

COUNTY GOVERNMENT OF MAKUENI



MAKUENI COUNTY ASSEMBLY

SECOND ASSEMBLY – SECOND SESSION

ORDERS OF THE DAY

TUESDAY, MARCH 6TH, 2018 AT 2:30 P.M.

PRAYERS

1. Administration of Oath.
2. Communication from the Chair.
3. Messages.
4. Petitions.
5. Papers (As listed in the Appendix).
6. Notices of Motion (As listed in the Appendix).
7. Statements (As listed in the Appendix).

8*. PROCEDURAL MOTION: - WAIVING OF NOTICE PERIOD

THAT, this Assembly resolves to waive the Notice Period on the Motion on a music video recorded in the Kikuyu dialect purportedly done by *Davinaz Pictures* titled Ikamba and sang by **Isaiah Ft. Waharaka**, circulating widely in the social media, as required by Standing Order 60 (5) (b).

(The Leader of the Majority Party)

9*. MOTION:- MUSIC CIRCULATING IN THE SOCIAL MEDIA

(The Leader of the Majority)

THAT AWARE that a music video recorded in the Kikuyu dialect purportedly done by *Davinaz Pictures* titled Ikamba and sang by **Isaiah Ft. Waharaka**, is circulating widely in the social media;

FURTHER AWARE that the music video although recorded in the Kikuyu dialect has caused ethnic animosity and it is bound to excite tribal bigotry between the Kikuyu and Kambas. The message in the said video although

purported to be directed to Hon. Governor Charity Ngilu and the ban on charcoal burning in Kitui County, the message therein is directed to the whole Kamba Community (wherever located) and purports that Kambas only feed on mangoes and once the mango season is over, they will resort to feed on dogs;

ACKNOWLEDGEING THAT the Constitution of Kenya, 2010 in article 33 (1) provides that every person has the right to freedom of expression, which includes freedom of artistic creativity; freedom to seek, receive or impart information or ideas;

COGNIZANT OF THE FACT THAT the Constitution in article 33 (2) limits the right to freedom of expression not to extend to propaganda for war; incitement to violence; hate speech; or advocacy of hatred that constitutes ethnic incitement, vilification of others or incitement to cause harm;

NOTING THAT the National Cohesion and Integration Act, established the National Cohesion and Integration Commission to deal with among other issues harassment on basis of ethnicity and ensuring cohesion amongst all the peoples of Kenya;

CONCERNED THAT, the words used in the song are derogatory, demeaning and unnecessarily provocative against the Kamba community thus causing ethnic animosity;

NOW THEREFORE, this County Assembly resolves to lodge a formal complaint with the National Cohesion and Integration Commission, the Senate, the Office of Director of Public Prosecutions and the Cabinet Secretary for Internal Security against the two artists before the said music video goes viral to do the following amongst others;

1. Pull down forthwith from the internet the said music video;
2. Arrest and charge the artists of the said music video forthwith for exciting ethnic hatred and spewing vitriol to a whole community with no justifiable cause;

APPENDIX

A. PAPERS:-

- i. The Makueni County FY 2017/18 Supplementary Budget (2).

The Leader of the Majority Party.

- ii. Report of the Finance and Socioeconomic Planning Committee on the County Government of Makueni (County Executive) Quarterly Financial Statements for the Financial Quarter Ended September 30, 2017.

The Leader of the Majority Party

- iii. Report of the Liaison Committee on the Recommendations on establishment of an Ad hoc Committee to look into the matter of the Petition regarding insecurity in Wote Town.

The Chairperson, Liaison Committee

B. NOTICES OF MOTION:-

- i) **THAT**, this Assembly **NOTES** the Report of the Finance and Socioeconomic Planning Committee on the County Government of Makueni (County Executive) Quarterly Financial Statements, for the Financial Quarter ended September 30, 2017, laid on the Table of the Assembly today Tuesday, 6th March 2018 at 2.30 p.m.

The Chairperson, Finance and Socioeconomic Planning Committee.

- ii) **THAT**, pursuant to the provisions of the Makueni County Standing Order 218, this Assembly resolves to adopt the following names as recommended by the Liaison Committee to be Members of the Ad hoc Committee to look into the matter of the Petition regarding insecurity in Wote Town.

1. Hon. Douglas Mbilu David, MCA
2. Hon. Harris Musau Ngui, MCA
3. Hon. Japheth Mwilu Katumo, MCA
4. Hon. Bonface Felix Mateso, MCA
5. Hon. Kimongo Jonathan Muunda, MCA
6. Hon. Nicholas Ndunda Maitha, MCA
7. Hon. Julius Mutula Matheka, MCA

8. Hon. Richard Munywoki Kasioki, MCA
9. Hon. Magdalene Mulwa, MCA
10. Hon. Elizabeth Mutindi Kiio, MCA
11. Hon. Bernardette K. Mutisya, MCA

The Chairperson, Liaison Committee

iii) **THAT AWARE** that a music video recorded in the Kikuyu dialect purportedly done by *Davinaz Pictures* titled Ikamba and sang by **Isaiah Ft. Waharaka**, is circulating widely in the social media;

FURTHER AWARE that the music video although recorded in the Kikuyu dialect has caused ethnic animosity and it is bound to excite tribal bigotry between the Kikuyu and Kambas. The message in the said video although purported to be directed to Hon. Governor Charity Ngilu and the ban on charcoal burning in Kitui County, the message therein is directed to the whole Kamba Community (wherever located) and purports that Kambas only feed on mangoes and once the mango season is over, they will resort to feed on dogs;

ACKNOWLEDGEING THAT the Constitution of Kenya, 2010 in article 33 (1) provides that every person has the right to freedom of expression, which includes freedom of artistic creativity; freedom to seek, receive or impart information or ideas;

COGNIZANT OF THE FACT THAT the Constitution in article 33 (2) limits the right to freedom of expression not to extend to propaganda for war; incitement to violence; hate speech; or advocacy of hatred that constitutes ethnic incitement, vilification of others or incitement to cause harm;

NOTING THAT the National Cohesion and Integration Act, established the National Cohesion and Integration Commission to deal with among other issues harassment on basis of ethnicity and ensuring cohesion amongst all the peoples of Kenya;

CONCERNED THAT, the words used in the song are derogatory, demeaning and unnecessarily provocative against the Kamba community thus causing ethnic animosity;

NOW THEREFORE, this County Assembly resolves to lodge a formal complaint with the National Cohesion and Integration Commission, the Senate, the Office of Director of Public Prosecutions and the Cabinet Secretary for Internal Security against the two artists before the said music video goes viral to do the following amongst others;

3. Pull down forthwith from the internet the said music video;
4. Arrest and charge the artists of the said music video forthwith for exciting ethnic hatred and spewing vitriol to a whole community with no justifiable cause;

The Leader of the Majority Party

C. STATEMENTS:-

- i) Response to the Statement (No. 004/2018) regarding the distribution of maize to primary schools in the County, as was requested by the Member for Kee Ward.

The Chairperson, Committee on Agriculture, Livestock and Food Security.

- ii) Response to the Statement (No. 001/2018) regarding the perennial flash floods in Mbitini Ward.

The Chairperson, Committee on Transport and Infrastructure.

NOTICE PAPER

Tentative business for
Wednesday (Morning), March 7th, 2018

Published pursuant to the provisions of Standing Order 41(1),

It is notified that the Assembly Business Committee, at their last meeting, approved the following tentative business to appear in the Order Paper for Wednesday, March 7th, 2018 at 9:30 a.m.: -

PAPERS:-

Report of the Committee on Health Services on the site visits to the Sub County Hospitals, Health Centres and Dispensaries.

NOTICE OF MOTION:-

Report of the Committee on Health Services on the site visits to the Sub County Hospitals, Health Centres and Dispensaries.

MOTION:-

The Assembly to **NOTE** the Report of the Finance and Socioeconomic Planning Committee on the County Government of Makueni (County Executive) Quarterly Financial Statements, for the Financial Quarter ended September 30, 2017, laid on the Table of the Assembly today Tuesday, 6th March 2018 at 2.30 p.m.

STATEMENTS:-

1. Request for Statement (No. 023/2018) regarding beekeeping in the County (Hon. Masesi).
 2. Request for Statement (No. 024/2018) regarding un-commissioned boreholes in Mbitini Ward.
 3. Response to the Statement (No. 010/2018) regarding repair and maintenance of Syumile-Itangini road in Nguumo Ward-*The Chairperson, Committee on Transport and Infrastructure.*
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