

# PARLIAMENT OF KENYA

## THE SENATE

### THE HANSARD

Wednesday 4<sup>th</sup> December, 2013

*The Senate met at the Kenyatta International  
Conference Centre at 9.00 a.m.*

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

#### PRAYERS

#### QUORUM CALL AT COMMENCEMENT OF SITTING

*(The Speaker (Hon. Ethuro) consulted  
with the Clerk-at-the-Table)*

**The Speaker** (Hon. Ethuro): Hon. Senators, I am informed that we have quorum, so we may proceed.

#### PETITION

##### PLIGHT OF WORKERS RETRENCHED BY KENYA AIRWAYS

**Sen. Mbuvi:** Mr. Speaker, Sir, I wish to present a petition on behalf of Kenya Airways sacked or retrenched staff, pursuant to Standing Order No.217(b).

I wish to read the petition:-

We, the undersigned, are citizens of the Republic of Kenya, duly registered voters and taxpayers and who previously worked for Kenya Airways in various departments and whose names, signatures and other details are appended here pursuant to Standing Order No.222 of the Senate, authorizing THE Senator for Nairobi, Sen. Mbuvi Sonko, to countersign and lay this petition on the Table of the Senate. We, furthermore, draw the attention of the Senate to the following:

(i) That we have been working for Kenya Airways on permanent and pensionable terms in various departments and were members of the Aviation and Allied Workers Union.

(ii) That Kenya Airways undertook a restructuring, redundancy and retrenchment process between 1<sup>st</sup> August, 2012 and 4<sup>th</sup> September, 2012 where 447 unionisable employees lost their jobs.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

(iii) That due process was not followed and the retrenchment was done in violation of both the Employment Act No.11 of 2007 and the Labour Relations Act No. 14 of 2007.

(iv) That on 4<sup>th</sup> September, 2012, we, the said employees, received letters from the head of human resource relationships and rewards, Mr. Tom Shivo, informing us that we had been declared redundant and our last day of working being 4<sup>th</sup> September, 2012.

(v) That on receiving the termination letters, we went to the Industrial Court through our Union of Aviation and Allied Workers, case number No.1616 of 2012 on 13<sup>th</sup> September, 2012.

(vi) On 3<sup>rd</sup> December, 2012, the Industrial Court judge gave orders that all the sacked unionisable employees be reinstated to their roles held at the Kenya Airways without loss of seniority, continuity, benefit and privileges. He further gave orders that all employees be paid back their salaries and allowances from the month of September, 2012. He further directed that all the employees to report to work on 4<sup>th</sup> December, 2012.

(v) While the employees were still on leave, the Kenya Airways management went to the Court of Appeal and at the same time to the Industrial Court under certificate of urgency and sought orders to stay against the award granted by Justice Rika. Justice Monica Mbaru issued the orders blocking the return of the 447 employees even when the matter was still pending in the Court of Appeal. Again, the Kenya Airways went to the Court of Appeal seeking further orders of stay without informing the Court of Appeal that they had already applied for the same orders of stay from the Industrial Court.

(vi) On 12<sup>th</sup> November, 2012, the then Member of Parliament for Naivasha, hon. John Mututho, took the matter to Parliament which was a petition against the redundancy process and the matter was conclusively investigated by the Departmental Committee on Labour and Social Welfare and the Report was laid on the Table of the House on 4<sup>th</sup> December, 2012 and adopted by the National Assembly. The said report stated that due process was not followed and retrenchment was done in violation of both the Employment Act No.11 of 2007 and the Labour Act No.14 of 2007. Therefore, it was recommended that the 447 employees be reinstated back to work. Against the recommendation of the report, Kenya Airways went ahead and recruited foreigners to fill the same positions left by the retrenched staff.

(vii) Since the retrenchment, the affected employees have been undergoing severe difficulties and life has been unbearable for the months they have been out of employment as they are totally unable to make ends meet.

(viii) That further sacking of these employees has led to stigma - and this is difficult to shake off - which includes embarrassment, feelings of worthlessness, social exclusion and depression.

(ix) That this issue is not pending before any court of law, constitutional or any other legal body.

Mr. Speaker, Sir, at this stage, I would wish to lay on the Table some important documents in support of this petition. First, I table the redundancy notice, the letter that retrenched these sacked staff and the reasons cited are that Kenya Airways was making low profits and there was financial instability. I table this letter dated 1<sup>st</sup> August, 2013.

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

The second document is a ruling delivered by Justice Rika vide case No.1616, 2012. I also wish to table a Parliamentary Report that was adopted by the Tenth Parliament which ordered for the reinstatement of the sacked staff. I also table another ruling by Justice Mbaru. At this stage, I wish to state that there was a breach of law – the Res Judicata Act. No.201(7) – Any High Court Judge is not supposed to overrule an order issued by another High Court Judge. There was a ruling that was delivered by Justice Rika and before that order was implemented, another High Court Judge, Justice Mbaru, defied the orders of a judge of the same level. I also wish to table a ruling by Justice Mbaru who overruled a ruling by his colleague, Justice Rika. I also table the Civil Procedure Code Act 21(7) to show how the Judicature Act was violated.

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

Mr. Speaker, Sir, there was also an abuse of the court process because Kenya Airways took to court so many cases without notifying the court that there were other matters pending before the courts. This is a ruling by the Court of Appeal---

**The Speaker** (Hon. Ethuro): Order, Sen. Sonko! You know you have only five minutes.

**Sen. Mbuvi:** Mr. Speaker, Sir, you have the discretion of extending my time as per Standing Order No.1.

I am about to finish, so if you grant me five more minutes, I will be through.

**The Speaker** (Hon. Ethuro): Order, Sen. Sonko! You had started well especially quoting the Standing Order but they misdirected you, the Standing Order is 222. But I do not exercise discretion unless it is sought. So, you just do not assume that I will indulge you.

**Sen. Mbuvi:** Mr. Speaker, Sir, I am humbly seeking that you grant me at least three more minutes and I will be through with my petition.

**The Speaker** (Hon. Ethuro): Okay, proceed.

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

Mr. Speaker, Sir, Kenya Airways also violated the Kenya Citizenship and Immigration Act by employing foreigners without issuing them with work permits, and I also wish to lay on the Table the said Act.

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

Also, in their first letter, Kenya Airways retrenched these innocent staff citing that they were not making profits. I wish to lay on the Table data from their audit report, from their accountants, which shows that Kenya Airways is indeed making huge profits because they purchased nine aircraft and this is the list of aircraft obtained from Kenya Airways. I wish to table it.

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

They have also increased their network. They have expanded the routes where they are flying. The routes which were recently launched include Livingstone, Abu Dhabi, Blantyre, Kilimanjaro and Eldoret. This clearly shows that they are making profits.

Mr. Speaker, Sir, I wish to table a newsletter from Kenya Airways. After sacking these 447 staff, still there was a shortage of staff. There is a newsletter dated 2<sup>nd</sup> August and you will allow me to read just one sentence where the Chief Executive Officer (CEO) is commenting that our “Our cabin crew numbers are improving with the injection of 74 interns currently undergoing job training. However, we still have a gap of 139”. This clearly shows that there is still a shortage of cabin crew even after the 447 staff were sacked. There is another advertisement notice which was advertised in other foreign countries like Thailand, Ghana and Cameroun by Kenya Airways after retrenching our local Kenyans. They advertised their positions in other foreign countries and recruited foreigners without following the laid down procedures. I table the advertisement notice.

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

I also table a list of foreigners who have taken over the positions of these retrenched Kenyan employees. This is a list of 39 foreign employees from Thailand, Ghana and Cameroun. Further, I wish to table an audited report which clearly shows Kenya Airways has been making profits in terms of billions.

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

Mr. Speaker, Sir, the retrenched staff have not been paid their salaries for the last three years. They have been undergoing a lot of depression, their houses have been auctioned, they have been chased out of their rented houses and I wish to table notices from various auctioneers.

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

Mr. Speaker, Sir, the retrenched staff also bought cars on loans and some of them their cars have been attached and repossessed. I also wish to table attachment notices from auctioneers.

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

Mr. Speaker, Sir, I wish to humbly seek for the following orders: That the Senate, which is the Upper House, intervenes to ensure that the management of Kenya Airways implements the recommendations of the Parliamentary Report to the letter. That is, the Report on the petition by hon. Mututho, the then Member of Parliament for Naivasha Constituency on the ongoing redundancy exercise at Kenya Airways Limited laid on the Table of the Lower House on 13<sup>th</sup> September, 2012.

Secondly, that this matter be conclusively investigated by the relevant Senate Upper House Committee and further ensure that Kenya Airways management complies with the recommendations of the Committee.

I wish to add that so far, four retrenched employees have lost their lives due to this redundancy exercise or retrenchment.

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Ethuro): Ordinarily, petitions are not supposed to be annexed to some other materials but since papers are in the following order we will assume that the documents tabled are meant for that particular order.

So, the petition is committed to the relevant Committee, that is, Health, Labour and Social Welfare.

Next order!

### NOTICES OF MOTIONS

#### EXTENSION OF TERM OF *AD HOC* COMMITTEE ON PUBLIC COMPENSATION CLAIMS BUREAU

**Sen. Obure:** Mr. Speaker, Sir, I wish to give notice of the following Motion.

THAT, in view of the various constraints that the Ad Hoc Committee on Public Compensation Claims Bureau, constituted on 9th July 2013, has experienced in carrying out its mandate in accordance with its terms of reference within the stipulated timeframe approved by the Senate of three months; appreciating the Senate in establishing the Committee; recognizing the determination of the Committee to have a comprehensive report and legislative proposal for the enactment of a Bill to establish a one stop Public Compensation Claims Bureau in all counties to process outstanding claims and ensure claimants are paid within three months of retiring; this Senate do grant leave to extend the term of the Ad Hoc Committee for 3 more months to enable the Committee accomplish its mandate.

*(Sen. (Eng.) Muriuki stood up in his place)*

**The Speaker** (Hon. Ethuro): Sen. (Eng.) Karue, I do not see any Motion related to you listed.

#### DEVELOPMENT OF OFFICES AND DEBATING CHAMBERS FOR TANA RIVER, NYANDARUA AND THARAKA-NITHI COUNTIES

**Sen. (Eng.) Muriuki:** Mr. Speaker, Sir, on behalf of Sen. (Prof.) Kindiki, I beg to give notice of the following Motion.

THAT, aware that pursuant to Article 6 (2) of the Constitution, the Governments at the National and County levels are distinct and inter-dependent; also aware that one of the key objects of devolution pursuant to Article 174 is to facilitate the decentralization of state organs, their functions and services, from the capital of Kenya; noting with concern that three counties namely; Tana River, Nyandarua and Tharaka-Nithi, have no appropriate offices or debating chambers for the County Executives and County Assemblies, respectively, as they lack buildings and other infrastructure as their headquarters are located away from major urban centres impeding the performance of their constitutional and statutory functions and negating the purposes and principles of devolution; the Senate calls on the national Government, in line with section 15 (2) of the Sixth Schedule of the Constitution, to take immediate measures to develop office facilities and debating chambers for the three counties.

PROVISION FOR EDUCATION OF DECEASED  
OFFICERS' CHILDREN

**Sen. (Eng.) Muriuki:** Mr. Speaker, Sir, on behalf of Sen. Muthama, I wish to give notice of the following Motion.

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 and to cater for the basic needs of their immediate families.

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

NOTICE OF MOTION FOR ADJOURNMENT  
UNDER STANDING ORDER NO.33

ESCALATING INSECURITY IN MARSABIT COUNTY

**Sen. Hargura:** Mr. Speaker, Sir, I rise under Standing Order No.33(1) to seek leave to move a Motion of Adjournment for the purpose of discussing escalating insecurity in Marsabit County as a matter of urgent national importance.

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

**The Speaker** (Hon. Ethuro): You may resume your seats.

Standing Order No.33(3) says that if the Speaker is satisfied in terms of paragraph 2 and not less than five other Senators rise in their places in support, then the Speaker shall nominate a time on the same day in which such a Motion may be moved.

I order that this Motion comes at 11.00 a.m.

Next Order!

## MOTIONS

### ADOPTION OF REPORT ON FAMILIARIZATION TOUR OF GEOTHERMAL POWER PLANTS IN OLKARIA AND NAIVASHA

THAT, this House adopts the Report of the Standing Committee on Energy, Roads and Transportation on the Familiarization Tour of Geothermal Power Plants in Olkaria – Naivasha, Nakuru County on 12th August, 2013 laid on the Table of the House on Tuesday, November 26, 2013.

*(Sen. Mwakulegwa on 27.11.2013)*

*(Resumption of Debate interrupted on 27.11.2013)*

**The Speaker** (Hon. Ethuro): Who was contributing?

The Mover was Sen. Mwazo, who was still moving. But I think he had to rush somewhere. Sen. Obure, are you holding brief?

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

**The Speaker** (Hon. Ethuro): Then proceed.

Now, are you part of the moving or are you seconding?

**Sen. Obure:** Actually, Mr. Speaker, Sir, what happened is that Sen. Mwazo told me that he had completed moving the Motion, and he has asked me to second it.

**The Speaker** (Hon. Ethuro): Anyway, that is the only way to do it.

**Sen. Obure:** With your permission, Mr. Speaker, Sir.

**The Speaker** (Hon. Ethuro): You cannot complete his job; we will assume that he terminated his part. So, you can only second.

**Sen. Obure:** Thank you very much, Mr. Speaker, Sir.

Mr. Speaker, Sir, this is in connection with a report by the Standing Committee on Energy, Roads and Transportation. That Committee paid a visit to Olkaria KenGen facility in Naivasha area, and this visit was intended to enable hon. Members of the Committee to familiarize themselves with the operations of KenGen and to give them an opportunity to appreciate the challenges faced in the generation of electricity.

Mr. Speaker, Sir, we established that KenGen has become the leading electric power generation company in Kenya, producing approximately 80 per cent of our energy requirements. It is a company which is 70 per cent owned by the Government of Kenya. We noticed that despite the various challenges which this company has faced since its

inception, it has made very significant achievements, particularly in the area of geothermal development. The company provides employment opportunities to approximately 2,000 Kenyans. As a Kenyan, I feel very proud that KenGen, which has raised its profile to the level where it is now ISO certified, is fully managed and controlled by Kenyans, who include professionals and highly qualified engineers. Practically, all the expertise is locally sourced and a majority of them are pure natives of Kenyan origin.

Mr. Speaker, Sir, the visit to Olkaria also revealed that there is a huge potential of up to 10,000 megawatts of electricity sited in 23 locations around the country. These locations are spread all over; for example, they include Olkaria itself, Menengai in Nakuru, Silali, Bogoria, Paka, Suswa, Homa Bay Hills in Homa Bay County; Lake Magadi, Nyambene Ridges, Chyulu Hills and very many other areas of the country. We also noticed that only two sites are being exploited at the moment; that is Olkaria and Menengai. The potential in other areas has not been tapped at all. It is envisaged that by 2030, we would have realized up to 5,000 megawatts of electricity. That would be a substantial contribution towards our energy requirements, although we could do better; we could tap even more potential out of these indigenous assets.

Mr. Speaker, Sir, as we all know, we are not self reliant on energy. In fact, energy is a major constraint to our economic development and social transformation. We also know that, in fact, it will be difficult for us to achieve Vision 2030 if we do not generate sufficient energy at affordable rates. Our focus as a country should, therefore, be to supply reliable, environmentally friendly and affordable energy. That should really be our focus going forward. This source is clearly geothermal, which will help to turn Kenya's economy around.

Unfortunately, Mr. Speaker, Sir, KenGen today relies very heavily on funding from the Government and this is, obviously, unsustainable. It limits its operations because, of course, the Government has other priorities. Therefore, KenGen must now find other alternative ways of raising funds to speed up its electricity generating programmes. KenGen, for example, has drilled approximately 180 wells in the Olkaria area alone. Some of these wells are ready to generate electricity to be connected to the national grid. The Committee, therefore, recommends that those wells which are ready should be put into use immediately so that they can sell electricity to the national grid and, by so doing, enable the company to generate more cash for itself; cash which, of course, will be welcome to assist in further expansion of its capacity.

Mr. Speaker, Sir, the steam in the other wells should be recognized as an asset which can be used to secure additional financing from financial institutions and other areas or support organizations so that the company can continue to expand its capacity to meet the country's energy requirements. KenGen presently operates as a parastatal with all Government controls and bureaucracies. In view of the urgent need to be self sufficient in energy, I strongly feel that the Treasury should free KenGen to allow the company to go into innovative ways of looking for other sources of money to finance its activities. I think this will be good for the country, and that company should, in fact, be allowed to seek other sources of financing because it has a very strong asset base.

Mr. Speaker, Sir, we noticed that the company is engaged in very important corporate social responsibility (CSR) in the area where it operates, the Naivasha area. We noticed, for example, that they have assisted local communities to build schools and hospitals; it has even assisted the communities to relocate to better areas and, at the moment, it is involved in building housing units for members of the community which, in my view, is something we must welcome and congratulate the company for.

Mr. Speaker, Sir, KenGen has also built a number of roads in the area, which has improved movement. The company uses these roads together with the community around. We also noticed that they have done a major road to bitumen standards – the Moi South Road – from Naivasha to Olkaria. Substantial resources were used to do that road; resources which could have been used to undertake its core functions. We have recommended in this report that the Government should consider refunding KenGen those funds so that they can be used to develop geothermal energy rather than going into the other area of building roads.

Mr. Speaker, Sir, we also noticed that the company, together with its sister company, Geothermal Development Company (GDC), have issues and conflicts with the community over land. This is particularly apparent in the Olkaria area; but it is particularly apparent even in the Suswa area. We do not think that the resolution of these conflicts should be left to the company alone. We think that the national Government as well as the county government should assist these companies to acquire exploration sites in all these areas and in all other potential areas where it is likely to extend its programmes to.

We are, therefore, urging the national Government to take particular interest in the activities of KenGen and GDC because they are involved in serious work which will help this country in the long run. They should be facilitated, they should be given more funding to expand their programmes because we think that, going forward, we need more electricity and energy; and we need to reduce the cost of power. This is the only way we can industrialize; this is the only way we can transform the social lives of our people, and we do seriously think that greater attention should be paid to these companies.

Therefore, Mr. Speaker, Sir, I want to conclude my remarks by appealing to hon. Senators to note this report, to support it and to encourage the Government to take keener interest and to increase its funding to KenGen and its sister organizations because we need that to be done so as to overcome our energy deficiency.

Mr. Speaker, Sir, I beg to second.

*(Question proposed)*

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

**Sen. Billow:** Thank you, Mr. Speaker, Sir. I want to thank the Committee for this report, which highlights their visit to Olkaria. I also want to thank them for bringing the focus on geothermal power development.

Mr. Speaker, Sir, if we look at the Government's development blueprint, Vision 2030, the most important challenge that faces this country's development; that has particularly hindered the industrial take off; that has also affected the regional or global

competitiveness of this country, is the high cost of energy. This is a matter that has been raised for many years, and the successive Governments have repeated it; that their main commitment would be reducing the cost of power so that our industries can have cheaper power and, therefore, reduce their cost of production, which will in turn enhance their competitiveness.

Mr. Speaker, Sir, it is also the pledge of this Government – now different than the others – that they are committed to reducing the cost of power so that the competitiveness of the country will be enhanced. However, it is one of the major challenges. For me, the single most important challenge that I have seen is the lack of coherence on Government policy in the energy sector. Even as we look at this report, you can find clearly that there is no coherence. The Government very clearly in this report--- What comes out is that there is an urgent need to develop our power capacity to accrue at least 5,000 megawatts in the next couple of years, but by 2030, at least we should have 15, 000 megawatts.

The challenge we have here is not the lack of resources to generate. We have the geothermal power resource available, but it is the lack of policy; that we are not focusing our financial resources or our energies into it. Even as we look into this, with all this potential for geothermal, you find the Government engaging in other very expensive dreams, for example, nuclear power energy. Why would you want to go for nuclear power energy when you have the potential for geothermal to generate even up to three times this 5, 000 megawatts that is being projected?

The second thing is the cost of power. Currently this country's power is one of the most expensive in the region. The reason is because of the mix of the power sources that we have; the thermal power, the hydro electric power and of course, the emergency power sources that we have which provide at least 60 per cent of the power sources. That is what makes it very expensive because power like from the generators can cost up to Kshs35 per kilowatt. This geothermal is the single cheapest source of power.

In this Report, we are told it is about Kshs8 per kilowatt. If that is the case then, there is need to focus a lot of our resources in this particular area. What this Committee is telling us is that for the Government to generate the 5, 000 megawatts, they will require US Dollars 20 billion. This is Kshs17 trillion. But with the 5, 000 megawatts of power, this country will not have any more power shortages. It will no longer be using generators. It will no longer have expensive power. It will be the destiny of investors. The reason why many investors are leaving many of the countries in this world is because of the cost of power. They go to countries where the cost of power is cheaper because the cost of production becomes cheaper.

Mr. Speaker, Sir, what this Report is telling us is that there is an over-reliance on the Government's financial resources in order to fund geothermal power development. This financial year, the Government only allocated Kshs4 billion to geothermal power development. When the strategy is to develop 5, 000 megawatts and you need US Dollars 20 billion and you just allocate Kshs4 billion, clearly there is a mismatch between the Government's commitment towards geothermal and what it is actually giving out in terms of resource. It is a pity because we are being told in this Report that because of that, we are losing Kshs50 billion of donor investment. This is what we are being told. This is for the three areas of Menengai, Suswa and Bogoria. The figure comes to Kshs48 billion

that we are likely to lose because the Government is unable to provide the counterpart funding of only Kshs7 billion. I have never seen a Government so confused, with all due respect and the Senate Majority Leader is seated here and he needs to advise the Government that you are being offered Kshs50 billion and all you are required to do is to invest your own Kshs7 billion.

We have a public expenditure of Kshs1.6 trillion. There are a lot of areas in which the Government has put that Kshs1.6 trillion that are not priority areas. For example, we decided to put Kshs17 billion into the laptop project and yet that project requires power. If Kshs7 billion can give you Kshs50 billion of donor funding, Kshs17 billion would attract how much more money from the donors? It can give you at least three to four times that amount. This is the lack of priorities and these are the challenges we are faced with in the successive governments and this is why this country cannot develop. We see where we are going but we end up going in different directions all the time. This is unfortunate. The Committee does not come out very well in their Report on what action they plan to take on this.

Mr. Speaker, Sir, for Suswa, it says that donors want to give Kshs17 billion. The Government was only required to pay Kshs1.5 billion. They cannot allocate Kshs1.5 billion and, therefore, what is happening is that we are losing Kshs17 billion. When you add up all the figures, it goes to the Kshs50 billion. It is unfortunate that we do not seem to be focused.

The second thing is that if the Government does not have capacity and has no interest funding that area, why can they not privatize? Why can they not invite private sector investment into this? There are many countries in this world who are ready to put investment in this area. You should give them 100 per cent equity so that they can go and invest in geothermal. For the private sector to go and invest in that area, you have to go through some Government arrangements. In my view, if this area is completely freed to allow investors to completely own those companies that will drill and sell power to the Kenya Power Company, I do not think we would get into this crisis. There is an urgent need for us to develop power.

That is why I fully support what the Senator who has seconded has just said, that GDC as an institution should be privatized. If you are not able to fund Geothermal Development Corporation, why would you want to keep it as a 100 per cent Government owned? You have privatized a substantial amount of the distribution of power but the trend globally is that that area of power and telecommunications, areas where you do not have capacity, where the country depends on for competitiveness of business, you need to give it to the private sector. They will be floating shares here through IPOs and generate billions of Kenya shillings even locally from the private sector.

When KenGen was partly sold, you remember the way it was over-subscribed. It was subscribed more than two to three times. Subsequently when they also floated bonds to raise money, it was significantly subscribed. In other words, in our own capital markets, we have huge amounts of resources that are available. Kenyans are ready to invest. In the last three years, there is no company that has floated shares. No public company in the last four to five years has been sold in the Nairobi Stock Exchange (NSE) yet the liquidity in our capital markets in this country is quite huge.

Mr. Speaker, Sir, there is need for the Committee to really engage Treasury and the Government in this regard so that they can utilize the opportunities which are available. It is a shame that three donor funded rigs that are really wells for the purpose of generating this power are now being abandoned because GDC is unable to recruit 100 staff to operate those rigs. So, those rigs have to be shut down. It is a shame and then we say that we are committed to providing power and reducing the cost of power.

The other thing I want to mention in this matter is that there are a number of challenges in terms of policy. This is an area where there a lot of political passions. This is why you have seen a lot of investments. People have been allowed to invest significantly in generators and other emergency suppliers so that you put it on the national grid and you get a lot of money, yet that is the single most expensive source of power at Kshs35 per kilowatt. The Government must stop that. You cannot tell Kenyans that you are committed to providing cheaper sources of energy yet you are licensing others to continue so that they can make money and rip off Kenyans.

It is unfortunate; if you look at your electricity bill, you can see how many things you are charged for; fuel adjustment and forex adjustments. In other words, you are carrying all the liabilities of that corporation just to make sure that that company remains profitable. So, even when the tariffs are increased, even when the Kenya Power Company asks for tariff increases, you will find that they are actually making huge profits. Why does that happen? How do you allow a company to increase their tariffs when they are making huge profits? At the same time, you can also look at the quality of service we are getting. You sit in this Senate and the power just goes off. You are running your factory and the power just goes off.

Mr. Speaker, Sir, I think it is time we really looked at the policies in this industry to ensure that the Government is committed. The previous challenges that we have had because of the politics is the corruption in this industry. That has been responsible for the high cost of energy. We have been told of situations where the cost of drilling a well was about US Dollars 2 million and next time we will be told that this cost has risen to US Dollars 4 million. This is an industry where we need to ensure that there is value for money because this is where we depend on as a country in order to take off. There cannot be an industrial take off unless you have energy that is cheap, affordable and regular. I think it is important that the current Cabinet Secretary and his team focus on cleaning up this sector.

In this regard, I want to mention that, in fact, the Government is crippling this sector. I want the Senate Majority Leader to note this. Nine months after they came to power, we do not have a substantive managing director for KenGen, the Kenya Power Company (KPC) and the Kenya Pipeline Company. Those positions were advertised---

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

**Sen. Billow:** I do not need information.

**The Speaker** (Hon. Ethuro): Surely, Sen. Billow, it is your right not to be informed, but when you are raising some doubts, maybe you may---

**Sen. Billow:** Mr. Speaker, Sir, I know my leader well and I would rather not take information from him.

These positions were advertised and persons competitively recruited. I think the process was done and I think it is the question of just announcing who were successful so that these uncertainties can end. When you are acting, you do not have that full commitment to carry out anything because you feel insecure. I think it is important that you do not have four to five people in acting capacities in the most important institutions in this industry. I think the sooner His Excellency the President confirms the appointment of these people, the better.

Mr. Speaker, Sir, I would like to conclude by thanking the Committee, but they need to come out boldly in terms of the funding and put the alternatives that they have before the Treasury. In particular, they need to free GDC and to fully allow equity participation in that sector so that people can participate and we get out of these problems about energy.

I support.

**Sen. (Prof.) Lesan:** Thank you, Mr. Speaker, Sir. First of all, I also wish to join my colleagues in thanking the Committee on Energy, Roads and Transportation, for the Report that they tabled in the House.

Mr. Speaker, Sir, we do know that this is a very important sector in our country and economy which relies entirely on power. The worrying thing at the moment is that the cost of power in this country is excessive. I, therefore, want to thank this Committee for the Report that they have given us. I would also like to appreciate that Reports of this Senate, really go out and bring hands-on information for the Senate to deliberate on and assist the country to face the challenges in the energy sector.

Mr. Speaker, Sir, while I thank the Committee, I also wish to make some few comments that, probably, would try and mitigate some of the issues that are arising in this sector. During the time that this Committee was visiting Olkaria, we witnessed some very vicious evictions happening in Maela, where the Geothermal Development Company (GDC) is undertaking its work. The eviction of the citizens who were living in that area was very vicious. It looks like those evictions were done by third parties. It is, therefore, important that the Government stays on friendly terms with its citizens, so that when issues like eviction take place, they are actually planned and orderly.

There should be compensation or alternative settlements for the individual, so that good relationship exists between the citizens and the government, and any developments that happen within the area. I, therefore, urge that any further displacements of people to pave way for power generation should be done in a manner that does not hurt the communities of the area, because we need their support in the process of generating power.

Mr. Speaker, Sir, I note from the Report, that the power that is going to be generated within the GDC in Naivasha will join the national grid and transported 150 kilometres to Nairobi, to be utilized, perhaps, in industries. I note that where this power is being generated, there is a lot of land. To mitigate on the cost of this power, it might be prudent to utilize this power within the area where it is generated; more particularly, in this ample space where this power can be utilized. For example, I will be expecting that

several industrial parks be created or developed within the areas where this power is being generated, so that it can be utilized without losing some of the power in long distance transportation.

This will lower the cost of power. I think that, that is a very feasible thing, more so because these are the only areas where you can find space to develop meaningful and expansive industrial parks, where readymade materials will be available and it would be easier to transport and send them out. Therefore, I think that this Senate, will probably be putting its input in reports like this one, in order that matters like that can be considered, so that it can assist in lowering this enormous cost of power in this country.

Mr. Speaker, Sir, the generation of power using steam is a phenomenon that is common in tropical countries, where hot springs are found. This kind of industry is not found elsewhere and it is important that the energy sector invests some money in research, to try and find out the long-term consequences of using and utilizing steam from underground, so that this investment which we are making, which is very substantial for our country, is secure for many years to come. I say so because within the areas where the steam is being generated nowadays, there are some things that are not explainable. One of them that we know and is happening is that there is a rising level of water in lakes within the inland area.

I would, therefore, think that it is within the onus of the Ministry of Energy and all those parties that are generating power to ensure that research is done in this area, so that we are aware that it is not the steam excavation that is resulting in some of these things. We need to know the seismic studies, position of the tectonic plate and the long-term consequences, so that our investment does not go to waste within a few years.

Mr. Speaker, Sir, within the Report, I also noted that the GDC, which is developing, is demanding to be paid for a small road that was constructed. In my opinion, this road was part of the mobilization. They would not have, otherwise, constructed the company within that park without constructing this road. So, this road was part of the mobilization and nobody should be taken to task to try and pay for this road. I want to express the fact that if they ask the Narok County Government, they will probably agree to pay for that road, but they can as well go and put a toll station on that road and collect money. I think that the biggest losers on that road will be the GDC. They will be the ones to pay for that road if that is the case. I think that it is better to ensure that nobody is penalized financially or otherwise, in the events that have taken place. I think that a way can be found to ensure that such unnecessary requests are not made for anybody to pay for a road that was already paid for.

Mr. Speaker, Sir, this is a very good Report and I would like to support its adoption, and probably engage further the Committee to keep going out to look at some of these projects, not only when they are complete, but even when they are at the planning stage, so that this House can contribute towards the development of the power generation sector which is useful.

Mr. Speaker, Sir, I beg to support.

**Sen. Hargura:** Mr. Speaker, Sir, I stand to support this Report and also congratulate the Members of the Committee for taking their responsibility seriously and going round to see what is going on in that particular sector.

Mr. Speaker, Sir, the Report is on geothermal mainly and that is a clean and cheap source of energy. That is the way we should go. But I would also like the Committee to take interest in other sources of energy like wind, which is also a cheap source of energy and might not require a lot of work like drilling of the steam wells. Currently, we have a project which has taken time to take off, that is, the wind power which is on the eastern shores of Lake Turkana in Marsabit County. That is an idea which the investors have been toying with for the last eight years.

Mr. Speaker, Sir, there is the issue of funding and infrastructure. In my county, for example, there are very good sites for wind power, like Bubisa and Lake Turkana area. That particular project, if completed, will be the largest wind farm in Africa. It can generate 300 megawatts, which is a third of our current consumption. It is cheap in terms of the costing to the users, but what is required is the infrastructure. Since that power cannot be consumed where it is being produced, power lines have to be put in place to connect it to the national grid. That is one of the things which are now required to be done.

The Kenya Electricity Transmission Company Limited (KETRACO) has to develop the infrastructure for these sources of power to be tapped. So, I am urging the Committee to also see how they can liaise with the power transmission companies like KETRACO, to ensure that this infrastructure is in place. Otherwise, the potential that we have – the 5,000 megawatts – that we are talking of cannot be achieved if we do not go for cheaper and cleaner sources of energy like solar and wind. Right now, we are moving out of thermal energy which, as we all know, has the greenhouse emissions. It is also very expensive. Then, we have hydro-power which is not reliable because of the erratic weather patterns of late. But geothermal, solar and wind are renewable and inexhaustible sources of energy, which I think the Committee has to now focus on and liaise with the necessary stakeholders.

Mr. Speaker, Sir, with new projects, like the LAPSET Project, a lot of power is required. That system will require over 1,000 megawatts and right now, 1,000 megawatts is what we actually rely on. So, most of our future projects will not take off, unless we have cheaper and reliable sources of power.

Mr. Speaker, Sir, I support this Committee Report and urge the Committee to also further delve into the other sources of energy.

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

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

**Sen. (Dr.) Zani:** Thank you, Mr. Temporary Speaker, Sir, for this opportunity to contribute to this Report and support its adoption. I also want to commend the Committee for the work that they have done. They visited the various sites and have given us a comprehensive Report, which also gives recommendations of improving this very important sector.

Mr. Temporary Speaker, Sir, we had an opportunity also to visit one of the geothermal power stations and saw the work that they do and the potential for energy that

is there. We have a good promise from GDC that the geothermal energy and how it is exploited can lead this country to greater heights. The Report indicates that the geothermal installed capacity in this country places us at position number nine and there is a potential for us to be placed number three. I think that the Committee needs to take us to the next level, to really look at the issues that are stopping us from moving to number three, and try through the relevant Ministries to intervene and try to find ways that will actually ensure that we move to that number three position in the world, that they have indicated in this particular Report.

Mr. Temporary Speaker, Sir, the potential that was looked into was about 10,000 megawatts, but they say that there is potential for more in terms of geothermal. Of all the 23 sites, this Committee visited two sites. But they talked about other sites, including Paka, Silali and Bogoria. It will be good also to exploit various ideas and move forward to see how those can also be enhanced in the long-term. I think that the idea is to encourage the development and utilization of geothermal energy and look at the disadvantages and problems that exist and how those can be looked into and rectified, moving forward.

Mr. Temporary Speaker, Sir, as the previous speaker has said, also in the Report, they talk about familiarizing themselves with the operations of KenGen, but also looking at geothermal, thermal, hydro and wind power sources. But throughout the rest of the Report, it is only the geothermal energy that has been emphasized on. The potential for hydro and wind power sources has not really been brought out.

Mr. Temporary Speaker, Sir, various other issues also come out from the Report, for example, the issue of interventions from the Committee Members and the problem of the road infrastructure. For example, there is already a road that was built by KenGen and the recommendation from the Senators is that they should seek compensation and a return of that road back to the community. I think this means that they have to engage in some sort of negotiation, because overall, there seems to be a problem between how they are handling corporate social responsibility and sometimes the way it backfires.

There should be a clear way and sense of how they move forward in terms of corporate social responsibilities. Adequate corporate social responsibility in terms of investors and communities and how they engage is what will reduce the friction that we see in various areas in terms of communities and how they respond to those specific investors. One of the recommendations that has been given; that leaders should liaise with investors to make sure corporate social responsibility is addressed appropriately, is something that I support.

My feeling is that there is not much being done for the local communities. KenGen has given reasons for this. It has given reasons in terms of insecurity in the area. Previously, there was a school that was run by the company. However, this one is no longer operational. That is a dangerous front. What you engage and disengage is very important. It becomes very difficult when expectations are not met. It also becomes an issue of making promises that we cannot keep. Moving forward, in terms of the other sites that we need to visit, the Committees need to give long-term recommendations in terms of corporate social responsibility (CRS) and making sure that there is nothing that will create problems.

The Committee has also made various recommendations that are good. Wells that have already been identified to generate electricity should be put into immediate use. We have also seen instances where the electricity is being wasted. The Government should move with speed and look for innovative ways. This Report, in terms of engagement with the sector, will move us to the next level.

With those comments, I support.

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

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

**Sen. Musila:** Thank you Mr. Deputy Speaker, Sir. I am delighted to join my colleagues this morning in adding my voice in support of this Motion. I am a Member of this Committee. I participated in formulating the recommendations that are set herein. I am in full support of the recommendations.

Let me; first of all, say that it is a good thing that the Committees of this House have given priority to county visits, not just the Committee of Energy, Roads and Transportation but all Committees. Recently, we debated a Report by the Committee on Education, Information and Technology. All Committees seem to be doing the right thing by moving to the countryside to look into issues that affect our communities. I think this is a good thing.

Going to the geothermal investment that has been in the county of Nakuru and specifically Naivasha, I think we have not exploited the full potential of generating electricity. You know that one of the biggest impediments of industrial development in this country is the cost of electricity. The cost of electricity in Kenya today is one of the highest in the world. That is why we cannot compete with other countries when it comes to industrialised goods. All this is because the production of our goods is very expensive as opposed to our competitors particularly in Egypt where the price of electricity is very low.

Here, households cannot afford the cost of electricity. The efforts that the Government is putting in developing rural electrification have not helped. Unless we reduce the cost of electricity, we will be wasting time. I say that because a lot of the rural folk and even the Government put a lot of effort in spreading electricity. However, in the rural areas, a majority of people cannot access the commodity because it is very expensive. That is why I laud the geothermal because this is God given steam. We just need to invest in drilling it, removing it and it will generate electricity. We do not appear to have done much in the past. The Government seems to be moving in the new direction because we have new dams being dug in Menengai. This will enhance the production of cheap electricity for our people.

Recently, we had a problem in Naivasha. The communities there complained and said that they were being harassed by KenGen. It took the intervention of the President to go and cool down the flares that were in Naivasha. This is the area that we are talking about. Corporate social responsibilities and looking at the issues affecting communities is

of paramount importance. We cannot develop electricity in areas that are settled by people when people are not in agreement with the policies.

It does not make any sense to move to an area, start drilling wells to generate electricity and to ignore the needs of the communities. That is why, first of all, resettlement of communities that are affected in areas we will drill electricity is of paramount importance. Corporate social responsibility with regard to what the previous speaker has emphasized is very important. We do not want this country to be like others where minerals are exploited and the local people living around are left in poverty. Consideration must be given to the well being of the community before exploitation of anything, be it geothermal or coal. That will, in fact, be my next point.

We were told by the management of KenGen that coal is a better option in getting cheap electricity. The Report says that the county I represent, according to the Government, envisages producing 60 megawatts of power from Mui Basin using the coal that will be mined. So far, mining of that coal has not been possible. We have not moved far although the Government is talking about 960 megawatts of electricity coming from the coal basin of Mui where during the last ten years, we have been talking about the same thing.

I am emphasizing that before any mining of coal is done in Kitui County – KenGen has indicated that it will do this – the needs of the people should be addressed. We do not want to go the Kwale way where the locals were simply moved out and given some little money. They got excited and finished the money even before the mining started. We want an elaborate arrangement whereby settlement is done according to the United Nations standards. The compensation is not done on a one-off basis. The compensation is done in a way that as long as the mining or drilling of the coal is going on; owners of the farms receive money during the period of operations.

This is also very important. We must look for ways of giving communities ownership of the companies that are working in an area. For example, in Olkaria, KenGen must exploit ways and means of deliberately selling shares or giving share preference to the people living around. Those people should feel that it is their company working there and that they will get some returns at the end.

Similarly, in my county, where we have talked about exploring coal, I will expect, before any exploitation is done that my people will be given some shareholding in the company that will do the mining. My people should expect some dividends at the end of the day. This is beneficial in two ways. It will make the owners of the company feel that the company belongs to them. There will be no friction because nobody wants to fight against his own property. I am urging that the needs of the Olkaria people be addressed so that we do not have the friction we had. A policy should be developed so that we do not have these issues. When we go to Menengai, we should not have this. When we go to Mui, we also want to hear about smooth operations of these vital installations.

I applaud KenGen and the Government for the initiative they are taking in making Kenya self sufficient in having affordable electricity. At the end, this country will prosper after having electricity.

I support.

**Sen. Kittony:** Mr. Deputy Speaker, Sir, I have not seen you this morning, Good morning?

**The Deputy Speaker** (Sen. Kembi-Gitura): Good morning to you.

**Sen. Kittony:** Mr. Deputy Speaker, Sir, I support and commend this Committee for the work they have done in reaching out and bringing us this Report with the recommendations that they have put in. Just like other Committees, the Senate Committees are doing very well and deserve commendation. Without power in our country, we cannot develop our country.

As Sen. Musila said, the people living around where power is generated need to be involved. The recommendations of this Committee suggest that we need to have a stakeholder's forum to inform the counties about their potential in terms of electricity generation. I think the Government should move with speed and involve the counties. These are the people with the power in the counties. It is important that they are involved because they are the owners of these products. It is important as they go round and prepare a Report or as KenGen is doing its work, counties must be involved in all ways.

I remember when the Turkwell Gorge was developed, people used to call it a white elephant. However, as I stand today, the Turkwell Gorge is producing a lot of power for this country. I believe that if more exploration is done, we can still have many more counties, especially in the Rift Valley and the North Eastern Province, producing more power for this county. Looking at the recommendations of this Committee, I commend and support the work that has been done.

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

**The Deputy Speaker** (Sen. Kembi-Gitura): Well; it does not appear like anybody else is interested in contributing. So, the Mover may reply, if he wishes to reply.

**Sen. Obure:** Thank you very much, Mr. Deputy Speaker, Sir. First of all, I want to start by thanking my colleagues; hon. Senators, for the contributions and proposals they have made. I want to assure them that the Committee has taken note of their proposals and that the Committee is grateful for the interest they have shown in this subject.

Mr. Deputy Speaker, Sir, the report of the Standing Committee on Energy, Roads and Transportation brings to the fore very serious questions. The question is: Why is electricity expensive and prohibitive in Kenya? This is really the question that we must respond to. Then the second question is: How do we get out of this quagmire; how do we get out of this serious mess in which we find ourselves? Electricity is expensive in Kenya largely because the demand is higher than the supply. This is why we have shortages of electricity.

The demand is higher and the cost of electricity is expensive because we have relied heavily on hydro sources of electricity, which are erratic, particularly during the dry spells. This forces us to use the emergency power supplies, which use engines powered by diesel. It is the wrong policy because the cost of diesel is hitting the roof at this particular time. So, we must address the fact that we are using expensive electricity whose cost is up to Kshs35 per kilowatt and we must find every way to get out of it to avoid the use of emergency power supplies.

Mr. Deputy Speaker, Sir, electricity is expensive in this country because of the huge losses experienced at the level of transmission and distribution. We must appreciate the fact that Kenya Power uses old technology, machines and equipment as a result of which we suffer very heavy losses. So, really, to get out of this quagmire, we must do one thing as a country; we must decide to get our priorities right. There is need to invest more resources in the area of geothermal development. We must put in more resources as a country and that must be a deliberate decision, otherwise, this cycle will continue to the detriment of the country. We must, as a matter of priority, go geothermal because the cost of geothermal, as stated by other contributors to this Motion, is only Kshs8 per kilowatt compared to the Kshs35 kilowatt we are paying for power from emergency power suppliers. Largely on the way forward, I cannot see any other shortcut.

Mr. Deputy Speaker, Sir, the third point we must observe, through what has come out from this debate, is the need to change the ownership of our energy institutions. As pointed out by Sen. Kerrow this morning, the Geothermal Development Company (GDC), which is the vehicle used for development of geothermal energy, is 100 per cent owned by the Government; and that is the one institution which needs more funding; yet it is tied to or it must rely on Government funding. We need to open it up to the private sector so that the private sector can take ownership of that company to enable it access funding from the private sector and other investment institutions.

Mr. Deputy Speaker, Sir, I want to, once again, thank hon. Senators for their contributions. I want to thank members of the Committee for the time they found to visit these sites and to put together this report. I want to assure hon. Senators that, as a Committee, we will engage the Treasury and the relevant Ministry to ensure that the big questions relating to electricity supply are answered so that all the challenges we are facing in this sector are resolved.

Mr. Deputy Speaker, Sir, I beg to move.

Thank you very much, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kembi-Gitura): Hon. Senators, that brings us to the end the debate on that report. As per Standing Order No.69, I rule that this is not a Motion affecting counties because it has to do with the national grid and the issues of generation of electricity. Therefore, I am going to put the question. Everybody present shall have a vote on this issue.

*(Question put and agreed to)*

Next Order!

CONSTITUTION OF A COMMITTEE TO UNDERTAKE  
SECURITY REVIEW IN KENYA

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.

*(Sen. G.G. Kariuki on 28.11.2013)*

*(Resumption of debate interrupted on 3.12.2013)*

**The Deputy Speaker** (Sen. Kembi-Gitura): This Motion was adjourned yesterday and Sen. Zani was on her feet, but she had concluded. So, the debate is open. But let me just make this point; that this debate is going on for the next 20 minutes and then it will be adjourned because the ruling of the Speaker was that not later than 11.00 a.m., we shall have the Motion of Adjournment. I would have started on it now to save on the situation, but because the ruling was for 11.00 a.m., we will start at that time.

So we will now proceed with Order No.9 by Sen. G.G. Kariuki.

**Sen. Obure:** Thank you, Mr. Deputy Speaker, Sir. I rise to support this important Motion moved by Sen. G.G. Kariuki; Senator Number One in this House.

Mr. Deputy Speaker, Sir, I want to thank Sen. G.G. Kariuki for sponsoring this very important Motion. I know that, as a former Minister for Internal Security, Sen. G.G. Kariuki fully understands what security is all about, what security means to the citizens of this country and to the Kenyan economy as a whole. Those in charge of our various security institutions today should care to listen to what Sen. G.G. Kariuki has to say on issues of security. I am sure that they could learn one or two things from him.

Mr. Deputy Speaker, Sir, provision of national security is the most important priority for any government in power anywhere in the world. This is because insecurity can cause socio-political instability; it can cause upheavals for any government in power and it can cause a breakdown in the rule of law. The government in power itself needs security so that it can have an environment which is sufficiently conducive to administer or govern a country; and to execute the mandate and the various promises made to the citizens. The citizens themselves also need peace so that they can engage in activities which are beneficial to themselves; so that they can engage in activities which, in effect, help to build the nation and to advance the economy.

Mr. Deputy Speaker, Sir, security and peace will ensure a conducive environment in which we can all fight poverty, improve our welfare and the quality of life. We need an environment of peace so that we can do the right thing. The situation as we see it in our country today is that there is poor co-ordination between the various security organs. If you look at what happened recently during the attack at Westgate Mall here in Nairobi,

you can see a demonstration of that; that there was no co-ordination between our various security apparatus.

There is an obvious disconnect between institutions which gather and disseminate security information with those that use that information. That is very clear because we know that we have institutions which are supposed to be professional in gathering useful information. This information should be distributed to other organs of security, but it is very clear from what we have observed recently that there is no link or connection between these institutions. I think that is something that must be addressed, and addressed very urgently.

Mr. Deputy Speaker, Sir, the other issue is political interference. It apparent and clear to me that there is obvious interference in the work of the police; there is obvious interference in the reforms that we had agreed should be carried out within the police service. It is clear to me that there is even interference in the management of the interior portfolio to the extent that all this is detrimental to the smooth functioning of our security institutions.

Mr. Deputy Speaker, Sir, we have also observed a deterioration of discipline among security personnel to the extent that, recently, we have seen pictures or images of police or security personnel getting involved in criminal activities and getting associated with criminal elements and even perpetrating acts of crime. Security officers are sliding into open criminal activities and this is a matter of great concern. It should never be allowed to happen among the disciplined forces. We are aware of the prevailing poor welfare conditions of the security officers. These include challenges to their housing, recreation facilities and so on. These are matters which should be attended to very fast so that we can motivate our security personnel to a level where they can perform efficiently. Poor equipment and mobility has been a major problem.

I am aware that these problems have been addressed recently. In some instances, you have police stations out there in the village, for example, in Kisii County, there is Nyamaiya Police Station or Nyangusu Police Station and other police stations where *wananchi* can run for help. These police stations do not have a single vehicle operating. So, the police officers are immobilized. They cannot attend to emergency cases because they are not mobile. We are aware of this and we hope the recent measures taken by Government to equip the police force will bear fruit and that some of these areas that have been disadvantaged before will be supplied with motor vehicles to enable them to perform their core functions.

Mr. Deputy Speaker, Sir, I am extremely concerned about the performance of the Criminal Investigation Department because it has been way below par. It has been sliding over the years. They do not seem to have capacity to investigate cases. In Kisii County, there are rising cases of insecurity. Even last night in the constituency I represented before I became a Senator, there were four attacks where two people were killed and two others were severely injured and yet *wananchi* cannot expect any action to be taken because this has happened before and no action has been taken. We have seen cases where schools are burnt down to ashes on several occasions; matters are reported to the police and no action is taken. I do not know whether the Criminal Investigation Department has the capacity to carry out investigations. Accusations have been made that

security personnel in the Criminal Investigation Department collude with criminals so that even *wananchi* report---

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Obure, your time is up.

**Sen. Obure:** Oh, my God! I support Sen. G.G. Kariuki's Motion.

**Sen. Musila:** Mr. Deputy Speaker, Sir, I stand to support this important Motion. I want to remind the House that the Mover of the Motion, Sen. G.G. Kariuki, was once in charge of internal security in this country and I was privileged, as a Provincial Commissioner, to serve under him. Therefore, the concerns that this Motion expresses are real. Over the last few years, this country has experienced serious insecurity in the country. Every day, there are stories that you cannot believe. In fact, it is so depressing when you watch news on television. The stories you hear and the scenes you see are very depressing. Therefore, it calls for a serious, comprehensive security review, as the Mover is suggesting, with a view to formulating strategies capable of containing crime and safeguarding national security interests.

First of all, the welfare of all those people who are charged with the responsibility of looking after us must be given priority. Two days ago, there was a documentary showing the suffering of the police officers. These officers have no houses and we have been singing about it. There was even a Motion about two to three years ago, urging the Government to look into the welfare of police officers. Police officers are forced to share houses even when they living with their families. The police officers lack equipment. I even challenged a senior police officer who is supposed to be guarding us as we sit here and he has no weapon. When I asked him where it was, he told me that they are not available. So, what is he doing here pretending to guard us but when something happens, he will run away with us? The police officers have no guns. Many of them are walking around without guns, not because they are not allowed to carry them but because they are not in stock.

Mr. Deputy Speaker, Sir, in this country, crime goes unpunished because we have no laboratories that can determine who committed crime. We were shown some armouries which look like food boxes which children carry when they are going to school. There is clear negligence of the security systems. If you look at the number of police officers who were killed in Baragoi, they were 42 in number and all their firearms were taken. To date, the Government has not made any effort to recover those weapons. These are the weapons now being used by the communities to fight one another.

In Kitui County, where we border Tana River, every week, we have people crossing over, killing our people and the Government does nothing. The Chairman of the Committee on National Security and Foreign Affairs is here and I have raised these matters with him many times. I have asked him specifically to tell me; during the last four years there are so many people who have been killed and the police officers have not been able to arrest or even take a single one to court. All they say is that the matter is pending investigations. This is because of police laxity. The police have resorted to taking the law into their hands.

People are, at any given opportunity, taking the law into their own hands to punish the people they think have committed crimes. This is because the security agents are unable to arrest criminals and charge them effectively. Therefore people want to take

the law into their own hands to mete out punishment. This is not desirable in a society like ours where we are advancing towards Vision 2030, where we want to be an industrialized nation. We cannot do that when our people are taking the law into their own hands.

Mr. Deputy Speaker, Sir, the situation has deteriorated so much in this country that even *wananchi* do not have respect for the police. This is a very dangerous trend where citizens do not have regard for the law enforcement officers. You have seen drivers of trucks or lorries coming out and beating police officers; that is called anarchy. Two weeks ago, I had to come out of my vehicle on Limuru Road to rescue a police man who had been downed by a *matatu* tout. Is this what we want to do? We should review our security systems and ensure that the Inspector General of Police is in charge of things. We should ensure that they know who is in charge of what because our citizens are suffering as the police organs fight between themselves. We must do something if this country is to advance and if the people of this country are to live in peace.

I beg to support.

**Sen. Murkomen:** Mr. Deputy Speaker, Sir, first of all, I would like to commend Sen. G.G. Kariuki for such a wonderful Motion. It is important to appreciate that the country is going through a serious phase of attack. We have been sitting and getting reports about the levels of crime in the various parts of the country particularly where people are attacked, injured or wounded without any known motive. There are traditionally known motives like stealing and robbing. As I speak, my former Dean and colleague, Henry Lugulu, is recuperating in hospital because on Sunday night, he was attacked by thugs in Eldoret. He was shot in both legs without the attackers stealing anything from his car or his home. This kind of violence is not good for this country. We need to have such a committee to inform the current security forces and to even give suggestions in terms of what changes can be made.

The National Security Council has the responsibility to address Parliament which includes the Senate once every year on the state of national security. I think in preparation for such an address from the national Government, it is important that they put together a team so that when the President will address Parliament, he should come and unveil such a committee. He could even come with a report of such a committee so that they can give us suggestions on the way forward so that we do not just become complainants, but the solution.

Mr. Deputy Speaker, Sir, no country can develop with the insecurity of the magnitude that we have. As a lawyer, you know that any slight information that breaks out of this country, even if it means a robbery in one shop like it happened this morning down town, it will really scares away investors because everybody will imagine that the country is not safe. If every day, there are reports in the newspapers about violence, it scares away potential investors that would have come to the various parts of the country.

In fact, I opine that the marginalized areas in this country are going to suffer or lack in development because of insecurity. I want to implore our brothers in Turkana and Pokot to try to know that the more there is violence between the two communities, the more they will lag behind. They will be in the 1950s and we are 50 years down the line trying to ensure that everybody gets equity and equality and development in this country.

I support.

**The Deputy Speaker** (Sen. Kembi-Gitura): I was hoping that you would reserve the conclusion, but now that you have concluded your contribution, it is fine. You would have been the first one to speak when it resumes.

Hon. Senators, as you are aware, we are now going to discuss the Motion for Adjournment that was proposed by Sen. Hargura. It will go on until 12.30 p.m. All of you know the rules of the Motion for Adjournment. It will be moved in the normal manner, but there will be no question put at the end.

Sen. Hargura, you can now proceed and move the Motion. You have ten minutes to move the Motion.

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

#### **ESCALATING INSECURITY IN MARSABIT COUNTY**

**Sen. Hargura:** Mr. Deputy Speaker, Sir, thank you for giving me this opportunity to bring to the national attention the situation in Marsabit County. I stand here for all the residents of Marsabit County, as their Senator, with a very heavy heart. This is because while other parts of this country are getting prepared to embrace devolution and make use of this opportunity to improve their condition, my county is sliding back into a situation where people are finding it easier to live in a foreign country than in their own country.

Mr. Deputy Speaker, Sir, the current situation is very bad. If I start with the situation in Moyale, which is the border point, for the last three months, 80 per cent of its residents have not been staying in their homes. People have been living in Kenya during the day and crossing over to sleep in Moyale-Ethiopia. Moyale happens to be a border town and falls both on the Kenyan side and the Ethiopian side. It is very unfortunate that Kenyans are finding it secure to sleep in a foreign country, just because they cannot get security in their own country. Right now, we have reached a point where people do not do business and shops have closed, yet that is mainly a business and border town. Some people cannot even access banks by virtue of where they are located. If it is located close to another community, you cannot even access banks and hospital facilities because of that kind of insecurity.

Mr. Deputy Speaker, Sir, the whole team of elected leaders in Marsabit County was there in August and the situation was so bad that we had to be escorted out of town because people fight in broad daylight. Right now, it is even worse. The information that we have is that people from all communities are busy arming themselves. It is sad that the Government is just reporting to us that people are arming themselves. I do not know whether they want us to go and disarm them, because it is their responsibility to make sure that the public does not get arms. Theirs is to keep law and order. They are the ones who are supposed to have force to stop people.

Mr. Deputy Speaker, Sir, the Marsabit-Moyale Highway is impassable and that is the gateway that we have---

*(Loud consultations)*

**The Deputy Speaker** (Sen. Kembi-Gitura): Order, Senators! This is a very important Motion. I would appreciate it if you could, please, consult in lower tones, so that we can all follow. Remember that even the Motion that we have deferred to later, by Sen. G.G Kariuki, is on security. This is a specific Motion for Adjournment to discuss issues of security. I hope that you will consult in lower tones, so that we can all communicate.

Go on, Sen. Hargura!

**Sen. Hargura:** Thank you, Mr. Deputy Speaker, Sir. The Moyale-Marsabit Highway, which is the only access road that we have to the bigger market in Ethiopia, of about 90 million people, is now not passable. For the last one or two months, loaded trucks have been stuck at Turbi, which is 130 kilometres from the border. They cannot move from Turbi to Moyale because the road has been barricaded by members of the public.

Mr. Deputy Speaker, Sir, last weekend we, as leaders, complained and the police asked the trucks to follow them. Three trucks followed them. When they reached Sololo area, they were stopped by members of the public who then looted and burnt them. These trucks had about ten police officers on each of them. We even have a case where the local leaders were there. There are pictures circulating in the area showing these trucks being burnt. The policemen did not do anything.

Mr. Deputy Speaker, Sir, also on that road we have two contractors on site. The Marsabit-Turbi road is under construction. The Turbi-Moyale road is also under construction. There are two Chinese contractors on these roads. Our idea was that by 2016 the road from Isiolo to Moyale will be tarmacked. Now we are seeing a situation where because of insecurity, those contractors will abandon the works. Each of the contract is over Kshs10 billion. Therefore, we are going to lose a Government investment, since the situation is getting out of hand. There was a Land Cruiser pick-up which was being used by one of the contractors, which was also burnt. Now this poses a threat to security for the contractors in this construction project and that investment is under threat.

Mr. Deputy Speaker, in Marsabit Central, where the county headquarters are, the issue is mainly between the Boranas on one side and the Gabbra and Burji on the other side. But now it has reached Marsabit Town where people are being asked not to buy goods and services from others. A Borana cannot go to a Gabbra or Burji shop to buy. There was even a case where somebody went and bought from a Burji shop and his ears were cut off. He was told that since he did not listen to them, they were going to chop off his ears. It has reached that level. The problem is that the Government is there and when you ask them they tell you: "Yes, we know and have heard that." I do not know what will happen. How many people will be killed so that security can come in?

Mr. Deputy Speaker, Sir, right now, in downtown Nairobi, if people riot, of course, without even knowing why they are rioting, the police will be there to stop them and protect other people's lives and property. But in Marsabit, we are left on our own and the situation is getting out of hand. What is causing all this? We know very well that

there was violence in Moyale between 2011 and 2012. However, this one, particularly seems to be connected to the recent elections. In Kenya, we are allowed to form coalitions and that is why we have Jubilee and CORD. The people of Marsabit also voted the same way. We have communities like the Rendile, Gabbra, Burji and all those who came together and felt that maybe they could win together. We also have the Boranas on the side. But after the election, there was a feeling that maybe those who had won will not be accepted to govern. There was a memorandum which was circulated. I would like to comment here that I even saw a copy of it with the Committee on Devolved Governments; saying that we do not accept Ukur Yatani as Governor. That is what some people have said from the beginning.

Mr. Deputy Speaker, Sir, as the Senator, I took a lot of time trying to discuss with people across the board, telling them that as a county government, we will make sure that there is fairness in terms of resources and job allocation. It is said that in Marsabit the majority are the Boranas. From the census, about 27 per cent of the population is Borana and 28 per cent are Gabbra. The Rendiles are 20 per cent, Burji 7 per cent and other smaller communities. So, there is no outright majority in that county. We share out jobs as much as we can---

**The Deputy Speaker** (Sen. Kembu-Gitura): Sen. Hargura, you have not moved anything. Have you? You must move that the House do now adjourn; otherwise, we have no Motion before us. I told you that you had ten minutes.

**Sen. Hargura:** Mr. Deputy Speaker, Sir, I beg to move that the House do now adjourn.

**The Deputy Speaker** (Sen. Kembu-Gitura): That is it. Does this Motion not need a Seconder? You need somebody to second the Motion.

**Sen. Hargura:** Sen. Lonyangapuo will second the Motion.

**The Deputy Speaker** (Sen. Kembu-Gitura): Sen. Lonyangapuo, you have five minutes.

**Sen. (Prof.) Lonyangapuo:** Mr. Deputy Speaker, Sir, I thank you for this opportunity. I want to thank Sen. Hargura for bringing this Motion for Adjournment, so that we discuss the insecurity situation in Marsabit County.

Mr. Deputy Speaker, Sir, looking at the information that has been presented, it almost boils down to a case where some defeated politicians and those who won have not sat down and agreed on how to solve these problems. Whenever there are problems they should not run to their communities and start issuing statements that can cause alarm. From the information that has been given here, Marsabit County is on the border of Kenya and Ethiopia. It is a vast county covering a distance of 500 kilometres in length. Indeed, when we hear that Kenyans find refuge in a neighbouring country, it really tells a lot. Our security system here in Kenya needs to be relooked. We need to deploy more of our Defence Forces along our border with other countries. I am not sure whether we have enough of them to patrol our borders. It is really a pity for Kenyans to migrate to neighbouring countries. This is really a serious thing. Why would our people migrate to a neighbouring country?

The Ministry responsible for maintaining peace and order should have summoned leaders to find a lasting solution to this problem. Whenever a problem erupts

we leave it to the communities to handle it themselves. We leave everything to chiefs, district officers and district commissioners to handle the situation. These are techniques that we have always used. I was expecting that during this digital era, the person in charge of security will easily go to that area, sit down with the relevant leaders to know what is happening on the ground. A number of reports normally are given directly from the ground to the national office, but no action is taken.

The problem that has been highlighted in the last one week in this country pitting the Pokot and the Turkana communities against each other is as a result of scarcity of resources. I think the real cause is very simple. When policemen are told that somebody has killed someone and they take days and weeks to act, what happens to the people who lost their own? The citizens will react. For example, if a car knocks down somebody, you will see some commotion, where people will react and run towards the car. The vehicle owner can easily be lynched. So, sometimes some things happen when we do not act very fast.

Mr. Deputy Speaker, Sir, the situation that you saw and heard about is in a small village called Lorokon in West Pokot. Bandits used to kill people in manyattas in Pokot indiscriminately. They would report every other day that killers had gone to the small village and nobody listened to them. When human beings reach a point where they take the law into their hands, it means that our security system has totally failed. We need to contribute to this Motion in order to understand the problem rather than condemning the communities involved.

With those few remarks, I beg second.

*(Question proposed)*

**Sen. Haji:** Mr. Deputy Speaker, Sir, this is an Adjournment Motion concerning an issue of national importance. Most of us who have left home and worked in security positions as district officers, district commissioners and as provincial commissioners are really embarrassed to see what is happening in the country today.

I recall that in the 1970s, we had robberies. However, the culture ceased. In northern Kenya, after the fall of the Somalia Government, we had highway robberies that took over the boundaries. However, people in that area live harmoniously without worrying. Today, what are we seeing? We are seeing civilians taking over the role of the bandits and fighting each other without anyone to arbitrate. I was shocked to see people who were travelling in a bus from Lodwar. This bus was literally fired at from all directions. This is not the way that the Government should continue to operate. We see a lot of kidnappings in the country and many other things that have not happened before.

The day before yesterday, three people were slaughtered like goats in the area of Utawala. The day before yesterday, a preacher was also slaughtered. He was beheaded in Malindi. Where are we heading? The other day, the youth stormed into a Mosque and literally took over its running. We are told that the police had been summoned. They were there, but did not do anything. In other words, we are condemning the actions being taken by the *Al Shabaab* in the presence of vulnerable authorities. What we are saying is true. We, as leaders, cannot fail to talk about what is happening.

The Government should wake up and make sure that Kenyans are safe. We have been waiting for our road to be constructed since Independence. The Ethiopians have tarmacked their side of the road from Addis Ababa to Moyale. This project was to start 30 years ago. On our side, the road construction has started today. All this is because of insecurity. One wonders, if that gets into the ears of investors, who will stay with us in this country and yet we are talking about Vision 2030?

I also want to challenge religious leaders who have been seeing what is happening. There is moral degradation in this country. Our people; whether Muslims or Christians, do not value the lives of others. Unless we have a campaign, from market to market, preaching to change the hearts of people, things will not be good in Kenya.

I am a man of very few words. I have been defending the Government here as the Chairman of the Committee on National Security and Foreign Relations. However, what I have seen in the past one week makes me feel ashamed that such things are happening before our eyes.

With those few remarks, I support.

**Sen. Lesuuda:** Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity. I will also become a lady of few words. We have been discussing the issue of insecurity for a long time. We have discussed it here and even in *Kamukunji*. Today, we are yet again on it. We have now adjourned other business of the House to discuss this very important issue. Just like my colleagues have said, it is time we sorted out this issue once and for all. Should we tell our people to sort it out themselves?

Secondly, it is important for us to think whether devolution is a curse. That is what we are seeing in our counties. Kenyans are beginning to ask: Were we wrong to vote for this Constitution and have our counties? I think that is not the reason Kenyans voted for the Constitution overwhelmingly in 2010. People voted for the Constitution so that services could reach them. However, there are counties that have not taken off completely due to insecurity.

This House should wake up and raise these issues so that matters of insecurity are taken care of. If we do not do so, we will be confirming what our former President Mzee Moi said, that if we go the county way, we will be going to the dogs. That is what Kenyans are wondering about. We need to get up and ask questions regarding insecurity. Street families are now back, not only in Marsabit and Mandera, but almost in all cities and towns. These things we have been hearing about; that a certain area voted for so and so and that we cannot work for such areas is not good. There are people suffering down there when we are making such allegations. The people who are suffering are very innocent. In fact, it is women and children who suffer most in case of crisis like the one we are witnessing in Moyale.

We sit here in Nairobi and attend security meetings when our people on the ground keep on saying this is a CORD dominated area and that is why there are problems. We do not care what the area is referred to because we have a role to play to pacify the situation. As we fight, it is the grass that suffers. It is the women and children who suffer. We want to be heroes amongst our communities. However, devolution is now upon us. We need to get in touch with our security apparatus. When we will be giving awards to counties that have done well, there are counties that will be nowhere, especially

the northern part of our country. We seriously need to see action being taken. We do not want to hear what initiatives have been started to address the situation. We want to see action so that lives are not lost. History will judge us harshly because we were hopeful about devolution, but it has turned out to be a curse. We have ended up crying and in fear. In fact, we were better off without devolution.

**Sen. Orenge:** Thank you, Mr. Temporary Speaker, Sir. I also want to support this Motion. There seems to be a curse in Marsabit County.

Some years ago, because of the insecurity situation in this area, we lost some leaders. One of them who was a dear friend and the former Member of Parliament for Nakuru Town, the late Mirugi Kariuki. The late hon. (Dr.) Godana who was the Deputy Speaker at the National Assembly and Minister for Foreign Affairs at one time was also there. It was thought that the Government delegation that went there would deal with the insecurity in that part of the country once and for all. However, that was never to be.

I want to say that once violence is accepted as a way of life, it is difficult to disrupt it. There was a time in Uganda when you could not stop in the city. There was a time in Uganda when you could not stop anywhere in Kampala. If you were not escorted, you were not sure whether you could get to your destination. There was a time when Beirut City was totally in chaos. It took the intervention of the relevant governments to bring peace in Kampala and Beirut.

The situation in Marsabit cannot be left to go on. We cannot start wondering why there is insecurity in that part of the world. The Constitution has made it very clear on who is responsible for security. That is the national Government. That is not a shared responsibility. In fact, there are some who have tried as much as possible to make security a responsibility of the two levels of Government.

I remember the late Minister, hon. (Prof.) George Saitoti when we were discussing the National Police Service Bill. He was so adamant that the local leadership, including the Governor should become part of the security apparatus. Everybody has done everything to become part of the security structures within the counties. This is not just happening in one county, but in many counties. We have heard about this in West Pokot and Samburu. Time has come when we have to put responsibility where it belongs. I know that the leaders of Marsabit have taken some steps. The answer is that there is more to this than meets the eye. The agenda is to have the county Government come down. We cannot be ashamed of saying it as it is. If the Marsabit County government falls on account of conflict or strife or what is assumed to be war; or that there are exceptional circumstances in Marsabit, then that county government should stand suspended.

We have a county government which is led by a former Ambassador and a team which is well representative of the communities in the area. I was looking at the list of those who are part of the government in Marsabit County and I was impressed. If it can be followed suit, then that is a very good template for all other county governments. But the thing that has so far happened is that political situations have arisen where it is desired so that the county government can be brought down.

By the way, Sen. Haji, in those pictures you saw, there is a Member of the National Assembly presiding over the destruction of that vehicle. I also saw them. That

Member is known. Why are the security organs not taking action directly against those who are responsible? It should not matter whether he is in CORD or any other political party. Security is security. The Government must deal with it without any hesitations.

Mr. Deputy Speaker, Sir, although we are not going to vote on this Motion, but at some point, I think the Committee on National Security and Foreign Relations led by Sen. Haji wanted us to visit Marsabit to deal with this problem. Probably, if these organs are not delivering, then through your Committee, we can find solutions. But those solutions should not be theoretical; the leaders should be involved. Security is a responsibility which is conferred on the security officers and organs. I know Sen. Haji was in charge of the whole of Rift Valley Province. I can bear testimony that even in the hardest of situations, he would take responsibility for whatever was happening there in that big province.

Mr. Deputy Speaker, Sir, with those few remarks, I beg to support.

*(Applause)*

**Sen. Billow:** Thank you, Mr. Deputy Speaker, Sir. I also want to add my voice to this issue of insecurity in the country. From the outset, I want to correct Sen. Lesuada's earlier statement, where she is blaming devolution. I think the blame is not on devolution. The responsibility of ensuring security in this country has been said to be that of the national Government, in particular. There is no need to beat about the bush. I think it is time, we, as Kenyans, admitted that this Government has failed completely in providing security in this country.

*(Applause)*

The government has failed in Nairobi. If you go to Murang'a, Kirinyaga and Nyeri counties, people are being kidnapped and killed every day. If you go to northern Kenya, it is worse. What happens in the Government is that there is an ineffective security system. If it is the policy, the personnel or the leadership, you change them. There is no doubt in my mind that there are people who are incompetent who are running security in this country. We have said this time and again. It is time that His Excellency the President took note of this; that you cannot allow people who are incompetent to continue holding office at the expense of the lives of Kenyans. I think this is the concern of many of us. It is not about just changing rules. We are being told that the reason we are having insecurity is because of the law and we have to change it. They say: "You know that the National Police Service Commission (NPSC) is not working. So, give powers this way or amend this Act". It is not about changing Acts or making laws, but it is about changing the people who have failed.

*(Applause)*

Mr. Deputy Speaker, Sir, I want to be very specific, particularly with regard to the police. That is where security is not working. We had a problem in Mandera a few

months ago. However, you would not believe it because the Chairperson, Sen. Haji, was involved. They did a wonderful job assisting us and bringing the people together. With only 11 soldiers from the Kenya Defence Forces (KDF), we were able to maintain security in a whole area where people were fighting for days on end. We have over 200 policemen in that location, but there was nothing they could do. They could not leave the camp, they could not move, they could not arrest or confront the bandits. That was the situation. We had a serious situation. I think it is time the Government reshuffled officers, from the Inspector-General to the Principal Secretary who sits in the Ministry of Interior and Co-ordination of National Government. If you fail, you need to leave.

*(Applause)*

Why do you fail and you continue sitting there? This country is burning. Which investors are going to come to Nairobi tomorrow? Which investor will go to Kirinyaga, Nyeri, and Mandera or to Marsabit? I think this matter must be taken seriously. We cannot allow the lives of Kenyans to be at stake because of one or two people whom we cannot raise the issue with.

Mr. Deputy Speaker, Sir, the second thing I want to mention is about the leadership. I agree with Sen. Lesuuda and others that the leadership needs to do their best to contain the situation. I am also glad that the Senator who moved the Motion has said that they have done a lot in terms of bringing people together. They have brought Members of Parliament from that area together. I know that religious leaders have been meeting here in Jamia Mosque on this matter of Marsabit. But I think it is important that the matter raised here by Sen. Orengo about politics, about complicity by people in Government, be also addressed.

I think after elections, the Government should appreciate that politics should not be the factor in matters regarding security. Whether they elected this Government or not, all Kenyans have a right to security. That is the way it is in the Constitution. We are all taxpayers. So, I think once you start such fires of insecurity; that a certain county starts burning from there, before you know what is happening, Nairobi County will also be on fire. These matters should be taken seriously. It is not just about Marsabit county, because these people who run away from there will come here in Nairobi. Tomorrow, the conflict will start inside this town.

So, I think it is important. For a long time, we have been told that this thing is in northern Kenya and that it is bandits. It is not about banditry. It is about failure to simply apprehend criminals in town. People who are burning vehicles, people who are burning and looting shops are the ones who are creating insecurity. These issues must be addressed and the Government has an opportunity to do so.

I want to appeal to the President and the Deputy President to bring the people of Marsabit, the community leaders and the Members of Parliament together, the same way they did when this situation was in Mandera. They brought everybody together and I want to appreciate, particularly the work done by the Deputy President. They resolved this issue over a period of time with the help of other leaders. I think that is what we need to do in the case of Marsabit.

Mr. Deputy Speaker, Sir, with those few remarks, I beg to support.

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

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Murkomen, what is your point of order?

**Sen. Murkomen:** Mr. Deputy Speaker, Sir, when Sen. Billow Kerrow was talking about the Deputy President, he was pointing at me. I am a mere Senator for Elgeyo-Marakwet. Why was he pointing at me?

**The Deputy Speaker** (Sen. Kembi-Gitura): For a minute, he thought you were the Deputy President. You are not!

*(Laughter)*

Sen. Elachi.

**Sen. Elachi:** Thank you, Mr. Deputy Speaker, Sir. I also rise to support this adjournment Motion and, indeed, to look at what is happening around the country, especially in Marsabit. I want to put it clearly that it is also important for the leaders of Marsabit to come out clearly. The main challenge they are facing is when you have one clan saying that they have been left out. Indeed, the clan or the tribe must also appreciate that we have moved on and there are people who have been elected as leaders; knowing very well that these are competent leaders who will take care of them. Therefore, it is time they joined hands and worked together. In so doing, we will solve the issue very easily.

Mr. Deputy Speaker, Sir, I want to support what Sen. Lesuuda and the Senator for Marsabit County said. They even tabled some pictures from Marsabit where the said Member of Parliament was supervising a lorry which was just about to be burned at that time. This is not the first time that Members from the National Assembly are doing this. They need to know that security is paramount in this country. When you look at the conflicts in Turkana and Pokot, again, it is the Members of the National Assembly who incited members of the public. When you look at the conflict that is going on in Tana River, it is the Members of the National Assembly who incited the public. They should stop fueling conflicts. Instead, they should sit down as leaders and look at how they can address the issues without trying to bring in the tribal, political, the national and county government factors. That is what is happening.

Mr. Deputy Speaker, Sir, I think that the President and Deputy President have been very clear on issues of development and security. Indeed, it is their responsibility to protect every Kenyan. Therefore, it is wrong for the civil servants who are not performing to always put the President on alert. It is time that we told the President that he has a right to reshuffle. Even if it means reshuffling the whole Cabinet so that things can move, he should do it. It is time that we had a reshuffle, especially with regard to the security docket. We should manage the issue of security without pointing fingers.

Mr. Deputy Speaker, Sir, we are soon going on recess and I think that the security situation is even going to be worse. But I will plead with the Senate, that we are here to

give solutions to this country. Let us sit down as Kenyans and talk about these issues. Security is not about CORD and Jubilee, but all of us. Let us find solutions and help, especially in Tana River, Turkana, Marsabit and any other county that we know there is tension.

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

**Sen. Njoroge:** Mr. Deputy Speaker, Sir, I think that the issue of security is taking a new dimension day by day. This is because when we see a picture of Members of Parliament supervising the burning of a lorry and then no grilling of the same Members of Parliament has taken place, it is a pity. I think that we need to stop these crazy acts.

Mr. Deputy Speaker, Sir, I do not know who decided that people must be butchering each other in North Eastern. It has become a norm. It seems like it is not an issue to the security chiefs. This is because I thought that even after that security meeting with the Senate, the chiefs of security would move out of Nairobi and travel to North Eastern and some other parts of the country to inspect the security situation. But it seems like to them, insecurity has become the norm.

Mr. Deputy Speaker, Sir, this is also an indication that the intelligence system is doing very poorly. We cannot just be talking about insecurity and not facing those who are supposed to put mechanisms in place to provide security to the people of this country. Probably, the Government needs to change the security heads so that the security situation in the country can change.

Thank you, Mr. Deputy Speaker, Sir.

**Sen. Wangari:** Thank you, Mr. Deputy Speaker, Sir, for giving me this chance to contribute to this Motion.

Mr. Deputy Speaker, Sir, I support the Motion for Adjournment. It is very sad that I have just seen a tweet from *Daily Nation* that as we sit here and discuss this important issue, there is even a shooting on Wabera Street right now, where a businessman was attacked in a jewelry shop. One person has actually been shot dead and several others injured. If this can happen at barely midday in Nairobi, then we have a very big problem.

Mr. Deputy Speaker, Sir, yesterday night, one of the television stations was showing exclusive photos of the attack on a bus in Turkana. It was very sad to see women scampering for safety, carrying children. They were trying to run away from an attack as the policemen just watched from a distance. It is just disheartening and unacceptable. I think a week or so ago, we, as a House, actually had a meeting with the security men and women in this country. We are still speaking to the same issue. Motions on security have been brought here by Sen. Naisula and Sen. G.G Kariuki, but the situation seems to be out of control.

Mr. Deputy Speaker, Sir, this has also been demonstrated by the leadership of this country. I know that Sen. Elachi has already spoken to that effect. A few days ago, we saw on television Members of the National Assembly from one community of the Samburus having a discussion and they almost fought. If these leaders can behave like that when trying to resolve issues and end up exchanging real tough words and insults, I do not know what we expect the *mwananchi* to do.

Mr. Deputy Speaker, Sir, I know that we have been categorical on how security should be handled, but at the end of the day, the buck must stop somewhere. Definitely,

the President has to take part of that blame. But even in organizations, there is something in human resource that we call re-engineering or re-evaluation. It means that you subject what has been achieved versus what should be achieved. If it is not working, you are allowed to change. Even as people and leaders who are in the Jubilee Government, we can only be honest enough and tell the President: “It is time to act.” It is time to reshuffle or do whatever needs to be done, because the buck stops with him.

If we cannot be assured of our security, even during daylight as we walk on the streets, what do we expect of someone in Turkana or West Pokot, who does not even know where Nairobi is? We must see people taking responsibility. Where there is evidence that leaders have fueled violence, we must see them being taken to account and subjected to a thorough investigation. This is not happening with the current system. It is time that we see the President take drastic measures to ensure the security of this country. There is no life that is less than that of another person.

Mr. Deputy Speaker, Sir, the other day, I saw on national television, the people who suffer most are women and children. I watched a documentary on Wajir County where young girls are being defiled left, right and centre. We have Kangaroo courts of people who just sit under trees and fine the offenders a meagre Kshs5,000. That is not acceptable and we cannot go this way. The President and the whole security machinery have to act.

Mr. Deputy Speaker, Sir, when I see Sen. Haji speaking out of despair, I do not know what to do as a person. This is because I always grew up associating him with maintaining order. When he breaks down here and says that he is desperate and does not know where to start, I wonder where Amina from Wajir, Naisula from Samburu and Naisaye from Narok talk from. I think that the message is clear because we, as Senators, have talked about it, petitioned, summoned the security apparatus and all other players. We need to see more action to the same.

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

**Sen. Muthama:** Nashukuru sana, Bw. Naibu Spika. Nasimama kuunga mkono Hoja hii. Kuna msemu unaosema ya kwamba “Samaki akianza kuoza, huanzia kichwani.” Ikiwa unataka kusimamisha kuoza kuenea katika mwili mzima, basi lazima ukikate kichwa na kukiondoa. Vitengo vyote vya Serikali vina wasimamizi wake. Kwa mfano, kitengo cha Serikali, hasa kitengo cha Ulinzi, kina msimamizi wake. Taifa nzima sasa limeshuhudia mambo yafuatayo ambayo yanahusiana na usalama wa nchi. Kwanza, kutembea barabarani ni shida. Kufanya kazi ni shida na hata kulala ni shida. Ukiona matukio yalioko sasa, kwa mfano, juzi yupo mtu katika Kaunti yangu ya Machakos aliyefanya kazi yake, akatoka kuelekea nyumbani kwake muda wa saa tatu na nusu usiku. Akiwa njiani, alikumbana na majambazi na akauwawa. Maisha yake yakaishia hapo. Jambo la kuhuzunisha ni kuwa hadi leo, bado polisi wanafanya uchunguzi.

Bw. Naibu Spika, ukiangalia mambo yaliyofanyika Baragoi na umkumbuke “ofisa” Waiganjo utaona mambo si mazuri. Mtu huyu aliingia katika ndege ya kikoshi cha polisi na kusafiri pamoja na mkuu wa polisi. Walisafiri katika ndege moja. Ni aibu kubwa kwa sababu Serikali haikujua kwamba yeye alikuwa ni mhuni. Ni mkora aliyekuwa na bunduki na aliyetambulika kama ofisa katika kikosi cha polisi. Baada ya

miezi miwili, ndio ilijulikana alikuwa ni mhuni ambaye hakustahili kuwa katika kitengo cha polisi.

Bw. Naibu Spika, ukiangalia vile mambo yanavyoendelea katika West Pokot, Turkana na hasa hali ilivyo kule Marsabit, inadhihirisha kwamba kuna shida pahali fulani. Sen. Elachi na Sen. Wangari wamesema kuna mtu ambaye amepigwa risasi katika barabara ya Wabera. Kufikia sasa hakuna mtu aliyekamatwa. Ikiwa tuko katika hali hii, Kenya inaelekea wapi kama taifa? Ushuru tunaoulipa unatumiwa kuwaajiri askari, kuwanunulia bunduki na sare zao. Hata hivyo, ni kama kuna shida fulani katika kikoshi cha polisi. Je, Serikali inaona vile mambo yanavyoendelea? Je, Mhe. Rais mwenyewe anashuhudia mambo haya? Na iwapo anayashuhudia mambo haya, amechukua hatua gani kuweza kusimamisha maafa yanayowakumba Wakenya?

Bw. Naibu Spika, mahakama zetu zimekuwa za mchezo. Utamuona mtu aliyeshikwa kwa kumnajisi mtoto mdogo wa umri wa miaka sita, saba, au nane, akiachiliwa kwa bondi ya Kshs150,000 ama Ksh200,000. Vile vile, mwizi anayejulikana kwa ufahari wa wizi anashikwa kwa kesi ya wizi na mauaji, lakini baada ya mwezi mmoja unamuona barabarani akitembea. Sisi hatuwezi kuelewa anapitia mlango gani kutoka jela. Kwa hivyo, ni jukumu la Serikali kuhakikisha kuwa inatoa ulinzi kwa Wakenya wote.

Bw. Naibu Spika, mfano mzuri hapa ni mimi mwenyewe. Mkuu wa polisi aliwaondoa askari wangu wote. Hivi sasa mimi sina askari wa kunilinda. Nilipigia simu Inspekta-Generali mwenyewe juu ya jambo hili. Yeye aliniambia kuwa hajui amri ya kuwaondoa askari wangu ilitoka wapi. Alinishauri kuwa niendeleo kumuomba Mungu anisaidie. Je, mzee wa kawaida wa Marsabit ambaye hawezi kumpigia simu Inspekta-Generali, atafanyeje? Huu ni mchezo mbaya sana na ni lazima usimamishwe mara moja. Serikali hii imeshindwa kutoa ulinzi kwa Wakenya wote. Askari akishindwa na vita, anainua mikono juu na kusema kuwa ameshindwa, halafu anakamatwa na kufunguliwa mashtaka ama anafanyiwa kile anachotakiwa kufanyiwa. Serikali imeshindwa kutoa ulinzi.

Mimi juzi nilisema halikuwa jambo la busara kumnyima Mkuu wa Polisi mamlaka ya kuhamisha askari kutoka stesheni moja hadi nyingine. Pia nilisema ni lazima Inspekta-Generali awe na uwezo wa kuwaadhibu maofisa wake. Mambo haya hayawezi kufanywa na mtu mwingine ambaye yuko nje ya kitengo cha polisi. Maofisa wengi wa polisi hawana nidhamu. Wanafanya kazi vile wanavyotaka kufanya. Tunataka Mhe. Rais awahakikishie wananchi wote usalama wao. Ni lazima aongoze kama Mhe. Rais aliyepewa madaraka na Wakenya wote kuongoza nchi hii.

Bw. Naibu Spika, sisi wanasiasa tumehatarisha maisha ya watu wetu. Kila mara tunapenda kuwapiganisha watu wetu. Ukiangalia Kaunti ya Moyale utaona ya kwamba kuna mambo mawili. Wizi wa wakora na mauaji ya kikabila. Nataka mambo haya mawili yatofautishwe. Kuna viongozi wanaogonganisha wananchi. Viongozi hawa ni lazima wakamatwe na kuwekwa ndani. Ikiwa tutawaogopa, basi tutakuwa tumeharibu mambo. Hata kama tunataka waendeleo kuwa katika mrengo wetu wa kisiasa, basi tujue kwamba tunawaangamiza Wakenya na taifa kwa jumla. Huu msingi tunaouweka si dhabiti kwa utaifa wetu. Ikiwa tutaendelea hivi, basi itakuwa ni mauaji na mateso kwa wananchi wote.

Bw. Naibu Spika, kwa hayo machache, naomba kuunga mkono.

**Sen. Musila:** Mr. Deputy Speaker, Sir, I support the Motion by the honourable Senator for Marsabit. I want all of us to realize that when one portion of this country is hurting, the whole country is hurting. In the recent past, we have experienced lawlessness and killings across our counties. It started some time ago; it was in Tana River where a lot of people were killed in inter-ethnic clashes. Only recently, we had Pokot and Turkana, where for some time, even some communities could not access food or medicine. We can go round the whole country and we will see that our county is on fire in as far as security is concerned.

We have just been debating the Motion by Sen. G.G. Kariuki which calls for a review of security of this country. Let us be very clear; we are not blaming anyone here. We are not even blaming the current Government because it only came to power a few months ago. So, let us know that the security situation in this country has been deteriorating over the years. It is time we came together as a country to see how best we can address this problem.

Mr. Deputy Speaker, Sir, I saw the television clips on Marsabit. This is pure anarchy. It is that simple. If we go on like this – allowing communities to turn on one another because you think that you are in Nairobi, or in Nyeri or Kitui, tomorrow, it is coming to you because there will always be issues within communities. This is unprecedented. It has never happened in the history of this country where communities are fighting one another. But it all boils down to what we said in the morning, that is the breakdown of law and order where people do not respect the lives of human beings and properties of other people.

People can do anything they want and they get away with it. That is what they call anarchy and the security situation in this country cannot get any worse than it is. It is high time we, as leaders, and the Government took deliberate action to stop the insecurity that is going on in the country. We have just been told that in the City centre this morning there was a robbery. You saw what happened in Lavington where our police took five hours fighting two unknown people. It is like we are on our own. Literally, we are on our own because something happens and there is no one to protect us.

Mr. Deputy Speaker, Sir, in Marsabit, I have seen some depressing photos where I am told that those who were looting were being supervised by elected leaders. This clearly shows that we have political and ethnic differences put together. So, as Sen. Wangari has said, the buck must stop somewhere. The buck of insecurity that is going on in this country must stop somewhere. The buck of insecurity that is going on in Tana River, Kitui-Tana River border, Samburu, Pokot and Turkana and now in Marsabit must stop somewhere. It must stop at the leadership because we have nowhere else to run to; His Excellency the President is the protector of the Constitution. He is the protector of lives and the properties of Kenyans.

Therefore, I think we will not be speaking out of turn as the Senate if we call on His Excellency the President to address the issue of Marsabit, Pokot, Turkana, Mandera, Kitui-Tana River and Tana River. There is even a worse issue between the Turkana and some people from Ethiopia who cross the border at will, kill people and go back. We, as

the Senate, are appealing to the President to address the issue of Marsabit and we will stand by them in mourning the dead.

Thank you.

**Sen. G.G. Kariuki:** Mr. Deputy Speaker, Sir, I have been trying to talk to this Motion because I have a similar Motion currently which is more elaborate and not for a specific area. I think I am persuaded by the debate that I need to say something about this.

I do not think we have any quarrel with the current Government or anybody because this Government has only been in office for less than eight months. Therefore, we would be out of order in a way to start criticizing the Head of State and the Deputy President over this matter. But it has to be known that this country has a big problem. In fact, Uhuru and his Deputy---

**The Deputy Speaker** (Sen. Kembi-Gitura): It is "President Uhuru Kenyatta". I think it is important for the HANSARD to get the record straight.

**Sen. G.G. Kariuki:** Okay, Mr. Deputy Speaker, Sir. President Uhuru Kenyatta and the Deputy President can do good service to this country if they forget so many other issues although I know that they have problems. This issue of insecurity in this country will put us in a position where we shall not be able to come out of it. I am not just saying it for the sake of it because I have studied about international terrorism and things like that.

For example, if people decided to take over a certain Government office, there is no security agency in this country to stop them. They will just march there and do anything that they want to. Who are we going to appeal to if Sen. Haji, a person I respect so much, especially when it comes to security matters and the former Provincial Commissioner, cannot be given an opportunity to speak to the President on issues affecting this country? I think we are failing somewhere.

I cannot fail to say that this country has enemies. Those enemies are within us and they are working. I have studied foreign affairs in the whole world and I can tell you for sure that this country can just be taken over by criminals in a very simple way because we, as leaders of this country, have been penetrated by foreign agents and we are not aware. I think we are in big problems. This is a situation that has brought the Chairman of the Committee on National Security to the point of despair; what do you expect?

If it was in the United States or any other developed country, this matter would have been taken very seriously. Here we just talk about it. That is why I brought my Motion. We just talk and that matter dies there. We need to do something to assist His Excellency the President and his Deputy and this country and the citizens of Kenya by trying to put right the security of this country.

Mr. Deputy Speaker, Sir, when we talk about Vision 2030, how are we going to achieve that kind of thing? Those are dreams unless we know whether we are secure or not. Who is going to spend his money in this country? For example, if I wanted to build a 20 storied house, I would consider very critically whether I will be in my right mind to do that when I see insecurity every day. I pray that hon. Senators will come in the afternoon and talk about the Motion that is coming up in the afternoon; let us talk about it and even amend it. Whether you want to appoint a select committee I do not mind, but I do not

want any confrontation with the select committee. I want a committee that will review our security first and see what we have done and whether we have anything that we can add to it. We should not stop at anything. We should bring on board everybody whom we think can assist this country be it from China, Britain, America and everywhere else.

We have to talk to these people and know how they have tackled insecurity in their countries. China has a population of 1.3 billion people. They survive. Britain has about 450 million people and they can survive without much problem. We are only 40 million people and yet we cannot bring our heads together because of insecurity. Where have we failed? I do not want to blame any person who has been given a position. There was no other way of promoting those people other than through the Constitution, but unfortunately, they are the same people. We do not want to condemn them, but give them the right direction and manage them well and we are going to see the results. The top guys I see in the military, police and other security agencies, I know them very well. They are capable of doing what is supposed to be done, but they cannot work comfortably because of the baggage which is on their shoulders. They are not allowed to move anywhere because of tribalism and corruption here and there.

I beg to support this Motion and appeal to the Members of the Senate to be present in the Chamber this afternoon.

**Sen. Sijeny:** Thank you, Mr. Deputy Speaker, Sir, for giving me this chance to contribute to this Motion. I thank the Mover of this Motion because this is something of concern to all Kenyans.

As leaders, it is our responsibility to ensure that our country is safe. We should ensure that all citizens are safe to live anywhere in the country and that their properties and lives are safe. However, it is of great concern that things are moving from bad to worse. As the Mover of the Motion has said, there is a lot of insecurity in Marsabit. As we all know, these are people who have coexisted and lived in peace before. However, you wonder what is going on. This is not just happening in Marsabit but in other parts of the country. Start with Nairobi, in broad light; you will see many things happening. Taxi drivers are afraid to operate. Once they drop off passengers, they also go through incidences. You will hear that gangs approached their clients and you wonder why this is happening.

Sadly, these are young people who are below 45 years. The gangs are spread in the rural areas and villages. Where life was peaceful, it has now become very dangerous. The situation is very insecure and I wonder what is happening. We have to take charge and give ideas. We have the capability and professionalism. We have the capacity to handle the situation.

I remember sometime back when there was a lot of insecurity around Nairobi. The late Mr. Patrick Shaw dealt with them. The courts kept on saying that the police had not carried out proper investigations and the criminals would be discharged. The former Police Commissioner, Retired Maj-Gen. Ali, also dealt with security issues and they were curbed. We know the current leadership of the security personnel can also handle the situation. I wonder what we can do to help them. We have taken this seriously.

The Senate came out the other day and gave ideas. We discussed and now it is time to implement. What is going on? This insecurity is still continuing. When we leave

our houses in the morning, our children can no longer play as they used to. We cannot allow them to have fun in public places because we are scared. We cannot live like that. We are independent and a very civilized society. What do we want? Elections are over.

Ordinarily, we knew that when it was time for elections, politicians would play around with people and throw others out. Elections are over. We are moving on. It is time to lead our country and not to destroy it. So, why is there a lot of insecurity? What do these people want? Are we being invaded? Are there foreigners or people who are trying to take over our country?

We have to ask ourselves such questions and deal with it. As Sen. G.G. Kariuki has said, let us deal with ways of overhauling the systems. Let us get the best practices. I hope that the Committee on National Security and Foreign Relations has had an opportunity to go out and benchmark and get the best practices so that we bring these ideas on board to improve our country and curb insecurity before it becomes worse. Do we need foreign aid? Do we need the Federal Bureau of Investigations (FBI) and other agencies like the masters who colonized us? I do not think so. We can manage. We need to be very firm and to deal with these people.

The ideas being fronted of knowing our neighbours should be embraced. Sometimes the people we are living with are not our neighbours. We have had sons, brothers, sisters and uncles being trained into terrorism. Can we speak up? Why can we not speak up? Is it because of the love of money? What makes us allow the bad habits in our society?

With those few remarks, I support.

**Sen. (Dr.) Zani:** Thank you, Mr. Speaker, Sir, for this opportunity. It is sad that almost simultaneously, we have two Motions running on the same issue of security. We started this yesterday with Sen. G.G. Kariuki's Motion. Today, we have a Motion of Adjournment to discuss insecurity with the specific case of Marsabit. The situations that have been described are very sad. The sovereignty of a country is enjoyed when there is security and that should run across all the counties. These problems are not the same. They are specific. Across all the counties, there are various sets of problems and differences in the way they are emanated and the tensions that play out. For example, there are religious tensions like what happened in Mombasa County. It could be out of ethnic tension, for instance, what is happening in Turkana and Pokot counties. These could be petty crimes or opportunistic crimes as it is happening in the city centre.

As I spoke today with Sen. Martha Wangari, we realized that one person had already died along Wabera Street. Nobody is safe in Kenya. We have our sovereignty and our security forces that we believe are well trained and organized. There is something very wrong happening and the worst thing is that nobody is taking responsibility. If we are having this kind of insecurity when we are at peace, what will happen when we have a higher scaled up level of inter ethnic conflict within the country?

I think we are sending the wrong message to the youth and to other people. Young people are maimed and young women defiled. It seems as if we have a group that has come up which can do anything anywhere and get away with it. It is as though we are having a terrorist attack within a terrorist attack every other day in this country. I think it is not enough to sit and discuss these issues somewhere along the line.

I thought we had found a way forward when we had discussions with various security personnel within the Senate. I suspect now, in retrospect, that we did not get a way forward on how to move on. We are recycling and getting old solutions coming through over and over again. We are still asking questions because we have to look at this from a two point approach. One, look at all what is going wrong. On one side, we have policemen who are trained who can do their job very well. We have people who should have been properly vetted to join the system. However, nothing is going on. We still have high levels of insecurity. So, we need to turn and look adversely on what could be going wrong.

Is it our level of moral decadence that is jeopardising security in this country even more? Is it our level of lack of passion in what we do? You can have the best trained officers with the best equipment. If it took 11 people to make a difference and 1,000 police forces who could not make a difference, then we must ask ourselves how these people were vetted and if they have the passion. How did they come in? Do they have the zest? Are they ready to defend? Do they have determination? Are they putting lives first when all they are doing is standing and watching?

Apart from watching and waiting, they are now also part of the perpetrators as we have heard in the reports we have been receiving. I think we are in serious trouble. We are in more serious trouble when we know that the vetting process is not done well. Criminals have legalised themselves and are even joining security forces.

Kenya and Rwanda are not very different. However, Rwanda has come from a sense of insecurity and conflict to a sense of tranquility. A woman can walk in the streets of Rwanda at midnight; she does not have to look left, right, centre or back to see if there is anyone dangerous following her. You cannot do that in Kenya. We were shown clips taken along Uhuru Highway of people who were stealing mobile phones in broad daylight. I do not understand what the issues are. If we have places which are insecure, the people who are in charge should give a sense of security and uphold it.

I remember sometime in Nairobi when had to put posters to warn people about areas which were unsafe. However, who do we warn today? Everywhere and anyone are unsafe. I am thinking about a young Kenyan who is growing up today and what they want to do. As we go to sleep, parents are not safe; the children are not also safe. When there is an attack, the parents panic and the children panic too. We are bringing up a traumatized group of children and worse still a generation that has no confidence in its country and leaders. I think it is time we had a conversation. We should call all these leaders and ask what the issue is and demand a clear way forward so that we know how to go about it. We should also look at the issue of curriculum and see if we can change and make a difference and if we can be patriotic. We are Kenyans and we should make Kenya secure.

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

**Sen. (Dr.) Zani:** Yes, Sen. (Prof.) Lonyangapuo, I would like to be informed.

**The Deputy Speaker** (Sen. Kembi-Gitura): Well, you will be informed, but your time is almost up.

**Sen. (Dr.) Zani:** So, can I continue?

**The Deputy Speaker** (Sen. Kembi-Gitura): You said you wanted to be informed.

**Sen. (Dr.) Zani:** I did not know that my time was up.

**The Deputy Speaker** (Sen. Kembi-Gitura): Unfortunately, you are bound.

**Sen. (Prof.) Lonyangapuo:** Mr. Deputy Speaker, Sir, I want to inform my colleague that in the clip that she just mentioned that was on *Nation Television*, the very bold notorious phone snatchers in Uhuru Park, they said that they did the survey for three months and the police were informed, but nothing took place. This means that something has failed in our police mechanism systems even right at the top here in Nairobi.

**Sen. (Dr.) Zani:** Thank you, professor for that information and for highlighting the issue.

My time is up and I beg to stop.

**Sen. Ndiema:** Mr. Deputy Speaker, Sir, I want to support this Motion and say that the security situation in our country is, indeed, worrying. It has been developing over time. If we continue at the rate and direction that we are moving, we do not really foresee the good future of this country. Even what we are talking about in Vision 2030 may end up just being nothing but a dream.

Mr. Deputy Speaker, Sir, the previous speakers have talked on many issues and I may not wish to go into them. When we look at it, the summary of it is that there is something definitely wrong in the security system. Here we have talked about individuals, but I think this goes beyond mere individuals. I know the people who are heading or manning senior positions in our security organs. They are very qualified and are equal to the task, but if you were to interview them today on any issue even if you summoned them, each one of them will acquit himself or herself. Each one of them will say I did this or that legally which is required by law and, at the end of the day, none will be found to be culpable. It is because, perhaps, the system itself that is in place does not facilitate effective discharge of their duties.

Mr. Deputy Speaker, Sir, on the issue of Marsabit in northern Kenya, sometimes insecurity is a matter of scarce resources. Sometimes it is just a question of ethnic conflicts. Some of the underlying issues are beyond what we would call matters of policing. There are underlying causes. Some of these underlying causes are either political or land issues and so forth that need solutions from a broad spectrum of disciplines, not just mere reaction by policing. What we are seeing may just be symptoms of underlying factors. Some of them are historical and need to be addressed and finalized.

Mr. Deputy Speaker, Sir, from time to time, we have tended to react by changing the law, establishing commissions of inquiry like the Truth, Justice and Reconciliation (TJRC) which has a report that has taken time to be implemented. We have established even permanent commissions. There is a commission called National Cohesion and Integration Commission in place. This commission was supposed to integrate communities where there are differences and conflicts so that they are nipped in the bud before they explode. We have not heard that commission rushing to Marsabit to find out what is happening and to bring communities to the table to discuss and resolve those issues.

We know that our communities even traditionally had mechanisms of resolving disputes. Once in a while when they disagree, they are capable of resolving the issues

through their systems like elders even without police or the military. Have we really exhausted that system? What are the institutions that were supposed to resolve conflicts?

Mr. Deputy Speaker, Sir, today, no part of this country is safe. Today it may be Marsabit, the other day, it was Pokot and Turkana. Last year, it was Tana River. I read even that in mosques, there may be disputes which may break out. The other weekend I attended a funeral of people who had been beheaded. Criminals just attack a person for no apparent reason, killing him and injuring the wife. Let us also look at legislations.

**The Deputy Speaker** (Sen. Kembi-Gitura): Order, Senator! Time is up!

### ADJOURNMENT

**The Deputy Speaker** (Sen. Kembi-Gitura): Order, Senators! That brings us to the end of today's business. The House is, therefore, adjourned until this afternoon at 2.30 p.m.

The Senate rose at 12.30 p.m.