NOTICE OF MOTIONS

Date 3rd December 2013
Member of Parliament: Sen. Beatrice Elachi
Contribution She Made On: The Draft Public Finance Management (Uwezo Fund) Regulations, 2013

She gave notice of the following Motion.
THAT, the Speaker now leaves the Chair to facilitate debate on the Draft Public Finance Management (Uwezo Fund) Regulations, 2013 laid on the Table of the Senate on Wednesday, 27th November, 2013
POINTS OF ORDER

Date 5th December 2013
Member of Parliament: Sen. Elizabeth Ongoro
Contribution She Made On: Concurrence On The Kenya Information And Communications (Amendment) Bill 2013)

➢ She pointed out that there was need to interrogate the Bill as it was one of the their main mandates to ensure the welfare of counties and added that this entailed taking care of welfare of their constituents by interrogating everything that was going to protect the freedom of speech.

➢ She called the Senators attention to make reference to the Bill of Rights enshrined in the Constitution at Article 19(3) (a), that stated that the rights and fundamental freedoms in the Bill of Rights belong to each individual and are not granted by the State and added that that was a very strong statement and that it was not supposed to be granted as it was already granted by virtue of the fact that Constitution had already been promulgated.

Date 5th December 2013
Member of Parliament: Sen. Zipporah Kittony
Contribution She Made On: Concurrence On The Kenya Information And Communications (Amendment) Bill 2013)

➢ She cautioned the Bill was being rushed without proper consultation and time for the Senators to digest and that it was important that they are given more time to look at this because as it touched them as well further stating that the suggestions that had been put forward should be considered. She pointed out that it was in order to go for recess to spend with those that we represent but they also needed time to time to critique themselves individually and collectively as the Senate and should spend time in the libraries to upgrade their skills and information banks.

➢ She further opposed the Motion because in view of the things that were happening in the country that are of national interest, we would do ourselves and the people of this country great injustice, if we go on recess before giving our input and allowing our critical voices to be heard on this very important issues. She noted that the Bills that were currently being debated even in the National Assembly, it would not be in order if they went on recess and suggested that they extend the sittings up to next Thursday after giving their critical input in some of these issues.
MOTIONS

Date 3rd December, 2013
Member of Senate: Sen. Zipporah Kittony
Contribution She Made On: The National Honors Regulations, 2013

- She recommended the proposed advisory committee be made known especially those who were serving in the Advisory Committee so that there was no replication and added that, as the other speakers had said, that had been abused.

- She noted that if they were to accommodate the counties, then we need to have other committees at that level so that everybody who has served and given contribution to the growth of this country gets an award. Culturally, people go to stages and get recognized as they grow up. In the society, we are in, this should also apply. However, if we are left at the mercy of civil servants and give them the discretion to appoint who will get commendation, then they may get tempted and do things that are not proper.

- She further stated that there were a number of people who had been honored and who did not deserve the medals adding it would have been ideal if the Motion had come a little bit earlier so that they competently contribute to accommodate commendation at the Kenya at 50 Celebrations.

Date 3rd December, 2013
Member of Senate: Sen. Dr. Agnes Zani
Contribution She Made On: Public Finance Management (Uwezo Fund) Regulations, 2013

- She noted that it was good that we are starting off with the Uwezo Fund, when there were other funds that they can make reference to, and probably look at how they worked, where they worked and where they did not work adding that they should look what went wrong and try to avoid those specific pitfalls.

- She noted that it was always good to learn from what has happened before and further stated that the Youth Enterprise Development Fund (YEDF) and the Women Enterprise Development Fund (WEDF) did not work for various reasons.
She pointed out that some of the reasons the WEDF failed were administrative in terms of personnel and the way they were allocated and went about doing their work. But I think also that there were lots of financial and accountability issues.

She further noted that there was the issue of sending out clear information on where the money has gone to and which group has received what amount of money and how much of that money had been paid back. Some of the money, for example, has been given out through organizations. Those organizations then also give out the same money to smaller groupings within their communities. Then, it becomes very difficult for those organizations to follow through, collect the money and ensure that it ends up in a kitty, where it can be returned back to the original fund. Sometimes that happens because of accounting systems in those organizations and that money tends to get mixed up with the money that the organization already has and that in turn creates a lot of problems.

She noted that there needs to be follow-up, so that if there is any organization that is disbursing this money, it does that in such a way that there are clear follow up mechanisms. Therefore, the importance of record keeping across the board for the various organizations and groups also becomes very critical. Usually, the basis of such groupings is knowledge of each other, cohesion and levels of integration. So, in any area where it has been applied, it is important to know whether that level of integration really exists. If it does not exist, it makes the implementation very difficult.

She further noted that there are key things that are very critical to make the fund work. Training has already been mentioned, but sometimes when you speak about it, we just take our old training methods and train people the same old way, without putting into consideration the dynamics of new facts that have come into play, that make it very difficult for people to implement and use the money successfully.

She questioned whether if they are being trained the modules used were sufficient and what new innovative training capabilities are they being given, so that when they take that money, they are able to put it into some sort of entrepreneurial exercise which is very innovative? This is because, again, what tends to happen is that everybody tends to copy each other. Therefore, you will find that very little is going on in terms of profits or interests that come in as a result of that.

She pointed out that many times also, after the training, there is no real follow up on the ground to find out that the training is actually effective and
that they are doing what is expected of them. I was a visitor to a group where they were doing table banking and it was very impressive to see the level of engagement and transparency that was there. In fact, the members would sit and collect the money. The money would be counted and everybody would know what is coming in, but the key thing was that members had to re-borrow from those funds and pay back interest to that specific group, so that, that money could get generated. That is how the interest gets shared at the end of the year to everybody. But when groups are able to do that because of their levels of integration, knowledge and commitment, they are able to move to a different level and go to better places.

- She noted that even as we think about identification of the groups, because that is where the problem really is, how well do these people who are coming together know each other? What is their background and how committed are they? If they are not committed, so that they hold each other accountable, it will be almost impossible for them to pay back that money. They will actually all go to different directions and asked in such cases who is held accountable again

- She stated that in most of these groups, you will find a leader. That leader has to be dynamic, able to pull together and find a way of making things work. But, again, without the automatic cohesion in specific areas, it becomes very difficult for people to follow each other up. This is because you might find that you are following somebody up, but they are not really responding. But if there is a sense of togetherness and having a purpose, closeness, integration and cohesion that is already in place, that makes it possible for them to do that. Therefore, even as they get their interests and profits, they are able to gain from that and added that that was the sort of entrepreneurship that should come as a result.

- She stated that it should also help them to move to the next level and identify ways of using that money, so that it makes a difference in their lives. In specific counties, it is really about the various other industries supporting. For example, for the case of Kwale, we think about tourism. Women can look for vegetables, eggs, chicken or do whatever business, so that, that money can actually come back into a kitty, but be used for entrepreneurial activities. I think that, that is the way we will gain. So, it should not just be about giving money and taking it back, but giving money and growing those specific groups.

- She noted that that would also create a culture of accountability; that whatever money one have received, it is meant to go into a generational fund, so that it is self-generating. From the money that is paid back, others
should be able to benefit from that particular fund and not just have one group taking the money, using it and not accounting for it.

- She concluded that with the various challenges, these are the ones that we need to look out for and come up with the necessary amendments, probably in the Committee, so that we can determine how this fund can be administered.

**Date 3rd December, 2013**  
**Member of Senate: Sen. Liza Chelule**  
**Contribution She Made On: Public Finance Management (Uwezo Fund) Regulations, 2013**

- She supported the Motion because the said Fund, the Kshs6 billion that was promised by our President and the Deputy President during the campaigns period, was a pledge and added that the fulfillment of that pledge would go a long way in alleviating poverty and she noted that about 70 per cent of our country’s population lives below the poverty level. There is no way we can empower these people except through such Funds. I do not want to concur with some Senators who are suggesting that these will not help in solving anything. People on the ground are suffering.

- She noted that if an individual on the ground is given up to Kshs3,000, he or she will make something out of it. The Kshs50,000 is not little money. We have people who are really suffering. I do not want to instill a belief that the money will not come back to the Government because it is a revolving Fund. We still have the Youth Enterprise Development Fund and the Women Enterprise Development Fund. I am a witness of what women have done with that Fund. Most of them have refunded the amounts they had borrowed and have borrowed other amounts. All they need is training and sensitization on how to use the money.

- She pointed out that the people on the ground were waiting for this money and they knew that the money will be released in January next year. Most of the youth and women are prepared to take it. Most of the youth and women have registered and taken all the steps that are required to have this money. They are ready to have it. I request fellow Senators to use encouraging language to our youth. What do you do with so many youth who are just idling at home doing nothing and who are getting nothing at the end of the month? It is a high time that we sensitized the community about the money that the Government has set aside for them. This is a revolving Fund that will be given to particular people.
She stated that after a certain period, the same money will be used to empower a sister or brother of the same person. I support the amendments by the National Assembly. A six months grace period is enough for any group to prepare and see that they benefit from the Fund. The two year repayment period is good time for anybody who is serious. However, we are talking about the community. This is not about the first, second or the third class. We are talking about communities that are suffering; a community that if a youth group was given Kshs100,000, to start business, the profit would assist them and at the end of the day, they would repay and make some profit that can assist their people at home.

She pointed out that people especially at the rural level were suffering. When I say this, I know what they are going through. They are going through problems at home because of poverty. I believe that this money will benefit them. I am happy that a committee will sit tomorrow to look at these regulations. Probably, we should consider giving individual loans because it is easier to follow a loan that has been taken by an individual rather than a group. This can still be applied the way it is done in the women and the youth funds. The rate of 1 per cent is not even interest. This is the administrative fee and money that will be used by people who will be at the secretariat level.

She stated that she was happy that the money would be managed through two structures, at the national and at the sub-county level. The sub-county is the most important part because this is where people are waiting for this money. I support this Fund because I know it will benefit people. I cannot say that people will not pay it back for sure. However, people need to have proper training in entrepreneurship and sensitization which will make them understand that this is a revolving fund. It should move from one person to another. We need to make them understand that concept.

She requested her fellow leaders to use any channel to sensitize the people, be it radio or anything that you come across. However, this is the money that will be given to your brother; sister and even assist other people. I stand here being one of those people who want to do something about this between now and January. People are waiting for this money. I would like to request fellow Senators, if there is anything that we need to do; we do it before going on recess.

Date 3rd December, 2013
Member of Senate: Sen. Beatrice Elachi
Contribution She Made On: Public Finance Management (Uwezo Fund) Regulations, 2013
She thanked the county women representatives and the Members of Parliament for agreeing to work together in support of the Fund and added that though they would have wished to see the disbursement being done differently, having looked at different organizations and how they have been managing table banking for example JOYWO and other merry-go-rounds which have done very well among others. We know that table banking never fails.

She stated that she believe that if Members of the National Assembly had agreed that county women Members of Parliament would bring in a certain number of members and the constituencies will also do that, our prayer is that they will look after the organizations that are within their constituencies. They should look at the women groups that are there and ensure that they are the beneficiaries. Therefore, the fear of not repaying the money will not arise. Women will repay this money. They know that it is their money and that it is a revolving fund. They should go ahead to ensure that while they revolve the fund, there are dividends. Once they have received the dividends, you will see how they will be proud while repaying the money.

She urged the Senate to consider that while were are doing the amendments, we should know that we have 47 Bills in the National Assembly. Therefore, if we put in requests in terms of amendments, they may either be passed or rejected. At the end of the day, it will be women who will be disadvantaged on this. I plead with Members, while we bring our proposals, that we limit ourselves and look at the fundamental issues.

She informed the Senators that it was the agreed that the women Members of Parliament would be in charge and added that it would only be fair to leave Senators out of the management of these funds to make it easier for accountability.

She proposed that the Senators in the board be strictly there to be overseers and there function be limited awareness creation and enlighten Kenyans about the regulations and where to get the money at this level. That would be very important and will save Senators from sitting in many constituency meetings. When you look at the structure, it is more of a constituency fund than a county fund.

She noted that it was important to also understand that the funds would go a long way in helping young people and women start their own businesses, be self-employed and have something on the table as they do other businesses
and added that the people who are already in business have the Fund for the youth and one for women who are in business.

- She recommended the Uwezo fund be reserved to those who are just beginning so that they can tap into other funds that we have and added that the National Assembly should also look at the commission on poverty eradication and provide funds for it. So, when they denied the commission funds, there was money which had been allocated by the Government. Today, that money is just lying because they did not give a way forward on how to manage it. So, we request them to look at the fund like “Njaa Marufuku” which was started by the former President Kibaki.

- She pointed out that it was of essence they find out where the money is and how we can tap it as we think of the sustainability of Uwezo Fund. Therefore, we need to consolidate all the funds and bring them together. As we look at the proposals by the task force looking at the parastatals, we realize that they want all funds to be merged. So, as we look at it, we need to know the time frame for Uwezo Fund otherwise, we might find it collapsing by next year.

**Date 3rd December, 2013**

**Member of Senate: Sen. Dr. Agnes Zani**

**Contribution She Made On: Constitution Of Committee To Undertake Security Review In Kenya**

- She supported the Motion by pointing out to the state of security or lack of it. She stated that there had been a lot of discussions on insecurity in this country in various fora but what was amazing was that the rate of crime was increasing in all areas, be it cattle rustling, murder, manslaughter or cybercrime.

- She noted that all sectors of crime seemed to be increasing and we there was a need for self-interrogation on why insecurity was high. She pointed out that before insecurity is curbed or situation arrested there was need to find out what are the basic facts that lead to it. Where have we gone wrong in Kenya? Is it our educational system, for instance, that creates too much expectation? According to scholars such as Martin, they say that if, for example, the level of expectation is higher than what you can attain, then people tend to seek even what they cannot find.

- She further stated that that can be used to explain white collar crimes specifically where, for many youth, the dream is to drive a car and to own a house without a plan of how they are going to do it. She exemplified the situation by stating that on asking a group of youth sometime back if they got
the chance to steal their first million, would they steal it. They happily and very confidently said yes, adding that was because at the end of the day, crime had become a means to achieve anything that you need to achieve in this society without really putting a lot of consideration in terms of the cost and the consequences.

She pointed out that for many of the youth; issues like drugs have come in and made them not really think about their actions, hence determining these particular actions. To a large extent also, the failure of security organs to arrest and reprimand properly most of the offenders has also caused an increase in these specific crimes. So, somebody knows, one way or another that he will get out of the loop by having lawyers who, over time, are able to defend them, and they will do so at whatever cost.

She noted that there was a group of people who will get into crime and know that they will get out of it because they will find a way in the system of either legally or illegally getting out of it. Legally if they get lawyers who can get them out of the situation, but illegally because there are systems in terms of security organs and the processes which also tend to be corrupt. It is not new in Kenya; that we know that people give money and get away with acts of crime that they have actually perpetrated.

She suggested that as a solution they needed to exhibit their commitment; that we really want to change. She noted that as leaders if they exhibit such a commitment, they begin to ask themselves; how do we begin to change the modus operandi? What new strategies can we come up with in terms of combating crime? I think very little has been done in terms of strategies of combating crime, and for many discussions that have taken place, most of the time, it is as though the perpetrators are actually one step ahead of the protectors.

She questioned the level of commitment to fighting crime in this society and suggested that there was a need to begin to think more strategically about how we can actually implement various sorts of strategies. Unfortunately, even the strategies have not been discussed extensively, starting from police reforms that have been advocated, especially from the post-election violence; and a need to audit and say: “Where are we in terms of these police reforms? What sort of capacity building has been given, for example, to the forces so that they can actually implement their work effectively on what they do on a day to day basis and the other issues of housing, security and how they can be tackled
She noted that in Kenya, sometimes there was a tendency to make one step forward and one step backward. We come up with ideas and strategies that we do not discuss extensively in terms of where they will take us to, the advantages, the disadvantages and the steps to take us to the right direction. We implement policies, and then go a step backwards and accept that we went wrong.

She noted that community policing is one of those initiatives. It is a good initiative to begin with, but to a large extent, in terms of research that has been put into it, it has failed because people do not trust those same community initiatives that have been put into place to fight crime. In the long run, you find a situation where there is community policing but nobody really comes forth to report what is happening on the ground. You will find a community that does not look at a police officer as a friend, like it happens in the Western world where community policing has been effective.

She pointed that people will not come forward to report anything that is criminal, like if illegal guns have been identified somewhere or there is a theft that is about to happen. They will not report such and try to contribute towards averting a crime. She further pointed out that the issue of small arms was an issue that had been discussed many times even in this Senate. What strategies can we come up with to curb the proliferation of small arms in this country in order to ensure that every Tom, Dick and Harry does not have a weapon in this country.

She stated that sometimes we hear devastating news that some of those weapons are hired out by those who should be protecting the same citizenry. This raises the issue of the best strategies to put in place. I think we have not had a national discussion and I think this is what is being advocated by Sen. G.G. Kariuki.

She recommended that a committee should be formed to undertake a comprehensive security review with view to formulating modern security strategies capable of containing crime and safeguarding national security interests. We should have national conversations in a very concise and honest manner so that if there are new strategies, then they should be brought on board. It is the responsibility of the Members of that committee to do that.

She pointed out that this would be like a think tank that will really look back at the background and the statistics and the event of the crimes that happen, the causes for the specific crimes and the specific strategies that can be used at the various levels, be they at the individual, community, county or national level, so that it becomes very specific.
She pointed out that the terms of reference for such a committee would be to ensure that the strategies they come up with are really new and dynamic. If we keep churning out the same old strategies that have not worked, then it will become very difficult for us to curb crime. I think such a committee should also constitute experts from the various fields be it the political, economic or security forces so that they can actually bring into interplay their knowledge and skills.

She noted that fighting crime has always been very difficult for many generations. In fact, if you look at the rates of crime, you realize that even those who are jailed and released go back to it again. Sometimes we have heard that people in jail are still perpetrating criminal activities from inside the jail. For those who have come out, they still perpetrate the same crimes. That means that something has gone wrong somewhere. The message that crime is not acceptable has not been really received.

She noted that when many people think of what decision to make, they think of rational choice model where you put your costs and your benefits on one side. Once we put together the costs and benefits, you will see that the benefits outweigh the costs. That will be an incentive to benefit all. From a psychological point of view with regard to using punishment as a strategy to curb crime, we should ensure that criminals are given crime deterrent sentences to ensure that they do not go back to commit crimes. That argument has been made especially in rape cases where if maximum sentence is applied--- The problem is that the judge is given discretion to decide to give either the minimum to the maximum. All those factors come into interplay in making a decision about the maximum sentence someone should be given.

She further stated that that's where the whole combination of the criminologists themselves, police officers, and the judiciary need to come together. I think there has not been enough interaction between those specific arms. At times, the issue of crime is proliferated further because everybody seems to be moving to a different perspective rather than joining together. Judges and prosecutors should articulate the cases. However, there seems to be a lack of balance between what is expected of them and what they come to do.

In countries where systems are working very well, we still have issues coming out in terms of the way sentences are given. Some countries, especially those in the West have moved to a different strategy to deter people from going back to crime. Some countries have come up with the use of houses where people are still in prison but are allowed to go out. The cost of putting people
in prison is very high. Some people who are put in prison do not even give back. I have seen people who get very happy when they are arrested because they think they can get everything in prison for free. If this is the mindset of the people who are in prison, then how will we deal with them?

- She stated that people who are convicted of crimes which are not very serious should be left out so that they anticipate going back to their families and to give back to the community. What happens to families where a father has been imprisoned and, therefore, cannot play his fatherly role? Is there a way we can balance this? How do we treat a chicken thief vis-à-vis someone who has stolen billions of money within a particular society? We should have that balancing act and look at the systems.

- She pointed out that there was a need to know what has gone right and what has gone wrong with those systems and to evaluate what has made people in other societies that have found it critical for people to move forward. This Committee needs to be empowered. However, the selection of who needs to be in the Committee needs to be done carefully. This needs to be a think-tank of brilliant new minds that want to do things differently. The issue of criminals and crimes is not something that is only being fought by the Third World. The developing world is also fighting. This is being fought by everyone everywhere.

**Date 4th December, 2013**

**Member of Senate: Sen. Dr. Agnes Zani**

**Contribution She Made On: Adoption Of Report On Familiarization Tour Of Geothermal Power Plants In Olkaria And Naivasha**

- She supported the adoption of the report by stating that they visited the various sites and have given us a comprehensive Report, which also gives recommendations of improving this very important sector. She pointed out that 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.

- She recommended 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.

- She noted that the potential that was looked into was about 10,000 megawatts, but they say that there is potential for more in terms of
She pointed out that in the Report, they talked 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.

She noted that 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.

She suggested that 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.

She pointed out that 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.

She noted that 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.

Date 4th December, 2013
Member of Senate: Sen. Zipporah Kittony
Contribution She Made On: Adoption Of Report On Familiarization Tour Of Geothermal Power Plants In Olkaria And Naivasha

She supported the adoption of the report by stating that without power in our country, we cannot develop our country and added 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.

She pointed out that 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.
She pointed out that issue of insecurity has been discussed extensively and even then it was time we sorted out this issue once and for all adding that it is important for us to think whether devolution is a curse that is what we are seeing in our counties. She noted that people voted for the Constitution so that services could reach them however; there are counties that have not taken off completely due to insecurity.

She pointed out that the house should wake up and raise these issues so that matters of insecurity are taken care of and added that if we did 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.

She stated that 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.

She pointed out that 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.
Date 4th December, 2013
Member of Senate: Sen. Beatrice Elachi
Contribution She Made On: Escalating Insecurity In Marsabit County

- She supported the adjournment Motion by stating that to look at what is happening around the country, especially in Marsabit she wanted 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.

- She pointed out that it was important for leaders to join hands and work together and so doing, they would solve the issue very easily and added that they needed 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.

- She called upon the Senators and other leaders to stop fueling conflicts and 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.

- She pointed out that the President and Deputy President had 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.

- She pointed out that they were are soon going on recess and that the security situation was even going to be worse but she pleaded 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.
She supported the Motion for Adjournment by stating that it was very sad that the security issue was getting out of hand and pointed out that if crime can happen at barely midday in Nairobi, then we have a very big problem. She added that previous day’s photos of the attack on a bus in Turkana were very sad especially 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.

She noted that a week before they had as a House, actually had a meeting with the security men and women in this country but they were yet to respond and the house was 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.

She pointed out that in as much as they had been categorical on how security should be handled, at the end of the day, the buck must stop somewhere and 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.

She pointed out that 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.

She questioned where the evidence is 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 adding that 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.
She pointed out that that was not acceptable and we cannot go this way. The President and the whole security machinery have to act and added 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.

Date 4th December, 2013  
Member of Senate: Sen. Judy Sijeny  
Contribution She Made On: Escalating Insecurity In Marsabit County

She pointed out that 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.

She noted that 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. 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.

She pointed out that 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.

She stated that 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.

She pointed out that 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
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.

She questioned why there is a lot of insecurity 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.

She stated that as a country we need to be very firm and to deal with these people. The ideas being fronted of knowing our neighbors should be embraced. Sometimes the people we are living with are not our neighbors. 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?

Date 4th December, 2013
Member of Senate: Sen. Dr. Agnes Zani
Contribution She Made On: Escalating Insecurity In Marsabit County

She supported the motion by stating that 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.

She noted that 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 and added that it could be out of ethnic tension, for instance, what is happening in Turkana and Pokot counties.

She pointed out that further the crime wave in the country could be petty crimes or opportunistic crimes as it is happening in the city centre and added that 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

- She stated that that as leaders they were 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.

- She stated that while they thought they had found a way forward when they had discussions with various security personnel within the Senate she suspected now, in retrospect, that they 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.

- She noted that despite the recommendations, there were 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 jeopardizing 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.

- She pointed out that 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.

- She recommended that as Senators they should call all the leaders in charge of security 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.