

**THIRD ASSEMBLY
(009)**

**FIRST SESSION
(097)**



COUNTY GOVERNMENT OF KITUI
THE COUNTY ASSEMBLY
THIRD ASSEMBLY - (FIRST SESSION)
VOTES AND PROCEEDINGS
TUESDAY, 25TH OCTOBER, 2022 AT 9.00 A.M.

1. The House convened at Nine O'clock.
2. The proceedings were opened with prayer.
3. **PRESIDING-** Hon. Speaker on the Chair.

4. NOTICES OF MOTIONS

The following notices of motions were given;

- i. Motion on Approval of Membership to the County Assembly Committee on Appointments. *(Leader of Majority Party)*
- ii. Motion on Approval of Membership to the following County Assembly Select Committees:
 - a) Committee on Budget and Appropriations;
 - b) Committee on Public Investment and Accounts.

(Motion deferred to the afternoon sitting of Tuesday 25th October 2022, with the leave of the Hon. Speaker)

(Chairperson, Selection Committee)

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**5. MOTION ON THE INSECURITY CAUSED BY THE CAMEL
HERDERS IN THE KITUI SOUTH GAME RESERVE TO THE
RESIDENTS OF MUTHA WARD IN KITUI SOUTH
CONSTITUENCY.**

(Deputy Leader of The Majority Party)

**(Resumption of business deferred during the afternoon
sitting of Wednesday 19th October, 2022)**

THAT, pursuant to the provisions of Standing Order No. 30(1), this Assembly hereby adjourns to discuss a matter of urgent County importance.

Aware that Article 19 (2) of the Kenyan Constitution 2010 specifically provides for the protection of human rights and fundamental freedoms to preserve the dignity of individuals and communities and promote social justice. Further that Article 25 (a) and 29 (d) provide for freedom from torture and cruel, inhuman or degrading treatment.

Further aware that, Article 29 (d) of the Constitution of Kenya, 2010 also grants every citizen a right not to be subjected to torture in any manner, whether physical or psychological.

Concerned that, there has been a perennial security threats brought about by the existence of the camel herders who have

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illegally continuously occupied some parts of the Kitui south game reserve in Mutha ward, kitui south constituency in search for pasture and water for their animals. In the process, these herders trespass and invade private land coupled with criminal acts which include attacking residents with crude weapons to kill; assaults, insults, women and girls raped.

Further aware, that, this has caused a lot of suffering to the extent of loss of life, property and bodily harm with the immediate incidence being the brutal attack and killing of one Mr. Mutuku, a resident of Kathoa village in Mutha Ward who was cruelly murdered by the camel herders upon being heinously slaughtered and sustaining various knife stabs. This has caused untold fear among the residents of Mutha ward leading to many fleeing their homes to seek protection at Mutha police Station and others in the forests fearing for their lives.

Concerned that, earlier similar criminal acts carried out by the camel herders have not been addressed effectively to get lasting solutions. This has been a recipe for recurrence therefore causing acrimony and animosity between the residents of Mutha ward and the camel herders. Consequently, this has negatively affected the lives and the socio-economic activities of the people of Mutha Ward.

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Noting that; the Constitution under Article 19 (2) specifically provides for the protection of human rights and fundamental freedoms to preserve the dignity of individuals and communities and promote social justice. Further Article 25 (a) and 29 (d) provide for freedom from torture and cruel, inhuman or degrading treatment.

Further noting that, the current state of affairs if left unsolved, it will be a recipe for foreseeable tribal clashes likely to cause war as people seek to protect their lives and property. The current wave of criminal acts by the camel herders may foment ethnic animosity between the Kamba and Somali community herders if left to continue.

THEREFORE, this assembly hereby resolves as follows;

- i. This House under the leadership of the Hon. Speaker seeks the audience of the County Commissioner (the Chairperson of the County Security Committee) Kitui County immediately to get answers on the steps taken so far to address the current state of insecurity in Mutha Ward.
- ii. The County Government using the Emergency Fund, should move swiftly to provide temporary measures to address issues of shelter, food and water to the families which have fled their homesteads as a result of insecurity.

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- iii. The County Government of Kitui, through the relevant County Ministry, should liaise with the National Government pursuant to the provisions of Article 189 (1b) of the Constitution of Kenya and Section 4 (c) of the Forest Conservation and Management Act, 2016 which advocates for consultation between the National and County Governments in matters of environment conservation to have the game reserve assigned to a private conservationist who will put the vast idle land to better use and protect it from the herders hence guaranteeing security to the residents of mutha including installation of Kenya Police Reservists (KPR) in Mutha and other affected wards.
- iv. The County Government of Kitui should liaise with National Government to obtain an eviction order to evict the camel herders from the game reserve and Mutha Ward.
- v. This Assembly should hereby form an Ad Hoc committee to benchmark with Narok County (Masai Mara national park), Laikipia County (Nanyuki game reserve) , and Samburu County (Samburu game reserve) on how such insecurity issues were permanently resolved.
- vi. The County Government, through the County Ministry on Tourism, Sports and Culture organize and sponsor some residents of Mutha, Endau/Malalani, Nguni, Ngomeni, Kanziko, Voo/Kyamatu, Nuu and Tseikuru wards to go and

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- vii. benchmark with the Narok County (Masai Mara national park), Laikipia County (Nanyuki game reserve), and Samburu County (Samburu game reserve) on how such insecurity issues were permanently resolved.
- viii. The county Government in conjunction with the national government should review the boundary cutline which demarcates Tana River County, the game reserve, and Mutha ward with a view of creating a buffer security zone to settle the historical boundary dispute which has existed hence causing conflict between the people of Mutha Ward and the game reserve authorities and the camel herders.
- ix. The County leadership in conjunction with the National Government and the criminal justice systems should ensure culprits of the criminal acts are held culpable and where necessary compensation awarded on lives lost and property destroyed.

(Hon. Dr. Erastus Mbuno- (M.C.A)

**AMENDMENT TO THE MOTION ON INSECURITY CAUSED BY
THE CAMEL HERDERS IN THE SOUTH KITUI GAME RESERVE
TO THE RESIDENTS OF MUTHA WARD IN KITUI SOUTH
CONSTITUENCY**

(Hon. Titus Munyoki Kasinga – M.C.A)

Motion Made and Question Proposed;

THAT, pursuant to the provisions of Standing Order No. 51 (1), the above motion be amended as follows; -

1. by deleting in entirety prayer number three (iii), four (iv), six (vi) and seven (vii) appearing in paragraph eight of the motion and replacing thereof with the following words;

“ iii. the County Government of Kitui to work together with all the relevant agencies of the National Government and all leaders to ensure: -

- i. Camel herders, Pastoralists and any other encroachers are evicted from the South Kitui Game Reserve, Mwingi game reserve and Kora National Park and any other parts of Kitui County which may be affected.*
- ii. Deliberate interventions are put in place to curb the continued encroachment of the following wards: Mutha, Kanziko, Voo/Kyamatu, Endau/ Malalani, Nuu, Nguni, Ngomeni, Tseikuru, Ikutha and other parts of Kitui County which may be affected.*
- iii. Persons or entities obligated to manage the South Kitui Game Reserve, Mwingi North reserve and Kora National Park manage them to the benefit neighboring communities, Kitui County and Kenyans at large to*

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Curb any conflict and ensure that a security buffer zone is established.

- iv. Mutha and all affected wards in Kitui County where land titling has not been done are titled to enable private ownership of land to curb perennial encroachment by camel herders, Pastoralists and any other encroachers;*
- v. Deployment and installation of National Police Reservists (NPR) in all affected areas.*
- vi. Construction of police stations and deployment of police officers at appropriate points along the border with Tana River County and any other affected areas.*
- vii. Movement of camels and any other livestock should be accompanied by permits from relevant government agencies indicating the number of camels or any other livestock and their destination.*

2. by rephrasing prayer number five (v) appearing in paragraph eight of the motion as followings;

“that this Assembly forms an Ad Hoc committee to enquire into the perennial conflict between residents of Kitui County and Pastoralists and any other encroachers from Tana River and other counties and that the committee undertakes benchmarking in Narok County, Laikipia County, Samburu County Taita Taveta County, Meru County, Kwale County and any other County and

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report its findings and recommendations to the Assembly in line with the provisions of Standing Order No. 192 (7)(b)".

3. By rephrasing prayer number eight (viii) appearing in paragraph eight of the motion as follows;

"The National Police Service together with office of the Director of Public Prosecution ensure speedy investigation and expeditious prosecution of cases relating to the subject insecurity."

4. *The County Government should recruit, train and deploy Game Rangers to the conflict prone areas.*

Debate arising;

(The Mover withdrew the amendments pursuant to Standing Orders No. 55.)

6. ADJOURNMENT;

And the time being Ten Minutes Past Eleven O'clock, the Honourable Speaker adjourned the House.

- 7. ASSEMBLY ROSE** - at Ten minutes past Eleven O'clock.

MEMORANDUM

The Honourable Speaker will take the chair on Tuesday, 25th October, 2022 at 2.30 P.M.

