



COUNTY GOVERNMENT OF KITUI

THE COUNTY ASSEMBLY

THIRD ASSEMBLY – (FIRST SESSION)

VOTES & PROCEEDINGS

WEDNESDAY 26TH OCTOBER, 2022 AT 2.30 P.M.

1. The Assembly convened at Nine O'clock.
2. The proceedings were opened with prayer.
3. **PRESIDING** – Honourable Speaker on the Chair.
4. **COMMUNICATION AS RELATES TO COUNTY ASSEMBLY AFFAIRS AND MEMBERS' WELFARE.**

Honourable Members,

It has been a month since we were sworn-in and I would like to take this opportunity to apologise for the slow pace at which things seem to be moving and assure this House that I am committed to seeing that we embark on the business of this House as soon as possible.

Honourable Members,

In an effort to ensure that we start of the business of this Assembly, the County Assembly Business Committee shall between 27th and 31st October, 2022 be preparing the County Assembly Annual Calendar to guide the business of this House for the remainder of the session.

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Similarly, I have requested the Committee on Selection under the leadership of the Leader of the Majority Party to ensure that County Assembly Committees are formed within the period running from 31st October, 2022 to 5th November, 2022.

Honourable Members,

As we continue to put our House in order, I must say with a lot of concern that I have heard and witnessed the disharmony that is engulfing this House slowly and surely and in extreme covert means, and request members that we accord each other time to learn and where mistakes are made, we embrace dialogue and negotiations for purposes of establishing a common agenda for all of us.

Honourable Members,

From when I was sworn in, I have been clear on the fact that I will relentlessly support this House and I would like to take this opportunity to reiterate this position and confirm that my door is open for all of you to reach out to me at any time. In furtherance of this support and as the Chairman of the Board, I have requested, which request they have graciously accepted, Hon. Mathew Vuthi and Hon. Hussein Mwandia jointly and severally, to be the linkage between the Board and the Honourable Members.

The two Members shall be in charge of communicating any welfare or benefit decision affecting all of you. Consequently, I am hereby directing the Office of the Clerk to ensure that all communications relating to members' welfare or regarding any benefits accruing to Members should henceforth be submitted to the two members for onward transmission to all Members.

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Honourable Members,

I know the issue of benefits like car loan and mortgage is an emotive one, I am pleading with all of you to be patient with us as we await the formation of Committees upon which we shall have the Assembly supplementary budget considered to address this issue among others. Kindly let us be patient as we await the consideration of the supplementary by this House which will take care of all your welfare issues once passed.

Honourable Members,

I wish to also remind all of you that we have a statutory duty in line with the Public Officer Ethics Act of 2003 to make our Declaration of Income, Assets and Liabilities and this should be done within the statutory deadline of 30th October 2022. I am therefore requesting all of you to complete these declarations as this carries a personal responsibility. I hereby direct the office of the Clerk to facilitate members and offer them the necessary assistance to ensure compliance.

Honourable Members,

As I conclude, I am aware that Members are yet to make their maiden speeches, I shall in the coming week in consultation with the Clerk and the Leadership of this House plan on how to slot this very important activity in our schedule of business so that members are able to make their speeches as I believe the same are very important and critical as we set the agenda for the Third Assembly.

Honourable Members,

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Please allow me to thank you all for your continued support and I assure you that I will continue discharging my constitutional duties to the best of my ability.

Honourable Members, I thank you!

8. MOTION ON THE INSECURITY CAUSED BY THE CAMEL HERDERS IN THE SOUTH KITUI GAME RESERVE TO THE RESIDENTS OF MUTHA WARD IN KITUI SOUTH CONSTITUENCY. (As amended and Annexed)

(Deputy Leader of Majority Party)

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 illegally continuously occupied some parts of the Kitui south game reserve in Mutha ward, Kitui south constituency in search for pasture and water

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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.

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.

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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.
- 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

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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
- vii. Tseikuru wards to go and 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 outline 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

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acts are held culpable and where necessary compensation awarded on lives lost and property destroyed.

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

(Resumption of business deferred during the morning sitting of Wednesday 26th October, 2022)

Debate arising as amended,

Question Put as amended & **AGREED TO**

9. ADJOURNMENT - And the time being Fifteen Minutes Past Three O'clock, the Honourable Speaker adjourned the Assembly.

10. ASSEMBLY ROSE - Fifteen Minutes Past Three O'clock,

MEMORANDUM

The Honourable Speaker will take the chair on

Tuesday, 1st November, 2022 at 9.00 A.M.

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