

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 4<sup>th</sup> July 2018

The House met at 9.30 a.m.

*[The Deputy Speaker  
(Hon. Moses Cheboi) in the Chair]*

PRAYERS

QUORUM

**Hon. Deputy Speaker:** Hon. Members, we are short of the required quorum. Therefore, I order the Quorum Bell to be rung.

*(The Quorum Bell was rung)*

Now we have quorum and, therefore, business will begin.

PETITIONS

**Hon. Deputy Speaker:** Let us start with Hon. Jeremiah Kioni.

DE-GAZETTEMET OF FOREST LAND FOR ECONOMIC DEVELOPMENT IN NDARAGWA

**Hon. Jeremiah Kioni** (Ndaragwa, JP): Thank you, Hon. Deputy Speaker. I want to table a public petition on behalf of the good people of Ndaragwa, on the de-gazettement of some 300 acres of forest land for the economic development of the people of Ndaragwa and to help in unleashing of the potential of this area.

I, Jeremiah Kioni, on behalf of residents of Ndaragwa Constituency, draw the attention of the House to the following Petition:

THAT one of the principles of land policy as enshrined under Article 60 of the Constitution of Kenya is that land be used and managed in accordance with the principles of sustainable and productive management of land resources and sound conservation and protection of the ecologically sensitive areas.

THAT, the Forest Conservation and Management Act, 2016, confers powers to Parliament to vary boundaries and/or revoke public forests.

THAT, part of Ndaragwa Township, which serves as the headquarters and economic hub of Nyandarua North Sub County, was developed within the

gazetted forest area before the Act came into effect. Ndaragwa was officially opened in 1947 and it was then called the Ndaragwa African Welfare Centre. THAT, Ndaragwa Police Station was set up in 1948 within that area and in 1948, Sir Berlin opened the now Ndaragwa Dispensary. He went further to give some Ksh27, 000 for the construction of Ndaragwa Social Hall. On 25<sup>th</sup> May 1967, the first town plans were developed and approved by the Commissioner of lands on 1<sup>st</sup> July 1967. The first Independence celebrations in 1963 for that whole region were also held within that region of Ndaragwa and a District Officer (DO) was posted there. More importantly is that in 1997, the then President of the Republic of Kenya, His Excellency, Daniel Toroitich arap Moi directed that Ndaragwa be given an extra 300 acres so that it could be developed and harness the potential of that area. The process was started but was not completed and before its completion the Conservation and Management Act 2016 came into effect. Regrettably, the area cannot have a high economic potential and maximum economic benefit because of this gazettelement of the area as a forest land. As a result of the gazettelement the title deeds cannot be issued to developers...

**Hon. Deputy Speaker:** Hon. Kioni, I am convinced that you are debating.

**Hon. Jeremiah Kioni** (Ndaragwa, JP): No, I am just doing the presentation.

**Hon. Deputy Speaker:** What you have been doing is in great detail. When I send it to the Committee, I do not know what you will do. So, please make it brief.

**Hon. Jeremiah Kioni** (Ndaragwa, JP): Thank you.

THAT, forest land vests in the National Government holding in trust for the people of Kenya but administered by the National Land Commission;

THAT, part of Ndaragwa Township was developed within the gazetted forest before the Act came into effect;

THAT, Ndaragwa Township serves as the Headquarters and economic hub to Nyandarua North Sub-County;

THAT, concerned that the area, having a high economic potential, cannot attain maximum economic benefit as a result of the gazettelement;

THAT, as a result of the gazettelement, title deeds cannot be issued to developers whose property is within the gazetted area without Parliament's approval of de-gazetting the said developed area; and,

THAT, the matter presented in this Petition is not pending before any court, constitutional or legal body.

Therefore, your humble petitioners pray that the National Assembly, through the Departmental Committee on Lands, investigates the matter and recommends that the relevant Ministry de-gazettes the 300 acres of the forest land already developed for purposes of issuing title deeds to the owners and to boost its economic value for the benefit of the residents of Ndaragwa Constituency, and makes any further direction that it deems fit in the circumstances of the matter.

Your petitioners will ever pray.

**Hon. Deputy Speaker:** I will give two Members on this particular one, and two other Members on the second one. Those who are interested to speak on this one, place your intervention.

I see Hon. Mbadi.

**Hon. John Ng'ongo** (Suba South, ODM): Thank you, Hon. Deputy Speaker. I have no much information about this forest; the representative of that area is well placed to address the issues of concern to his constituents. I am sure that it is for the benefit of his constituents that he has brought this Petition. As National Assembly, we would be reluctant to de-gazette forests but if there is need, the law allows this House to approve gazette and de-gazette.

As the Committee looks into it, my concern is that the Forestry Department needs to be careful on protection of their forests. They should fence them off so that the public knows the forest boundaries, because that is the biggest problem. You may realise that some of the parts that are treated as forests are not even forests. We need to be clear on demarcation of forests but I support my good friend, Hon. Kioni. He is someone who understands what we need as a country in terms of protection of forests. You would not ask for de-gazette if it is not necessary. It is upon the Committee to make its determination.

**Hon. Deputy Speaker:** Alright. Let us have the Member for Narok South.

**Hon. Korei ole Lemein** (Narok South, JP): Thank you very much. I also support my colleague. I know that matters forests are very sensitive in this country. There are situations where land was given out a long time ago and yet the records portray them as forests. So, the Committee needs to look at this issue. The economic impact on the people of Ndaragwa is equally important.

Thank you.

**Hon. Deputy Speaker:** Very well, let us go to the next one.

Hon. Didmus Barasa.

#### INVESTIGATION INTO DEATHS OF PETER WANYAMA AND EDWARD BARASA

**Hon. Didmus Barasa** (Kimilili, JP): Hon. Deputy Speaker, I, the undersigned, on behalf of the families of the late Peter Wanyama Wanyonyi and Edward Barasa, both residents of Kimilili Constituency, draw the attention of the House to the following:

THAT, the late lawyer Peter Wanyama Wanyonyi and Edward Barasa, a businessman from Kimilili Constituency, were murdered in cold blood in their homes in different occasions in what was alleged to be political attack.

THAT, the late Peter Wanyama was a counsel representing former Minister Musikari Kombo in an election petition while Edward Barasa was his cousin and also a Jubilee chief campaigner in Bungoma County.

THAT, the two were painfully shot dead at different scenes on 17<sup>th</sup> September, 2013 and 20<sup>th</sup> July, 2017 respectively.

THAT, prior to their murder, they had received threats and had been trailed a number of times by unknown people.

THAT, the matter was reported to the police, who never took any action to otherwise deter the heinous acts.

THAT, the families of the deceased have been subjected to untold suffering since then.

THAT, the Government called on police to speed up investigations into the two cases but the report of the investigations into the matter has never been shared with the deceased families to date.

THAT, the matter presented in this Petition is not pending before any tribunal, court of law or constitutional body.

Therefore, your humble Petitioners pray that the National Assembly, through the Departmental Committee on Administration and National Security:

- (i) investigates and establishes the cause of the two murders with a view to prosecute the culprits.
- (ii) investigates and recommends for necessary action against negligence of duty by the National Police Service Commission (NPSC) on the matter; and,
- (iii) makes any other order or direction that it deems fit in the circumstances of the case.

And your humble petitioners will ever pray.

Thank you.

**Hon. Deputy Speaker:** Two Members will also speak to this Petition. Let us have Hon. Wamalwa of Kiminini.

**Hon. Chrisantus Wakhungu** (Kiminini, FORD-K): Thank you, Hon. Deputy Speaker. I support this Petition. I originated in Kimilili where Hon. Didmus is my Member of Parliament when I go home. I am aware of Peter Wanyama, who was an advocate of the High Court. During his burial, we were told that the police would leave no stone unturned. It is now years since then. I think it is high time we called upon the National Police Service to act within a specific timeframe. As Hon. Didmus has clearly stated, his family is now languishing in poverty and suffering because he was the breadwinner. The assassination of Peter Wanyama is not the only one. We have many other cases where police always say they will do investigations and no stone will be left unturned. The moment you bury the good one, you will never hear anything about the investigation.

I think it is high time such a matter came before the Floor of the House so that we can also involve the Independent Policing Oversight Authority (IPOA) to do a follow-up. Last time we said, for us to oversee the police we should give enough funding to IPOA. We have no one to oversee the police since they are the ones who investigate. Recently, when we had many rogue CSs violating court orders or being in contempt of court, we wondered how the police would summon someone like Matiang'i, the last time he missed to appear before a Departmental Committee when he was summoned. It is important to oversee the police service and we must strengthen IPOA.

I support and call upon the relevant Departmental Committee headed by Hon. Major. Waluke to move with speed and give us a way forward.

**Hon. Aden Duale** (Garissa Township, JP): On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** What is your point of order, Leader of the Majority Party?

**Hon. Aden Duale** (Garissa Township, JP): On a point of order, Hon. Deputy Speaker. I have said many times that this is a House where we make statements based on facts. To my knowledge as the Leader of the Majority Party, Hon. Waluke is not a Chair of any Committee. Unless there was an election last night, the Chair of the Departmental Committee on Administration and National Security is seated here.

**Hon. Deputy Speaker:** Even if it was last night, you still would have known.

**Hon. Aden Duale** (Garissa Township, JP): Yes, Parliament does not operate at night like political parties. So, Hon. Waluke is the Vice-Chair and Hon. Paul Koinange is the Chair. Just for the HANSARD.

**Hon. Deputy Speaker:** That is fine and the true position. Luckily, I was going to give Hon. Waluke an opportunity to speak to this particular one because he has placed a request.

**Hon. John Koyi** (Sirisia, JP): Thank you, Hon. Deputy Speaker. I want to take this opportunity to air my views on this matter. I knew Mr. Wanyama as one of the lawyers in Bungoma who was murdered during the by-election of Musikari Kombo and Senator Wetangula.

I am the Vice-Chair of the Departmental Committee on Administration and National Security and my Chair is Hon. Paul Koinange. I know this matter of Mr. Wanyama has taken long. Indeed, it is now quiet and everybody has forgotten about it. I want to thank Hon. Barasa for bringing it up. As the Vice-Chair, I will make sure the people who were involved in murdering the two gentlemen; as Hon. Barasa has mentioned, are dealt with. Our Committee is serious unlike before. We are going to make sure they are apprehended.

Thank you, for giving me this chance.

**Hon. Deputy Speaker:** The two Petitions are committed to the relevant Committees. The first one to the Departmental Committee on Lands and the second one to the Departmental Committee on Administration and National Security.

Next Order!

### PAPERS LAID

**Hon. Deputy Speaker:** On this particular one we have Hon. Gideon Keter. Sorry, this is not order No.6. Hon. Kamanda, I remember I approved your...

**Hon. Maina Kamanda** (Nominated, JP): *(off record)*.

**Hon. Deputy Speaker:** Use the next one, Hon. Kamanda, you are not clear. Start from the beginning. Previously, you were not very clear, so you go on record.

**Hon. Maina Kamanda** (Nominated JP): Hon. Deputy Speaker, I beg to lay the following Paper on the Table of the House:

The Report of the Liaison Committee delegation to Executive Leadership and Governance Programme held in Kuala Lumpur, Malaysia from 12<sup>th</sup>- 16<sup>th</sup> March 2018.

**Hon. Deputy Speaker:** Let us go to the next Order.

### NOTICE OF MOTION

#### ESTABLISHMENT OF NATIONAL RUGBY UNION STADIUM

**Hon. Deputy Speaker:** On this one, let us have Hon. Keter.

**Hon. Gideon Keter** (Nominated, JP): Hon. Deputy Speaker, I beg to give notice of the following Motion:

THAT, aware of the economic health, social and cultural benefits of sports; further aware that Section 4 of the Sports Act (2013) provides the functions of Sports Kenya which includes, among others, the establishment, management, development and maintenance of the sports facilities; recognising that Rugby in the country has experienced tremendous growth and is one of the fastest growing sporting activities in the country; appreciating that the Kenya Rugby Union management has been instrumental in spearheading the sports regionally and internationally thus setting the country as a rugby powerhouse globally; deeply concerned that despite the various achievements and international glory that the sport has brought to the country, there is no single national rugby stadium; this House urges the national Government to establish a

national rugby union stadium in the country and high performance centres of excellence in every region with a view to providing quality sporting infrastructure, promoting the sport and providing facilities where talent scouted can be nurtured.

Thank you.

**Hon. Deputy Speaker:** Next Order!

## MOTIONS

### ESTABLISHMENT OF SPORTS ACADEMIES IN EVERY CONSTITUENCY

THAT, aware of the socio-economic benefits of sports; recognising that sports can and do make great and positive economic, health, and social and cultural impacts on individuals, communities and the wider society; further aware that sports can be a major source of employment and foreign exchange earnings in the Kenya with potential to improve the country's economy on a large scale, if well harnessed; deeply concerned that the standards of sports in Kenya in many disciplines remain low due to among other things, inadequate investment, scouting and nurturing of talent; cognisant that Section 33(4) of the Sports Act, 2013 establishes the Kenya Academy of Sports, and further, Section 34(a) of the Act provides that the functions of the Academy shall be to among other things, establish and manage sports training academies; appreciating that Article 6(3) of the Constitution provides that a national State organ shall ensure reasonable access to its services in all parts of the Republic, so far as it is appropriate to do having regard to the nature of the service, this House urges that the Government through the Ministry of Sports, Culture and Arts to establish sports academies in every Constituency.

*(Hon. Godfrey Osotsi on 20.6.2018 – Morning)*

*(Debate concluded on 27.6.2018 – Morning)*

**Hon. Deputy Speaker:** This particular one had been finalised, what remains is for the Question to be put. I want to encourage Members to move Motions that are very brief and concise. This one is a fairly long one.

*(Question put and agreed to)*

Next Order!

### PRIORITISING RECRUITMENT OF NYS GRADUATES INTO THE DISCIPLINED FORCES

THAT, aware that the National Youth Service (NYS) is a Government Department established by an Act of Parliament (Cap 208 Laws of Kenya) whose vision is to catalyse transformative youth empowerment in Kenya; further aware that the twin purposes of NYS are to create a pool of technical, disciplined and organised human resource to undertake national development programmes and to alleviate youth unemployment in both formal and informal sectors by providing skills necessary for employment while promoting national cohesion; further appreciating that, NYS currently targets to recruit over twenty six thousand (26,000) youths annually through a laid down procedure where the vacancies in each intake are allocated for every county and gender; acknowledging that the recruits undergo intense six (6) months training in paramilitary skills, national reconstruction programmes, and disaster response, thus imparting a sense of responsibility, values of discipline, respect to authority among other skills and values; deeply concerned that after successful completion of the training, the graduate youths are discharged to seek jobs which often are not readily available; cognisant of the various recruitment procedures, criteria and budgets allocated for the recruitment and training of servicemen and women to serve in the various disciplined forces in Kenya; this House urges the Government through all the disciplined forces to consider giving first priority in recruitment of their servicemen and women to willing NYS graduates with a view to reducing their recruitment costs, training period and subsequently training costs, and in addition creating jobs for these skilled youths.

*(Hon. Michael Muchira on 27.6.2018)*

*(Debate concluded on 27.6.2018 - Morning)*

**Hon. Deputy Speaker:** Again, what remained on this was for the Question to be put.

*(Hon. William Cheptumo stood at his place)*

Order, Hon. Cheptumo! You are in your third term now, Hon. Cheptumo. You know the effect. This one is even longer. So, Hon. Members, you will have to bear with this one.

*(Question put and agreed to)*

Yes, Leader of the Majority Party.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Deputy Speaker, I think this House should be cognisant of the fact that it cannot act in vain. This House cannot use its precious time to debate and ultimately you put a Question to something that cannot be implemented by the Committee on Implementation. Every Wednesday morning we have Motions that talk about “urge”. That Motion will not go anywhere. The House must use its time properly and Members must be guided that we bring Motions or Bills by Private Members that will have a socio-economic impact on the people we represent. Therefore, Motions that at the end have the wordings: “the House resolves,” like the one that we are going to discuss now, can be picked by

the Committee on Implementation and gets it implemented through the various departments of Government.

Every Tuesday, the House Business Committee (HBC) approves Motions that say “urges”. I think we can use this time better. Members can look at existing principal Acts in law and parliamentary legislation and go and amend those Acts, for example, the Health Act, so that we discuss more of Private Members’ Bills on Wednesday morning. If we have to discuss a Motion, we do not want to turn the House into a talk shop. The time is very important. I have looked at all the Motions we did in the 11<sup>th</sup> Parliament and the Motions we have now done in the 12<sup>th</sup> Parliament. All of them end up with urging Government. We are not in the business of urging the Government. We did not come to Parliament to urge. No! We came to Parliament to represent our people, to legislate and to play oversight roles. Therefore, it is our voters who will urge the DCs and the PSs, but when you enter that door, you are not in the business of being unapologetic.

I ask Members and even those who have brought such Motions like Hon. Keter... I think you need go back and redraft that Motion. I am sure the House agrees with me this morning that we should stop this business of urging because Hon. ole Kenta, the Chair of the Committee on Implementation – I can tell you with authority that he cannot implement a Motion that urges but where the Motion ends with; “this House resolves”. We have the powers under Articles 94, 95 and 96 of the Constitution. We have those powers. Let us change that system and I am sure the Chair of the Liaison Committee and the second principal to the substantive Chair, the Speaker. We need to improve the workings of Parliament every day. Therefore, I think this business of urging should end with this Wednesday.

**Hon. Deputy Speaker:** That makes a lot of sense, but you should also help us from the position of HBC, probably, to sieve some of these “urges” you are talking about. Let us have Hon. King’ola first. I can see he wants to say something. I will give a few more Members on this particular one because it is probably a serious one and, in any case, this is a Wednesday morning which is reserved to making Private Members’ Motions succeed.

Proceed, Hon. King’ola Makau.

**Hon. Patrick King’ola** (Mavoko, WDM-K): Thank you, Hon. Deputy Speaker. With a lot of respect for the Leader of the Majority Party, aware that he has been here for more than two terms now, I agree such Motions may not be very important to this House. However, there is a first timer in this House who, according to his constituents, came here to propose Motions.

Hon. Deputy Speaker is the Leader of the Majority Party in order to discourage new Members of Parliament in this House from bringing Motions and yet he sits in the HBC and they are the ones who admit these Motions to come to this House?

**Hon. Deputy Speaker:** Actually, Hon. King’ola, you are the one who is out of order because what the Leader of the Majority Party has done is not in any way to discourage any Member. What he has actually done is to improve the capacity of the Members to achieve that which they bring before the House. So, I think, you have...

**Hon. Patrick King’ola** (Mavoko, WDM-K): I stand guided. Thank you.

*(Laughter)*

**Hon. Deputy Speaker:** Anyway, you have been heard. I am trying to look for Members who have not spoken on this particular one. This is a problem here. Let us have Hon. Wamalwa



because you are top on the list. Unfortunately, I have to give you the Floor and yet you have spoken before.

**Hon. Chrisantus Wakhungu** (Kiminini, FORD-K): Thank you, Hon. Deputy Speaker. It says experience is the best teacher and what Hon. Duale was trying to put across was actually advisory, particularly to the new Members. I am saying this because I was in the last Parliament and I brought quite a number of Motions. When you go to the Committee on Implementation, some of these Motions are not implementable. So, we are wasting the Private Members' time. What he was putting across is for us to be adding value, particularly on the socio-economic side of this country. In terms of drafting these Motions, let us think outside the box. Instead of urging, maybe we can resolve and it will be easier for the Chair of the Committee on Implementation to implement them.

In the last Parliament, the current temporary speaker, the gracious MP for Narok County was the Chair. She had a lot of difficulties.

**Hon. Deputy Speaker:** Proceed and wind it up.

**Hon. Chrisantus Wakhungu** (Kiminini, FORD-K): I remember the issues of school ranking last time. This House made a resolution and Matiang'i went ahead and violated it. After we petitioned, I thank God that last time schools were ranked as far as the Kenya Certificate of Secondary Education (KCSE) is concerned.

I also tabled a Motion in line with the Heroes Act for the upgrading of Kitale Technical Training Institute in Trans Nzoia County to a university and be renamed Wamalwa Kijana University of Science and Technology. I have followed up on this. It has been upgraded and the name has not been changed. It is high time the Committee on Implementation, under Hon. Kenta, followed up on this so that Parliament does not legislate in vain. Legislative authority in this country lies in this House.

We have seen the issue of interest capping. Cabinet Secretary Rotich says that they will cap the interest rates. It is only this House that has the powers to do so and not Rotich.

**Hon. Deputy Speaker:** Let us have Hon. Judah ole Metito. I will give an opportunity to many Members to speak on this issue because it is serious. This is the opportunity for you to give value to what you will be discussing on Wednesday mornings.

**Hon. Katoo ole Metito** (Kajiado South, JP): Thank you, Hon. Deputy Speaker. I support what the Leader of the Majority Party has said that those Motions may not be implementable. The Chair of the Committee on Implementation is here. Those of us who were in the 9<sup>th</sup> and 10<sup>th</sup> Parliaments know that Wednesday mornings were the most lively and important sessions which no one would like to miss. Those were the times that you could advise the Government on how to move this country forward. It was also the time to express views on issues that affect your constituents. The Ministers at that time would come to the Chamber. There was a time for the official response from Government where the Minister responsible would explain the measures they would take to implement a specific Motion.

The problem, especially in the 11<sup>th</sup> and 12<sup>th</sup> Parliament, came with Article 114(2) of the Constitution. I agree with the Leader of the Majority Party that for those Motions to have any impact, we have to resolve as a House. But all those Motions - even the ones that you have put the Question to right now - have financial implications. For you to say that "this House resolves", you must comply with Article 114 of the Constitution where the Cabinet Secretary for the National Treasury needs to give an okay. That hardly comes. You then take it to the Budget and Appropriations Committee for approval. The biggest problem - and I agree with the Leader of the Majority Party - is if every time we say that "we urge the Government", so what? The

Government may not be convinced. It will not be able to implement the Motion. It would be good as the Leadership of the House to look for how we can comply with Article 114 of the Constitution where the Cabinet Secretary for the National Treasury needs to be brought on board and also satisfy Article 95 of the Constitution where we are the people's representatives. We should not pass Motions in vain. We should pass those that can be implemented.

**Hon. Deputy Speaker:** I see that there are 14 Members who want to speak to this one. The only problem is that Members want to speak for too long. It has to be one minute only. I want it timed so that Members can give an opportunity to others.

Let us have Hon. Robert Mbui.

**Hon. Robert Mbui** (Kathiani, WDM - K): Thank you, Hon. Deputy Speaker. I agree with the Leader of the Majority Party. I am also one of those listed as having a Motion where I intend to "urge the Government". I take what he has said very seriously. It is only in Kenya where we legislate in vain.

**Hon. Deputy Speaker:** By the way, are you in a police coat? What is your point of order, Leader of the Majority Party?

**Hon. Robert Mbui** (Kathiani, WDM - K): This is a proper coat. It is for the season.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Deputy Speaker, this Member should not even have the microphone. He is dressed in a winter jacket.

*(Laughter)*

He is part of the leadership. You should throw him out and he goes back to Kathiani. Kathiani is not very far. It is about an hour's drive. Let him go and dress properly. He claims that he is wearing a tie. You cannot wear a tie without a coat. That is a winter jacket. You wear your winter jacket on top of your coat.

**Hon. Deputy Speaker:** Okay. But Hon. Leader of Majority Party, he is a grandson of a general. There is a probability that, that was part of his inheritance. Proceed.

*(Laughter)*

**Hon. Robert Mbui** (Kathiani, WDM - K): Hon. Deputy Speaker, I have my suit. It is because of the weather. I am also unwell. My chest hurts. Looking at a lot of the Motions that are brought to this House, many times you notice that some of those Motions could be amendments to existing laws and regulations. Before even drafting the Motions, our fully and well-staffed Table Office could assist Members to identify the areas within the law that we could amend. My Motion is about CCTV installations in schools. Maybe we could have amended the Education Act which would do the same thing. That is what we should consider.

**Hon. Deputy Speaker:** That is one minute gone. Let us have Hon. Korere, Member for Laikipia North.

**Hon. (Ms.) Sara Korere** (Laikipia North, JP): Shukrani Mheshimiwa Naibu Spika. Nitazungumza kwa Kiswahili ili mwenzangu, Mheshimiwa King'ola, aweze kuninukuu vizuri maanake walipotoka katika mabaraza ya manispaa, wengi walikuwa wanazungumza kwa lugha ya mama. Nataka kumuunga...

**Hon. Deputy Speaker:** You are out of order.

**Hon. (Ms.) Sara Korere** (Laikipia North, JP): Nasalimu amri, Mheshimiwa Naibu Spika.

**Hon. Deputy Speaker:** You are out of order. Proceed, but you are out of order. I do not think there is any county assembly which discusses anything in its mother tongue. Proceed and wind up.

**Hon. (Ms.) Sara Korere** (Laikipia North, JP): Nimesalimu amri. Namuunga mkono Kiongozi wa Walio Wengi Bungeni kwa maoni yake kuhusu mijadala ambayo tumekuwa nayo katika Bunge hili.

**Hon. Deputy Speaker:** What is your point of order, Hon. King'ola? I thought that this is water under the bridge. *Hiyo tumemaliza.* We have a problem locating you. There you are.

**Hon. Patrick King'ola** (Mavoko, WDM – K): Hon. Deputy Speaker, it is only in order for me to stand because my name has been mentioned. I appreciate and respect Hon. Sara Korere, having been here in the last Parliament courtesy of one former Hon. Speaker of this House through nomination.

**Hon. Deputy Speaker:** You are also out of order. We will not proceed in that direction. Proceed, Hon. Korere. Please, do not bring in any of those issues. Hon. Korere is an elected Member of the House.

**Hon. (Ms.) Sara Korere** (Laikipia North, JP): Mheshimiwa Naibu Spika, ningetaka kuendelea na maoni yangu kuhusu aliyoyanena Kiongozi wa Walio Wengi Bungeni. Tulikotoka, waliotuchagua wanaangalia yale yote ambayo tunanena katika Bunge hili. Haitakuwa jambo la busara kwetu sisi kuamka alfajiri kuja hapa tu kuzungumza maneno ambayo hayatafika pahali popote.

Nikitamatisha, nimesalimu amri yako na nimeomba msamaha kwa yale niliyoyanena. Lakini, waweza kumtoa mtu katika soko lakini huwezi kutoa “soko” ndani yake.

*(Laughter)*

**Hon. Deputy Speaker:** Let us have Hon. Pukose. We will leave that issue.

**Hon. (Dr.) Robert Pukose** (Endebess, JP): Thank you, Hon. Deputy Speaker. I support what the Leader of the Majority Party said in terms of Motions. What has raised concern since the beginning of the 12<sup>th</sup> Parliament is that on Wednesday, we have not had Private Members Bills. We have been discussing Private Members' Motions which urge the Government to do something. These will not be effective. So, the House Business Committee should slot in Private Members' Bills in the Order Paper. I have a Bill on Kenya Food and Drug Authority which has not been slotted for discussion. There are other Members who have drafted Bills and they are waiting for them to be slotted in the Order Paper. The HBC needs to consider Members' Bills, so that we can have Motions and Bills. We will ask the Members to come up with Motions that can be implemented.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Members, I hope this is very clear. We are not discussing the Motion whose Question has been put. We are discussing Motions in general and what we expect in future. The Standing Orders are very clear that we cannot discuss anything that a Question has been put. That is water under the bridge. The Members can use their discretion and bring Motions that can be implemented, so that Hon. Kenta will not have unnecessary difficulties. Hon. Kenta, you will be the last one to contribute because we expect something from you. I will give two more Members an opportunity to contribute and that will be it.

Member for Kangundo.

**Hon. Fabian Muli** (Kangundo, Muungano): Thank you, Hon. Deputy Speaker. I want to support what the Leader of the Majority Party has said. Notices of Motions should have the concise statement of the nature of the claim. They should carry the message of what the Member claims. They should also show the limit. New Members bring Motions. You said that we urge the Government to do something. Do we bring these Motions directly here or they always go through the Table Office? Can we bring them directly here because we have too many Motions in the Table Office?

We understand that there is a procedure to bring Motions in the National Assembly. The people who are in charge should redraft them in the right message which can be interpreted and implemented in the country. As much as we say that new Members are urging the Government to do something in the Motions, we do not bring them directly here. I still have eight Motions. I have waited for one month for them to be redrafted and brought to this House. The Table Office should check how the Motions come to this House.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Member for Ndhiwa.

**Hon. Martin Owino** (Ndhiwa, ODM): Thank you, Hon. Deputy Speaker. As first term Members, we have agonised over these issues because sometimes Motions are brought here and we are told that they were discussed in the 11<sup>th</sup> Parliament. It means then that we cannot solve the problem, if we do not understand its cause. Is it the drafting issue, powers of the Committee on Implementation or the process, or can we have the parliamentary system back instead of the presidential system? These are heavy questions. I take this issue very seriously because when we talk about issues here, the proceedings are televised countrywide. My constituents in Ndhiwa Constituency are watching these proceedings. When the Motions are passed, they expect to get resolutions to their problems. We have to understand where the problem is and then we solve it.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Member for Mwea.

**Hon. Josphat Wachira** (Mwea, JP): Thank you, Hon. Deputy Speaker. I rise to support the sentiments by the Leader of the Majority Party. For the sake of the new Members, it will be good for the Committee on Implementation to prepare a list of all Motions that have not been implemented. They should give us the status, so that as we struggle to bring more Motions in this House, we can know what has been debated, discussed and not implemented.

The Private Members' Motions provide the opportunity for us Members to present what our people have asked us to present. Therefore, this matter should be taken seriously. Let us have a list of all Motions that have been brought to this House but have not been implemented.

I support the Leader of the Majority Party. Thank you.

**Hon. Deputy Speaker:** This is as a result of the notice which you gave. Let us hear what you have to say.

**Hon. Gideon Keter** (Nominated, JP): Thank you, Hon. Deputy Speaker. I only have two comments to make regarding this issue. I believe that when HBC sits and agrees on what should come on the Order Paper. It should also consider the language that has been used. I believe that the House knows that we have a draft team or a department in Parliament. Before we resolve a Motion, we have to bring it to the House first and then the House looks at it and makes a decision.

**Hon. Deputy Speaker:** Hon. Keter, you are perfectly right. It is also good for Members to understand that Motions are supposed to be persuasive in nature. If you want to have a much stronger way of dealing with some of these things, you need to look at the Standing Orders and

put the necessary amendments. You should not have a problem with the word “urging” because if something is persuasive, then you need to urge for it to be implemented. If you want to go beyond and make something that will have more substance, you will amend specific Acts and bring Bills. A Member should also be clear. Members, you must look at both sides of the coin. I can see that so many Members want to contribute. I will give an opportunity to Hon. Cheptumo, then a lady Member and then go to Hon. Kenta. That will be it. I will take punitive actions against any Member who will raise his or her hand.

**Hon. William Cheptumo** (Baringo North, JP): Thank you, Hon. Deputy Speaker. I will be very brief. I want to support the sentiments which were raised by the Leader of the Majority Party and supported by Members. Article 95 (1) and (2) of the Constitution say: “The National Assembly represents the people of the constituencies and special interests in the National Assembly;

(2) The National Assembly deliberates on and resolves issues of concern to the people.”

I want to agree that when we do not have the authority to resolve a matter as a House and direct ministries or departments to do what this House wants to be done, we deny ourselves the power to execute our function under Article 95 of the Constitution. I was in the HBC in the last Parliament.

**Hon. Deputy Speaker:** You have taken more than the one minute I gave you.

**Hon. William Cheptumo** (Baringo North, JP): Hon. Deputy Speaker, I am finishing. I want to challenge the HBC to guide the House on this particular issue. We should arise, take a position and resolve something as a House. The Government should implement what we agree on.

**Hon. Deputy Speaker:** I am trying to look out for a lady Member.

**Hon. (Ms.) Rachael Nyamai** (Kitui South, JP): Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** You gave yourself the Floor which is wrong. I can regularise it by giving you an opportunity now but that will not be allowed next time. Proceed.

**Hon. (Ms.) Rachael Nyamai** (Kitui South, JP): Thank you, Hon. Deputy Speaker. I have looked at Motions on the Order Paper and they are all urging the House to do something. Being a House of records, we do not just bring documents on the Floor of the House. We have to be properly advised on them. The Table Office goes through them and ensures they make corrections.

Hon. Deputy Speaker, if a Motion says “resolves”, it will not pass. Therefore, this is not a matter we can discuss here. People have a lot of hope in what is said in the House. In fact, the people we represent think that everything we say here must be implemented.

I support the Leader of the Majority Party that this is a matter that needs to be handled by the House Business Committee. I was in the Committee in the 11<sup>th</sup> Parliament. I believe it has the power to make a decision and even go beyond and sieve the Motions and give advice to make sure that we do not talk in vain.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Kenta. I have given you the chance to speak in your capacity as a Member of a relevant Committee.

**Hon. Richard ole Kenta** (Narok North, ODM): Thank you Hon. Deputy Speaker. I would like to join my colleagues in supporting the Leader of the Majority Party. In fact, as we are talking now, we are working on a report to present to Parliament. To be honest to the House, we have hundreds of Motions and Petitions pending to date. We have a lot of challenges especially in regard to the framing of Motions. Indeed, people have appeared before us: Cabinet

Secretaries, Principal Secretary and others. They always tell us that the Motions mention Government and they ask who the Government is. I believe there is a Cabinet Secretary or somebody else who is supposed to take responsibility. Even framing of who is supposed to be responsible is a problem. So, it is upon us as a House to put everything in a way that will lead to implementation.

We have also had the issue of budgetary implications. We say that we pass a Motion, but when it goes to implementing agencies, they are unable to do so because they do not have a budget. In fact, most of the time they come and say that they are willing to do it, but there is no money. We should also be very careful about what we pass so that we do not act in vain. When the public out there listen to us and hear us saying this and that will be done at a particular place or will be done for the whole country, and it is not done because of finances, they do not understand that it is not the fault of Parliament. While we pass the resolutions, even for the clear ones, we must be very sure that there is budgetary support.

I urge Members that because there are hundreds of Motions that are pending, to please approach the Committee and let us know, like Hon. Wamalwa has been doing, following his Motion relentlessly. If a Member has interest in any Motion, they should approach us. It is difficult for us to pick a particular Motion unless a Member follows it up.

In fact, our Committee is supposed to be supported by all Committees. Instead it is treated as if it is an inferior Committee. I am complaining because we do not have a lady Member. This is the only Committee that comprises of male Members of Parliament.

**Hon. Deputy Speaker:** Do you want lady Members of Parliament? I understand you, Hon. Kenta.

**Hon. Richard ole Kenta** (Narok North, ODM): We want ladies. It is very important because there are issues that touch on women yet we do not have even a single one. I would like to tell my colleagues that this is a very important Committee they should sacrifice and join us. Even if we were to have two lady Members, we will be very happy.

**Hon. Deputy Speaker:** Take some of these issues to the Liaison Committee, Hon. Kenta.

**Hon. Richard ole Kenta** (Narok North, ODM): Thank you very much. I really appreciate what the Leader of the Majority Party said.

**Hon. Deputy Speaker:** Before we move to the next Order, let me recognise in the Public Gallery, pupils from Alba School, Gichugu Constituency, Kirinyaga County and pupils and students from Rubiru Primary School, Gatanga, and Murang'a County.

In the Speaker's Gallery, we have Holycross Academy from Dagoretti North Constituency, Nairobi County and pupils from St. Peter's Nyamesocho, Bomachoge Borabu Constituency, and Kisii County.

Next Order.

#### PROTECTION OF KENYAN TERRITORY

**Hon. Deputy Speaker:** Let us hear, Hon. Mbadi.

**Hon. John Ng'ong'o** (Suba South, ODM): Hon. Deputy Speaker, I beg to move the following Motion:

THAT, aware that Lake Victoria, the largest fresh water lake in Kenya, is located in three East African countries; further aware that, the Islands of Migingo, Remba, Sigulu and Kiwa, among others in the surrounding waters of the lake are located within Kenyan borders; recognising the progress made in the East African

Community integration process in deepening and widening the integration process including ensuring border communities are sensitised on these matters; cognisant of the fact that, Kenyans living along the borders, including fisher folk and pastoral communities, have continuously suffered from external threats through harassment, raids and arbitrary arrests, with even those operating in economic zones not immune to such threats; cognisant of the fact that the provisions of Articles 238 (1), 239 and 241(3)(a) of the Constitution stipulate that National Security involves the protection of Kenya's territorial integrity and sovereignty, its people, their rights and national interest against internal and external threats; deeply concerned that Kenyans, especially those around Lake Victoria, the Indian Ocean and other border areas continue to face harassment and displacement by persons from neighbouring countries; this House resolves that the Government exercises its power to protect Kenyans from harassment by external threats and takes adequate measures to ensure that Kenya's territorial integrity is guaranteed and safeguarded.

I would like to start by saying that the controversies surrounding the ownership of islands in Lake Victoria, more particularly the one many Kenyans are more conversant with – Migingo Island – has taken such a long time. The controversy reached fever pitch or boiling point in 2009. I remember on 12<sup>th</sup> and 13<sup>th</sup> March 2009, a delegation from the country led by the then Minister for Foreign Affairs, Hon. Moses Wetangula, together with his counterpart in the Ministry of Lands then, Hon. James Orengo, led a delegation of Kenyans to Uganda. In that delegation were two Members of Parliament; the immediate former Member of Parliament for Nyatike, Hon. Dick Anyanga and myself, who is representing the same constituency with the different name of Gwasi Constituency. We also had a number of technical people and support people from survey, Ministry of Lands and Ministry of Foreign Affairs to try to resolve the issue of the border between Kenya and Uganda.

I want to inform the House and those listening to me that if there are people out there doubting the location of Migingo Island, whether it is in Kenya or in Uganda, I would like to be clear that when we were in Uganda, looking at the Uganda Constitution, not the Kenyan one, it defined the territory of Uganda. Regarding the islands in Lake Victoria, the Uganda Constitution is very clear. It says that the boundary of Uganda starts from the tip of the Pyramid Islands – those are wordings from the Constitution of Uganda – and runs northerly.

Clearly, when we sat down with the team from Uganda and drew it on the map, it was clear that both Migingo and Ugingo Islands are in Kenya. When the team from Kenya realised that, they quickly changed their minds and narrative and said they did not want to debate much and instead set up a team in place which will demarcate the boundary between Kenya and Uganda after the survey. At that time, the Government went ahead and a budget was allocated to make sure that the boundary between Kenya and Uganda was made clear. But, up to now the matter has not yet been resolved completely and the Government seems to have gone back to not taking the matter seriously as it was taken then. What has happened since then is that Kenyans, especially those who fish in the Lake and within our waters, have faced continuous harassment from foreign forces.

I do not want to restrict it to Uganda alone since we have also had issues with our neighbours, Tanzania, regarding the boundary between Kenya and Tanzania. The most prominent is the one between Kenya and Uganda. As we speak, Migingo Island is clearly in Kenya and everybody including Ugandans admit it. In fact, none other than the President of

Uganda came out clearly to say that the Island is in Kenya, but the water is in Uganda, whatever that means. From his wording, it is clear that Migingo Island is in Kenya, but you will still find that the Uganda security forces are stationed on that Island. This is the only sovereign country which respects its territorial integrity - with the exception of a few countries in the Middle East where the American forces and other western forces, sometimes at will, move in - and one that has allowed foreign security agencies to be stationed in its country.

Uganda and Tanzanians are our brothers. If these security forces were stationed in these islands but peacefully coexist with our people, then there would be no problem. Just a few weeks ago, I am sure the Member for Bondo will speak to this, in an island in Bondo Constituency, the Ugandan security officers came and arrested seven Kenyans, three of them police officers. What these Kenyans went through in the hands of the Ugandan security forces is traumatising. They later released the police officers, but still detained the four fishermen. I am not sure whether those four Kenyans have been released. What mistake have these Kenyans committed? These Kenyans have committed the mistake of fishing within Kenyan territory. The question that those of us who depend on fishing as a source of livelihood keep on asking is: Can we be told clearly and categorically whether Kenya has surrendered part of its territory to another country or not? This is the question that we have been asking many times. That is why I felt it was important to bring this issue here. Under Article 95 of the Constitution, this National Assembly has a responsibility to resolve issues and deliberate on unresolved issues that are of concern to the people of Kenya.

The people who live near Lake Victoria who are suffering in the hands of these foreign forces are the people of this country. We have a responsibility as a nation to protect them. This is not even a matter that should be considered regional. It is a matter that covers the whole country. It is about our pride as a country. No country in the world would allow any foreign force to torture, frustrate and harass its own citizens. When you look at Article 238 of the Constitution talking about our national security, it is clear that national security is the protection against internal and external threats to Kenya's territorial integrity and sovereignty, the rights of the people, freedoms, property, peace, stability, prosperity and other national interests. I represent Kenyans who live and fish around these islands. There is no peace, prosperity, stability and freedoms. Some of our fishermen are even being forced to eat raw fish as a punishment yet our Constitution is very clear that human beings must be treated with dignity. That is one cardinal right that we enjoy and it is not debatable. You have Kenyans being tortured within Kenya by foreign forces yet we pay taxes to protect ourselves. In fact, one of the reasons why people decided to form early governments is to protect themselves. That was the most important reason why governments exist. If a government cannot protect you, then you have no business having it. People pay taxes.

We have national security organs like the Kenya Defence Forces (KDF), National Intelligence Service (NIS) and the National Police Service (NPS). These security organs are supposed to protect Kenyans. When these foreign forces come, where is our NIS? What advice is it giving to the Government in terms of protecting our territory? When these foreign forces come to Kenya, why would we have foreign forces helping Somalia to stabilise and we cannot help people around Migingo, Kiwa and Mfangano islands? There is a lot of insecurity. I am sure the Member for Suba North will speak to it. There is a lot of insecurity in Mfangano Island right inside Kenya. In Mfangano Island, you do not even have to go close to Lake Victoria to see Kiwa Island, yet people who come from another country, which is far off, bring their security forces to torture and frustrate our people. This is demeaning. I urge, this time using 'urge'



positively, the Committee on Implementation to take it up and more importantly, the Departmental Committee on Defence and Foreign Relations. There is need to quickly take up this matter and call the Cabinet Secretary responsible to answer to questions why there is laxity. Even the Indian Ocean has similar problems. I have a question that was drafted by a Member of Parliament from Turkana. This one is even painful that the people who are harassing the fishing community are Kenya Wildlife Service (KWS) officers.

Getting back to the issues I have raised, I ask this House to pronounce itself in anger. There was a time I spoke here in 2009 and said that a President - I do not want to mention him by name because I know there will be issues of Standing Order although I am not so sure whether someone who keeps invading your territory qualifies to be termed as a friendly country - from a neighbouring country who is used to dictatorial tendencies wants to export that dictatorial tendency to our country. This is something that cannot be accepted in a civilised society. You may be weak, but someone cannot push you up to your bedroom. Even if you are a weak person, you must look for a *panga* and slash that person. Where it has reached, any Member who can take his or her time to have a discussion with the fishing community around Lake Victoria, they would tell you that it is because of poverty. That is why they still continue going into the lake. Otherwise, they would not. It is so frustrating.

One thing that is very annoying is that there is no power in most of these islands. Still, when some organisations volunteer to provide power to some of the islands, our Government criminalises the provisions of that power instead of making it work better. The question that our people ask is: What crime did we commit in this country? Are we in this country by mistake? All of us came from somewhere. If we are here by mistake, someone needs to tell us where we need to go. I will tell you for a fact that we are here by choice and we are here to stay. Our people must be protected. So, the Government must act with speed. This is not something to wait. They must act with speed and ensure that this continuous harassment of our people comes to a stop.

With those many remarks, in the spirit of nationality, because we have other representatives and I do not want it to appear like a regional issue, I want to ask Hon. Dan Maanzo, to second my Motion. I am sure my other colleagues who have a lot of information about this harassment will also have time to contribute. The Member for Nyatike is there as well as Hon. Opiyo Wandayi. I also spoke about Hon. Millie and the Member for Karachuonyo, who are all here. I cannot mention all of them, but I know they all have an interest in this issue.

Thank you, Hon. Deputy Speaker. I beg to move.

**Hon. Daniel Maanzo** (Makueni, WDM-K): Thank you, Hon. Deputy Speaker for giving me an opportunity to second this very important Motion. The facts have been relayed by Hon. Mbadi and the truth of the matter is that although the Government put up a budget to make sure that this area is surveyed and demarcated, there have been good meetings between the two countries and it is clear from the initial information and from the agreement between the two countries involved that Migingo Island is in Kenyan territory. This does not only apply to Migingo, but also to other islands too. The truth of the matter is that the Kenyan Government does not have navy presence in Lake Victoria while the Ugandan Government has theirs in Lake Victoria. When it comes to resources and out of our friendship with them, they even fuel their boats on the Kenyan side. At times, tables turn and our own fishermen who are earning a living and looking for food for their children and money to pay school fees, end up arrested by foreign forces. The moment you are arrested by a foreign force, then it means you have to be taken to court in the foreign country. When they are arrested, they are not brought to court in the Kenyan territory. They are taken to court in another country. It, therefore, means that the family has to

look for a lawyer. Most of the times, the fishermen go unrepresented. Therefore, it is never clear what eventually happens in those cases. The truth of the matter is that these people are away from their country and families for a long time on a matter where it is clear there is no offence at all, yet they are arrested. Most of the time, they are taken around, tortured and eventually released far away from where they were arrested in the territory of the country. Now that the boarder is clear, it is only fair that this matter be finalised once and for all and the two countries engage. The two Cabinet Secretaries in charge of foreign affairs need to engage. When we are doing the East African briefings, these matters should come back so that it is resolved once and for all.

*[The Deputy Speaker (Hon. Moses Cheboi)  
left the Chair]*

*[The Temporary Deputy Speaker  
(Hon. Patrick Mariru) took the Chair]*

If a Kenyan is in another territory, they have a right to make arrests, but when a Kenyan is fishing and working on the Kenyan side and/or on Migingo Island, there is no reason at all to arrest these Kenyans and prosecute them for a non-existent offence in a foreign country or detaining them and eventually releasing them to go back home after torture and without any compensation, their time having been wasted.

I believe this Motion is very important. It will ensure that we can protect our territory as is required by the Constitution and the laws of this country. There is need for a good political will in the Ministry of Interior and Coordination of National Government. It not fair for our own policemen to be arrested and subsequently released. We need to move as a nation, protect our boarders, not only in Migingo Island or Lake Victoria, but on any other front.

For that matter, I beg to second.

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Members, I will be guided by the manner in which Members have registered interests to contribute. Let me start with Hon. Millie.

**Hon. (Ms.) Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. I have a proposed amendment to the Motion.

I beg to move:

THAT, the Motion be amended by adding the following words, 'Ringiti, Mfangano, after the word 'Remba' in line three, and further adding the words 'including through the establishment of a naval force to man the Lake Victoria waters' at the end of the Motion.

The reason why I am moving this amendment is to include two islands in my constituency, namely, Ringiti and Mfangano that are closest. Remba that has been mentioned by the Mover of the Motion, is the one that is closest to Uganda, but I also have Ringiti and Mfangano islands that are also neighbouring Uganda and Tanzania and are always subject to harassment by Ugandan forces.

I have seven habitable islands, but the three that are closest to Uganda and Tanzania are Remba, Ringiti and Mfangano. The reason I want to add them by name is that at some point, Rusinga Island was annexed to the mainland through the bridge that the President launched and it is no longer an island. While I was in Rusinga Island, I was informed that there were Ugandan forces in a beach called Litare within Rusinga Island. Fortunately, when I went there, the Kenyan police arrested the forces. Fortunately, on this instant, it turned out that it was Kenyan policemen masquerading as Ugandan officers and stealing from the fishermen. We arrested them but eventually we let them go. This just tells you how difficult our fishermen are operating because the Kenyan police know that there is nobody manning the lake. That is why I am also including the naval forces because the police alone cannot man this situation.

Only last week on Wednesday, I was in Remba Island. I missed Parliament to attend a very high-level security meeting by the entire county security team led by the county commissioner. They included the entire county and sub-county security teams because of harassment of fishermen by the Ugandan forces. I want to read to you what is called the Busia Declaration just to tell you that we are no longer in Kenya. As the Abasuba Community, our origin is in the Kabaka Kingdom of Uganda. In fact, the Abasuba came from the kingdom itself. He was the brother to the king, fought the king and was banished to Kenya.

I know my time is up, but with your indulgence, this is utterly important. Would I request that I be given a little more time just to read this declaration?

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Millie, you are still moving the amendment and possibly, you will get time to contribute to the parent Motion. Now we are just dealing with the amendment, so restrict it to that. Let us move that way. Your opportunity to speak to the parent Motion is still there.

**Hon. (Ms.) Odhiambo-Mabona** (Suba North, ODM): I stand guided, Hon. Temporary Deputy Speaker. I will, therefore, move the amendment and request my sister, Hon. Obara, to second it. Because the country needs to know what we are dealing with and I need to read the Busia Declaration to know what our fishermen are going through.

Thank you.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): You have the Floor, Hon. Seconder.

**Hon. (Ms.) Eve Obara** (Kabondo-Kasipul, ODM): Thank you very much, Hon. Temporary Deputy Speaker, for allowing me this opportunity. I want to second the amendment that the two islands, namely, Mfangano and Ringiti, be included in the list of the others that are already in the Motion. The naval supervision or patrol is necessary on the islands.

Thank you.

*(Question, that the words to  
be added be added, proposed)*

**Hon. Members:** Put the Question.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Is that the mood of the House?

**Hon. Members:** Yes.

*(Question, that the words to be added  
be added, put and agreed to)*

*(Question of the Motion as amended proposed)*

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Members, now we will go to the main Motion with the amendment as part of it. Members on the right, you do not need to remind me. You will still get a chance as much as those on the left will. We will start with Hon. Wandayi Opiyo, Member for Ugunja.

**Hon. James Wandayi** (Ugunja, ODM): Thank you very much, Hon. Temporary Deputy Speaker. I have been eagerly waiting to get this opportunity. Firstly, I want to thank Hon. John Mbadi, the Leader of the Minority Party, for introducing this very critical Motion. I want, at the outset, to support the Motion as amended in its entirety. As I do so, I must acknowledge the fact that Hon. Mbadi has been a little bit diplomatic. He has couched his Motion in a lot of diplomatic language, but we must be able to call a spade a spade.

We are talking of a situation, if I restrict myself to Migingo - I know the other islands have similar problems, but I want to speak about Migingo Island - where Kenyan citizens, principally originating from the Luo Community, are under constant attack and humiliation by forces from a foreign country. As Hon. Mbadi said earlier, that is something that is unheard of. If this country were America or Israel, for example, such an act of aggression by a country purporting to be a friendly neighbour would attract serious reprisals and counter attack. But we are talking about a country that has chosen to sit meekly, sit back and watch as forces from a neighbouring country continue to denigrate its own citizens. The cardinal responsibility of every sovereign state is to protect its territorial integrity. Other than protecting the lives and property of its citizens, a sovereign state has the cardinal responsibility to protect jealously its territorial integrity.

It is not enough that the Ugandan forces, in fact, let me call them by their name as forces from Uganda, are crossing into Kenya and harassing Kenyan citizens living on the Migingo Island. They have gone ahead and started arresting Kenyan security forces, something that is unheard of. The forces from a neighbouring country can get into Kenya and not only harass Kenyan citizens but go ahead and purport to arrest Kenyan police officers and take them to Ugandan territory where they hold them in custody not for one, but for two days and you hear no comment from either the Ministry of Foreign Affairs or State House. It is something which should concern all of us as a country. If it were in the normal way of doing things, the moment these forces crossed into Kenya and attempted to do what they did, the Kenyan High Commissioner to Uganda would have been recalled immediately for debriefing, followed by a very stern note or warning to the Ugandan High Commissioner in Nairobi to take back to his masters in Kampala.

We must also understand the origin of this problem. The problem we have, and we must say it, is that the National Resistance Movement (NRM) leadership in Uganda has had historical problems with members of the Luo Community living in Uganda. Now they have exported that problem into Kenya. People cannot continue to be punished by Ugandan security forces on account of the political differences that the Ugandan leadership has with members of the Luo Community in Uganda. We must say here and now that the Kenyan Government's duty is to protect every Kenyan citizen regardless of their ethnic affiliation, and members of the Luo Community are no secondary citizens in this country. So, the matter of Migingo Island must be addressed as a matter of urgency.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Maina Kamanda.

**Hon. Maina Kamanda** (Nominated, JP): Thank you, Hon. Temporary Deputy Speaker. I can see the frustration of my friend, Hon. Mbadi. This to me, ought not to be a Motion. This ought to be a statement or a petition. But because of the frustration that has been there for all these years, Hon. Mbadi has decided to bring it as a Motion. At the end of the day, there are no new rules that can be put, because the rule is already there. The Government is supposed to protect all Kenyans and her territory.

I want to remind this House that at one time, a crazy fellow who was in Uganda in 1970 claimed part of Nakuru and Kisumu to be part of Uganda. Those of you who were born at that time can recall. The then Kenyan President dared him to repeat what he had said. The man never opened his mouth because the President then was a real one and he had heard it.

Hon. Temporary Deputy Speaker, this Migingo issue has been there. In the whole country, Migingo has become a household name in every social place. Those people who did not know Migingo know it now because it is all over. Kenyans believe it is part of Kenya. Migingo is part of Kenya. My question is: Why is the Government sleeping on the job?

To me, it is the Government that is sleeping on the job. There is no mediation on this. It is just a Government declaration. We should be talking about the East African integration. How do we integrate when some states are still claiming part of what does not belong to them? It is high time we told the Kenyan Government that because this matter can take time before it is addressed. That is why I was telling Hon. Mbadi that perhaps this should have been a petition or a Statement so that the CS can appear here by Thursday and give us the stand of the Kenyan Government as far as all these islands are concerned.

Nevertheless, I support the Motion, but the Government should wake up and support the Kenyan people and its territory.

Thank you and I support.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Members before we get to the next speaker, I want to introduce in the Speaker's Gallery, Muruguru Girls School from Nyeri Town Constituency, Nyeri County and Kathiani Girls School, Kathiani Constituency, Machakos County. At the Public Gallery, we have Gatororori Primary School, Mbeere North Constituency, Embu County, Eden Ville Girls Secondary School, Embakasi Constituency, Nairobi County and Ololulunga High School, Narok South Constituency, Narok County.

Hon. ole Sankok, why are you quite happy when I introduced Ololulunga High school? Let us have Hon. Mbui Robert.

**Hon. Robert Mbui** (Kathiani, WDM - K): This is a very important Motion brought by the Leader of the Minority Party in this House. It clearly shows that not only is he helping the Minority side, but he is also representing the people who sent him to Parliament.

This is one of the responsibilities that we have as Members of the National Assembly. He is also helping us bring back dignity to this country. His Motion talks about the protection of Kenyan territories. Every country has a responsibility to ensure there is dignity for the citizens of that country. Every Government has to ensure that the boundaries of that country are protected in a proper manner. It is unfortunate that we, as Members of Parliament, are sitting here discussing a matter which squarely falls in the hands of Government officers who should know their responsibilities.

I have just been thinking about our relationships with our neighbours. We are part of the integration movement in the East African Community (EAC), where we partner with other countries. It is unfortunate that when you look at the way we relate with some of them, it is like some of the countries are militant towards others. Others seem to have some kind of syndrome. I

do not know if it is superiority or inferiority. If it is not the fishermen who are being harassed in Migingo, it is people who are keeping livestock near the borders whose livestock are being taken across the borders and arrested. It is also traders whose property is being taken and destroyed by friendly partner nations within the EAC.

So, it has come to a time when we must ask ourselves if this relationship that we are creating with our neighbours is really working for this nation. Our Constitution is very clear. It is being violated in numerous ways. External threats are one of those things that our Constitution clearly talks about. We understand that these fishermen are being harassed. This is something that is clearly against our Bill of Rights in terms of arbitrary arrests, unfair confinement and mistreatment of the arrested people. We have rights for arrested persons. So, our Constitution is being violated. Every year, we as Parliament - even a few weeks ago - pass a budget. The Budget we pass in this House provides funds for the Government to carry out its responsibilities. Our security forces get enough money. We are even talking about getting them better accommodation. When we were doing our demonstrations last year when they were breaking some of us, they had enough artillery and all sorts of ammunition and tankers.

*(Applause)*

It is shocking that the same people can allow security forces from a neighbouring country to just walk in and comfortably arrest our people and nobody raises a finger. Yet when we say we are going to receive a leader, we will be broken and subdued. I smell some fear in our security forces which needs to be addressed now. This Motion is not urging any more. I am happy that my leader here says we are resolving as a House. What are these resolutions? It says that we are resolving that the Government exercises its powers to protect Kenyans from harassment by external threats and takes adequate measures to ensure that Kenyan territorial integrity is guaranteed and safeguarded including through the establishment of naval forces to safeguard our lakes.

So, this is what we are resolving as a House and this must be done to the letter. The Committee on Implementation will have no business worrying about this because even the CSs have heard this House.

Thank you for the opportunity.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Very well, let us have Hon. Ogolla Ochanda, Member for Bondo.

**Hon. Gideon Ogolla** (Bondo, ODM): I support the Motion as amended and quickly hasten that when we are talking about the islands in Lake Victoria and we are mentioning Migingo and Sigulu, in between those two, there are over 30 islands. Out of all those, 18 are in Bondo Constituency that I represent.

For many of the issues that we are talking about here, the most current information that we are dealing with happened in Bondo. So, I want to bring this to the attention of the House and also to the entire republic that we are not doing enough if at all we are doing anything.

In 2009, we were talking about properly establishing whether the boundaries are there or not. That exercise has not been concluded. The one that was started around Migingo was not concluded. As a matter of fact, where we are now, one should not be talking about a boundary in Lake Victoria because it is not known. Nobody knows where these boundaries are. An attempt to establish the boundaries were faltered and failed.

So, the idea the Ugandan forces are indicating that Kenyans crossed to Uganda and that is why they are arresting them is a fallacy and this should not happen. Those boundaries are not established and nobody knows them. The fishermen in the lake, the communities down there and the Ugandans do not know them. They are constantly referring to a boundary and this is a fallacy. For example, it is indicated very clearly that Migingo is in Kenya. As we talk, in Migingo itself, there is a Ugandan base for their forces. This is something that is unacceptable. I do not know what is happening in this country. Whether we have leaders or we are on our own. Foreign forces are literally and physically occupying a space within our territory and this is known. It, therefore, means that we are under nobody's protection but on our own.

When people talk about Opposition, there is history. We are abandoned as a community and people. It is this act of abandonment which makes people see for sure they are in the Opposition. Looking at what has happened in the recent past, our security forces have been arresting fishermen over and over again. The Ugandan forces are pirates in the first case because they are operating under different agencies and in different forms. They have what they call the Uganda revenue police, marine, cooperative and all manner of agencies operating in the lake and arresting everybody without any notice or knowledge of the border.

We have realised that these are pirates officially allowed by the Uganda Government. They are pirating in the lake in the name of Ugandan marine, revenue and all manner of different formations. This must stop. I indicated this earlier last week when this happened. Lake Victoria is an international water body. Like any other international water body, we need to have recognition of the extent at which our territories goes into the water body like the Indian Ocean. There are nautical miles recognised as the extent of Kenya into the Indian Ocean. This is exactly what we need to have, that Kenya goes into Lake Victoria through a standard nautical mile which is accepted. Uganda and Tanzania must apply too, such that the rest of the water body remains for all.

What we are talking about in terms of economy, fish, fauna and flora do not know boundaries. The boundaries should not be an issue at any time. It should not be an issue that some people have crossed from Uganda, Tanzania or Kenya. The lake should be open to all including Burundi, Rwanda and Sudan who are all Members of the EAC. After all, the waters that go into Lake Victoria are over 60 per cent from Kenya. The rest are from Rwanda and Tanzania. Uganda does not give any waters to the lake.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Ochanda, point well made. To my right now, on top is Hon. ole Sankok.

**Hon. David ole Sankok** (Nominated, JP): Thank you, Hon. Temporary Deputy Speaker. From the outset, I support this Motion. I want to thank Hon. Mbadi, the Leader of the Minority Party, for bringing this issue because it has not been addressed. He has spoken professionally with a lot of passion. This is an idea which the nation needs to address.

Why should we have a Government if it does not protect its own citizens? How can pirates enter our country, arrest our fishermen, women and our security agencies and the Government does not address this? I call upon the Commander-in-Chief of all our Armed Forces to make sure we are protected. When we hear that a security agent is arrested by Ugandan pirates, what should we think as the citizens? We may soon have migration of people from the lake region to the interior. How can a person, you believe to be protecting you, get arrested by intruders from a neighbouring country? Therefore, as a country, we have all the reasons to be scared.

It is pathetic to hear a statement that Migingo belongs to Kenya, but the water belongs to Uganda. This statement is irrational, retrogressive, unpalatable and ignominious. As a country, did we respond to that statement by a Head of State from another nation? He took this country for granted. Therefore, I call upon the leadership of this nation to address this issue once and for all because it is affecting Kenyans.

I heard Hon. Opiyo invoking ethnic names and this did not augur well because this issue affects all Kenyans. Even if we do not border the lake region, we are also affected just like our brothers. When we start invoking ethnic groups, very soon, we will say the Nilotes are the ones being affected. Let us treat this issue as a national matter. Hon. Mbui was a bit bitter because of what happened during the demonstrations. He belongs to my club because he was temporary disabled. That bitterness should not be brought here because this is a national issue and it should be addressed that way. As your chairman, I will call you aside and ask you to keep that bitterness aside so that we can address national issues as matters affecting our nation.

About 60 per cent of the waters in Lake Victoria originate from Kenya. Yet, according to the boundaries, we have the smallest chunk of it. We have never complained to Uganda because they have the largest chunk and they contribute nothing to the lake. They only drain the Lake. Neither have we complained to Tanzania that we contribute more than them yet they have a larger chunk. If this issue is not addressed the soonest, the citizens of this country will say that the amount of water we contribute should be commensurate to the amount of the lake we should own.

Thank you, Hon. Temporary Deputy Speaker. I support the Motion.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Martin Owino.

**Hon. Martin Owino** (Ndhiwa, ODM): Thank you, Hon. Temporary Deputy Speaker. I rise to support this Motion. I want to thank the Leader of the Minority Party for bringing it up. The first responsibility of any nation is to protect her citizens. The scenario that was played here of invasion, means another foreign troop entering into our territory without any intervention. Secondly, arrests within our sovereignty means movement without any intervention to arrest the people in our territory.

**Hon. (Ms.) Odhiambo-Mabona** (Suba North, ODM): On a point of order, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order, Hon. Martin Owino. Who do you want to inform?

**Hon. (Ms.) Odhiambo-Mabona** (Suba North, ODM): I wish to inform Hon. Martin.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Martin, do you want that information?

**Hon. Martin Owino** (Ndhiwa, ODM): Yes.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): That is very gracious of you, Hon. Martin. Hon. Odhiambo Akoth, what is the information?

**Hon. (Ms.) Odhiambo-Mabona** (Suba North, ODM): On a point of order, Hon. Temporary Deputy Speaker. When I was moving my amendment, I had alluded to the fact that there was a Busia Declaration of 22<sup>nd</sup> July 2017. I had hoped that I would have time to speak, but I have been told that I moved and so I can speak later. However, I think this information is very important for every Member that is contributing. It is important to know that when the fishermen were tired of not getting help from our own country, on their own initiative, they went and met with the Ugandan forces and came up with a declaration called the Busia Declaration. I cannot read the whole of it because it is long, but I just want to give you segments of it. Number 1 says



that no fishing boat would be allowed to carry ice in water. They then went ahead to make other declarations that go contrary to the Kenya Fishing and Management Act. The one that I want to specifically mention is number five, which says that hook should be mounted on twine which is either white or brown and not monofilament. The deadline for changing all these should have been on 31<sup>st</sup> July 2017, which was one week from the date of the meeting they had. Resolution Number 8 says:

“Return all undersize Nile Perch accidentally caught into the lake, preferably alive. Any boat found with undersize Nile Perch will face dire consequences.”

There is a shoot-to-kill decree on Kenyan fishermen by Ugandan authorities. I also want to read for you Resolution Number 12. Because of time, I cannot read all of them. It says that: “Respect the law. All arrested boats will be crushed and burnt while the outboard engines will be forfeited to the State of Uganda”.

The crushing of boats, the arresting and jailing of fishermen on a weekly basis is ongoing. Resolution Number 13 says: “All lake patrols in Lake Victoria Ugandan waters are conducted by Ugandan People’s Defence Forces and have “UPDF” clearly marked on their uniforms. If arrested by any other organisation and your items are confiscated, note clearly the name of the boat, commander of the team discretely to avoid harm and immediately after they leave you, report to the regional captain of UPDF for investigation and follow up. Caution: Do not demand identification as it may be detrimental to you as a fisher. Use discretion. If you do not have the captain’s number, liaise with the Homa Bay County BMU.”

There is no police and no naval boats. The fishermen have gone to Uganda coming with laws and rules which harm fishermen because they have no recourse and I cannot blame our Homa Bay security forces because they have tried their best. This is not an internal security issue. This is external aggression and our President needs to deal with the bully, namely, the Ugandan President. I call him a name. I might call him a name soon if he does not change.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): I think to that extent, Hon. Martin Owino must have been informed. I could see Hon. Martin Owino was nodding. I think the information is helpful. Hon. Martin Owino, the time that has been used to inform you will be compensated. You have the Floor now.

**Hon. Martin Owino** (Ndhiwa, ODM): Thank you, Hon. Temporary Deputy Speaker. You can hear the tone of that information was quite an aggression to our sovereign country, Kenya. We call upon the Commander-In-Chief to intervene as quickly as possible because our people are being harassed. As I said, the protection of citizens is the first responsibility of any government. Migingo Island is not a resort area. It is a fishing island where people hustle for their daily life. They have planned very well. They wait until the catch is made and these people intervene and take away the whole catch for the whole day. That really sets poverty to another level.

Hon. Temporary Deputy Speaker, you can recall many of our army barracks in Nakuru, Laikipia and Mombasa are internal when the borders are left porous. That calls for a question. Do we take border protection seriously in this country? I join the voices of those who have called for an establishment of border protection. If the border protection Act needs to be reviewed, so be it, so that we can have our porous borders controlled and well managed.

Lastly, I tend to think - because this thing has lingered here for a long time - that somebody somewhere is either sleeping on the job or is benefiting from this condition. I would like the NIS and all investigating arms of this Government to find out why foreign soldiers invade without being noticed and arrest without being arrested. To me, that reads volumes when

it comes to security matters. We have the best army, GSU, the police and all other security agencies yet our people are being harassed and their economic gains taken away after a long toil in the day.

I rest my case and appeal to the President of the Republic of Kenya to urgently intervene and remove those foreign occupying forces from Migingo Island to Uganda and immediately deploy our forces to protect our people.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Wangari.

**Hon. (Ms.) Martha Wanjira** (Gilgil, JP): Thank you, Hon. Temporary Deputy Speaker. I also rise to support this Motion as amended by Hon. Millie Akoth. I think it is one of the best drafted Motions given the earlier debate that we had. We have resolved. We are not urging.

The issue of Migingo is not a Luo affair. It is about the people of Kenya and the territorial integrity as recognised in the UN Charter, Article 2(4) that there will be respect to territorial integrity. I think what we have seen in the past is total aggression and disregard of that Charter. The Ugandan forces do not just send the police. They send military police who even arrest our own policemen. Not only that, they collect rent. They want to collect taxes. They want to actually hoist their flag. They have done that before. So, it is not a new issue. In 2008/2009, we even saw the two ministers from both sides having a sitting on the same and the flag was withdrawn. Even if they say the water is theirs, why would they not hoist the flag in the waters and not in Migingo? This is because Migingo is clearly in the Kenyan nation.

This Motion takes me to what we were discussing earlier. I definitely disagree with the Chair of the Committee on Implementation that it is Members to actually follow up on implementation. I will read Standing Order No.209(2) on the Committee on Implementation, which states that:

“The Committee shall scrutinise the resolutions of the House (including adopted committee reports), petitions and the undertakings given by the National Executive and examine-

(a) whether or not such decisions and undertakings have been implemented and where implemented, the extent to which they have been implemented; and whether such implementation has taken place within the minimum time necessary.”

Hon. Temporary Deputy Speaker, they owe this House a report on the progress of all the Motions that have been passed overwhelmingly by this House. The issue of scrutinising whether these Motions are implementable is at the Table Office and the House Business Committee. The role of the Committee on Implementation is to actually ensure that this is done. Standing Order No.209(3) says that:

The Committee may propose to the House, sanctions against any Cabinet Secretary who fails to report to the relevant select committee on implementation status without justifiable reasons.

When the Chairman says that as Members we have to follow up, then I doubt the capacity of the Committee to actually deliver to this House. We actually want to see the Committee on Implementation telling us what has been done, give us a report, update us on how many have been delivered and to what extent and tell us why the others are delaying. That will be taking responsibility and I challenge the Committee and the leadership to ensure this backlog is cleared. It has come all the way from the 11<sup>th</sup> Parliament. We are told things that had been passed then have not been implemented. Then we are speaking in vain. I hope we can get the Committee to give us proper updates. I hope this resolution will be a part of their very important deliberation. Because we are living during the time of the handshake, we have seen Hon. Raila Odinga being

very well-received in India and taking a message from the President. We hope that he can also lead in these deliberations because of his good relations as the envoy representing the Government. We should ensure that Migingo and the people living there are safe and the aggressions that we have been seeing from Uganda are dealt with once and for all.

I support the Motion.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Before I give an opportunity to Hon. Oduol Adhiambo, let me give a chance to the Leader of the Majority Party.

**Hon. Aden Duale** (Garissa Township, JP): Thank you, Hon. Temporary Deputy Speaker. I rarely speak on Wednesday mornings but this is a very important Motion. Because it is party-sponsored, I am here to support the leadership on the other side. This matter of Migingo has been in this Legislature since the 10<sup>th</sup> Parliament. It was politicised in the 10<sup>th</sup> and 11<sup>th</sup> Parliaments. Since we are coming together as a nation, we must resolve this matter of Migingo.

I want to tell Hon. Wangari that Hon. Raila Odinga, with or without the handshake, meets big people wherever he goes. His next trip, in my opinion, should be to Kampala. We have few differences with India. His next trip should be to meet His Excellency, Yoweri Museveni, and take to him the message of this House. In Articles 238, 239 and 241 of the Constitution, the National Security Council and the Kenya Defence Forces have an obligation under the supreme law to defend the territorial integrity of Kenya, whether it is land, air or water, for the benefit of the people of Kenya.

The Member for Kikuyu is not in Kikuyu Constituency. He can sit next to the Whip of the Minority Party, who is his friend. He must come in with some decorum considering that the House is in session and is debating a very serious matter.

We have been told stories of surveys and negotiations being done by the Ministry of Foreign Affairs and the Ministry of Defence. There is a gentleman who is in charge of the Kenya international borders. In the 10<sup>th</sup> and 11<sup>th</sup> Parliaments, money was allocated by this House to conduct that exercise. Nothing has been forthcoming. It is time our Kenya Defence Forces and the National Security Council used the provisions of the Constitution to defend our people.

The other interest I have, and I want to make it very clear, is that the fishermen who are engaging in business along the lake are from the Somali community. There are small people who are chasing Somalis. I am sure Hon. Millie Odhiambo and Hon. Mbadi will agree with me. We engage in any and every business under the sun as long as it is legal. If you think you can chase us around Eastleigh, you will find others in Suba. They are fishing in Remba Island. They are the owners of the cold rooms. They are the ones who engage in business with the fishermen who fish at night. You will find them in Lamu. You will find them in Laikipia engaging in camel rearing. We are ready to work with all Kenyans.

Hon. Temporary Deputy Speaker, can you protect me from the former KANU hawk?

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): You are completely protected, Leader of the Majority Party.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Temporary Deputy Speaker, you know there are very few people who have remained in this House who have worked with President Moi. Hon. Oyoo is a serious man and I respect him. He represents that class. When he speaks, I have to be very careful.

We have played politics with the issue of Migingo for far too long. I was in the 11<sup>th</sup> Parliament and now in the 12<sup>th</sup> Parliament. We are currently dealing with Somalia in the international courts with regard to the border with the Indian Ocean. This House and the Government must walk the talk and make sure that the issue of Migingo is resolved. It is

inhuman and unacceptable that every three months, we hear Kenyans have been arrested on that island and a foreign flag has been hoisted there. We cannot engage in firefighting. Any Government worth its salt must protect the interests of its citizens and the territorial integrity in terms of land, water and air of that nation.

I am sure the Kenya Defence Forces Commander, our President, the Ministry of Interior and Coordination of National Government and the Ministry of Foreign Affairs are ready to work together. This House is ready to allocate enough resources. That small island is part of Kenya. There are people who live there and who elected leaders to this House, unless somebody tells me that they do not vote. They elect leaders to this House. We must make sure that this story of their being arrested and Migingo not being part of Kenya comes to an end and we find a long-lasting solution.

Once the House makes a resolution, the Clerk writes to the Executive. It is for the Committee to follow the communication the Clerk makes to the Executive or any other institution. The Chair of the Departmental Committee on Defence and Foreign Relations should have been in the House this morning. The Chair of the Committee on Regional Integration, Hon. Naisula Lesuuda, should have been here. That is why they are Chairs. The matter we are discussing falls within the purview of those two committees, after we approve this Motion.

The Member for Gem cannot turn this place into Gem Constituency. That constituency was represented by a very powerful man. You have many years before you can fill his shoes. You must learn. When Jakoyo used to speak, the House would be quiet. The people of Gem are putting you on a scale, my friend. They are asking whether you have reached where Hon. Jakoyo was. More than any other Member, he is supposed to listen, learn and pray to God that one day, he will fit into the shoes of Hon. Jakoyo Midiwo.

*(Laughter)*

**Hon. Elisha Odhiambo** (Gem, ODM): On a point of order, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): What is it, Member for Gem?

**Hon. Elisha Odhiambo** (Gem, ODM): Hon. Temporary Deputy Speaker, is the Leader of the Majority Party in order to insinuate that in his estimation, with his barometer of North Eastern, I am not capable of running Gem? That is a wrong insinuation for an important Member who has the intellectual acumen which is comparable to none in North Eastern.

*(Laughter)*

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): I imagine the Leader of the Majority Party did not say or insinuate what you are saying.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Temporary Deputy Speaker, if you represent certain constituencies in this House, you will be put on a benchmark. These are: Lang'ata, which is the constituency of the former Prime Minister, the constituency of the President, Gatundu South, Eldoret North and Mwingi North constituencies.

**Hon. Johana Kipyegon** (Emurua Dikirr, KANU): Emurua Dikirr.

**Hon. Aden Duale** (Garissa Township, JP): Emurua Dikirr is a small constituency.

*(Laughter)*

If you are from Othaya, Chepalungu of Isaac Rutto, Ikolomani of Bonny Khalwale or Mutula Kilonzo Snr's constituency, you will be benchmarked. Those are constituencies that were well-represented.

When I leave Garissa Township Constituency, whoever takes my seat must make sure that he does not lower the standards. The same applies to Hon. Mbadi and Hon. Millie Odhiambo's constituencies.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Order Leader of the Majority Party. What is it Hon. Millie Odhiambo?

**Hon. (Ms.) Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Temporary Deputy Speaker. I agree with the Leader of the Majority Party that there are constituencies that have "*wazito*" and that when they leave their seats, whoever takes them must live that level. Is he in order to imply that there are no women of that calibre? You must also say the constituencies where Hon. Martha Karua and Hon. Charity Ngilu come from. There are women who are powerful. When I finally exit, the Member who takes my seat must be of the same weight as *Amillo Gesa Gesa*.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Leader of the Majority Party, if you name Members, you must be conclusive.

**Hon. Aden Duale** (Garissa Township, JP): The list is long but the problem with the women leaders in this country is that they are suspicious. They think that we will not mention Hon. Martha Karua among others.

*(Laughter)*

Member for Gem is a very good friend of him. I always tell him that he must always pray to God that he reaches the benchmark which was set by my very good friend. The people of Gem are watching you. You are not like any other Members.

I want to come back to the debate. The Leader of the Minority Party has brought a very important Motion. The Departmental Committee on Defence and Foreign Relations and the Committee on Regional Integration should move further and ask the Cabinet Secretaries for Foreign Affairs and International Trade, Ministry of Defence, the Ministry of Interior and Co-ordination of National Government to come and give the status of Migingo Island in terms of our territorial integrity and then file and table a report for this House to discuss. If we are forced to allocate more resources, we will use that report.

Finally, I want the Members of Parliament from that region to protect my community. They are under siege for working very hard. They have not committed any crime. They go to the lake and live well with the people of Nyanza. They have cold rooms and they want to establish small fish factories. They are in business in Rift Valley. They run petrol stations and hotels. It is the same thing in Central Kenya. We come from the desert and we will not go back there. If somebody thinks that he will take this community back to North Eastern by intimidating them, he has many years to live with us. The good thing is that people say that we have taken the... We do not run alcohol business. We do not open bars and butcheries. We only run hotels that provide very good nutritious food at a good price. I want to thank Hon. Millie, Hon. Mbadi and all the Members of Parliament who come from along the lake. We have done good business with you. We will stand with you. Migingo Island and the fish which are there belong to Kenya. I want to

go on record. If you think that they do not belong to Kenya, then you have not seen the map of Kenya. Migingo Island belongs to Kenya.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): I am sure you are concluding.

**Hon. Aden Duale** (Garissa Township, JP): The CS for Foreign Affairs and International Trade, whom we have passed in this House and whose budget we passed, is under obligation to go and resolve the matter of Migingo Island once and for all. We do not want to hear that our people are being arrested by Ugandans. If our people have to be arrested, they should be arrested by the Kenyan police officers under the leadership of Mr. Boinett. They are not under the command of the Commissioner of Police of Uganda. That must come out very clearly. We do not want to mince words.

When Hon. Raila comes back, he should go to Museveni and tell him that part of the reasons why we want to build the Standard Gauge Railway...We cannot build the SGR to Uganda and then our people are being harassed every day. We cannot tell the Port of Mombasa to be very efficient in handling goods belonging to Uganda and then they do that to our people. Their goods move through all the regions and we can stop their containers. If you arrest our people, we will stop your containers. It is tit for tat. If you touch our people, we will not allow your exports to reach Kampala. If you touch our people, we will not allocate money to construct SGR to go to Kampala. So, respect our people and territorial integrity and then we will respect you within the confines of the East African Community (EAC) which we are the big brother.

Thank you, Hon. Temporary Deputy Speaker. I support the Motion.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Junet, I know that you take precedence. However, I must remain faithful to the slot I had given to Hon. Oduol Adhiambo.

**Hon. (Prof.) Jacqueline Oduol** (Nominated, ODM): Thank you, Hon. Temporary Deputy Speaker, for giving me the opportunity to contribute. Thank you, the Deputy Minority Whip, for allowing me to take the opportunity which I have been given by the Hon. Temporary Deputy Speaker.

I would like to support this Motion. I want to thank the Leader of the Minority Party, Hon. Mbadi, for bringing this Motion. As I start, I would like us to remember that in life, you do not get what you deserve but what you pursue. One of the reasons why when we form countries we declare sovereignty and come up with constitution, which clearly stipulates who is supposed to engage in some activities, is because we are aware that there might be errant people or those who lack discipline and in some cases those who have bad manners who can completely make life difficult. Therefore, as I support this Motion which was amended, I would like to start by drawing our attention to the manner in which the people of Migingo Island and the representatives of the security organs who are the police officers have been treated in ways that are demeaning and disrespectful.

On 12<sup>th</sup> June 2018, *Daily Nation* Newspaper reported that Uganda soldiers roughed up and detained Kenyan police in Lake Victoria. As we look at this matter, we want to remember that the integrity of borders and the ability of a state to broadcast its authority is one of the most important signals of state sovereignty. It is therefore of great concern that there are those who carry out untold harassment on innocent Kenyans who are simply trying to earn a living in our country. I listened to Hon. Millie Odhiambo and I want to thank her for the information. I was completely appalled because we have a situation where foreign security agents come to our county. We have also got to a point where our nationals feel that they are under their cover and come up with commitments that cannot protect them. So, as we look at this Motion and as I

support it, I want to reiterate that there are national and local issues that are concerned here. I want to agree with Hon. Members who spoke before me that we must all unite because it is not morally or nationally correct to have issues that touch on borders being left to county administration police or county security organs.

Article 239 of our Constitution clearly indicates that the national security organs are the Kenya Defence Forces, the National Intelligence Service and the National Police Service. Whereas Kenya sends police to patrol the lakes, we can clearly see that Uganda sends the special forces command which is a unit of the Uganda People's Defence Forces to address this matter. So, as we look at this issue, I want also to draw our attention that when we do not have security at any point, we will always find that there are untold miseries and challenges that people face which normally come with different impacts. We note that we are talking a lot more about fishermen because they are the ones who are casualties. But we all know the kind of lifestyle and the kind of challenges we have around areas where we have fishermen working for their livelihood. When they are arrested, such as was the case and harassed, it leads to cases of instability in the home, women and children suffering and a context which is not really good.

Hon. Temporary Deputy Speaker, I support the Motion because it is extremely important. As a House we have resolved that we will take action. We will rise and act against exploitation and the unfortunate and demeaning manner in which our citizens have been treated.

Thank you, Hon. Temporary Deputy Speaker. I support.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Junet.

**Hon. Junet Nuh** (Suna East, ODM): Thank you, Hon. Temporary Deputy Speaker, for giving me an opportunity to contribute to the Motion. This is a very important and timely Motion. I thank the Leader of the Minority Party and the party sponsoring the Motion.

Migingo Island has been an issue in the country for many years. People might see that it is a small place that does not matter whether it is in Uganda or in Kenya. This is an indication of abdication of responsibility by the Government to protect its territories.

Hon. Temporary Deputy Speaker, I can tell you for sure that if this piece of rock was in some part of the country that I know of, the country would have gone to war by now. If the rock was in Mount Kenya or in the Rift Valley, where the President and the Deputy President come from, they would have gone to war by now to claim this piece of rock. Nobody values our land; where we come from.

**Hon. David ole Sankok** (Nominated, JP): On a point of order, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): What is out of order, Hon. Sankok?

**Hon. David ole Sankok** (Nominated, JP): Hon. Temporary Deputy Speaker, Hon. Junet is out of order by bringing ethnicity into the House. Even us, as Maasai, have suffered from the aggression of Tanzanians especially through Magufuli killing our cows. So, let him not bring ethnicity into the House. We want to speak as a nation. We have the handshake and are united. Ethnic connotations divide the country. He is out of order.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Sankok, I thought Hon. Junet talked about Central and Rift Valley. Hon. Junet proceed.

**Hon. Junet Nuh** (Suna East, ODM): Hon. Temporary Deputy Speaker, I talked about regions not communities, but when you take care of animals or cattle, you always think of communities because it is communities that steal animals from others. He is still in Kajiado and not in Parliament.

I said that if Migingo Island were to be in a certain region, we would have had war with Uganda by now. The Government has neglected the fishing industry in the region we represent. In terms of policy, instead of the Government focusing on how to revive the fishing industry at the Lake so that it can have enough fish that can satisfy the market, what do they do? They start telling people to have fish ponds in Nyeri, Nakuru and Kakamega, places where there are no lakes.

That piece of rock known as Migingo is so important to the fishing community that without it there will be no fishing in that lake. I travelled during the campaign of the last elections with Hon. Millie to her constituency. We flew to four or five islands to seek votes. There are serious Kenyans there doing serious fishing business in the islands. The way Uganda Government protects its islands in the Lake Victoria is not the same way our country protects its islands in the Lake.

If you want to know that the State is not serious about the security of that area, my constituency borders Tanzania and they have a military camp less than 50 kilometres from the border. Here in Kenya all the military camps are in Nakuru coming towards Nairobi and Nanyuki. The other time when we wanted to divide the country and form the Kenya People's Republic, we knew there were no military installations there. We knew we could take over that area because there was no military to fight us. But now under the handshake, it is high time the Government took seriously security of that area. I know what I am talking about because I come from there.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): I am sure Hon. Junet, you have made your point. Next on my screen is Hon. Hulufu Oda.

**Hon. Hassan Hulufu** (Isiolo North, KPP): Thank you very much, Hon. Temporary Deputy Speaker. I would like to support this important Motion. I urge all Members that this is not a Luo or Suba affair. It is a Kenyan affair. We are really touched as Members of the National Assembly. In any part of Kenya, we have citizens whose lives and livelihoods are not protected and it should be a matter of concern to all of us. It is very unfortunate that the Migingo Island issue has taken very long to be resolved. The Luo community being in the Opposition should not be a reason for the Government of Kenya, the current one and the previous ones, not to protect the lives of fishermen in Lake Victoria specifically in Migingo Island.

The dispute has a history. I sit in the Committee on Implementation and we tried to look at what had been discussed before and what is actionable. When I read the report, one of the main things was that a joint technical committee was formed to look at the boundary issue and because their counterparts from the other side knew that if the technical team was allowed to do its work the outcome would definitely be that the Island will belong to Kenya, they pulled out on the pretext that they needed to go back to Kampala and consult their seniors.

We need to appreciate the boundaries of all African countries as agreed by the Organisation of African Unity (OAU) when they met in 1964 in Cairo. They agreed that they would abide by the boundaries as at the time each state attained its independence. Looking at the Colonial Ordinance, the Kenya Colony and Protectorate Order of 1926, which delineates the boundary between us and the neighbouring country of Uganda, it is very clear. The boundary is not in dispute. It has not been in dispute. The dispute only arose around 2004. I am sorry to say that during the time of President Moi, despite the Luo community being in the Opposition, this kind of nonsense did not happen.

*(Applause)*



I would like to call upon our Government... One of the challenges we have in Committee on Implementation is when we say the Government should do something. The question then of who the Government is arises. His Excellency the President, whom I elected and I belong to Jubilee Party, is the Commander of the Armed Forces. Our neighbours have not deployed the police but a special unit of Uganda Defence Forces to Migingo Island to harass our fishermen. At the end of debate of the Motion, the starting point should be to urge the Government to deploy a specialised unit of our Kenya Defence Forces which deals with marine issues so that we can equalise power in Lake Victoria. From then, our neighbours will stop taking us for granted. When the military of a neighbouring country arrests our law enforcement officers, we should not take that lying down as a country. As a country we love peace and that has been taken for granted by our neighbours. As a country we uphold the provisions of the UN Charter.

We respect what was resolved by the African Union (AU). We are also bound by the spirit of East African Cooperation. At this point, we should be talking about borderless East Africa - a properly integrated East Africa – and not an East Africa where a neighbouring country is harassing our people. Because of lack of protection, our people are forced to enter into the kind of memorandum of understanding (MOU) that Hon. Millie shared with us. That is illegal. Where boats are confiscated, they are destroyed. That is economic sabotage.

As I stop, because my time is out, I would like us to strongly resolve that our Government, specifically the Commander-In-Chief of the Armed Forces, deploys the army there so that our people can be protected. From there, the other side will be forced to come to the negotiating table.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Next is Hon. Okuome Adipo. Hon. Members, if you are gracious enough – this is not binding to you – you can speak briefly because there is a lot of interest on this Motion. Hon. Okuome, you have the Floor.

**Hon. Andrew Okuome** (Karachuonyo, ODM): Thank you, Hon. Temporary Deputy Speaker. This issue is extremely important, especially for me, because in a few days' time, on 6<sup>th</sup> of this month, we are burying a young man who was fishing in Migingo and was hacked to death by Ugandan soldiers. Mine is not theoretical, it is practical. It is something I would invite Members of Parliament to come and help in burying the dead so that we can drive the point home.

Our people in Migingo are doing their business but they live with Ugandan army who dictate what to do, the food to eat and how to fish in the Lake. I appeal strongly to our Government to come to the aid of our people because they are dying. I salute our Leader of the Minority Party for bringing this very important Motion so that we can discuss it and ask our leaders to take action because it is necessary. I am aware that for a number of times, the issue has come to this honourable House, Members discussed, passed Motions, agreed on what was to be done and the matter ended there. Till when are we going to discuss without action? If there is an implementation committee, they should follow up and see that whatever is decided in this House is respected and gets implemented.

I will be a happy man if this Motion solves this issue so that we can say we are part of Kenya. Kenya cannot just have its people being harassed and killed as we watch.

Thank you.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Godfrey Osotsi.

**Hon. Godfrey Osotsi** (Nominated, ANC): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute to this very important Motion by the Leader of the Minority Party, Hon. Mbadi, and the amendment by Hon. Millie. I support it.

Territorial integrity of any nation is very important. I support the sentiments raised by Hon. Wandayi; that this country needs to get serious on matters of territorial integrity. This country is losing its statehood. For a country to be declared a state, it must comply with four main issues: It must have a common language; it must have a population; it must be recognised internationally by the UN and other nations and, most importantly, that country must have a defined and distinct territory. We are losing our Kenyan territory. Migingo is just one of many cases. We have an ongoing case at the International Court of Justice (ICJ) with Somalia over a disputed area within the Indian Ocean. We also have an issue with South Sudan and Ethiopia over the Ilemi Triangle. This issue remains unresolved to date.

The other day, we heard that our cows were taken away by Tanzania police and sold off. This country never took any serious steps. Right now, the Tanzanian Government has allocated US\$2 million to a project of putting beacons on the Kenya-Tanzania boundary yet the Kenya Government has not provided budget for that purpose. We are not serious with protecting our boundaries. We need to do so if we have to remain a state. Otherwise, we are not going to remain a state. Some of these boundary disputes could be deliberate. That is where contraband goods are coming through. It is a simple matter. Why are we arguing with Uganda over Migingo? Why are we arguing with South Sudan and Ethiopia over the Ilemi Triangle? These are issues which the Kenyan President and the presidents of those countries can sit down and resolve.

We also need to look at our foreign policy. We have a foreign policy that is not working. It is important that our foreign policy is discussed by this House so that we can have a practical foreign policy that works for this country. Without that, we will be losing this country to foreigners.

I support the Motion.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Kiarie, Member for Dagoretti South.

**Hon. John Kiarie** (Dagoretti South, JP): Thank you, Hon. Temporary Deputy Speaker. I rise to support the Motion by the very able Leader of the Minority Party, Hon. John Mbadi, and as amended by Hon. Millie Odhiambo.

This issue is urgent. In fact, it was an urgent matter very many years ago. I reminisce the times when we were growing up where we were told of great leaders who would stand on podiums and platforms and swear that not even a single inch of this country would be annexed. It is in this spirit that I look at the matter of Migingo and see it not as an issue of Migingo only. It is actually the principle of it. When an inch of this land is annexed, we start wondering what will happen next. Someone might stand up one day and claim that since the waters of Lake Victoria flow all the way to Egypt, Lake Victoria is part of Egypt. It is the principle of it. It is because of that that I think it is about time that this House's Committee on Defence and Foreign Relations collaborates with the Cabinet Secretary for Defence and come up with a decree from the Head of State. We would like to hear a decree pronouncing itself on a number of issues.

Issue number one, we would like to know what the exact territorial borders are, concerning Migingo. The second issue we would like to hear is the urgent action that would be taken because the harassment is going on even as we speak. We would also want to hear what it is that the President takes as a position concerning not only the issue of Migingo, but other territorial issues facing this country up to and including the issues of our territories on the

northern side, the issues of places like Lamu and other areas that we know we are having territorial issues.

I am graciously guided by your proposal that I save time on this. I want to say that we have shown a lot of goodwill as a country but our goodwill should not be taken for weakness. We have been made to believe that we have a very robust defence force. As we were granting ourselves a new Constitution, we had decided that we were going to change the police force into a service. However, on the issue of the Kenya Defence Forces, we decided that it is going to stay as a force. We want to see this force in action on this matter. This is not an issue of the Luo nation or an issue of the fishermen. I am well guided by the very sombre words of a great leader who said that injustice anywhere is a threat to justice everywhere. In fact he went on to say that, we are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one, directly affects all of us indirectly. We are all affected indirectly and those are the words of Martin Luther King Jnr.

Thank you very much for this opportunity. I am donating the rest of my time as you graciously guided me.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): You are only donating one minute, Hon. Kiarie. But it is good. Hon. Oduol Ombaka, if you would be kind enough to donate more, it will be good.

**Hon. (Ms.) Christine Ombaka** (Siaya CWR, ODM): Thank you, Hon. Temporary Deputy Speaker for this opportunity. I stand to support this Motion because colonialism is over and the last colonialism was in the 1960s. We do not have any more colonialism or a country occupying another country. What seems to be happening right now has been happening in a span of about 20 years and nothing has happened. Kenya looks so weak before the world. We are not able to sort out the problems that are affecting Migingo and other islands around Lake Victoria. My question is to various Ministries and various bodies that should look after the East African Community. What is the role of the Ministry of Defence? The Ministry of Defence should come out strongly to defend our country and the people of Migingo and Lake Victoria. What is the role of the East African Parliament? No Motion has even arisen in that Parliament to discuss the issue of Migingo. This is an issue that touches East Africa. The role of Parliament is not coming out. The Ministry in charge of foreign affairs is responsible for all these and they must bring peace and security to our nation and ensure that the interests of Kenyans are addressed. We are seeing that nobody is showing any interest.

I want to conclude by saying; time is gone for a country to occupy another country. If there is such a dream of one country trying to do that, it is high time the Kenyan Government demonstrates that we are equally strong and we can defend our nation. Otherwise, you start with one step and we shall have many steps. These enemies of Kenya will occupy the entire Kenya if we cannot handle Migingo Island alone because we look so weak before them and they are bullying us because they know that they are stronger than us. They are bullying and killing our women, raping little girls on the lake and they are doing crazy things that should never happen and we are watching helplessly. I demand that the Kenyan military takes charge and moves very first.

That is what I have for today. Thank you, Hon. Temporary Deputy Speaker for this opportunity.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Wanga Nyasuna.

**Hon. (Ms.) Gladys Nyasuna** (Homa Bay CWR, ODM): Thank you, Hon. Temporary Deputy Speaker. I think the respect for territorial integrity has been canvassed. Homa Bay

County which I represent has over 145 fishing beaches. The people along these beaches wake up every morning and wonder whether they are truly Kenyans or they belong to another country because of the mistreatment that they are taken through. They go into the lake, their boats and their fishing gears are confiscated and they are forced to eat raw fish. No Kenyan should go through this level of humiliation when they have a Government to speak about.

It is unfortunate that the feeling among our people and ourselves is, we are side-lined. The number of Press conferences and the number of times we have spoken on this matter and the deaf ears this has fallen on, show us that this is political side-lining. We hope that through this Motion that has been introduced by the Leader of the Minority Party...I thank him for bringing this timely Motion and the amendment that has been brought by Hon. Millie Odhiambo, there is no reason why the navy should not move into the waters of Lake Victoria. Currently, our police are facing an army. They have no naval skills, they have no boats to patrol the lakes and they have no human resource to handle this matter. It is my hope that the Committee on Implementation whose vice chair contributed to this Motion that by Thursday this week, it will invite the Cabinet Secretary in charge of internal security so that we have a way forward on that matter and so that this Motion does not go into the files and begin rusting. Every single day, we have our people being harassed and economies being lost. This is economic sabotage and I hope that the Committee on Implementation does not take this as part of their files. It has been spoken about here. I saw Members here. We want by this Thursday to have this matter canvassed and resolved and the navy moving into our waters as soon as possible to guard and protect our people.

With those many remarks, I support this Motion.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Gideon Koske.

**Hon. Gideon Koske** (Chepalungu, JP): Thank you, Hon. Speaker for giving me this opportunity to support the Motion by the Leader of the Minority Party. This Motion is so important to this country. National service should uphold the aspirations of the Kenya people and maintain the fundamental principles upon which the Kenya society is founded. It is the first and the most important social service for a Government to deliver to its people. The issue of Migingo, where both Uganda and Kenya are claiming their right to the island and it is strengthened by colonial maps... If you look at our history, you will note that we lost Mt. Kilimanjaro by a mere Queen Victoria giving out to somebody called Kaiser as a birthday gift. It is a high time we protected the island if we lost a mountain which had historical significance. The issue of Migingo brings out clearly interesting questions around citizenship and Africans in complete decolonisation. If Migingo is in the Kenyan territory, Uganda would have violated the principle of respect for territorial integrity provided for in Article 2 (4) of the United Nations Charter. Our brothers from the Maasai community have been having the territorial boundary issue where they are facing challenges when they graze in Kilimanjaro while it was meant for Kenya. Compared to other African countries, Kenya has a huge security and we have not seen the impact of that allocation.

Thank you, Hon. Temporary Deputy Speaker, I support the Motion.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Members, clearly there is a lot of interest and some of the Members have direct interest in the matter in the sense that they represent constituencies around the subject matter. Even the others who do not, all of the Members have registered interest here. But I am afraid, because of the time that we have—the Motion started at 10.35 a.m. and was slotted for two hours—it is now 12.30 p.m., the Mover

must be called to reply. The Mover, the way I know him, is sometimes extremely gracious. He could as well donate one or two minutes, as he may wish.

The Mover.

**Hon. John Ng'ongo** (Suba South, ODM): Thank you, Hon. Temporary Deputy Speaker. I would like to donate one minute each to the following Members. The first one will be the Member for Nyatike. The next will be Hon. Kioni. The third will be Hon. Eve Obara. The last one, because I have only five minutes, will be Hon. Nyaga. I have to take care of gender. Those are four and then I will have one minute.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Member for Nyatike.

**Hon. Tom Odege** (Nyatike, ODM): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. Allow me first to congratulate my leader and good neighbour for coming up with this Motion. Because I have only one minute, I would wish to say that I am the Member for Nyatike. My constituency borders Suba South where my mother comes from and Suba North where my wife comes from, so this matter directly affects me as the Member for Nyatike.

The interest Ugandan people have in Migingo, which does not come out clearly, you will agree with me all the breeding beaches in Lake Victoria are in Kenya, because of the warm waters of the lake in Kenya. All these rivers converge at Migingo. That is why fish stock is very high in Migingo. That is the interest Uganda has in this country. My main concern is how the Government of Kenya has treated the issue.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Kioni.

**Hon. Jeremiah Kioni** (Ndaragwa, JP): Thank you, Hon. Temporary Deputy Speaker. I want to thank the Mover, Hon. Mbadi, for this Motion, and even *Mheshimiwa* Millie. I support this Motion and our army should do what is expected of them.

During the 10<sup>th</sup> Parliament, we had a similar issue at Mt. Elgon. Led by my chairman then, *Mheshimiwa* Keynan, we went there as a committee and we resolved the issue. Our defence committee in this House has no business being here if they do not visit Migingo. I do not think we are debating whether Migingo belongs to Kenya or Uganda. It is ours. The defence committee should go down to Kisumu and sort out this mess. As a House, we should take a position. It is very annoying to see our people being harassed by another country. We are not a country if we can have our people being harassed by a neighbouring country. These guys in our neighbourhood think we are playing games. They harbour expansionist tendencies. If we do not take positions as a country, they will treat us badly in the coming days.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Who was next?

**Hon. (Ms.) Eve Obara** (Kabondo-Kasipul, ODM): Thank you very much, Hon. Temporary Deputy Speaker, for giving me this opportunity. I stand here to support the Motion. First and foremost, this matter has been going on for many years, precisely in this House for the last 15 years. I want to request my colleagues that let us bring this matter to a closure.

Secondly, we cannot continue talking about regional integration, one passport, free access while at the same time our people are being arrested and charged Kshs20,000 illegally for being on Kenyan waters. Let us commit today that we as the 12<sup>th</sup> Parliament must bring this matter to a closure. Let there be naval surveillance in the waters of Lake Victoria and of our people, not only for security but also for their safety. We have had numerous cases of people drowning in the lake because there is nobody to come to their rescue.

Thank you very much.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Beatrice Nyaga.

**Hon. (Ms.) Beatrice Nyaga** (Tharaka-Nithi (CWR, JP): Thank you. I also support the Motion by Hon. Mbadi and the amendment by Hon. Millie Odhiambo.

The security of this country is not negotiable. Our neighbours should respect Kenya. We are not talking about Luos fishing in Migingo. We are talking about Kenyans being harassed by other countries. Our neighbours are taking Kenyans for granted. We have been too lenient for many years. Hon. Matiang'i, the CS in charge of security must do his job. Our Committee on Implementation should do something today. This issue has been here previously. Why is it coming up again? Why are we sitting on our responsibilities? Can we do something today?

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Mbadi.

**Hon. John Ng'ongo** (Suba South, ODM): Hon. Temporary Deputy Speaker, I wish I had more minutes. I would have donated to others. Maybe, just to highlight two things in the next one minute that is remaining.

First, I thank all my colleagues from both the Majority and Minority parties for supporting this Motion. I could see the anger, the emotions and the resolve. I want to also re-emphasise what others have said before me that, this is a national matter. I like the nationalism that we have exhibited this morning.

Finally, I want to speak to my friend, the President of the Republic of Kenya, Uhuru Kenyatta. Hon. Maina Kamanda said that in the early 1970s, his father - the late President Mzee Njomo Kenyatta - spoke and Idd Amin who was more feared than froze. If Uhuru Kenyatta speaks on Migingo, Museveni will freeze. So, I urge the President to speak and tell Museveni that we are not going to tolerate this anymore. This is a matter that can be escalated even up to the level of the United Nations Security Council. This country must resolve this matter.

Otherwise, it is threatening the regional peace. I finish by agreeing with what Hon. Duale has said: "If Ugandans are not going to respect us, we will not respect them"!

Many business people, Kenyans of Somali origin, are doing business in Lake Victoria, including in my constituency. I want to attest to that. I thank my colleagues. I know the MP for Rangwe is going to swallow me alive after this because I did not donate a minute to her, but she will bear with me. I know the people of Rangwe know that Hon. Lilian Gogo is so passionate about this matter. The people of Alego-Usonga would also indulge us because Hon. Atandi did find time to speak to this Motion.

Thank you and I beg to reply.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Members, we will defer putting the Question to this particular Motion to another time.

*(Putting of the Question deferred)*

Next Order.

#### INSTALLATION OF CCTV CAMERAS IN ALL PUBLIC SECONDARY SCHOOLS

**Hon. Robert Mbui** (Kathiani WDM – K): Hon. Temporary Deputy Speaker, I beg to move the following Motion:

THAT, aware of the increased cases of insecurity in schools, including the regrettable cases of defilement and rape that have been reported in various schools, with the most recent case being reported in Moi Girls' School, Nairobi where a student was raped; further aware that incidences of buildings in public secondary schools being

torched by unruly students and over time have been numerous; concerned that most perpetrators of the dastardly acts of defilement, rape and arson in schools go unpunished due to the difficulty in establishing a nexus between them and the acts and therefore many of the suspects behind the said crimes evade responsibility; cognisant of the duty to protect the dignity, preserve the lives of innocent students and protect school properties from the threat posed by the crime; appreciating the role of Information and Communications Technology (ICT) in enhancing security surveillance; this House urges that the Government speedily rolls out installation of Closed Circuit Television (CCTV) cameras in strategic locations in all public secondary schools as an enhanced security mechanism for surveillance of students' activities; makes provisions for regular and mandatory checks to confirm compliance and enforcement of the mechanism; and, enforces strict admission criteria, including maintenance of a profile of alleged perpetrators of arson to ensure that they do not escape liability by transferring to other schools without proper screening.

Hon. Temporary Deputy Speaker, the responsibility of any nation is to ensure that they provide a conducive environment for the citizens to carry out their activities and, of course, meet their basic needs. Even at Independence, our founding fathers tried to figure out what would be the hindrance to the development of the country and they identified three enemies. Those were ignorance, poverty and disease. There are solutions to the three of them. The first one on ignorance is provision of quality education and also the improvement of educational institutions. The solution to poverty is provision of quality education and, of course, provision of a conducive business environment and creation of jobs. The solution to disease again is quality education and the provision of proper healthcare.

All these threats that we faced as a nation upon Independence still exist up to now and the solution to all this is education. Even as we are gearing towards Vision 2030 in another 12 years, we require an educated population, educated workforce and knowledgeable citizens so that we can build the nation together and in that short period become an industrialised nation. This just underscores the importance of education in any country. Even as a parent, I understand that the best thing you can give to your children is not even wealth in the form of property or money. It is actually education. If you take two parents, one who is filthy rich and has children who do not go to school and one who is poor and has children that actually get proper academic support, chances are that within two or three generations, those from that poor family will actually be running the affairs of those that inherited more money. Therefore, it is important to note that education is of utmost importance.

Our Constitution provides as follows in the Bill of Rights. Article 28 on human dignity states:

“28. Every person has inherent dignity and the right to have that dignity respected and protected.”

Article 29 talks about the right to freedom and security of the person. Article 40 talks about protection of right to property. Article 43 talks about economic and social rights and one of those rights in 43(f) is the right to education. Article 53 talks about children rights, it states

“(1) Every child has the right -

(b) to free and compulsory basic education and

(d) to be protected from abuse, neglect, harmful cultural practices, all

forms of violence, inhuman treatment and punishment, and hazardous or exploitative labour.”

My Motion intends to ask this House for support in ensuring that we protect our educational institutions. It is only when we have a vibrant and conducive environment that education of our children and of the nation can actually be enhanced. Parliament must, therefore, use its authority to ensure that it protects education in this country.

Our educational institutions, learners and workers in those institutions are under attack. Last night, I watched news in one of the channels and they talked about Ng'iya Girls High School. The girls have just gone home for an indefinite period of time because of violence in the school. They also mentioned a girls' school in Kisumu where girls have also recently been sent home. That is only in one news show. They also talked about Ngara Girls High School where a girl was taken to school and left with the teacher on duty immediately after midterm. Eight days later, they do not know her whereabouts. Also, there is this report about Chalbi Boys in Marsabit where six teachers were attacked by the students and actually one is in critical condition. Basically, we have a major issue. In fact, that station that I watched last night had this question for Kenyans: What is driving student unrest in girls' schools in Kenya? The magnitude of these cases is more than what I heard in last night news. We are talking about situations of student unrest in Kenya, where we have seen the burning to death of eight girls in Asumbi Girls Boarding School in 2012. Nineteen girls perished at St. Kizito Secondary School in Meru in 1991; 25 students died in Bombolulu Girls Mombasa in 1998; four school prefects in Nyeri High School were burnt by their colleagues in 1999 and 68 boys were burnt to death by schoolmates in Kyanguli Memorial School in Machakos in 2001.

Just recently, there was a case I mentioned in the Motion about Moi Girls School Nairobi where a girl was raped. Just last year, about 10 girls died in an inferno in the school dormitory. So, this is not a small thing. I have statistics from the Ministry of Education, Science and Technology and the latest they have now is 2016. They draw a very nasty picture about this country on how badly our schools have been burnt, the number of people injured and the number of lives lost. It is incredible. Even the statistics we have from the Ministry are clearly not conclusive. In 2016, I was still representing my constituency and I know there are schools that had issues of arson that have not been reported here because most times when the principals report these cases, it is deemed they have failed. Therefore, they shy away and if there is no major injury or death then they are swept under the carpet. It is a major problem which we are facing as a country. Therefore, what is our solution? This is what I propose for this House. I heard the CS for Education, Science and Technology also mentioning it. I tried to bring this Motion during the last Parliament that we need to install security surveillance in all our institutions of learning.

If you install Closed Circuit Television (CCTV) cameras in strategic places within the schools, it means that the people planning arson attacks, attacks on teachers or destruction of property will be scared because they will know that they can be seen. All cameras are not visible. When we talk about CCTV surveillance we have visible cameras. We could also go to the point of having some hidden cameras in strategic places where it is not their privacy that is being deprived but we just watch to ensure that no Kenyan is hurt. By doing this, we shall be discouraging these criminals. I call them criminals because sometimes we want to call those criminals students but when a child can light a fire in a dormitory which kills 68 colleagues that is literally a criminal. That is not someone we can call somebody's child or a student. It is someone who has crossed the line.

We are also proposing to have regular and mandatory checks to ensure that these cameras are working. We all know that in this country we have good ideas like I saw a report on Kenya



Power. The Government wants to install power all over the country but there are so many faulty transformers. Not only should we have these installed but they should also be checked to ensure that they are working all the time. That is the second thing we are proposing.

Thirdly, we are proposing that we have a profile of the alleged perpetrators of these acts. A register should be kept by the CS so that we can know the people involved in these cases of arson. What happens is that during second cases of arson increase. The reason they escalate is simply because those perpetrators of these acts, when the school burns down and they are sent home, they do not go back because they know they are culpable. They convince their parents and seek transfers to other schools. When they transfer to other schools, they become heroes because of telling the others of what they managed to do in another school. A second, third and fourth school burns and the next thing we ask is what is happening to our country? Why are all our schools burning? If we can block the transfer of the perpetrators, it obviously means that we will not have this kind of vice spreading into other schools.

We want to ensure that we have strict transfer procedures which are restricted to those people whose records are clear. That does not mean that a child cannot transfer from one school to the other. It just means that if this register is available, even when a school accepts that child to be part of their student population, they will take care to ensure that this child is closely monitored. Only monitoring will stop the continuation of those negative vices in this country. This is a matter that is of grave concern to a lot of our people.

I beg to move. I call upon a Member who also has the interests of our children and education at heart, Hon. Wilson Sossion, to second the Motion.

**Hon. Wilson Sossion** (Nominated, ODM): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to second the Motion. It comes at the right time when this country is at a cross-road in terms of the security of our learning institutions. Hardly a day passes without a report of incidences bordering on insecurity in our schools, particularly in our boarding schools. I thank Hon. Mbui for tabling this Motion.

There are all indicators that there are security lapses in our school systems. National security cannot be complete in this country without the safety of learners in our schools. The global requirement for delivery of quality education is that of safe learning institutions. Our learners must be safe. Our children and teachers must be safe in the learning institutions. The capacity and ability to be accountable for the security of every learner and school is inevitable for any nation. Kenya, with its own great capacity to do a lot of work in terms of ICT and the investment that it has in this area, it is inevitable that in this age, era and time, we must install and invest in security surveillance equipment in schools.

We have noted quite a number of reports bordering on insecurity - as it has been mentioned - in a number of schools. Initially, there were fires in schools and burning of dormitories. For the last two years, the focus has been on dormitories. The reports that we get is that of electrical faults. The question we ask is why school dormitories always catch fire when the students are present. Why not when schools are closed? There are all indications that those are acts of arson. It has been completely impossible to nab the culprits. Schools' management have been unable to account for this and bring any of the culprits to book.

In the last couple of days, there have been issues bordering on the rape of our girls in the dormitories. There are many narratives around this. It is difficult to account. It is completely impossible for principals and teachers to take action. Teachers have remained victims at the end of the process in situations they cannot account for. Truly, they lack capacity to do so. In the case of Moi Nairobi Girls' School, which has been mentioned, there are CCTV cameras installed but

they are not functioning. It is difficult to account for exactly what happened that night. These narratives may be true, real, imagined or even activities of wayward students during the night to frame-up the administration.

**Hon. (Ms.) Odhiambo-Mabona** (Suba North, ODM): On a point of order.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): What is out of order Hon. Millie Odhiambo?

**Hon. (Ms.) Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Temporary Deputy Speaker. I do not want to interrupt our good child protectionist. However, I want to say from a victim protection perspective that it is not right to cast any doubt on a person who comes forward and alleges that she was raped. It is one of the worst mistakes which we can do. I would rather be shocked when I find out that the kids lied than cast aspersions on a child who says that she was raped because you will stop her from seeking any further help. It is important that he knows that from a victim protection perspective.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): It looks like a point of information.

**Hon. Wilson Sossion** (Nominated, ODM): I truly respect Hon. Millie Odhiambo's concerns. I subscribe to the same ideology. The big question is whether we can account for all the activities in schools. That is the biggest challenge that we have in most of our schools. It is a little bit inhuman that in circumstances where headteachers cannot account and prove that certain criminal events took place, some of them opt to resign or be interdicted. This is another form of inhumanity. I believe that this Motion, in its framing, will take us to a far much safer ground where we can account for the events that take place in schools.

With installation of CCTV cameras which are well managed and of good quality and that can account for activities of students everywhere, then we will stop asking many questions. We will monitor every aspect of school activities. We know that in many countries, parents and everybody monitor activities of students in the classrooms while at home, for example, in the Nordic countries. At this age in this country, it is time all schools in this country installed CCTV cameras, so that we can stop passing the buck, blaming one another and engaging in endless debates of accountability. They should not be installed in boarding schools only. We need accountability not only in schools but also in other learning institutions like the universities.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Your time is up but I will give you 10 seconds to say that he seconds the Motion.

**Hon. Wilson Sossion** (Nominated, ODM): Hon. Temporary Deputy Speaker, I want to conclude. We talk of examinations cheating in examination rooms. It is possible to monitor and nab any form of activity there by installing CCTV cameras. That is the only way we can end examination cheating and insecurity.

I second this Motion. Thank you.

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Members, it is 1.00 p.m. The Motion will continue at the next slotted time. There is a remainder of one hour thirty eight minutes. Hon. Members, you will get a chance to contribute to it when it is next slotted in the Order Paper.

**ADJOURNMENT**

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Members, the time being 1.00 p.m, the House stands adjourned until today afternoon at 2.30 p.m.

The House rose at 1.00 p.m.