

MOTION OF COUNTY IMPORTANCE ON INSECURITY IN KITUI COUNTY SPECIFICALLY ALONG THE AREAS BORDERING TANA RIVER COUNTY.

(M.C.A- MIAMBANI WARD)

Aware that Article 19 (2) of the Constitution of Kenya, 2010 provides for the protection of human rights and fundamental freedoms to preserve the dignity of individuals and communities and promote social justice.

Further aware that, Article 25 (a) and 29 (d) of the Constitution of Kenya provide for freedom and security of every person which includes the right not to be subjected to any form of violence from either public or private sources or torture or treatment in a cruel, inhuman or degrading manner.

Cognizant that, Article 26 of the Constitution of Kenya, 2010 further provides that every person has the right to life and as such no person shall be deprived of such life intentionally except to the extent authorised by this Constitution of Kenya or other written law.

Further Cognizant that, there has been persistent security threats caused by armed pastoralists migrating from Tana River County into Kitui County specifically along the areas bordering Tana River County such as Endau Malalani, Mutha, Nguni, Ngomeni, Tseikuru and Kanziko wards in search of grazing fields and water points.

Concerned that, the presence of these armed pastoralist in the affected areas has led to loss of life, disruption of learning where school children fail to attend classes for fear of attacks and loss of property contrary to Article 26, 29 and 53(b) of the Constitution of Kenya.

Further concerned that, the government has failed to protect the lives and property of the said affected persons contrary to Article 29 (a), (c), (d) and (f) of the Constitution of Kenya which specifically provides for the right to freedom and security of any person, which includes the right not to be; -

(a) deprived of freedom arbitrarily or without just cause;

(c) subjected to any form of violence from either public or private sources;

(d) subjected to torture in any manner, whether physical or psychological;
or

(f) treated or punished in a cruel, inhuman or degrading manner.

Noting that, the current state of affairs if left unresolved, could be a catalyst for clashes or conflict between the affected people or communities as they seek to protect their lives, livelihoods and property.

THEREFORE, this Assembly hereby resolves as follows;

- i. The Committee on Administration and Coordination of County Affairs jointly with Justice and Legal Affairs should inquire into the matter of insecurity with a view of coming up with a detailed report on the number of deaths occasioned, status of the proposed police posts and the living conditions of the people in the affected areas amongst others and table a report for consideration by the County Assembly of Kitui within twenty one (21) sitting days upon approval of this motion.
- ii. The County Government should urgently finalize on the construction of the remaining police posts and follow up with the National Government for operationalization.

- iii. Whenever the Executive arm of the County Government is engaged by the National Government in matters of insecurity and other related matters should always ensure that the County Assembly is involved.

This Assembly further proposes that;

- i. The National Government in conjunction with the County Governments should review the boundary cutline which demarcates Tana River and Kitui Counties with a view of creating a buffer security zone to settle the historical boundary dispute which has existed between these counties.
- ii. The National Government in conjunction with the County Government should fast track the operationalization of all police posts along the areas bordering Tana River and Kitui Counties in order to ensure that security is upheld.
- iii. The National Police Service should effectively ensure that security is adequately heightened along the affected areas in accordance with Article 238 (1) of the Constitution of Kenya and the National Police Act, 2014 by undertaking the following;
 - a. Disarmament of the armed pastoralists;
 - b. Arrest of any pastoralists who encroach on peoples' land with a view of grazing camels and other livestock without their consent;
 - c. Prevent any kind of encroachment on peoples' land by pastoralists from the bordering Counties; and
 - d. The County Security Committees in the two aforementioned Counties should be held responsible for any further losses of lives occasioned by the ensuing conflicts.

- iv. The matter at hand urgently requires intervention from the National Security Council as we appeal to the President to safe guard the lives of our people, in doing so local leaders especially Members of the County Assemblies along the bordering counties should be actively involved whenever addressing matters of insecurity and any other related matters.
- v. The County Security Committee chaired by the County Commissioner should always engage the Members of County Assembly in matters of insecurity in Kitui County and any other related matters.

Signature: _____ Date: _____

Hon. Alex Mutambu Nganga,
The Leader of the Minority Party,
M.C.A Miambani Ward.

County Assembly of Kitui.