle stolen almost every day. We raised the issue with security organs and I want to tell you that ever since this happened over so many years ago, not a single person has ever been arrested for these crimes which were committed. We lack investigative capacity. We have no capacity to investigate crime, either deliberately or by design.

So, things happen in this country that are unbelievable. These acts of lawlessness which take place in this country and then go unpunished encourage the would-be criminals. Little wonder that the *matatus* can close down the city because that is called anarchy; where people do whatever they want, they break the law at will and nothing happens. This Motion is timely because whether it is a committee or a conference, it will bring into focus the problems that this country has of security. It does not really make any sense for us to create excuses, saying; "it is a bulb that had fallen." It is surprising that the Inspector-General did not even know that some people had been shot by his own men fleeing from that scene where he was saying it was a bulb that had fallen. If these are the kinds of people that we are going to base our lives and property in their hands, we are doomed.

So, I am calling for the adoption of this Motion. I support my brother, Sen. Wetangula, that if there is any way that it can be strengthened, whether it is a national conference on security or committee, so that this people can stay aside and be told more about security because they do not have a monopoly of knowledge on security. I am sure Sen. G. G. Kariuki would be very useful in this committee by sharing the knowledge that he has gathered over the years.

With those remarks, I want to thank the Senator again and I support this Motion very strongly.

I beg to support.

**Sen. (Prof.) Lesan:** Madam Temporary Speaker, I rise to support this Motion and before I do that, I wish to congratulate my colleague Senator, Sen. G. G. Kariuki, who for a long time has been very concerned about the security of this country. The review of the security situation in this country is very absolute. There are obvious and enough reasons to support the fact that we really need to relook at our security once more. It has been 50 years since we became independent and there are certain things that have changed and have changed radically and we must be able to recognize them in order to address the security situation.

For example, in 1963, there were only one million people living in urban areas in this country. Today, 50 years later, there are close to and above 15 million people living in urbanized areas. This number has increased exponentially and radically as a result of the influx. In other words, the people living in urban areas have not prepared themselves adequately to live in urban areas. Therefore, they have moved into urban areas haphazardly, unprepared and yet they would want to have a source of living within urban areas. With closeness of people living together in urban areas, it should be clear to us that their behaviours and their mode of action is going to be different. Therefore, it is going to affect the way we relate to each other.

The issue of mutation of crime has already been mentioned and I do not want to spend a lot of time on that. We know that the crimes committed in 1960s are not the same today. This mutation is one of the things that worries us. One of the more recent ones is to do with terrorism. These are people who are heartless and who have no reason to kill other people and yet they do so and exist amongst us. The laws that we have before were not contemplating this kind of behaviour by individuals. Therefore, these changes that have taken place over a period of time are things that worry us. So, we need to relook at the security arrangement we have in the country. For example, kidnapping is a very new phenomenon and yet it is that dangerous.

We also have things that have changed recently. In the recent past, this country has been blessed with the discovery of oil, a resource that is for the admiration of others. Therefore, other things have come in. We will soon be having threats from the borders of this country. Neighbouring and far-flung countries will start to admire the resource that we have in our country. Our country is perhaps ill-prepared to protect these new finds in our territory. We will soon be discovering oil in the sea. Therefore, the security arrangements we have at the moment are inadequate to protect this resource. It is very important that we review the security situation in this country. Perhaps one of the ways of reviewing the security situation of this country is addressing how we relate to our neighbours.

Addressing the security situation of this country is also part of addressing how we address our neighbours. Part of these arrangements will need to look at our international policy and relationships with others so that we do not attract enemies that may come to our country. It is very timely that the security arrangement of this country is looked into again in the light of some of the reasons that have been given in this House and those I have talked about. Some of the ways of reviewing the security situation of a country are simple and straightforward and some of them are already known to us.

One of the greatest setbacks we have with regard to security in this country is that we lack data. This is the why foreigners can walk into this country, commit crimes and walk out. This country does not have a record of its own population. It is important that we know who we are and how many we are. It is important, as a security measure that we look at the data that we have. Some countries have very good data systems. You simply have to put your finger in a screen and all your data shows itself. You do not have to carry an identity card or any document to a government office. All you need is your thumb. Once you use your thumb, all your data is displayed. It is important that we have all these data so that we ensure security.

The other thing we need to look at is the mapping of our country. Try to look for somebody in Eastleigh or any town, you will find that the streets have not been named and the houses are not named too. You can easily get lost in this country. This is what criminals thrive in. Unless we address the mapping of our country, criminals will always get away with some of these issues.

We have given training to our officers. However, we are expecting too much from them. We should not expect an officer who was trained in the 1970s to understand the kind of security they need to give in this age and time. It is important that we get back to the basics of the syllabus of training our security people and train the new personnel to cope with the crime and security situation in our country.

Lastly, there is a lot of security equipment which is available world over which we do not have to test and discover. This has already been discovered and tested and can be used in this country to curtail the insecurity that exists. For example, there is a very simple way of stopping cattle rustling in West Pokot. My friend is always there and he talks about arming security people to go and chase the rustlers. For your information, a small diode which is placed inside the animals can track and trace every animal in West Pokot. This is a bolus, a small thing. This is technology that we can use and return ten out of ten animals that have been stolen in West Pokot. Who will dare steal an animal once they know that it will be found? We know that this technology is there. We do not have to test it because it is used everywhere, in Venezuela and Australia where there is large scale ranching of animals.

The issue of rustling which costs us about 200 to 300 lives per year which we are spending about Kshs15 billion to contain can be contained by a small little diode. This is placed in the animal and it costs about US dollars 3. You do not have to place it in all animals but just a few. There is a lot of technology that this country can resort to in order to address some of the security issues in this country.

The other things that causes insecurity to thrive in this country is that it is hardly possible, in this age and time, to convict a criminal. They are clever and they have very clever lawyers. One of them is here who can argue their cases and they will go through. Unless we have forensic and DNA tests done in this country, criminals will run away from justice just because we cannot convict them in a court of law since we are using old methods.

This country ought to have a forensic laboratory in every county like yesterday so that we convict every person that we take to court and charge them with some offence. This is very important. The opening of boots of cars all over the place and checking of

handbags can be done away with by placing simple screening machines which would show every little metal that is being carried by individuals that can be used to commit crime.

Therefore, there is enough technology that can be used to help us to sort out our security situation. I am glad and I understand that an Information Communication Technology (ICT) board will be formed in this country. Part of its mandate will be to ensure that we have a security proof body that can utilize technology to enhance security in this country. We hope that other bodies, using intelligent systems and techniques will be used to compact insecurity in our country. We do not have to go very far. These things are available. It is for this reason that I support this Motion; that we relook at our security again. This Motion is not asking for too much. It is simply saying that we set up some organs to relook at our security again.

I am a bit skeptical about going for conferences because we only talk too much and nothing will happen. If we go the conference way, we will talk a lot and fill up files which will be stashed away. I think we only need a committee to be brought on board, organize it so that we utilise our training.

The issue of security is one of those that we need to address and do something about it for the sake of ourselves and for prosperity to come.

**Sen. (Dr.) Zani:** Thank you, Madam Temporary Speaker, for giving me this opportunity to contribute to this Motion. I think national security, especially where it has been achieved, is the best thing that a country can have. It is probably the reason why we have very many people migrating out of developing countries. Canada has been named as the best country to live in. The reason for that is that if you go to Canada, you will get houses without gates or walls; and people park their cars outside and leave the door open but nobody bothers to open the cars. This gives a state of comfort to everybody and a sense to work harder. You know that once you have an investment, it will be a secure investment and you do not have to struggle to protect it. In Kenya, you have to struggle for investments. You have to ensure that you employ body guards, install CCTVs and still, you are not protected. You will try to protect yourself in the house but how will you protect yourself in the streets? There is danger everywhere. This is not something unachievable.

Other developing countries have put in more efforts than we have, for instance, Rwanda. We recently visited Rwanda and we were amazed by the level of freedom and trendiness, ease and we were told that we could walk even at 12.00 midnight without worrying, even for women, and not worry that somebody will jump from the bushes and attack you suddenly. There is a sense of respect, decorum and safety and that is what we seek. This is probably one of the reasons that people migrate out of this country. When they migrate, therefore, that becomes a loss to this country because they are the same resources that we could have utilized to ensure safety and develop this country to better heights. There is a strong correlation between national security and development. When people feel secure, they work harder. When people feel secure, they know that they can protect their investments better.

A country like ours which has faced various levels of insecurity; be it through terrorists attacks, road carnage and food shortage, we always feel the implications in

terms of the socio-economic and cultural indicators. If we do not have security, obviously, we have a problem. One, we have a problem of unemployment which causes insecurity. You will find that people look for ways to ensure that they make money and make ends meet.

It is unfortunate that 50 years later, thugs and criminals seem to be a step ahead of law enforcers. You will find that they have access to radio calls and can intercept communication since they know what will happen. We feel as if we are losing the battle against crime. It seems as though we know how to control. All these theories have been discussed and put forward. We know how to control and it is not very expensive. I think we are missing some resolve. As a country, we have not come out strongly, enough, to demand for security so that it is enhanced.

Penology and penological systems seem not to deter anybody. There are people or criminals who are happy to go to prison. When they get a chance to go to prison, they are happy to go there. Sen. Wetangula talked about the crimes within the institutions especially the prisons. When you think about Block 4, where there are criminals who have been sentenced to hang, this is the highest level of punishment you can give. That is still not a deterrent. What does that mean? That sends shivers down the spine of many Kenyans. As much as someone is serving the highest level of punishment, they are still open to commit various crimes at various places, various times.

We need to reflect as a society on what is going wrong and where the problem could be. Is the problem in the families or educational systems, the way we socialize or what? I know many circumstances where parents do not have enough time to be with their children. Sometimes, parents are shocked to realise that their children are criminalized and are involved in kidnapping. They might not be aware that their children are taking drugs and that perpetrates some crimes. Who are the role models for these children? Where do they get the sense of judgment in terms of what is good and what is bad? What are they watching in the media and internet?

We are talking about cyber crime, the new source of crime. These come from exposure through different technologies and the fact that they can get away with it. You will find somebody removing money from a bank account in Taiwan but withdrawing it from an account which is in South Africa. There is also white collar crime which many people get away with. Some of those who perpetrate white collar crimes do not seem to be criminals and this seems to be accepted. In this society, it is not about how you attained your wealth.

Robert Marton was very clear. The moment we do not have a way of attaining a means, a society that creates a perception of how they should get wealth without hard work or bringing in values and virtues of hard work that have been culturally enshrined in our society, people use whatever means they want to get to whatever they want without bothering. Who are the heroes, therefore, in this society and how have they become heroes? This is something that we need to begin to interrogate and find out how we can move in a particular direction so that we are proud of who we are. We should set our norms and goals so that we do not have people who are rich out of stealing or killing other people in the process.

The crimes that thrive like cyber crime, manslaughter, terrorism and kidnappings have increased over time. One of the crimes I want to focus on is that of pedophiles. Owing to the porous borders that we have, considering that we do not vet enough to know who is coming into this country, we end up having all manner of people. There are countries where systems have been put in place. There are triggers so that when these people are within a particular community, there is an alert to watch out. In Kenya, that is open and they infiltrate to a point of abusing young girls and getting away with impunity. We end up having a reactionary system and not a preventive system and that is why we react when we have an incident like the Westgate Mall attack. I am sure at the moment, maybe our alert levels have gone lower. They will go high when there is a threat and then they go low when there is no threat. We have to keep it constant, not reactionary but preventive all the time. We want Kenyans to know that they are safe at every time and they can be protected all the time.

Madam Temporary Speaker, the Motion envisages to put into place a security review. I think this is very important and I think certain things will need to be done as we go that direction. First of all, we need to look at the typology of crimes, probably since Independence. We should look at the most frequent crimes, try to find the data for that frequency, how many people have been arrested for those particular crimes and how many of them have been reformed and then we can go back and look at the systems and see where we have gone wrong. What are the reasons for the lapses for those particular crimes and what preventive measures have been put in place?

Most of the crime statistics we get are for those who have actually had the bravery to prevent and to try to report for those particular crimes. Sometimes, Kenyans look at it as something ordinary because it is such a process to report and actually get the person apprehended. So you find that in many cases, many of the crime statistics are not accurate because the number of those who have not reported crimes is probably very high. The use of forensic is not very technical but most of the time we begin to patch things up at the crime scene and tamper with what happened. We need to use simple forensic techniques. Maybe this is where we need to encourage more people in the educational circles to get training in forensic science. How do we go to collect evidence at the site? We need the hair, the saliva and the nails. It is very possible to pinpoint. We do not want to be a big brother society; that we are being watched all the time everywhere. Sometimes the countries that have been able to secure those countries and make them have national security is because they have developed their "big brother". So, you find that in terms of road carnage, people will not over-speed, because there are road cameras and if you are caught over-speeding, they are able to trace you through your address and you will have to pay a particular fine. So, that control is very important for this country. It might not go to the extreme of "big brother" but I think we can do the bare minimum so that people can begin to have a sense of security and a sense of safety for themselves and their children at any one time.

Madam Temporary Speaker, we need to be able to audit who are our security forces. How did they get there? Did they get there because it was the only job available? Are they interested or what is the training like, are they motivated so that they can do better? We need to look at a job and see how it can be done even better.

I beg to support.

**Sen. Abdirahman:** Thank you, Madam Temporary Speaker. I stand to support this Motion. I want to thank Sen. G.G. Kariuki because this Motion has come a time when Kenyans are constantly getting worried about the security situation in the country. I remember towards the end of the last Session when we were about to go for the recess, this Motion was about to appear on the Floor of the House and listening to a number of colleagues, they were saying that there was no need for the committee. Some of them really disagreed with those Senators who were of that view outside because every small thing you do in life needs to be monitored and evaluated. It must be assessed at every level. Therefore, forming a committee to actually look into the lapses, performances and how the various agencies that are charged with the responsibility of delivering security to Kenyans co-operate in these aspects---. That is why you saw what happened, the last being the Westgate Mall attack.

Madam Temporary Speaker, security is a prerequisite for all the development that we are talking about. You can pump billions of Kenya shillings to counties and even nationally and results will not be achieved. It is unfortunate that we have not taken stock of where we have missed steps as a country. Kenya is one of the few countries where you can just come in one morning and secure a national identification or a passport in less than 24 hours. This is not a lie. We had the screening of some Kenyans which was thought not to be very good, but at times, I tend to imagine that it is very necessary because we must establish genuine Kenyans only after acquiring these documents legally. It is true we have porous borders, but the current Government and even the ones before have not actually checked them. They have failed to review the position. In 2002, the Kibaki Government had closed the porous border. Is closing a border which you are not able to monitor sufficient?

Are we devising new strategies to combat crime across the borders and not necessarily Somalia but even for Uganda, Ethiopia and Tanzania? This has not been done. Many commodities including arms and ammunition are being smuggled into the country and yet you put soldiers at various points to line their pockets. Security is not something that we can take for granted, and the lapse is evident. Our forces are ill-equipped and poorly remunerated. I think the current vetting of police officers is a welcome move. I am told it is going to cascade down to the lower levels. The same should happen to all other security agencies in this country so that we have a team that is able to work with a more harmonized approach.

Madam Temporary Speaker, we cannot guarantee security as a nation without collaborating with other regional partners. I am talking about the East African region and the Horn of Africa in terms of sharing information and trying to boost our numbers together to build strength so that we are able to actually achieve the security that we anticipate. Insecurity has evolved over time and become modern. Therefore, our training and techniques should be at par with what happens across other nations in this world.

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

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

Mr. Temporary Speaker, Sir, if we want to achieve security in totality, we should revamp the security institutions. So much money was spent on forensic laboratories and the infamous Anglo Leasing. Money is not a problem in this country. If we prioritize what we need in order to enhance our security, we should be able to provide the resources without any problem. We must take security as our number one priority as a nation. Those who think that a committee is not important are not right. People have formed committees where huge monies have been pumped in without any results. This committee will provide directions and policy formulation strategies. It will also bring on board the manner in which all those institutions will be able to co-exist with regard to security.

I support the Motion.

**Sen. Mwakulegwa:** Mr. Temporary Speaker, Sir, I would like to congratulate the Mover of this Motion for having brought it to the House, because insecurity impacts on any development in the country and, therefore, it is important, urgent and strategic for the country to deploy new strategic ways of combating insecurity. We should look at every sector because it is not only terrorism or cattle rustling; we need to have security in every sector. Therefore we call upon the Government of the day to provide security because it is one of its key principles and responsibilities. We therefore call upon them to actually review the security strategy so that they can be able to provide security in every area.

It is not only in the urban centres; we also have insecurity in the rural areas, for example, West Pokot, Turkana and parts of Tana River. These are areas where insecurity is thriving. Apart from this committee, we should increase accountability. We usually allocate a lot of money to our security agencies but we are told that we cannot discuss their budget or examine what they do with their money. It is high time we changed that so that the security agencies and the money given to them are actually checked by Parliament so that we can know for sure whether the money that is allocated to them goes to good use. It is sad when we allocate a lot of money and then we are told that the police do not have the proper and enough equipment. Where does that money go to? This committee should review and employ new strategies so that that element of not perusing the security budget should be removed so that Parliament and the citizens of Kenya can question how much money has been spent.

Mr. Temporary Speaker, Sir, when I was the Minister for Tourism, Kenya Airways used to carry four million people from West Africa who we used to cage at the airport because we thought they would cause insecurity in the country, but the same people from West Africa would go to countries like Dubai and stay there for a week, spend their money and go back to their countries. What we need to do in this country is to spend the money towards making sure that we build the capacity in surveillance so that an individual can be tracked. In so many countries including our neighbouring countries wherever you go, you can be tracked. If you go to Tanzania and Uganda, you will notice that you are being trailed by security agents. In Kenya, we have legislation and the rules, but there is laxity for purposes of people, maybe to make money.

We need also to look at corruption, because it is a big monster in this country. Unless we deal with corruption head-on, we might not be able to address insecurity in

this country. How is the budget spent? Is the equipment which is bought second-hand? Unless we investigate that, we could keep on even doubling the budget because of insecurity, but then find no improvement in terms of combating insecurity. Therefore, it is important and prudent that surveillance equipment is in place for our security agencies.

Mr. Temporary Speaker, Sir, we also need to make use of modern technology. We cannot be going around with walkie-talkies. That is an outdated mode of communication for the police. We need to have modern technology where you do not even have to notice a policeman on the road communicating. Through technology and retraining of our police force, we can combat insecurity which is making so many investors evade coming to Kenya. Insecurity is making some of the multinationals which have set base in Kenya, want to leave. For example, I worked for Coca Cola Africa. If insecurity continues, they will have to set base elsewhere. So, Kenya is at the risk of losing not only the headquarters, as a hub, but also the attractiveness by investors to come to this country.

Therefore, it is a matter of priority for us, as a House, and the Government and people of Kenya to really look at insecurity holistically. We should not point fingers, but look at insecurity holistically and maybe even develop specific sectors within the security agencies. For example, we have a porous border at the Coast, yet we do not have a coast guard which makes sure that, at least, our borders are secure. Yes, we have the Navy but a coast guard would enhance security on our waters.

Mr. Temporary Speaker, Sir, the Kenya Wildlife Service (KWS) is tasked to take care of security and make sure that there is no poaching. I come from Taita Taveta County, where 62 per cent of our land is occupied by KWS. That land is now thriving with terrorists and all manner of people from the neighbouring countries. That is why there is increased insecurity. We need, therefore, to make sure that the security agencies and docket are actually opened for investigation, so that Kenyans can give ideas and help to develop new strategies in combating insecurity.

Mr. Temporary Speaker, Sir, this country has no proper forensic laboratory. Therefore, there is need, as the previous speaker said, for this country to have a forensic laboratory and DNA equipment in every county, so that if a crime is committed, we can easily detect it and make sure that the people who have committed it are arrested and brought to book. But more importantly, we have to address the issue of unemployment. If the unemployment rate is more than 50 per cent among our youth, and they have gone to school all the way up to university level, they have the capacity to search the internet and enhance any kind of terrorism or insecurity in our country.

Mr. Temporary Speaker, Sir, the Government said that it was going to create one million jobs. As a matter of priority, let us address insecurity, bring in the investors and put up industries, so what we can address unemployment. If we do not address unemployment and corruption, this insecurity will continue to thrive. Therefore, there is need to deploy a new strategy of making sure that we look at these things holistically. Every recommendation by Kenyans should be listened to and taken into consideration. More importantly, we, as Kenyans, should also take security matters seriously. Whenever we see in our neighbourhood somebody who does not live there, we do not bother to report. Therefore, security is not a matter of the Government only. Even individually, we need to take care, love our country and enhance security.

Thank you, Mr. Temporary Speaker, Sir.

**Sen. Orenge:** Thank you very much, Mr. Temporary Speaker, Sir. I join other Senators in commending the Mover, Sen. G.G. Kariuki, for moving this Motion. He is actually the right person to do so, because he served in the security system of the country for quite a long time and has experience in these matters.

Mr. Temporary Speaker, Sir, I was not surprised when this Parliament was elected and the Senate established, that he chose to belong to the Committee on National Security and Foreign Affairs. He brings with him experience and probably, having been out of the Government, he was now in a position to look at these matters again, have a new look and determine a new dimension of dealing with security as a whole. Unfortunately for him, and I must say this, the Mover of this Motion was a Minister in the Government and in charge of the security docket at the wrong time. Maybe if he was in charge of security now, some of these good ideas that he is bringing about, would have informed us a long time ago. We would not be talking about setting up a committee, but probably trying to review an experience that is positive and enjoyed over the years.

Mr. Temporary Speaker, Sir, when my friend, Sen. G.G. Kariuki, was the Minister in charge of internal security, the State was feeling more insecure than the public. The State, therefore, was hunting people who really were not a danger to the State. It was spending a lot of resources and was forced in many cases to detain very many innocent Kenyans, purely, because the reading and understanding of the constitutional dispensation at that time was that the security of the nation came first. I think that he remembers even the institutional arrangement at the time and the offices that existed at that time, particularly, that of the President. He remembers that one of his colleagues said it loud and clear that it was, indeed, a crime of treason to imagine and encompass not only the death of the President, but even imagining and encompassing becoming one.

I remember one particular rally where I was with hon. Kimani Wanyoike. He was arrested and had to spend several days in detention for simply saying that Kenyans were free to imagine becoming President or whatever one wanted; in the words of Lupita “all our dreams are valid.” At that time, it was taken to be a crime to imagine and dream some of these things. So, the State at that time was busy hunting innocent Kenyans, instead of providing security and safety to the general public.

Mr. Temporary Speaker, Sir, if you look at the Constitution of Kenya, I know that under the principles of national security, there are provisions there which make me happy and comfortable, to the extent that it says that national security is the protection against internal and external threats to Kenya’s territorial integrity and sovereignty, its people, their rights, freedoms and property. So, there is a concept about national security that goes beyond what we used to experience, so that the national security, as a principle or concept, includes the protection of individuals and their properties, instead of putting that principle on its head and saying that national security is really about the security of the State. So, this provision in the Constitution is important.

But where I have a little bit of a problem with the Constitution – and you may be useful to us in this regard because I know that you take a lot of trouble into looking at this sacrosanct document - is Part 2 which deals with the Kenya Defence Forces. Again, the

responsibilities of the Defence Forces are set out. They include the defence and protection of the sovereignty and territorial integrity of the Republic of Kenya. But when you come to the National Police Service, and read the provisions relating to the National Police Service, Article 234, establishes the National Police Service. But if you look at Article 244 (b) it is the only relevant provision that I can elicit from that particular article, in relation to what we expect of the police as an organ of national security. But I think that it does not fully cover the broad mandate and responsibility of the National Police Service. It says: "Prevent corruption." Again, if you are to ask whether they are doing that, I do not think that they are scoring highly.

Mr. Temporary Speaker, Sir, it also says: "Promote and practise transparency and accountability. Comply with constitutional standards of human rights and fundamental freedoms." So, the core responsibility of the police, that we expect from that force is not found in that article. I think that this is an important omission that needs to be looked into and, probably, reviewed. You will realize that unlike the other provisions, like Article 242, where there is something to the effect that the National Intelligence Service (NIS) may perform any other functions prescribed by the national legislation, you do not find a similar provision in relation to the National Police Service other than what you find in Article 243, which does not deal with the responsibilities of the National Police Service. Normally, it is basically about the establishment of the National Police Service.

So, to that effect, I think that at some point in time, and during the review which hon. G.G. Kariuki is asking for, this is probably an area that we will need to look into. Even if it requires using additional words to define in *extenso* the responsibilities of the National Police Service, then let it be so in the Constitution. This is because all other institutions, like the Office of the Director of Public Prosecutions, if you read it, you can clearly understand what their responsibilities and functions are.

Mr. Temporary Speaker, Sir, having said that, the main question is not about just dealing with crime, but the symptoms why Kenya is going the wrong way in terms of not being a safe environment for citizens to carry out their activities without fear. That would not require turning Kenya into a police state, because that is also a way of dealing with the problem; where you cannot move an inch without being stopped on the road and asked your particulars, where you are going to and come from and whether you have an identity card. I think that these were practices that were there during the colonial days. Those were all driven towards ensuring that the environment was safe, although, safety at that time was safety of the settlers. I think it should be emphasized again and again that securing our borders is not necessarily effected by building walls around the borders or having more police officers. This is not also about having many guns and equipment or the rest of the paraphernalia handled by security organs.

The first point is to create a society that is envisaged in our Constitution in the preamble. The preamble talks about what we want Kenya to be as a nation with the principles of social equality and a safe environment; all that is in the preamble; apart from what is in the substantive parts of the Constitution. Kenya is on a daily basis becoming an unequal nation. We must be concerned about the gap between the rich and the poor. The late JM Kariuki said that Kenya is a nation of seven millionaires and seven

million beggars. He was trying to make the point that as long as Kenya in an unequal society, then we cannot be safe.

The starting point is to ensure that Kenya moves very quickly to a first world economy where every citizen, every child and every woman in this country can get the full benefits of being a citizen of this country. Otherwise, the trend we are seeing in Kenya and all over in our cities, reminds me of Charles Dickens's novel; *A Tale of Two Cities*. Those two cities exist in one city like the City of Nairobi. If you overfly this city, you will see that this is not one city. These are two cities and they could even be many cities in one. One part of the city which is a city on its own has people living in deplorable standards, worse than living in rural areas. The world over; where we have slums and ghettos, basic needs cannot be met. These areas become the breeding places for crime and insecurity. Dealing with that is part of dealing with insecurity.

Finally, crime prevention and detection are important. We should punish impunity so that we do not get away with crime. I would have continued, but I beg to support. This is a wonderful job that Sen. G.G. Kariuki is doing. I am happy that he will never sign a detention order under this new dispensation.

**Sen. Ongoro:** Thank you, Mr. Temporary Speaker, Sir. I rise to support this Motion. I would like to congratulate the Mover, Sen. G.G. Kariuki, for bringing this very serious Motion to the Senate. I listened to him moving the Motion and I was impressed by his articulation on matters security. I realised that this is a man who has been there and who has seen it all. He has been a Minister for Provincial Administration and Internal Affairs at one point. Therefore, this Motion could not have been brought by a better person, at a better time.

Security is the central pillar that holds a nation together. Everything else that we work hard for; either excellent infrastructure, enough resources, good GDP and so on, without security can become useless. We have witnessed very strong economies that have come down in a matter of days after they lost their grip on matters security. So, this is a central focal point for any serious Government, any nation and for any community.

I think this is the right time that this committee should be set up. It should be a very serious Committee. My suggestion is that this Committee should be constituted, not only of legislators, but should have representations from all the major organs and arms of Government so that we can, in one platform, come up with recommendations.

I will not repeat what has been discussed by my fellow Senators. However, I want to draw your attention to something that has always escaped our attention. These are the different kinds of insecurity and violations. We keep on referring to the physical insecurity issues. However, there are other very serious issues. We have psychological violence, emotional and economic crimes meted upon the people of this nation. When you have one person taking off with Kshs20 million in a fraudulent manner, that becomes an economic crime that costs lives and which denies people the opportunity to get good health and infrastructure and anything else that the money could have done.

The tragedy is that our criminal justice system has never impressed me. The real criminals, those who commit real crimes, still go scot free and we punish, with a lot of strength, one hungry Kenyan who stole a chicken from his neighbour to go and slaughter

for his children who were dying of hunger. One person who has taken Kshs7 billion in one day gets away with it and is even accorded State security.

In my opinion, we, as a nation, need to address the root causes of insecurity and not the symptoms. We have dealt with the symptoms for very many years. It is now time that we dealt with the root causes. Why do we have insecurity? As long as our youth are unemployed, we will not be dealing with insecurity. As long as we have very qualified people who are underemployed, we cannot deal with insecurity. For as long as this country has limited resources to be shared amongst very many people, there will always be matters that are perceived to be of injustice in terms of resource distribution. For as long as we have persistently and consciously refused to deal with historical injustices, especially matters that touch on land and other injustices that were meted before, whose consequences generations have had to suffer, then we are not addressing insecurity.

The way forward, I suggest, in dealing with the root causes, is to look at bridging the gap between the rich and the poor. Of course, I cannot go into detail of that but there is no need for that, given that one part of this society is busy building castles in the air in an ocean of poverty. Whether we like it or not, in that kind of scenario, insecurity will still thrive. We must find ways of bridging that gap between the absolutely poor and the absolutely rich. We will still have the poor and the rich but the gap will not be so wide.

Sometimes when I am driving home, I see a sea of humanity trekking towards the same direction and I thank God for his mercies. I am always worried about what would happen if they, for once, decided not to allow us to drive in the comfort of our cars while they are being rained on. That is what we witnessed yesterday when some Kenyans decided they did not have the money to pay an extra cent in parking fees. This city came to a standstill despite the fact that Nairobi generates 60 per cent of the GDP of this country. What would be the situation if this happened in every county? We better open our eyes to the harsh realities of life.

Secondly, we must address the issue of remuneration of security officers. It beats logic for a police officer who is earning a paltry Kshs20,000 and who is living in a shared room with seven other officers – an accommodation that would not even suit our pet kennels – to go after a robber who is holding Kshs20 million and not fall into the temptation of sharing the loot. This beats logic.

We must reconsider how security officers are paid. Pay somebody well so that they also do their jobs well. As long as they are paid such an amount and they are expected to follow robbers carrying millions, this does not beat logic.

Thirdly, have we ever conducted research to know what ex-servicemen are engaged in? I am talking about those who have been in the police force, army and those who have worked with the National Intelligence Service (NIS). They know the security apparatus of this country. They know how to handle guns. We retire them at a very early age when their families need school fees and they need this and that. We do not really care and we do not engage them positively in any reasonable economic activity. What do we expect? Behind every serious crime, there is always an experienced ex-serviceman who controls that group and tells them what to do. He knows what to do, where and when. We should collect data to know where all these ex-servicemen are; what they are engaged in and what they are doing so that we engage them well.

Fourth, we must deal with apathy. In the courts, as Sen. Wetangula said, once you attend court sessions and there is a witness who is not protected, even if he witnessed a crime and gives a testimony, three days after the criminal is set free, the witness is killed. Do we expect that another miserable Kenyan who is struggling to feed his family will offer to give testimony against any gangster? No, we need to relook at what happens because people are getting into the pathetic situation of seeing security agents and the public witnessing real offenders going scot-free and those who are petty offenders being punished heavily.

Lastly, we will have to inject security curriculum into our education systems so that our students at very young ages get to know about the aspects of security or insecurity, whichever may be. We need to bring up a generation of people who are security alert.

Thank you I support.

**The Temporary Speaker** (Sen. Murkomen): There being no other Senator willing to contribute, I call upon the Mover to reply.

**Sen. G. G. Kariuki:** Thank you, Mr. Temporary Speaker, Sir. First, I want to thank honourable Senators who have supported this Motion. When I was drafting this Motion, I knew very well that everybody in this country including elected leaders; those in the National Assembly and the Senate, would support this Motion. We are all having the same problems. We are all moving in the same boat and if it sinks, we will all go down.

Suffice it to say, we have a beautiful Constitution. The Constitution is given life by the people. Politics give life to the Constitution. That is why it is a political document. It is nothing to do with other things apart from the fact that it is a political document. People sat together and decided to live together. They are in an agreement.

We are lucky in this country that we have a new Constitution where we can refer many things. I do not want to go back to what used to happen during my time and how the Government used to act because it used to act within the Constitution even at that time. There was a Constitution and that is what Kenyans did away with it in 2010. That matter ended there. Whatever happened previously is a matter of history. Nothing can stop history from being written. It will continue to be written whether we like it or not. I want to assure my friend, hon. Orendo, that it is true that during my time as a Minister, there was no political murder in terms of assassinations.

The Minister for Provincial Administration and Internal Affairs was not signing any detention orders. This was signed by the Minister for Home Affairs. Therefore, I escaped that blame. Many people talk about the Wagalla massacre which happened in 14<sup>th</sup> February, 1994. I left the Government in 1993, September. Most people in this country continue to say that G.G. Kariuki was in charge. I do not know why they would want to place me somewhere I was not. I, however, managed to set the record straight.

I was impressed to listen to hon. Members. I felt very touched that we are walking a very tight rope in this country. It is the right time when our two principals accept that they can have several meetings everywhere. However, without giving security matters the first priority even if they spend all the money that they have, then they should give up all other developments for the sake of security. There can be no development of any kind, let

alone food. Food is the worst insecurity you can have in this country. You will find people begging for food and you comfortably give them Kshs5 shillings. After that, you forget immediately. This same guy is praying God that his time will come because he also belongs to this country. We should be very concerned about people who are hungry, and the poor.

For no apparent reasons, you will find that many people walk into villages, kill people and just disappear. No one has ever been arrested. For example, in Laikipia, there are so many people that are 30 years old, but because they are not being killed *en mass* like they did in Tana River and other places, our agony has not been captured in the media when we have gone through a difficult period. In Baringo, Samburu, Isiolo and parts of Laikipia, we have the Kenya Police Reservists (KPRs), but where small farmers are trying to survive, they are destabilized completely by people who have guns when other people have been denied. If this is what used to happen during my time, then I think I have to apologize to God that there was such a problem and we were not able to see.

Mr. Temporary Speaker, Sir, the committee I am proposing is very important because this House will come up with a written report. This committee is going to bring new life into our security arrangements. We need this kind of a committee so that we can have a point of reference. Somebody mentioned about a national forum to discuss security. That one will not take us anywhere. Just recently, we had a meeting at the amphitheatre and we were treated like school children by those who were answering our questions. We left the meeting thinking that something was going to be done when in actual fact nothing has been done. I have worked in the Civil Service and with the security men and women, but this idea of hiding the truth should come to an end. Kenyans should know what is happening in their own country. If people die of hunger, let the people know that people are dying as a result of lack of food. I do not know where we are heading to when we hide. Therefore, if this matter is kept public, it will influence the public to support the Government so that it can spend more money to make sure that food is available in every area in our country.

I once again want to thank hon. Members who have contributed on this Motion. This Motion ought to have been done with during the last Session, but it was not possible. Today, it has been possible and I am quite happy. I am most grateful to those who contributed and supported the Motion.

I beg to move.

**The Temporary Speaker** (Sen. Murkomen): Hon. Senators, first before I put the question, I would like to let you know that this is not a Motion affecting counties and, therefore, we all have a vote.

*(Question put and agreed to)*

Next Order!

ADOPTION OF REPORT ON FAMILIARIZATION  
TOUR OF KPA, KPR AND KPC IN MOMBASA COUNTY

**Sen. Mwakulegwa:** Mr. Temporary Speaker, Sir, I beg to move the following Motion:-

THAT, this House adopts the Report of the Standing Committee on Energy, Roads and Transportation on a familiarization tour of Kenya Ports Authority, Kenya Petroleum Refineries Limited and Kenya Pipeline Company Limited, in Mombasa County between 5<sup>th</sup> and 8<sup>th</sup> August, 2013 laid on the Table of the House on Thursday 27<sup>th</sup> February, 2014.

Mr. Temporary Speaker, Sir, the main objectives of these visits were:-

(1) To familiarize ourselves with the operations, challenges and workings of the State corporations under the Committee.

(2) To interact and create links with the State corporations for harmonious working relationship with the Committee.

(3) To get informed proposals and enrich the nature of policy and legislation touching on the sectors that could be tabled on the Floor of this House.

Mr. Temporary Speaker, Sir, we had three days and on 6<sup>th</sup>, we visited two organizations, that is, Kenya Ports Authority (KPA) and Kenya Petroleum Refineries (KPR) Limited. On 7<sup>th</sup> we visited Kenya Pipeline Company (KPC) Limited. One of the major observations in all these three corporations is that there is unreliable power supply that has majorly impacted on the operations of these organizations, to an extent that most of them could actually halt operations because of the power failure and blackouts.

As you know, the Port of Mombasa is one of the major sea ports on the African East Coast, between Tanzania and the Red Sea. It has a huge responsibility of providing effective service not only to Kenya, but to the hinterland countries including Uganda and the rest. Therefore, our visit really was an eye-opener; that some of the challenges that these organizations face have not come to the limelight because they have not actually discussed them.

Mr. Temporary Speaker, Sir, the Kenya Petroleum Refinery was actually put up---

**The Temporary Speaker** (Sen. Murkomen): Order! Hon. Senators, Sen. Mwazo will have a balance of 57 minutes as the Mover of this Motion.

### ADJOURNMENT

**The Temporary Speaker** (Sen. Murkomen): Hon. Senators, it is time to adjourn the Senate. The Senate, therefore, stands adjourned until Tuesday 11<sup>th</sup> March, 2014, at 2.30 p.m.

The Senate rose at 6.30 p.m.