



COUNTY GOVERNMENT OF MAKUENI

MAKUENI COUNTY ASSEMBLY

OFFICIAL REPORT

Second County Assembly – Second Session

Tuesday, 6th March, 2018

(The House met at 2.30 p.m.)

[The Speaker (Hon. Douglas Mbilu) in the Chair]

PRAYERS

COMMUNICATION FROM THE CHAIR

INTERNATIONAL WOMEN'S DAY

The Speaker (Hon. Douglas Mbilu): Hon. Members I have the following Communication to make concerning invitation to the International Women's Day. The International Women's Day celebration is marked globally to honor and celebrate women as pillars upon which communities are build. The celebration for this year will be marked globally on 8th of March, 2018 and the theme will be press for progress now; achieving gender equality and empowerment of the women and girls. Hon. Members the Makueni County Government through the Department of Youth, Gender and Social Services in partnership with the office of the Deputy Governor and the Department of the Health Services will be marking this year's celebration at Nthongoni Market, Kibwezi East Sub County on Thursday 8th March, 2018 and Hon. Members you are hereby invited to attend the event. Thank you. Next Order.

PAPERS

The Speaker (Hon. Douglas Mbilu): Leader of the Majority.

2017/2018 SUPPLEMENTARY BUDGET 2

The Deputy Majority Leader (Hon. Richard Munywoki): Thank you Mr. Speaker for giving me this chance. Before I lay the Paper, let me take this opportunity to thank the Majority Leader for giving me a chance to do what he should have done. Thank you. I beg to lay the following Paper on the Table of the Assembly today Tuesday 6th March, 2018 at 2.30 p.m.; The Makueni financial year 2017/2018 Supplementary Budget 2. I lay.

(Paper laid)

The Speaker (Hon. Douglas Mbilu): Chairperson Finance Committee to lay a Report on Finance and Socio- economic Planning on the County Government of Makueni Executive.

QUARTERLY FINANCIAL STATEMENTS

The Member for Kilili/ Kalamba Ward (Hon. Julius Mutula): Thank you Mr. Speaker sir. I beg to lay the following Paper on the Table of the Assembly today Tuesday 6th March, 2018 at 2.30 p.m.; the Report on Finance and Socio- economic Planning Committee on the County Government of Makueni, County Executive Quarterly Financial Statements for the financial quarter ended 30th September, 2017. I lay.

(Paper laid)

The Speaker (Hon. Douglas Mbilu): Chairperson Liaison Committee.

ESTABLISHMENT OF AN AD HOC COMMITTEE

The Deputy Speaker (Hon. Harrison Mutie): Thank you Mr. Speaker. I beg to lay the following Paper on the Table of the Assembly today Tuesday 6th March, 2018 at 2.30 p.m.; The Report of the Liaison Committee on the recommendation on establishment of an Ad hoc Committee to look into the matter of Petition regarding insecurity in Wote town.

(Paper laid)

The Speaker (Hon. Douglas Mbilu): Hon. Members , The Makueni County Supplementary Budget for the financial year 2017/ 2018 stands committed to the Committee on Budget and Appropriation to report back to the House within 14 days, a period within which all Sectoral Committees will be expected to interrogate the Supplementary Budget within 7 days coming before the 14 days. Thank you. Next Order.

NOTICES OF MOTION

The Speaker (Hon. Douglas Mbilu): Chairperson Finance and Socio- Economic Planning Committee.

QUARTERLY FINANCIAL STATEMENTS

The Member for Kilili/ Kalamba Ward (Hon. Julius Mutula): Mr. Speaker sir I wish to thank you again. I beg to give Notice of the following Motion:-

THAT this Assembly notes the Report of the Finance and Socio-economic Planning Committee on the County Assembly of Makueni, County Executive Quarterly Financial Statements for the financial quarter ended September 30th 2017, laid on the table of the Assembly today Tuesday 6th March, 2018 at 2.30 p.m.

Thank you Mr. Speaker sir.

The Speaker (Hon. Douglas Mbilu): Chairperson Liaison Committee.

ESTABLISHMENT OF AN AD HOC COMMITTEE

The Deputy Speaker (Hon. Harrison Mutie): Thank you Mr. Speaker. I beg to give Notice of the following Motion:-

THAT pursuant to the provisions of the Makueni County Assembly Standing Orders 218, this Assembly adopts the following names as recommended by the Liaison Committee to the Members of the Ad hoc Committee to look into the matter of Petition regarding insecurity in Wote.

1. Hon. Douglas Mbilu David
2. Hon. Harris Musau Ngui
3. Hon. Japheth Mwilu Katumo
4. Hon. Boniface Felix Mateso
5. Hon. Jonathan Muoki

I noticed there is a typo on number 5. Apparently Hon. Kimongo and Muoki share the name Jonathan and therefore the name that needs to appear on number 5 is Hon. Jonathan Muoki.

6. Hon. Nicholas Ndunda Maitha

7. Hon. Julius Mutula Matheka
8. Hon. Richard Munywoki Kasyoki
9. Hon. Magdalene Mulwa
10. Hon. Elizabeth Mutindi Kiio
11. Hon. Bernadette Mutisya.

Thank you Mr. Speaker.

The Speaker (Hon. Douglas Mbilu): Have you laid the Paper?

The Deputy Speaker (Hon. Harrison Mutie): Sorry Mr. Speaker, I lay the Paper.

The Speaker (Hon. Douglas Mbilu): Hon. Leader of the Majority.

VIRAL MUSIC VIDEO

The Majority Leader (Hon. Kyalo Mumo): Thank you Mr. Speaker sir. I beg to give Notice of the following Motion:-

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; **ACKNOWLEDGING 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.

Thank you Mr. Speaker.

STATEMENTS

The Speaker (Hon. Douglas Mbilu): Chairperson Committee on Agriculture, Livestock and Food Security.

STATEMENT RESPONSE-MAIZE DISTRIBUTION

The Member for Ukia Ward (Hon. Japheth Katumo): Thank you Mr. Speaker. I rise to give a response on a Statement sought regarding the distribution of maize to primary schools in Makueni County. The Sectoral Committee on Agriculture, Livestock and Food Security is established under Standing Order No. 216. It deals with all matters stated in the Second Schedule of the Makueni County Assembly Standing Orders. Its mandate pursuant to Standing Order 216(5) is to;

- a) *Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Departments;*
- b) *Study the programme and policy objectives of Departments and the effectiveness of the implementation;*
- c) *Study and review all County legislation referred to it;*

- d) Study, assess and analyze the relative success of the Departments as measured by the results obtained as compared with their stated objectives;
- e) Investigate and inquire into all matters relating to the assigned Departments as they may deem necessary, and as may be referred to them by the County Assembly;
- f) To vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 209(Committee on Appointments); and
- g) Make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

The following are the Members of the Committee on Agriculture, Livestock and Food Security;

- | | | |
|--|---|---------------|
| 1. Hon. Japheth Mwilu Katumo, MCA | - | Chairman |
| 2. Hon. Elizabeth Kawembe Mutinda, MCA | - | Vice Chairman |
| 3. Hon. Kyalo Mumo, MCA | - | Member |
| 4. Hon. Jackson Muema Mbalu, MCA | - | Member |
| 5. Hon. Josphat Ndetei Nzuki MCA | - | Member |
| 6. Hon. Felix Mateso Bonface, MCA | - | Member |
| 7. Hon. Mercy Ndinda Mutuku, MCA | - | Member |
| 8. Hon. Mbula Mutula, MCA | - | Member |
| 9. Hon. Diana Musengya Mwendu, MCA | - | Member |

Article 185 (3) of the Constitution provides that; *a County Assembly while respecting the Principle of the Separation of Powers, may exercise oversight over the County Executive Committee and any other organs.* The Committee on Agriculture, Livestock and Food Security exercises its legislative authority under the constitutional provision as it oversees the Department of Agriculture, Livestock and Fisheries. On Wednesday, 4th October, 2017, Hon. Isaac Muema, MCA, Kee Ward, requested for a Statement regarding distribution of maize to primary schools in the County. Pursuant to Standing Order 54(2) the Honorable Member reintroduced the Statement in the same form on Wednesday 14th February, 2018.

In his Statement, the Honorable Member highlighted that, due to the prolonged drought experienced in the County and Country at large, many households and schools faced severe food shortages. In a bid to arrest the situation, the County Government distributed maize to various primary schools in the County. However, it was noted with concern that some of the maize distributed to the primary schools was contaminated and hence unfit for human consumption. For, instance, out of the 20 bags of maize received by Mutulani Primary School, 18 bags of maize contained contaminated maize leaving the school with a meagre two bags for consumption by

the pupils. Sia Primary School, as well as the other primary schools, faced a similar problem, albeit not with the same number of bags of maize.

Considering the food shortage faced by the said primary schools, the few bags of maize which had consumable maize lasted only a few days, after which the primary schools plunged back to the food shortage crisis. In his Statement, the Honorable Member had sought clarification on the following;

- a. Whether the department was aware that some of the maize which was distributed to the primary schools was contaminated by the time of distribution. If so, was the Department aware of the consequences of the pupils consuming the contaminated maize;
- b. Whether the Department received complaints from the primary school heads on the fact that some of the distributed maize was contaminated. If so, whether the Department has plans to redistribute maize to the affected schools so as to ensure that learning in those schools was not interrupted by food shortage crisis.

The methodology used by the committee in coming up with this response included; The Committee sought for clarification on the above Statement from the then Executive Committee Member (ECM) for Agriculture, Livestock and Fisheries, through a letter dated 5th October, 2017 which is attached in Appendix 1 requesting for response regarding the matter. The Committee received a response from the ECM on 10th October, 2017 annexed in Appendix 2. During its 7th sitting held on 17th October, 2017 the Committee scrutinized the response and identified several gaps in the response. This caused the Committee to invite the ECMs, Finance and Socio-Economic Planning and Health Services to a consultative meeting which was held on 30th October, 2017.

In the consultative meeting, it was realized that the entire process of procurement, supply and distribution of the food was an inter-departmental task which involved four (4) Departments namely; ICT, Early Childhood Education and Vocational Training, Health Services, Agriculture, Livestock and Fisheries and Finance and Socio-Economic Planning. The Committee therefore invited the four ECMs from the said Departments to a consultative meeting held on Monday 6th November, 2017.

In the consideration of the Committee to the the response that was provided by the then acting ECM Agriculture, Livestock and Food Security, the County Government procured ten thousand six hundred (10,600) 90 Kgs bags of maize and two thousand seven hundred (2700) 90 Kgs bags of beans. The consignment was distributed to nine hundred and fifty-nine (959) learning institutions in the County as follows; In Makueni the number of students that were target were thirty four thousand and sixty three

and the number of schools were one hundred and eight. I think Mr. Speaker if you allow me Members are able to go through the table by themselves.

On whether the Department was aware that some of the maize which was distributed to the primary schools was contaminated by the time of distribution and if so, was the Department aware of the consequences of the pupils consuming the contaminated maize? Before distribution of the food was done, both physical and analytical tests were done to ascertain the safety (fitness) for the consumers that is, pupils and that it complied with the requirements of the Food, Drugs and Chemical Substances Act Cap 254 Laws of Kenya (LoK). Therefore, the maize was fit for human consumption as per the physical inspection report dated 26th July, 2017. If you allow me to comment, after we looked through it was found that, what was done was only physical cheques and not analytical.

On (b), whether the Department received complaints from the primary school heads on the fact that some of the distributed maize was contaminated. Initially, the County Government received concerns from fourteen (14) schools namely, AIC Mutulani, Kyau, Kyamutimba, Kilisa, Muvau, Kwa kakuu, Lung'u, Kyome, Kavuvoni, Kwakakulu, Iviani, Uthangathini, Sia, Kangondi polytechnic that some bags were suspected to be contaminated and hence not fit for human consumption. Upon receipt of the concerns, the County Government through the Department on Health Services (Public Health/Disease Surveillance Unit) moved in to investigate the allegations. Physical examinations were done as well as sampling for analytical investigations in Government Laboratories (both National Public Health Laboratories and the Government Chemist).

Later more schools raised concerns as follows; Kaiti Sub-County. Looking at these schools they are the schools that raised complaints and when you look at the third column is whereby the results of analytical tests are given for example, Kyau Primary School their aflatoxin level was 2.30ppb and that is, within the permissible limit. In the quantities that were seized, none were seized. Looking at that table you will see that, the highest school in Kaiti Sub County that had the highest levels of aflatoxin was Nthongoni primary school and this is in my Ward. The level of aflatoxin was 1319.2 ppb and this was above permissible limit and only one bag was seized. What it means is that if the students consumed this maize this would have instant effects meaning that, the student would suffer from aflatoxicosis. In this area ten (10) schools raised complaints out of which maize in six schools were found out to be contaminated.

In Makueni Sub – County I think from the table you can see from number two you can see that all the limits up to number four are above the permissible limits and even number five and up to date we have not received results from Matiliku Primary school.

| S/NO | School | Aflatoxin level | Level against Standards | Quantity seized/condemned |
|------|----------------------|---------------------|-------------------------|---------------------------|
| 1 | Kangondi Polytechnic | Nothing detected | _____ | Nil |
| 2 | Sia Primary | 64.3 ppb | Above permissible limit | 5 x 90kgs |
| 3 | Muvau Primary | 94.3ppb | Above permissible limit | 12 x 90kgs |
| 4 | Mutulani Primary | 132.7ppb | Above permissible limit | 13.5 x 90kgs |
| 5 | Kilisa Primary | 29ppb | Above permissible limit | 15 x 90kgs |
| 6 | Matiliku Primary | Results not yet out | _____ | _____ |

Six schools reported on the issue of contaminated maize and as per the laboratory results, four schools had contaminated maize. Results on samples from Matiliku primary school had not been received as at the time of receipt of the response by the Committee.

In Mbooni Sub- County, four schools complained and out of those schools three of them as you can see the limits were above the permissible limits. Kyooni up to now the samples were dispatched to the laboratory but we are yet to get the results.

| S/NO | School | Aflatoxin Level | Level against Standards | Quantity seized/condemned |
|------|------------------|-----------------------------------|-------------------------|---------------------------|
| 1 | Kyome Primary | 26.7ppb | Above permissible limit | 11 x 90kgs |
| 2 | Lung'u Primary | 26.5ppb | Above permissible limit | 10 x 90kgs |
| 3 | Kavuvoni Primary | 25.1ppb | Above permissible limit | 6 x 90kgs |
| 4 | Kyooni Primary | Samples not yet dispatched to lab | _____ | _____ |

In general, the total quantities which were condemned for the various Sub-Counties were as follows; Kaiti 54 x 90kgs bags, Makueni 45.5x90kgs bags, Mbooni 27 x90kgs bags a total of 126.5 x90kgs.

Schools in Kibwezi West Sub -County did not raise any concerns on contamination with aflatoxin but complained on the sizes of the food supply. These schools says that, they did not see anything wrong with the food only that, the quantities were small. As per the response, so far, no consumption of the suspected maize was done and immediate seizure of the contaminated maize was effected. That is as per the response that we got from the said Department. It is important to note that storage conditions in all the affected schools were wanting.

On question (c), if so, whether the Department had plans to redistribute maize to the affected schools so as to ensure that learning in those schools was not interrupted by food shortage crisis. For the Sub- Counties which had no complaints, surveillance was reported to have been enhanced especially through routine surveillance carried out by the Department of Health Services. In addition, the necessary action/advice to respective schools was also being given. As per the response provided, the County Government will consider to distribute food to the affected schools to ensure that learning was not adversely affected by the ongoing drought/famine. Further, the school managements were advised on food security which included proper storage and preparation to preserve integrity of the already supplied maize.

During consideration of the Statement, the Committee found it worth to highlight that; aflatoxins are poisonous carcinogens that are produced by certain molds (*Aspergillus flavus* and *Aspergillus parasiticus*) which grow in soil, decaying vegetation, hay, and grains. They are regularly found in improperly stored staple commodities such as cassava, chili, peppers, corn, cotton seed, millet, peanuts, rice, sesame seeds, sorghum, sunflower seeds, tree nuts, wheat, and a variety of spices. When contaminated food is processed, aflatoxins enter the general food supply where they have been found in both pet and human foods, as well as in feedstocks for agricultural animals. Animals fed on contaminated food can pass aflatoxin transformation products into eggs, milk products, and meat. Children are particularly affected by aflatoxin exposure, which leads to stunted growth, delayed development, liver damage, and liver cancer. Adults have a higher tolerance to exposure but are also at risk. No animal species is immune.

Aflatoxins are among the most carcinogenic substances known. After entering the body, aflatoxins may be metabolized by the liver to a reactive epoxide intermediate or hydroxylated to become the less harmful aflatoxin M₁. M₁ means mycotoxin. Aflatoxins are most commonly ingested. However, the most toxic type of aflatoxin, B₁, can permeate through the skin. Aflatoxins form one of the major groupings

of mycotoxins. A study conducted in Kenya and Mali found that the predominant practices for drying and storage of maize were inadequate in maximizing exposure to aflatoxins.

In the pathology, no animal species is immune to the acute toxic effects of aflatoxins. Adult humans have a high tolerance for aflatoxin exposure and rarely succumb to acute aflatoxicosis, but children are particularly affected, and their exposure can lead to stunted growth and delayed development, in addition to all the symptoms mentioned below. High-level aflatoxin exposure produces an acute hepatic necrosis, resulting later in cirrhosis or carcinoma of the liver. Acute liver failure is made manifest by bleeding, edema, alteration in digestion, changes to the absorption and/or metabolism of nutrients, and mental changes and/or coma. Chronic exposure increases the risk of developing liver and gallbladder cancer, as aflatoxin metabolites may intercalate into DNA and alkylate the bases through epoxide moiety. This is thought to cause mutations in the gene, an important gene in preventing cell cycle progression when there are DNA mutations, or signaling apoptosis (programmed cell death). Chronic, subclinical exposure does not lead to symptoms as dramatic as acute aflatoxicosis.

The expression of aflatoxin-related diseases is influenced by factors such as species, age, nutrition, sex, and the possibility of concurrent exposure to other toxins. The main target organ in mammals is the liver, so aflatoxicosis primarily is a hepatic disease. Conditions increasing the likelihood of aflatoxicosis in humans include limited availability of food, environmental conditions that favour mould growth on foodstuffs, and lack of regulatory systems for aflatoxin monitoring and control. A regular diet including apiaceous vegetables, such as carrots, parsnips, celery, and parsley may reduce the carcinogenic effects of aflatoxin. Aflatoxin B₁ can cause immune suppression, and exposure to it is associated with an increased viral load in HIV positive individuals. There is no specific antidote for aflatoxicosis. Symptomatic and supportive care tailored to the severity of the liver disease may include intravenous fluids with dextrose, active vitamin K, B vitamins, and a restricted, but high-quality protein diet with adequate carbohydrate content.

Findings. The project of supply and distribution of food to primary schools was funded from the Emergency Fund and amounted to Kshs.82,000,000. The tender was awarded on 14th June, 2017 to Greenlife Crop Protection Africa Ltd whose details are as attached. The Contractor was supposed to supply and distribute the food within 30 days as per the contract agreement as reported by the ECM, Finance and Socio-Economic Planning during a consultative meeting. This caused the distribution of the food to be carried out between 28th July, 2017 and 11th August, 2017 as shown by delivery notes. The supplier/contractor claimed the delay was because at that time, there was shortage of food in the Country. In this case, the maize was assumed to

have been imported though there was no documentation on the food origin/source. There was no proof that the food complied with the International food security requirement/ standards or certifications.

Upon receipt of the consignment, the food was temporarily stored in three stores namely; Emali NCPB, Wote NCPB and Kibwezi NCPB for inspection. The ECM Health Services reported that the size of the samples taken for inspection was 10% but did not provide proof to ascertain the information. The response from the ECM contradicted the information the Committee got from the consultative meetings on the fact that, before food was distributed to schools, both physical and analytical inspection was done. The Committee found out that, there was no analytical inspection carried out on the maize before it was distributed to the schools. The Department on Agriculture, Livestock and Fisheries solely depended on the physical inspection reports when distributing food.

Analytical inspection was only carried out to the food in the schools which raised complains on aflatoxins. This was negligence of duty by the Department on Health Services who are charged with the responsibility of protecting the interests of the health of the people, and more so children. The distribution of the food to some schools was done past 6.00 p.m for instance in Mutulani Primary school in Muvau/Kikumini Ward. This posed a challenge that physical examination of the maize could not be carried out due to darkness. Though the then Ag. ECM Agriculture, Livestock and Fisheries purported that the food might have been contaminated with aflatoxin while under the schools' custody, the Committee found out that there was no awareness created or inspection carried out to the schools pertaining the storage facilities.

Though the primary schools and secondary schools are a function of the National Government, there was no proper coordination between the Department on ICT, Early Childhood Education and Vocational Training and the County Director of Education especially regarding creation of awareness on the condition of storage facilities. This caused distribution of food to schools on the assumption that, since the schools had been receiving food from other agencies, then they had storage facilities. Since primary schools and secondary schools were not devolved, the Department on Education worked in conjunction with the office of the County Director of Education to provide the list of schools which were needy and did not benefit from the Home-grown Food Programme. The Department on Education also provided a list of the feeder schools to the given main schools and CTTIs (County Technical Training Institutes). The feeder schools were to get the food from the main primary schools.

The ECM Health Services trivialized the issue when responding to questions by the Committee in two occasions as follows; He was not shocked that pupils consumed

maize contaminated with aflatoxin and the consequences. When responding on the question on what he had previously reported on live TV. He trivialized the issue in that he asked members not to believe all what was reported by media and claimed that in that particular TV interview he was responding on cases of contaminated food noted by the Department during their normal routine surveillance. He further informed the Committee that on this particular consignment in question he had responded to the claims through a letter. (There was no proof since the letter was not provided to the Committee).

The Majority Leader (Hon. Kyalo Mumo): Point of Order Mr. Speaker.

The Speaker (Hon. Douglas Mbilu) Yes the Leader of the Majority.

The Majority Leader (Hon. Kyalo Mumo): Is the Hon. Member for Waia / Kako dressed properly in the House?

The Speaker (Hon. Douglas Mbilu): Member for Waia/ Kako Ward.

The Member for Kako / Waia Ward (Hon. Dennis Musyoka): Mr. Speaker sir, I think I have forgotten my tie and I will go to take it now. I am always smart but I thought it is on.

The Speaker (Hon. Douglas Mbilu): Member for Kako proceed and dress properly before you come back to the Assembly.

(Hon. Dennis Musyoka left the Chamber)

The Speaker (Hon. Douglas Mbilu): Chairperson Committee on Agriculture, Food Security and Livestock.

The Member for Ukia Ward (Hon. Japheth Katumo): Thank you Mr. Speaker. I continue with the findings. The Department on Health Services was negligent in ensuring that the food supplied to schools was safe for human consumption. The contaminated maize was not seized as reported by the then Ag. ECM Agriculture, Livestock and Fisheries as in the response. The Committee noted with concern that schools which did not raise concerns are likely to have consumed the contaminated maize. Note that the then Ag. ECM Agriculture, Livestock and Fisheries was the same ECM, Health Services

Recommendations.

i) As per the Public Procurement and Disposal Act, 2015, the Finance and Socio-Economic Planning Department should have notified the contractor on the lapse of the period of Supply and this was not done. H.E the Governor of Makueni County should take disciplinary measures against the involved departmental head.

ii) The food should be seized and disposed with immediate effect pursuant to Public Health Act CAP 242 of Laws of Kenya Section 132, failure to which penalty as in Section 133 of the same act should apply and I quote, *Any person in whose possession there is found any food liable to seizure under Section 131 or Section 132 shall further be guilty of an offence and liable to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding three years or to both.*

iii) Continuous checkups, monitoring and surveillance of all the pupils in all the schools in the County who benefitted from the relief food should be done by the Department on Health Services.

iv) The County Government should replace the maize which was found out to be contaminated with aflatoxin.

v) Pursuant to Section 227 Constitution of Kenya 2010 as read together with provisions of Section 48 of the Public Procurement and Disposal Act, 2015, the Department on Health Services as the inspecting entity should have ensured that the food supplied was safe for human consumption before supply. This was not done. Therefore, section 176 (2) (3) of the Public Procurement and Disposal Act, 2015 *A person who contravenes the provisions of subsection (1) of this section, commits an offence and shall be liable upon conviction,*

(a) If the person is a natural person, to a fine not exceeding four million shillings or to imprisonment for a term not exceeding ten years, or to both;

(b) If the person is a body corporate, to a fine not exceeding ten million shillings.

(3) In addition to the penalty under subsection (2), a state or public officer involved shall be subject to internal disciplinary action while any other person who is not a state or public officer shall be debarred.

The Governor should therefore take course on the ECM, Health Services who heads the Department responsible for inspection of food to ensure safety, for failure in his responsibility.

vi) Pursuant to Section 53 of the Constitution of Kenya, 2010 every child has a right to basic nutrition and to be protected from abuse, neglect, harmful cultural practices, all forms of violence, inhuman treatment and punishment, and hazardous or exploitative labour. In this case, the rights of children were contravened by being fed on contaminated maize. It was due to the neglect of duty by the ECM Health Services that food was distributed to schools without having undergone analytical lab tests hence contravening the rights of the pupils. H.E the Governor of Makueni County should impose necessary disciplinary measures to the ECM for the fault.

vii) H.E the Governor of Makueni County should take the necessary disciplinary action against the heads of Departments on Health Services and Finance and Socio-Economic Planning who were liable for the procurement, purchase and distribution of maize.

On behalf of the Committee, I wish to thank the Offices of the Speaker and the Clerk of the County Assembly for the logistical support accorded to the committee during its endeavor to execute its assignment. I extend thanks to the ECMs Agriculture, Livestock and Fisheries, ICT, Early Childhood Education and Vocational Training, Health Services and Finance and Socio-Economic Planning for their input and contribution on the Statement. I also take this opportunity to thank Committee Members for Agriculture, Livestock and Food Security for their input, commitment and endurance during the preparation of this Report. On behalf of the Committee on Agriculture, Livestock and Food Security, it is my pleasure and duty to present the Committee's response on the Statement regarding the distribution of maize to primary schools in the County. Thank you Mr. Speaker.

The Speaker (Hon. Douglas Mbilu): Member for Kee Ward.

The Member for Kee Ward (Hon. Isaac Munyao): Thank you Mr. Speaker sir. According to the Statement on the distribution of maize, I have some few things to highlight on the recommendations. The first one is as per the Public Procurement and Disposal Act, 2015, the Finance and Socio-Economic Planning Department should have notified the contractor on the lapse of the period of supply and this was not done. H.E the Governor of Makueni County should take disciplinary measures against the involved departmental head. I request the Committee on Agriculture, Livestock and Fisheries to make sure that all the recommendations that they have made are taken in to action as quickly as possible. On the Statement, I feel satisfied with the Report. Thank you.

The Speaker (Hon. Douglas Mbilu): Any other Member willing to contribute to the Report? Member for Nzau/Kilili/Kalamba Ward.

The Member for Nzau/Kilili/Kalamba Ward (Hon. Julius Mutula): Thank you Mr. Speaker sir. I wish once again congratulate the Committee for the work which was well done. However, when you look at school number 6 which is Matiliku primary, this school happens to be in my Ward and I can see the results are not yet out. This is almost six months down the line. It will be important that the Chairperson of the Committee gives us some clarification on this and how long it will take to get a report for the same.

The Speaker (Hon. Douglas Mbilu): Chairperson Committee on Agriculture, Livestock and Food Security.

The Member for Ukia Ward (Hon. Japheth Katumo): Thank you Mr. Speaker. In our own understanding and wisdom the Committee felt that there were intentions to conceal evidence. There are a number of schools. It is not only Matiliku but there are other schools in which the samples were taken and dispatched to the lab but the results were not submitted. We could only conclude that the Department responsible which is the Department of Health was trying to conceal the evidence that the results in these schools were even worse than the results that they provided. I do not understand because two weeks is enough for the Government chemist and laboratories to give results and for that matter we only concluded that the maize was not good. Thank you Mr. Speaker.

The Speaker (Hon. Douglas Mbilu): Very well, the Report on distribution of maize in to primary schools in Makueni County be forwarded to the appointing authority that is the Governor of Makueni to take up the recommendations of the Committee and the Committee on Implementation is hereby directed to follow up and ensure deliberations of the House have been adhered to within go days. Next is the Chairperson Committee on Transport and Infrastructure.

STATEMENT RESPONSE-PERENNIAL FLASH FLOODS IN MBITINI WARD

The Member for Mbooni Ward (Hon. Alexander Masila): Thank you Mr. Speaker. I hereby rise to give a response to the Statement regarding perennial flash floods in Mbitini Ward which was requested by the County Assembly Member for Mbitini Ward Hon. Josphat Nzuki on 18th October, 2017 and was reintroduced in the same form on 14th February, 2018. Mbitini Ward sits on land with both hilly and plain terrain. Thereby, the regions of the Ward can be categorized into two as the upper regions and lower regions of the Ward. The Member had sought clarification on the following: -

1. The immediate emergency measures the Department has put in place to curb this problem with the anticipation of the short rains expected in the region in a month or so time; and
2. Whether the County Government has an emergency fund kitty to help those who would be affected by the flash floods in the event they recur during the coming short rains. How much is in the kitty?
3. The long time measures the Department has in place towards solving this problem, considering that the previous interventions like building gabions and scooping the sand along the river channel and banks have all failed.

In addressing the Statement, the Committee sought for information on the issues raised through letters dated 24th October, 2017 as attached in Appendix 1 and further information through a letter dated 15th February, 2018, as attached. In addition the

Committee carried a site visit to the area. The ECM responded to the issues through letters dated 6th November, 2017 as attached in Appendix III and 22nd February, 2018 as attached in appendix IV as follows;

1. The immediate emergency measures the Department has put in place to curb this problem with the anticipation of the short rains expected in the region in a month's time;

The Department would work in close liaison with the Department of Devolution and Public Service to identify with accuracy the number of people affected by the flash floods for emergency assistance on need basis. The Department will also put in place measures to repair the affected roads using County machines/equipment to enhance access to the affected area.

2. Whether the County Government has emergency fund to help those who would be affected by the flash floods in the event they recur during the coming short rains. How much is in the kitty?

The County Government has emergency fund under the Department of Finance and Socio-Economic Planning which is mandated with emergency matters. In the financial year 2017-2018 Supplementary Budget a re-allocation of Kshs.30,000,000.00 million to the fund was done.

3. The long time measures the Department has in place towards solving this problem, considering that the previous interventions like building of gabions and scooping the sand along the river channels and banks had all failed.

In a consultative meeting held 22nd January, 2018, the ECM notified the Committee that the Department was planning to carry out a technical survey of the affected area that shall provide basic information on the Ngesu river region which shall be used to plan on a lasting and appropriate solution to the problem since the above mentioned interventions had failed.

Committee findings. The Committee visited Mbitini Ward, Ngesu River region and found out that:-

1. The region consists of a hilly and a lower plain region. During the rainy season water collects and flows down the hills eroding loose soil which ends up being deposited as sand in the lower parts of river Ngesu which causes the river to overflow and water to spill to homes and farms.
2. During the Committees visit to the region floods had been experienced. The farms and grazing lands were covered with sand, therefore, there was no food for livestock as well as crops in the farms which signifies hunger to the affected families. We have taken some photos and you can see the place is fully flooded with sand.
3. Affected homes had sand heaps around their homes which had been scooped around the buildings after it was deposited by the floods.

4. The members of public had been constructing barriers using logs, twigs and sand but all in vain, the floods were strong that they would break and wash away the barriers. Others have established concrete walls to protect their homes from the floods.
5. The Department of Roads, Transport and Infrastructure and the Department of Water, Irrigation and Environment were aware of the problem since it was perennial.
6. The County Government provided machinery that scooped sand from the river bed and also built gabions to solve the problem which turned out to be a short-term solution to the problem.
7. The roads leading to the area have not been maintained for some time and if the Department will not act immediately the roads shall be impassable soon.

The Committee deliberated on the matter and resolved as follows;

1. The Department of Roads, Transport and Infrastructure and the Department of Devolution and Public Services must consider the matter and provide the affected families with all the necessities as well as livestock feeds.
2. The Department of Roads, Transport and Infrastructure in conjunction with the Department of Water, Irrigation and Environment should strategize on how to provide a short-term solution to the problem during the rainy season to save the situation as they consider having a long-term solution to the problem.
3. The Department of Roads, Transport and Infrastructure should use the technical report developed from the baseline survey that shall be done in the region to design structures which could help in coming up with a long-term solution to the problem and develop a programme on the same with an allocation in the budget for the financial year 2018-2019.

It's worth noting that there has never been a budgetary allocation in the previous financial years even when flash floods in Mbitini where a perennial phenomenon. The Committee considers developing a Motion that will direct the Department on Roads, Transport and Infrastructure to come up with a Technical Report which shall provide a last solution to the problem and also consider an allocation in the financial year 2018-2019 Budget. Thank you, Mr. Speaker.

The Speaker (Hon. Douglas Mbilu): Member for Mbitini Ward.

The Member for Mbitini Ward (Hon. Josephat Nzuki): Thank you Mr. Speaker. Let me commend the Committee Chairperson and its Members for that speedy response to the reintroduction of this question although the response we are getting to this reintroduction of the Statement is a repetition of what we had last year. Since the site visit was done last year this year you did not go there since the

reintroduction of the Statement but with all due respect let me commend them for last part and I quote, '*The Committee considers developing a Motion that will direct the Department on Roads, Transport and Infrastructure to come up with a Technical Report which shall provide a lasting solution to the problem and also consider an allocation in the financial year 2018-2019 Budget.*' Mr. Speaker sir, let me pose a question to them; how long will this Motion come into this House? Thank you Mr. Speaker.

The Speaker (Hon. Douglas Mbilu): Chairperson Committee on Roads, Transport and infrastructure.

The Member for Mbooni Ward (Hon. Alexander Masila): Thank you Mr. Speaker I request we be given two weeks and we will have presented the Motion. Thank you.

The Speaker (Hon. Douglas Mbilu): Member for Mbitini Ward.

The Member for Mbitini Ward (Hon. Josephat Nzuki): Mr. Speaker I think it is a long period considering it is at onset of the rains and this is what we have been discussing. Let it be shortened so that the people of Mbitini Ward may hear that their problems on perennial flash flood is being dealt with as quickly as possible. The period is too long.

The Speaker (Hon. Douglas Mbilu): Chairperson Committee on Roads, Transport and Infrastructure.

The Member for Mbooni Ward (Hon. Alexander Masila): Thank you. To hasten the process and correction measures I think we consider one week. Thank you Mr. Speaker.

The Speaker (Hon. Douglas Mbilu): Very well Chairman Committee on Transport and Infrastructure abide by that and see the Motion in the House to allow the Member to prosecute his case for purposes of implementation. Thank you. Next Order.

PROCEDURAL MOTION

WAVING OF NOTICE PERIOD

The Speaker (Hon. Douglas Mbilu): Leader of the Majority.

The Majority Leader (Hon. Kyalo Mumo): Thank you Mr. Speaker. I stand here to move a Procedural Motion of Waving of Notice Period.

THAT this Assembly resolves to waive the Notice Period on the Motion on a music video recorded in 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 Orders 65 (b).

Mr. Speaker, because of the urgency of the matter, I wish to persuade Members to pass this Motion as soon as possible so that we may pass the Motion. I call upon Member for Makindu to second me. Thank you.

The Speaker (Hon. Douglas Mbilu): Member for Makindu.

The Member for Makindu Ward (Hon. Alfred Kituku): Thank you much Hon. Speaker. I stand to second the Motion to waive the Notice Period on the Motion on such a video as it has been stated by the Majority Leader because it is as urgent as he has stated it. Thank you so much Mr. Speaker.

(Question proposed)

The Speaker (Hon. Douglas Mbilu): The floor is open. Hon. Janet Kitunga.

Hon. Janet Kitunga: Thank you Mr. Speaker for this opportunity. I stand to support the Procedural Motion understanding that there are more weighty matters than others. As representatives of the people we are here to see the needs that are affecting the people of this area and more so things which are affecting the entire Ukambani region. Everyone has heard of this song, everyone is questioning why and this shows how tribalism is deeply rooted in this country. It is an indicator, we normally say whenever there is fire and you will see smoke. This shows how our community which we respect so much because we are here and which we know is capable is mocked by the composer or where that song has come from. I strongly support the Procedural Motion and urge Members to come up in big numbers to support the Motion. Thank you Mr. Speaker.

The Speaker (Hon. Douglas Mbilu): Very well being no other Member willing to contribute on that Procedural Motion.

(Hon. Magalene Mulwa stood in her place)

The Speaker (Hon. Douglas Mbilu): Hon. Magdalene we are yet on the substantive Motion. I now put the Question.

(Question put and agreed to)

MOTION

VIRAL MUSIC VIDEO

The Speaker (Hon. Douglas Mbilu): Leader of the Majority and the mover of the Motion.

The Majority Leader (Hon. Kyalo Mumo): Thank you Mr. Speaker for this opportunity once again and thank you Hon. Members for really standing to be counted. Our community is bigger than all of us. God is our creator. I beg to move:-

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; **ACKNOWLEDGING 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.

This said music by the two gentlemen has caused a lot of harm than good to this community. A very peaceful, wonderful and loving community called Kamba who cannot kill a housefly unless they use insecticide. Why disturb a peaceful loving community? It has disturbed the whole community that even everybody including my grandmother has been wondering what is happening, why we are we being called names. I want to congratulate Hon. Senator Mutula Kilonzo who was the very first person to run to write a letter to Chairman Ole Kaparo and the DPP to act on behalf of the community. I want to thank God because Makueni is probably where the first Kamba was born and things must come from Kamba so that we are respected. You see just a sample of what is happening

(The Hon. Kyalo Mumo played the song in question via his mobile phone)

The Speaker (Hon. Douglas Mbilu): What is it Hon. Member?

The Majority Leader (Hon. Kyalo Mumo): That is the tune of the words sang by those two people.

The Speaker (Hon. Douglas Mbilu): Hon. Leader of Majority you should have tabled that recording before you ---

The Majority Leader (Hon. Kyalo Mumo): I will forward it to the Clerk for tabling.

The Speaker (Hon. Douglas Mbilu): There are proper ways of tabling such documents, videos and audios. Next time ensure that they precede by the time that you table and give a Notice of Motion. At the moment it may not be admissible.

The Majority leader (Hon. Kyalo Mumo): I stand corrected. You see it is not disappearing from the phone. It is an abuse but I will sort it out.

(Laughter)

The Majority leader (Hon. Kyalo Mumo): This thing has caused a lot of harm. You see there those out there who may not understand Kikuyu language. I have lived

with them, worked with them, done many things with them and we have never seen any hatred. Among the 42 tribes in Kenya, Kikuyus and Kambas have intermarried more than any other community. Therefore, for any person coming to try to bring things we shall not accept as the County Assembly of Makueni. With your permission because of those who may not understand the Kikuyu language, this is in my own translation what the song went by and I quote. *'Uthoni uu niona ta ukwite. Akamba aa nimooka muno. Mambiie na kutuvunyaia. Yu ni ngali siti meuvivya. Aoi aa mwookwa. Maembe nimathela. Mutialitye ova nini muye ngiti. Aoi aa mwookwa. Maembe nimathela. Mutialitye vanini mute tusuni. Mundumuka uu nutuzoie kuungamya syindu situ ivivwe. Ukamba ni kundu kwi nzaa. Twieka kuuwa makaa mukwe. Vandu vonthe wenda kwona mukamba enda vala ukwona mataili. Mawia ala mevinya ni moo. Ni wiu uu uutuma matunuva. Wenda kumanya muukamba ni vathei, vai keindu mwiwana namo. Uyu watermelon anavalukilye baba muthenya wa kuavishwa.'*

Do I really need to go ahead? is this not abuse of the highest order? Why should we give in to these people? It may not necessarily be those two gentlemen. I am reading something. There is even one big man who has gone to court to challenge our dear Governor. I also suspect that those lorries purported to have been burned may have been an inside job. Somebody may bring those guys in the name of the outlawed group to burn the lorries so that they may accuse the peace loving Kamba. We must live in harmony. This Kenya bigger than the two communities. We want respect. We want Kenya to have unity because we are one people. I never chose to be born a Mkamba. Did you? Of course not. They also never chose to be born where they come from.

It is my humble request that the DPP and Hon. Francis ole Kaparo act in the interest of peace to safeguard Ukambani. We are peace loving community and we do not want. If it is singing, we have the best singers in Ukambani. I quote Kativui and the late Kimangu. We are known to have peace loving songs. As you can see one Member, Hon. Nzeve Nzau is back in the House and he is very annoyed. We are known for songs of love. For example, Kimangu said something and I quote *"Mwende ko wi malaika sweet waumie naku"*

(Laughter)

The Majority leader (Hon. Kyalo Mumo): These are the songs. When you bring songs that we do not know then something is wrong somewhere. We want to teach these musicians how to sing songs that can be listened to everywhere; locally and internationally. Without wasting a lot of time because I know Members will want to raise their voice, I wish to request that we all condemn this under all terms possible and every leader should preach peace. In this case therefore, I would wish to call upon

Hon. Member for Nzau, Hon. Julius Mutula to second this Motion. I thank you Mr. Speaker.

The Speaker (Hon. Douglas Mbilu): Hon. Member for Nzau/Kilili/Kalamba Ward.

The Member for Nzau/Kilili/Kalamba Ward (Hon. Julius Mutula): Mr. Speaker sir I wish to thank you once again and I wish to register my appreciation to the Leader of Majority for choosing me to second the Motion. As I rise to contribute towards this Motion I am a very disturbed person. This is one of the Motions which should be discussed in this honourable House with all the soberness it deserves and we should reflect where we are moving towards as a nation. I understand the Kikuyu language. I have lived and worked with them for more than seven years. I almost got married there. Listening to the words of that song they fall nothing short of stirring tribal hatred. The Kamba nation as the Mover of the Motion has put it is a peaceful nation, peaceful tribe and we are law abiding. It baffles me when you get to hear people provoking us to a provocation of this level. This Country is comprised of 42 tribes and we need each other. We need to live together the way we have lived.

I am saying I am extremely disturbed because in most of part when I have been serving in the civil service I have been a Chairman of peace committees at the divisional level and the district level. Most of the times we have been exhorting communities to live together to foster unity. It disturbs me to see two gentlemen coming out of nowhere to sing a song like this one. They want to disturb the equilibrium we have established for peace in this country. I think stern action should be taken against these two gentlemen. The words they have used as the Leader of Majority has tried to interpret fall nothing short of outright abuse to this community and as sons and daughters of this community we need to rise up to be counted. When times come like this one, it is those who stand up to be counted to defend the community who should be in the forefront. I call upon every Member in this House to stand up and defend the community and not really the community per se, but to defend the peace we have enjoyed in this country. It has taken us a lot of time, almost 53 years down the line. After independence we have tried to live together as members of the same nation.

Allow me to quote the year 2007 when I was a Deputy Commissioner in Laikipia and things started like this; a community deriding another community. The end result was a massacre of a whole community. People were massacred. People were chased in to a church and the church was burned. This hate message started just in songs like this one, hate speeches in our FM stations and the end result is what we saw in 2007; people killing each other like animals. I think it is the high time we preach a lot of sense in most of our people. When I look at these two gentlemen singing this song and forgive me for calling them gentlemen because they are not gentlemen to me;

there more than meets the eye because this song seems to be a reaction towards something else. There seems to be some powers behind these two gentlemen pushing them; can you sing like this so that the song can have some certain reactions. Unless we stand up firmly to defend our nation nobody will come to our rescue.

I understand the Constitution is very clear. Article 33(a) gives the people the right to express themselves but Article 33 (2) also stipulates what the extent of your rights are because your rights end where mine begin. Why should you violate my own rights by pretending to express your own individual rights? This kind of ethnic chauvinism must be condemned with the seriousness it deserves and in this regard I support the Motion fully and second. I can do everything at once. We also want to petition the National Commission on Intergration and Cohesion, we also want to petition the DPP, the Senate and the CS in charge of security and coordination of Government business and we also want to petition the Communication Commission of Kenya to move in and ensure that law and order is followed. I also support that, this video be pulled down from circulating on social media. I also support that these two gentlemen must be arrested and prosecuted with immediate effect and as Members of this community I also urge all the Kamba community to desist from spreading this video further to other networks. Thank you Mr. Speaker sir.

(Question proposed)

The Speaker (Hon. Douglas Mbilu): Member for Makindu Ward.

The Member for Makindu Ward (Hon. Alfred Kalunde): Asante sana Mheshimiwa Spika kwa nafasi hii ambayo umenipa niweze kuunga mkono mswada huu ulioletwa na Kiongozi wa Walio Wengi katika Bunge hii. Niseme kwamba vidio ambayo inaonyesha katika mitandao ya kijamii ni ya kudhalilisha pamoja na kudharau kabila la wakamba na kama nchi ya Kenya ambayo imekuwa uhuru kwa zaidi ya miaka hamsini na tumepiga hatua nyingi zaidi kuhakikisha ya kwamba tunapata uhuru wa kujieleza. Inasitikisha katika karne hii na mwaka huu tunaweza kuona vidio kama hizi. Tayari tumeweka taasisi za kutosha kuhakikisha ya kwamba vidio kama hizi hazionyeshwi katika mitandao ya kijamii televisioni ama kucheza katika redio.

Kamati ya uwiano na maridhiano ambayo imeongozwa na Mheshimiwa Ole Kaparo ilikuwa ya haraka zaidi kumsulubisha Gavana wa Kaunti ya Kitui kufika mbele yake kueleza matamshi yake ya kusimamisha ukataji na uuzaji wa makaa katika Kaunti yake ya Kitui. Lakini ni vizuri pia tuweze kuelewa ni wapi tulipoanza. Mheshimiwa Gavana wa Kaunti ya Kitui Mheshimiwa Charity Ngilu hata hakuanza kwa ukabila huu, alianza kwa kueleza kwamba amesimamisha uuzaji wa makaa katika Kaunti yake na akawaangiza wananchi wa Kitui waweze kuchoma gari ambazo sitaonekana kubeba makaa kule. Gari hizi si za kabila moja; si za wakamba wala wakikuyu au wajaluo.

Alihamrisha kuhusu magari na hakusema magari ya kabila hili yaweze kuchomwa. Kwa hivo tafsiri hii ya ambayo kabila moja inaelekeza ilikuwa ya kabila fulani basi hiki ni kile kisa cha mwizi kuona ya kwamba anaibiwa siku sote kwa hivo lazima kama nchi na kama Kaunti na kama Bunge la Kaunti ya Makueni tuweze wakati huu kusimama kidete na kupigana na hilo wazo ambalo ni la kabila moja ya kwamba hao ndio wanatakikana kuuwawa au magari yao kuchomwa.

Nilikuwa najaribu pia kuona kuangalia mitandoa ya kijamii na nikaona ya kwamba Gavana Waititu ameenda Kortini aweze kuchukua nafasi ya kumsimamisha Mheshimiwa Ngilu kufuata maagizo ambayo ameshatoa amri kule katika Kaunti ya Kitui. Kwa hivo tayari unaeza kuona mwelekeo ya kwamba, kuna mtu fulani ambaye ako nyuma ya hili jambo na huu wimbo. Ukienda katika Facebook yake tayari ameandika ya kwamba hawa waimbaji wawili Isaiah Ndungu na Njau Waharaka akawambia kwamba wakimbie Kortini haraka wakachukue agizo wasije wakashikwa. Kwa hivo kuna mtu anatoa amri mahali fulani. Mimi ningependa kusema hivi, kuna kamati ya kudhibiti filamu nchi hii ambao imesimamiwa na Bwana Ezekiel Mutua tungemuuliza ya kwamba hii vidio ingetolewa hata jana au juzi kwa maana inazidi kudhalilisha na kudharau jamii ya wakamba. Kuna Kamati ya wiano chini ya Mheshimiwa Kaparo pia iweze kuingilia kwa haraka zaidi.

Nchi ya Tanzania ina makabila zaidi ya mia moja ishrini, na hakuna siku moja tumesikia kuhusu kabila fulani katika nchi ya Tanzania na ni vizuri tuweze kusoma kutoka kwa nchi ile na ni msingi ambao uliwekwa na rais wao wa kwanza Mheshimiwa Rais Nyerere na kama nchi ni lazima tuweze kusoma kutoka kwa nchi hili.

Lakini niseme hili kwasababu mimi ni mwana siasa. Wakitaka tutembeo hiyo njia nafikiri wataumia zaidi ya vile jamii hii ambayo imetupa kazi ya kusimamia na kuwafanyia kazi itaumia. Mimi tayari nishasema kuna wakati moja wa kushindwa kupitisha hayo makaa sehemu zingine, wanapitia Kisayani, Kadanger, Makindu sokoni kwenda Nairobi. Na sisi tumeagiza watu wetu hata Makindu na tayari tushasema kwa polisi hatutaki makaa ambayo yanapitishwa hizo barabara za kwetu na ninafikiiri hadi wa sasa wameanza kusikia ya kwamba ile sehemu sio nzuri. Tutawauzia ngombe, mbuzi, matunda na mambo mengine. Lakini mimi kama kiongozi wa jamii hii, haki, hatutauza makaa yetu, hatutakata miti yetu tena. Na vizuri waweze kusikia hilo kwa sauti kubwa kupitia kwa Bunge hili kwa maana hatutakubali watu ambao wana misitu kwao. Kwanini wasiende wakakate miti kule na kuna misitu ya kutosha? Kwanini wasiende wakakate misitu mahali kwingine, wanaona waje wakakate misitu katika eneo ya Ukambani.

La mwisho, hili swala la ukabila hata limefanya ugavi wa rasmi za nchi hii ukue tofauti na jamii zingine zilie zaidi ya zingine. Hata ungavi wa kazi katika serikali hata iliopo. Imekuwa vigumu. Maisha ni magumu kwa watu wa Kenya kutokana na ugavi

huu wa kikabila. Ugavi wa rasimali, ugavi wa kazi kwa njia za kikabila. Kwahivyo wajue Bunge hili eneo la Makindu, eneo la Makueni, eneo la Kitui na Ukambani kwa jumla hatutakubali ukataji wa makaa. Hao waimbaji hata wakitaka watoe wimbo mwingine wakumkashifu Mheshimiwa Gavana wa Makueni. Hata wakitaka watoe mwingine wa kukashifu Mheshimiwa Senator wa Makueni. Hata wateremke kidogo watoe wimbo mwingine wa kukashifu mbunge hili la Makueni. Na mwisho kabisa wamalizie na wimbo wa kukashifu Mheshimiwa Kalunde. Hatutakubali na hatutakubali. Asante Mheshimiwa Spika.

The Speaker (Hon. Douglas Mbilu): Member for Kisau/ Kiteta Ward.

The Member for Kisau / Kiteta Ward (Hon. Dennis Masavu): Asante Mheshimiwa Spika kwa kunipa ruhusa ya kujadili huyu mjadala ambao umeletwa na Majority Leader. Tuko na hasira kwasababu tumekuwa wakamba tunadharauliwa sana. Tumetotoka mbali. Si kitu ya jana hii mnaona. Hii kitu ilitoka mbali. Walitukana wakasema hapo mbele, tunaona mtu anatumfuata kama fisi inafuata mtu mkono inaanguka. Huyu ni party leader wangu alitukanwa, wemetukana tena Charity Ngilu. Mama ambaye tunategemea kama jamii ya wakamba na sisi wanaume wa wakamba tunawapatia wanawake wetu heshima. Wemerudi hapo chini wakatukana party leader wangu wakamuita watermelon. Haina shida lakini hatuwezi kukubali maneno ya aina hii na ingekuwa ni wale vijana wetu ama wale wasichana wetu, tuko na wana mziki wengi, vijana na wasichana. Ingekuwa ni mmoja wetu amecheza hiyo wimbo angekuwa ndani saa hii. Tuko na hakina Kativui, sijui Peter Mwambi, Kakai Kilonzo, kengine Maima wakolwa ukoka. Ingekuwa ni hao, ungekuta moja ndani lakini Kaparo naona amelegea legea kidogo sijui alikuwa usingizini-unajua ni mzee. Sijui mkuu wa sheria alikuwa wapi na huwa anasema anajua sheria, sijui mkuu wa polisi alikuwa wapi ama ni lugha hasikii lakini si wako wakamba na wakikuyu polisi wangemwambia vile imesememwa. Kwahivyo Spika sisi tunasema kwa Ole Kaparo, mkuu wa sheria, hawa vijana na wale wako nyuma yao wakamatwe na washitakiwe. Na ninataka muwaambie kuna msembo ya wakamba huwa inasema, '*mtu wa jicho moja hachezei kwa changarawe.*' Mkikuyu ni mtu wa jicho moja kwasababu ni mtu ambaye hana kwake. Ndiye anakanyangakanyanga kila mtu. Ukienda kwa Kalunda Kikumbulyu South wamejaa. Na hiyo ni mashamba iliyofukuzwa watu wetu, wakachomewa manyumba na sisi hatuongei sana. Kwa hivyo, wakitaka tupitie hiyo njia, sisi tuko tayari, mimi ni Mkamba, babu alizaliwa hapa Ukambani, baba akazaliwa Ukambani na mimi nikakuta nikiwa mkamba. Mimi ni Mkamba kamili. Nikisikia Mkamba ananguswa huwa ninakasirika kwasababu ukiona wamenza kuguza Ngilu, sasa sisi ni akina nani. Si wanakuja mahali tuko. Tuzuie hii kitu mapema, kwahivyo tunaomba wakamatwe na washitakiwe ndio maneno iende vizuri. Asante.

The Speaker (Hon. Douglas Mbilu): Member for Thange.

The Member for Thange Ward (Hon. Nicholas Maitha): Thank you Mr. Speaker for catching my eye. I wish to support the Motion on the music circulating in the social media done by two persons Isaiah ft. Waharaka and the other done by Davinaz Pictures titled Ikamba. Let start by saying that I am a Kamba because I am very sure that my mother was a Kamba and the father was a Kamba and I am proud to be a Kamba. I am proud to be a Kenyan. I know a little history about the Kamba people and one thing I know about the Kamba is that they are peaceful, Kambas are religious. In fact we have so many religious leaders among the Kamba people. That means that they can always put people together. Kambas promote unity and we have a good example of Hon. Kalonzo Musyoka, you remember when South Sudan had problems, he went there and he did very good work. Kambas were long distance traders, they even do business today and I would say that the guys from the other side, we actually buy a lot of their products. We do a lot of business with our friends from the other regions and Kambas are very good people.

For the long time I have lived, I am almost 40 now, all I know about Kambas is that they co-exist with other communities well as it had been earlier indicated. You go to my Ward Thange there are so many other tribes that we are living with. You go to Kibwezi and any other part of Makueni Kambas co-exists with other people in a very nice way. Kambas fought for our freedom and independence and out of the Kapenguria six, one of them was a Kamba by the name Paul Ngei. We know many other old men and mamas in Mau Mau who fought for our freedom. It is quite unfortunate that at times things turn the other way and it appears like only one community fought for our independence, it also turns out to look to appear it is like it is only one community in Kenya out of 42 communities is far above the others. It also sometimes looks that there are some animals that are bigger than others or there are animals that are more equal than others. The author of this song which I believe is not only the two men that we are talking about here but somebody somewhere in quotes who maybe directly or indirectly used the two to come out with this song.

As Kamba community, I am speaking this as the MCA Thange Ward, it is time now that Kamba community rise up and stop allowing other communities to sit on them and if possible it is important that we need to rise up and refuse to be used as slaves, refuse to be intimidated by other communities and take our position as a community. If you remember the story of Rwanda; the Tutsi and Hutu, these were only two communities. In Kenya we have 42 communities. I kind of see that maybe it started from somewhere and there was a lot of pressure building and a time came to a point where it burst. It is my humble request and I wish Kaparo should be listening to this. That as it is going a lot of pressure is building between these communities. As earlier indicated by the Member for Makindu, every opportunity and position in the Government we hear of a certain community. I am sure it does not mean that the

Kambas have not gone to school. We have professors. We have people who have done PHDs and people who have read big books and small books. I think Kambas can qualify for positions in the Government and any Department in this Country. When we hear of only one or two communities, we want to come out of it? What we are now seeing Mr. Speaker.

Finally, the issue for the Governor for Kitui, Hon. Charity Ngilu is just passing a message which is very wonderful just like Hon. Kivutha Kibwana did three or four years ago. We cannot be selling charcoal to communities. Cutting our own trees. I grew up in a very poor family. We depended on cutting charcoal and selling it these guys over thirty years ago. That is why I am saying we cannot continue to be slaves in our own country. We need to conserve our environment. We need to plant more trees, have a lot rainfall, plant, get good crops and our people will be okay. Last year in December I went to Nairobi in a garage and when I was there I met a guy of another tribe and we were talking. He eventually told me you are either going to support the Government or we do not sell you cabbages, food and you are going to die. I wanted to know does it mean that food comes from the upper area alone? Can we not get food from Mombasa, Makueni and Tanzania? He was firm and said there is no way. You will have to support us. You will have to support the Government and if you do not do that we are going to do away with you in terms of supplying food. I think Makueni is of age and independent as a County. We can mobilize our own resources and grow our own food. We can make money in Makueni and we do not depend on others for our survival. It is high time these two gentlemen are arrested and charged in a court of law. Any other person who is an accomplice of this should also be taken and arrested so that at the end of the day the truth and the Kamba nation can be respected because we are a very important tribe and we need a lot of respect. I support.

The Majority Leader (Hon. Kyalo Mumo): Point of Order.

The Speaker (Hon. Douglas Mbilu): What is it Majority Leader?

The Majority Leader (Hon. Kyalo Mumo): Thank you Mr. Speaker sir. It goes actually without saying that whatever is before the House is important and sensitive and each and every one of us would wish to say something because like those Kamba quotes, 'Mboo ikwetwe vala vai' Mr. Speaker I have never understood where "vai" is. In this case therefore ---

The Speaker (Hon. Douglas Mbilu): What is your Point of Order?

PROCEDURAL MOTION

EXTENSION OF TIME

The Majority Leader (Hon. Kyalo Mumo): Mr. Speaker, I beg to move the following Motion: -

THAT, pursuant to the provisions of Standing Order 33 3 (a) this Assembly resolves to extent its sitting time until the business appearing in the Order Paper is dispensed.

I call upon Hon. Kisungi wa Katete to second.

The Minority Leader (Kisungi wa Katete): Seconded.

(Question proposed)

(Question put and agreed to)

The Speaker (Hon. Douglas Mbilu): Member for Kathonzweni.

The Member for Kathonzweni Ward (Hon. Francis Mutungi): Asante Mheshimiwa Spika. Ijapokuwa nimefedheheshwa mno nitajitaidi. Inafedheheshwa na kudunisha hadhi ya jamii. Mimi nikiwa mkamba, nimezaliwa Ukambani na nikazaliwa na mkamba. Nikikumbuka historia ya nchi ya Kenya inadhirisha wazi Mkamba ni nani katika nchi hii na wakati wa kuchangia maendeleo endelevu ya nchi hii. Nikikumbuka enzi za ukoloni wakati nchi hii ilikuwa inaelekea kupata uhuru. Nikikumbuka mwanzilishi wa nchi hii mzee Jomo Kenyatta ambaye mwanawe ndiye rais wa sasa ni mkikuyu. Nikikumbuka ---

The Speaker (Hon. Douglas Mbilu): Order Member for Kathonzweni. Proceed and address the House and give your contribution on the microphone on my right.

(Hon. Member moved to the microphone as directed)

The Member for Kathonzweni Ward (Hon. Francis Mutungi): Asante Mheshimiwa Spika. Nikikumbuka historia ya nchi hii, rais mwanzilishi wa nchi hii ya Kenya alikuwa Mkikuyu na katika mwanzo huo alikuwa na wasaidizi wenza kama Paul Ngei ambaye ni Mkamba. Katika heshima Paul Ngei ndiye angekuwa rais wa kwanza wa nchi hii lakini kwa heshima akamwona huyu mzee kama aleiyefanya kazi ambayo inastahili kutunukiwa cheo cha upeo alioupata. Kwa maandhiki hiyo Paul Ngei akamwachia mamlaka hayo awe kiongozi. Je hawa wakikuyu na matusi walionayo hayo ndio malipo? Mbali na hayo nikikumbuka mzee Mwai Kibaki, wakati mambo yalienda sege mnege aliyemwoko si mwingine ni bwana Stephen Kalonzo Musyoka ambaye alikuja na jina Wiper akisaidiana naye mwendazake Mutula Kilonzo ambaye alikuja na jina la Wiper. Hao walioimba walikuwa wapi? Hilo jina Wiper likatoa dukuduku zote zilizokuwa mbele yake na akawa rais wa nchi. Hio ni historia na haijafika kikomo. Nikikumbuka kiongozi shupavu jemedari Mulinge, enzi hizo za ukoloni tukija kupata uhuru wa nchi hii ni nani aliyekuwa jemedari wa kwanza wa nchi

hii? Si mwingine bali ni Mkamba—Jemedari Mulinge alikuwa Mkamba, hakuwa mkikuyu au mjaluo. Haya ni matunukio yake maulana hata si ya Wakikuyu.

Ni Mwenyezi Mungu ambaye ameumba hili kabila, akaipatia mamlaka na ni kabila ambalo kama vile mwenzangu Mheshimiwa Mutula alivyosema, lina unyenyekevu wa hali ya juu. Kabila ambalo lina kubaliana na makabila mengine. Kabila ambalo linajua kuishi kwa heshima na majamii mengine katika nchi. Hii ni fedheha ya hali ya juu. Huku nikudhalalisha jamii ya Mkamba kwa kiwango ambacho hakuna kabila lingine katika nchi hii limewahi kufikia hiki kiwango. Iwapo ni Mheshimiwa Waititu, nikimjua, kwa kweli yeye ndiye aliye nyuma ya haya mambo na yeye ni Gavana. Tunamjua yeye ni Gavana kwa kubomoa manyumba na hatujamtaja. Tunajua yeye ni kiongozi jambazi na hakuna wakati wowote tumemtaja. Kama ni kutajwa kwa ubaya hili ni kabila ambalo tukitaje limeoza na hatujawahi hata siku moja kuwatusi. Hakuna siku moja Paul Ngei amewahi kusimama katika jukwaa na kutusi hili kabila la Wakikuyu. Hili ni kabila ambalo limezungukwa na kila aina ya matendo maovu katika dunia hii. Nenda Amerika wapo, Ukambani hapa Malili wamejaa, Kibwezi wamejaa Kathonzweni mahali ambapo nimetoka wamejaa, Hili soko letu la Wote wamejaa wafanyi biashara ambao wanajifanya wao ni shumpavu. Ikiwa ni huo mwenendo wanataka twende ni nani wa kuumia? Maanake mahali wanapoishi linaitwa Jimbo la katikati; Central Province nikinukuu. Mtu ambaye anaishi katikakati anaweza kufinywa kutoka juu, kusini, kwenda haribi anafinywa na iwapo tutaungana na makabila mengine hili kabila itaangamia kwa sababu ukienda jumba la kuhifadhi maiti wao ndio wengi, ukitembelea magereza zetu wao ndio wengi---

The Speaker (Hon. Douglas Mbilu): Order Member for Kathonzweni Ward. Usije ukanena mambo ambayo hayahusu mjadala ulio mbele yetu. Tafadhali elekeza mambo yako kwa mjadala ulio hapa, walio hosipitali na walio kufa mwenyezi Mungu hajawalaza. Endelea.

The Member for Kathonzweni Ward (Hon. Francis Mutungi): Asante Mheshimiwa Spika lakini nilikuwa nawaonya kwamba---

The Speaker (Hon. Douglas Mbilu): Order. Proceed with the debate, hayo yamepita.

The Member for Kathonzweni Ward (Hon. Francis Mutungi): Asante Mheshimiwa Spika. Kwa hiyo Mheshimiwa Spika hili ni kabila inayostahili kuheshimiwa. Kama mwenzangu kutoka Makindu alivyodokeza, hata waimbe au wapae mbinguni hakuna chakujalisha hili kabila. Ikiwa ni kudhalalisha Mheshimiwa Kalonzo sisi tuko tayari kutetea Mkamba na Ukamba wake. Iwapo wanaona wivu kwa kuwa sisi ni Wakamba waje tuwapatie makao kama kwao wameshindwa na kupata ardhi ya kuishi; waje waishi Ukambani bora tu wajifundishe Kikamba. Jitihada na juhudi ambazo hili kabila limefanya ili kujenga hii nchi, mchango mkubwa katika

kujenga nchi hii rais aje rais atoke ni Wakamba. Hili sio kabila la kudhalalishwa, la kukoselewa na nyimbo. Kama ni uimbaji tuko na waimbaji stadi nikikumbuka Spika wa sasa wa bunge hili ni mwimbaji shumpavu ijapokuwa sasa hawezi akaimba lakini naweza kumuomba siku moja pia naye awaimbie wajue hata Spika wa Bunge hili anajua kuimba. Kama ni wimbo wanataka kufundishwa tuko tayari na hatutakubali siku hata moja kudhalalishwa kwa jamii hii ya Mkamba kwa sababu hatuendi uhamisho popote. Mimi nikifa nitazikwa papa hapa, hata nikienda ulaya nyumba ni papa hapa. Kuna mambo nayaona mimi, natafakari hayo wanayoyasema ni machache kama kuna yao yako nyuma ya haya wayatokeze tuyaone tuyatafakari tuanze kama ni ngoma hio tuicheze ngoma hio tunajua kuicheza. Asante Mheshimiwa Spika naeza nikalia ikizidi.

The Speaker (Hon. Douglas Mbilu): Hon. Magdalene Mulwa.

Hon. Magdalene Mulwa: Asante Mheshimiwa Spika nashukuru kwa nafasi. Nasimama kuunga mkono mjadala huu ambao ni wa kuhuzunisha sana. Naongea kama mama sasa, mimi kama mama hii wimbo imenihuzunisha sana na ukanipea uchungu kwa roho yangu sana ni kwa nini? Ni nini inatakikana? Ni nini inaulizwa? Nini inatafutwa kwa jamii ya Mkamba? Mkamba amenyamaza na anakaa Ukambani hatuna haja na uongozi huo kwa matajiri. Wanajiita matajiri; hao sio matajiri *isu ni ngya*. Kwa nini wanasikia wivu na wanasikia uchungu kwa sababu kwa roho yangu naona na macho yangu inawangalia wameona uchungu sana wakati Mheshimiwa Gavana wa Kitui Charity Ngilu aliposimamisha ukataji na uuzaji wa makaa kwa Kaunti yake. Nataka waelewe vizuri Mheshimiwa Kaluki Ngilu ni Gavana aliyechanguliwa na mwananchi wa Kitui wa jamii ya Mkamba.

Miti iliyokatwa na wamekuja huku na mashini na utajiri wao wanakuja kukata miti ya jamii ya Mkamba na wanakata ovyo, wanakata na madharau. Mimi nasimama hapa kusimama na Mheshimiwa Gavana wa Kitui kwamba, miti isikatwe kamwe, makaa yasichomwe Ukambani. Makaa yasiuzwe Ukambani. Nashukuru watu wa Makueni kupitia kwa Mheshimiwa Kimongo wa Mavindini Ward wakati walikatazwa kupitisha makaa huko walianza kurukia kwa mto Athi wakaja kutokea pale wakapitisha makaa. Makaa yafungwe kabisa na Charity Kaluki Ngilu apewe heshima kama wale Magavana wengine. Makaa kwa nini wasichome kule Mau Forest? Si wako na Mau Forest? Waende wachome huko kwao na kama hawana miti ya kuchoma makaa wachome miguu ---

(Laughter)

Hon. Magdalene Mulwa: Wako na miguu mikubwa minono, mili minono wachome waote huko kwao. Wakamba wamekataa uchomaji wa makaa. Ya pili ukiniruhusu hili Jumba la Makueni kupitia kwa Gavana wa Makueni makaa Makueni ilifungwa tangu miezi mitano nyuma hata sio kwa Kaluki pekee yake; hapa hakuna

makaa. Ya mwisho, waache madharau, neno la Mkamba linasema, “*mundu ayesa kwituuu ambia usuvyasuvangya.*”

(Laughter)

The Speaker (Hon. Douglas Mbilu): Order Hon. Magdalene ulioyoyasema ni yepi na ni lugha ---

Hon. Magdalene Mulwa: Nilisema hivi Mheshimiwa Spika kwa lugha sanifu ya Kiswahili, mtu akianza kuchafuka tumbo aje kuhara anaanza kutoa pumzi twa! twa! twa!

(Laughter)

Hon. Magdalene Mulwa: Nawasikiza na nawaona kwa mbali wao watakuja kuhara. Kabila la Mkikuyu imezoea kudharau viongozi wa Wakamba ---

The Speaker (Hon. Douglas Mbilu): Mheshimiwa Magdalene usije ukanena nje la mjadala ukijua kwamba mjadala ulio mbele yetu ni wa amani na kuleta jamii pamoja.

Hon. Magdalene Mulwa: Wimbo ulioimbwa ukiusikiza sio wimbo wa amani, sio wimbo wa heshima ni wimbo wa madharau.

The Speaker (Hon. Douglas Mbilu): Huo wimbo sio wa jamii ni wa watu fulani.

Hon. Magdalene Mulwa: Hio ni jamii ya Kikuyu walioimba ni jamii ya Kikuyu mimi ni jamii ya Mkamba mimi si kuimba, si kutukanana. Huo wimbo wanaimba wanamtafuta mmoja wetu na si mwingine ni mheshimiwa Kalonzo Musyoka na watamuona kupitia kwetu. Waachane na Kalonzo, waachane na majina ya matusi ya tikitikimaji waitane kile wataitana lakini kiongozi wa Wakamba ni Kalonzo Musyoka na Wakamba wote hata kama wako kikuyu hao mabibi zao wameoa kutoka hapa Ukambani wote wako nyuma ya Kalonzo Musyoka. Wale watu wao wanawatumia fanya hii tusikie, fanya hii ona, fanya hii tusikie anasema nini, Mkamba si mtu wa vita, madharau, ni kiongozi na Mkamba ni mtu mkristo kama Kalonzo Musyoka. Mcha mungu. Wao waache matusi. Huu wimbo usipotolewa, usipofanyiwa mandaalizi mazuri, Ole Kaparo ole wako usipofanya haki, usimame katikati, Mkuu wa Polisi asimamame katikati na afanye kazi yake aingie na kushika hawa watu wameimba huyo wimbo, hata sisi Wakamba tutauliza ni kwanini. Na tuko na haki ya kujitetea. Tuko na haki ya kutetea jamii yetu ya Wakamba. Mheshimiwa Ngilu apewe heshima na Kaunti yake iache kuingiliwa kiholelea holela. Kalonzo Musyoka apewe heshima na jamii yake ya Wakamba. Wakati huu hii Nyumba imeamua kupitisha kwamba huu wimbo usiendeleo hata kamwe. Usiendeleo tena na kesho na kesho kutwa tusikie hao majambazi wawili wameshikwa na wapelekwe kortini. Asante sana Mheshimiwa Spika.

The Speaker (Hon. Douglas Mbilu): Member for Emali.

The Member for Emali/ Mulala Ward (Hon. Nicodemus Muthoka): Thank you Mr. Speaker. I stand here to support the Motion with regard to the music that is circulating on social media and that has come to our attention in especially attacking one community which is the Kamba community. Allow me first to inform this House and you in particular that I have tried to keenly follow this song and I have realized that there are some areas the Hon. Members have not touched. This song has five stanzas. The first stanza talks about attacking the Kambas calling us sorcerers. The second stanza attacks Hon. Ngilu which I think is the key area where they wanted to focus. The third Stanza talks about our hard working youth or boys who are doing the tyre business. They have mentioned in the song that it's no wonder we have no work. We are like useless in the song. That we only engage in workmanship that needs lot energy. This is an insult. In Article 33 (1) you have clearly read that we have the right for expression or freedom. You go to roman 2, it talks about the limit on how far we should go. If we allow this to continue then it will lead to something that could be very negative in the society.

Yesterday when I was in Nairobi, I took my car to a garage and when I was there there was debate about this song that is mushrooming in the media. Clearly I began to see a community that will take power in their own hands and if this song is not stopped, then things could be very bad. Therefore, a message to Hon. Kaparo that he and his department should stop this spreading of the song. Before I joined this Assembly I was working in foreign country and we the Kamba are very much respected. When I was doing my interview, my fellow competitors were from the same tribe yet they were denied the opportunity. Some of whom were qualified than me but because of the negative, "who they are and what they are in the society" they missed this chance. If today we could begin to talk about this community, just a simple question which is the most hated community in Kenya? People have the answer, we do not need to say. We need to stop this and message for this House is that the necessary bodies and arms need to take this action. These two culprits should be apprehended and charged and the case be heard exparte, as soon as yesterday. I must thank, even though I may not be having one hundred percent of the facts in my hands, our Senator who has gone ahead to ensure that these two people will face the law. In finalizing my statements, we know that our tribe did not get a lion share in the just appointments which were done by the Government. We did not go out shouting all the way in the streets, we know why this happened but what we need is respect to our community. I personally as a Kamba I need to be respected, my people need to be respected and by giving all these respect we shall have a very peaceful country; Kenya. Thank you Mr. Speaker.

The Speaker (Hon. Douglas Mbilu): Hon. Rose Ndibo.

Hon. Rose Ndibo: Asante Bwana Spika. Nimesimama kuunga mkono mswada huu. Mimi nina uchungu mchungu. Siko na uchungu kuwa tumedhaurilwa kama Wakamba lakini niko na uchungu huu wote juu amedharauliwa mama Ngilu. Hiyo ni ile mockery ya hali ya juu ya kudharau akina mama na mimi kama mama singepependa nione mama mwenzangu anadharauliwa. Ningeomba wa mama wote, viongozi wa Wakamba na kabila zile zingine tusimame pamoja na Bi. Charity Ngilu tuone hatutadharauliwa tena. Kuna msemo wa Kizungu unaosema, *'If you live in a glass House, you do not throw stones.'* Unajua na kila mtu anajua biashara nyingi Ukambani na kila pahali popote ni za hao watu. Ukienda kwa matatu, matatu yote ni yao. Ukienda sokoni cabbage ni zao. Maziwa ni yao. Carrot ni zao. Sisi tukienda na huyo mwendo wanataka kwenda nani wataumia? Na hapo ningepeana onyo vile wanatutakia kula umbwa hata hizo chakula tunaweza kutiliwa sumu kwa hiyo tujihadhari. Vita huanza hivi. Ukienda hata shule na upate watoto wanarushiana maneno hapo inatokea hapo. Kama vile Mheshiwa Mutula alisema tukianza hivo itaendelea hivo na tunaweza kuona ni kitu kidogo lakini sote tukiwa tuko na moto hivyo na wengine wawe hivyo unaweza kuona vita ikianza na ikianza hivo inasumbua watu wote na nchi itakuwa ya vita. Ningeomba wazee wote wa Kikamba na Wakikuyu na wote wanaosimamiwa na Kaparo wakutane ili wazungumzie mambo ya kuwa na utulivu. Pia wanaozungumza wachukue muda kidogo ili kila mtu aweze kuzungumza.

(Laughter)

The Speaker (Hon. Douglas Mbilu): Hon. Mbula Mutula.

Hon. Mbula Mutula: Thank you Mr. Speaker---

The Speaker (Hon. Douglas Mbilu): Hon. Members, you have been informed by Hon. Rose Ndibo on how to conduct the debate. You know what she has said. Proceed.

Hon. Mbula Mutula: Thank you Mr. Speaker. I will take two minutes. I stand to support this Motion. First, I will start by saying that it is very clear, through this song we have seen on the social media, that this is something which started days back; not yesterday, not last week and not today. If I take the Hon. House back, during the demonstrations we used to carry out for reforms in IEBC I remember it was a NASA affair and when we used to go to the streets to demonstrate the teargas was multiplied by ten. Yesterday, after Ngilu banned the charcoal sale in her County the Kikuyus started demonstrating in Limuru we all remember and saw what happened even on the TV. Cars were deflated tyres and no police was seen there. Nothing was happening. In fact the people were given security. What I want to say is that this is something which comes from the top not from where we are. We cannot stand here to start pleasing people by saying that when they do this we are going to do this. This is something pioneered and sponsored by Kikuyu leaders starting with Moses Kuria.

We all heard him talk to his people in kikuyu and told them when going to Kitui for the charcoal pass through my office so that I can give you guns to deal with these people. We cannot stand here and please people.

When we hear Kikuyus say that Kambas are cowards and we were not sworn in, how was it going to help them in Jubilee? That is mockery. It is not going to help them. even if Kalonzo is not going to be sworn in it is not going to help Jubilee. That is mockery. We all saw what the President did to the Judiciary. He called them “*wakora*” and nothing was done. We cannot live in a country where one tribe is special than other tribes. If this song was sung by somebody like Kativui or Ken wa Maria, I am sure we would now be talking about something else. They would be in jail and prison but why are we forcing people like Kaparo the NCIC boss to arrest these criminals. They are criminals as we stand here. We are not calling them gentlemen or friends. They are not. They are criminals and they should be prosecuted. We need that as the Kamba nation.

Let us make it clear to them that as Makueni County Assembly; this is our Motion. We are discussing today and we will not come here to discuss the same Motion. Next, we are going to take action and the only action they will hear is when we are going to close Mombasa road. We are going to demonstrate. We are not going to start telling them to drop the music or we need laws. That is just talking but we need to send a very stern message and warning to this tribe. If they continue mocking our leaders as we heard; Charity Ngilu is the elected Governor for Kitui County and our leader Kalonzo Musyoka is the party leader. He is respected countrywide and internationally. We are not going to allow them to mock our leaders. We want to tell them that if no action is going to be taken on these two criminals we are going to take action.

We have also seen that if any leader from NASA does any mistake, if they talk anything to do with Jubilee or insult them it is insulting of course. We have seen with Babu Owino. Any time he says something in two minutes he is arrested. Moses Kuria talked about giving his people guns to go to Kitui and make sure they harvest sand and charcoal. Why was Moses Kuria not arrested? Why is he free? Nobody is above the law. We want to tell them we do not care whether they are in power or not. The law does not know about power. If they are not going to take action, we as the people of Makueni and Ukambani will take action and they are not going to like it.

As I finish I want to say this, most us know that the Kikuyu community is all over. If we decide to do what they are doing, if we decide to say no Kamba or any other tribe apart from kikuyu is going to buy cabbages, carrots, potatoes who is going to loose? It is them. As we talk now, in the same song they said they are going to stop buying mangoes from the Kambas so that we may die. We do not eat mangoes. In fact, I am

very sure some of you have not eaten mangoes for the last one week. It is not food to us. They come for our mangoes in our shambas we do not carry our mangoes to them, they come for them simply because we are not even bothering with the mangoes in our shambas, they are there and we also have the Kalamba Fruit Processing Plant. Even if they will not come for our mangoes we are going to process our mangoes, we are going to make juice and people are going to drink our juice from our County. That is not a threat they should know wherever they are that we do not depend on mangoes as a Kamba nation and nowadays we are making everything from our land, we are even planting maize and everything. Let them know that we are watching them and Ole Kaparo wherever he is we are going to give him few days not even weeks to arrest these people, let them be prosecuted, failure to that we are going to take action as Kamba nation and our leaders will be respected from today henceforth. Thank you Mr. Speaker.

The Speaker (Hon. Douglas Mbilu): Member for Kalawa Ward.

The Member for Kalawa Ward (Hon. Kyalo Muthoka): Thank you Mr. Speaker for the chance. I stand to support the Motion. I am Kamba by tribe and there is one thing that is hated by all the Kambas who are seated in this House. Once a Mkamba calls you a sorcerer, you hat that person up to the grave. When some members are saying that we make peace with these people have they forgotten what a sorcerer does? We want to do away with this tribe. We have now banned the harvesting of sand, selling of the charcoal, why can't we as a House ban the selling of cabbages in our County? It has rained we are also about to get the wild vegetables; they are about to grow and we have planted the green peas. Once upon a time, I also did a bit of music to a certain level and my tutor who was teaching me in Egoji Teachers Training College told me that, a song is sang for some reasons. I will just say a few that I can remember because I did it a long time ago when the Member for County Assembly for Kitise/ Kithuki WARD was not in this world.

A song is sang for entertainment, enjoyment and to give communication. Hon. Members what do you think this song was sang for? Communication. There is communication that has been done to us and as a House we have also to understand it. The communication is, these people are saying that we are going to eat a dog after we finish eating mangoes. I still have mangoes and I do not eat them. Were they not aware that today Tuesday they will go to Kathonzweni to sell cabbages? Were they not aware that today they will also go to Kathonzweni to buy our goats and cows? These are the people who respect themselves and they do not respect others. When you are talking about peace I am not for that. Let us prepare and we throw these people away because the process that you are trying to prepare is a long one. We petition, the Petition will go to all those channels and will pass through these people.

We are saying that, we take those letters. People outside this House at Kalawa are not aware of what is happening here; it is only me who is aware that we have petitioned. They are not aware whether we have been abused. When one lorry was burned at Kitui by those people because we know them, people demonstrated far away, we were abused and we did nothing up to today. Yesterday, I called the Leader of the Majority trying to ask him and he did not pick my calls but later he send me a message that he was sitting somewhere in the parliament and on Mondays we do not have Assemblies unless I am not aware because I was trying to ask him when are we going to demonstrate as a House? You cannot be told by somebody that you beseech others and then you leave him. I am here to support the Motion but before we follow all those channels why can't we take two rounds in the market to show the people that, we have been abused, mocked and these people have been milking us for many years for the world to know that, we cannot be mocked. I am going to stop there Mr. Sepaker and I request you to put the Question because others will say what I have said. Thank you.

(Laughter)

The Speaker (Hon. Douglas Mbilu): Majority Whip.

The Majority Whip (Hon. Jonathan Kimongo): Thank you Mr. Speaker I would want to support this Motion that resolves to launch a formal complaint to the necessary offices for measures to be taken upon this two gentlemen who arguably are not operating upon themselves, there must be some powers and some high plugging people behind them. This is a very serious matter, this is a recipe for bigotry, this is an opening for tribal animosity. When this matter came on social media, yesterday morning I read a reply from one concerned citizen and he had used very strong words and I am sorry to quote them he had said, *'Kambas stopped eating dogs when this people began to --- (Word was expunged by order of the Speaker) the same dogs.'* ---

The Speaker (Hon. Douglas Mbilu): Order Member for Mavindini Ward and Majority Whip, in my views some words in the quoted context are very strong and they should be expunged from the HANSARD. That quote is inadmissible in my view and therefore proceed and withdraw.

The Majority Whip (Hon. Jonathan Kimongo): Mr. Speaker I can withdraw simply because you are my boss but given a chance, I can substantiate ---

The Speaker (Hon. Douglas Mbilu): Member for Mavindini Ward, I am saying one of the words contained in your quote wherever it exists may not be admissible in this. You may find ways of explaining it but it may not be unparliamentary language.

The Majority Whip (Hon. Jonathan Kimongo): Ok. Mr. Speaker I get your word. Basically I had said the person who replied had said if Kamba used to feed on dogs, they stopped doing it when some people ---

The Speaker (Hon. Douglas Mbilu): Order Member for Mavindini. I think the content of this Motion is on two characters and by extension those who support them and it has spirit of cohesion. You proceed.

The Majority Whip (Hon. Jonathan Kimongo): Ok Mr. Speaker, I leave it at that but the fact remains that it is a fact. If we are to reply as a tribe, if we were to reply to this kind of --- (*Word was expunged by order of the Speaker*), they could have got a lot of condemnation and there would be all sorts of counter reactions. I do not want to go the route Mheshimiwa Mutungi went ---

The Speaker (Hon. Douglas Mbilu): Member for Mavindini consistently you are using words that I am afraid cannot be found anywhere in the dictionary.

The Majority Whip (Hon. Jonathan Kimongo): Like what?

(Low consultations and laughter)

The Majority Whip (Hon. Jonathan Kimongo): Ok Mr. Speaker I hear you. I withdraw the word --- (*Word was expunged by order of the Speaker*).

The Speaker (Hon. Douglas Mbilu): Proceed.

The Majority Whip (Hon. Jonathan Kimongo): Thank you sir. I also want to speak about impunity. If nothing is done to these two guys, this is a way of enhancing or encouraging impunity in our country. Even though I am afraid that in this country, impunity seems to be nothing. We have seen people talk about very serious issues and nothing happens. As some Members here have said, we saw a whole Governor tell young men to go and pick guns from him and go and do mayhem --

The Speaker (Hon. Douglas Mbilu): Order. Member for Mavindini, I direct to expunge the two words that you have used in the quoted context and subsequently the other word that Mheshimiwa withdrew from the text. Proceed.

The Majority Whip (Hon. Jonathan Kimongo): Ok, so much is going to be expunged Mr. Speaker --- (*Laughs*). Basically what I was saying is that the leadership of this country must bring this country to a state whereby we can know that we are brothers and we can know what to say, when and to who because people who live in glass houses do not throw stones. As a nation we are very bitter and that is why we can use all the words on the planet to express our bitterness. I am really afraid that if we had not raised this matter, may be Kaparo and the other agencies could have done nothing but when Babu Owino and all these other guys say something which is common sense to everyone, the next day there are arrested. Why is it that these guys

can be allowed to walk freely when they are abusing a whole nation and nothing happens? We are very bitter. Thank you.

The Speaker (Hon. Douglas Mbilu): Hon. Sharon Mutinda.

Hon. Sharon Mutinda: Thank you very much Mr. Speaker. I rise to support this Motion and again I want ---

The Speaker (Hon. Douglas Mbilu): Hon. Sharon Mutinda you cannot be heard. Proceed.

Hon. Sharon Mutinda: Again I want to appreciate our Majority Leader because he thought it well to present this Motion on behalf of us. I support the Motion with the fact that Kamba community is known for peace. This community, I can testify, has a track record over a long time and even our leaders before us they were representing and maintaining the unity of Kambas in a good way and they left us very recommendable issues. When I listened to that song, I was so perturbed and I had some questions which up to now I have not got answers. I was once in Rwanda and I learnt about genocide and from that time from what I learned I cannot dare assume such behavior like this one we are seeing from our neighboring community; the so called Kikuyus. As I echo the words of our Senator Mutula Kilonzo, those are criminals and they must face the legal way and pay for their ignorance. Though I heard it was sponsored by one of their Governors, which is hearsay and we cannot dwell on hearsay in this Assembly, but the same confused Governor if it is so, he must face the law as well and respect the Kamba community because if we leave as it is, it might end up as a grievous matter. Therefore, for the sake of our future, I urge Hon. Members and the Leaders out there and as our senior leaders they take action. Even us as grassroots leaders, we have to take action and lead our people to raise the alarm for the community to be respected. Thank you Mr. Speaker. I support.

The Speaker (Hon. Douglas Mbilu): Member for Mukaa Ward.

The Deputy Majority Whip (Hon. Joseph Muema): Thank you Mr. Speaker for this opportunity. I want to support this Motion that was brought before this Assembly by the Majority Leader. I begin by congratulating the Majority Leader for such a bold step. I will limit my words briefly because personally I have interacted with the said community. I have stayed with them and have worked with them. However, it is very unfortunate for such kind of a video to be circulating and done by these two men. I will begin where my boss the Majority whip has stopped. Although everyone avoided that word Mr. Speaker because I have watched that video I have seen people from the said community supporting the same video with a lot of hullabaloo. As our Majority whip has said, yes we may feed on dogs because of lack of food, but they forget that these same dogs they are accusing us of feeding are the same dogs they have been --- *(Word was expunged by order of the Speaker)*. It is in the media. By

extension Mr. Speaker, even donkeys. At the same time, they have forgotten that their women are always complaining that their men cannot perform or they sleep with their hands in the pockets.

(Laughter)

The Deputy Majority Whip (Hon. Joseph Muema): There are many things we can say about this community but we always prefer to keep quiet for the betterment of our relationship with them. When you walk in the streets of Nairobi almost all street children belong to that community. When you walk around the streets of Nairobi all thieves belong to the same community. We always avoid mentioning these things for the sake of peace within us. I must admit that since this video I have received a myriad of calls from my people asking me what the way forward is ---

The Speaker (Hon. Douglas Mbilu): Deputy Majority Whip, is it possible for you to substantiate on a criminal proceeding or reporting of a case of rape against a dog?

(Hon. Josphat Nzuki spoke loudly)

The Speaker (Hon. Douglas Mbilu): Order Member for Mbitini! I can hear your voice.

(Laughter)

The Deputy Majority Whip (Hon. Joseph Muema): Mr. Speaker it is hard for me to look at all the news that has been brought by the TV stations in Kenya but I once saw it in the media. It was even mentioned in the ICC. It will be very hard for me as an individual to trace that.

The Speaker (Hon. Douglas Mbilu): Considering that is a matter that you cannot substantiate and you are alleging it is on the news and media archives, then withdraw that aspect of rape. Whenever a rape happens it becomes a criminal offence and there are proceedings.

The Deputy Majority Whip (Hon. Joseph Muema): Mr. Spekaer I will withdraw but only that my phone got lost. I had that video of some people from the same community purported to be in Mombasa making love to dogs but I withdraw.

(Laughter)

The Speaker (Hon. Douglas Mbilu): Expunge that aspect of rape from the HANSARD because the Member is not able to substantiate the serious allegation.

The Deputy Majority Whip (Hon. Joseph Muema): Mr. Speaker if I do not use the word rape, I will say misusing.

The Speaker (Hon. Douglas Mbilu): You said misusing?

The Deputy Majority Whip (Hon. Joseph Muema): Yes Mr. Speaker.

The Speaker (Hon. Douglas Mbilu): I stand to be guided by the HANSARD but if such a word like rape was used expunge it. Proceed.

The Deputy Majority Whip (Hon. Joseph Muema): I was saying when you walk in the streets of Nairobi, recently there has been high cases of mugging. We know and everyone knows as much as we may pretend that we may not know; that most of the thieves, those people who are mugging us come from this community. Since the recording of this video I have received so many calls from people beyond Makueni and they were asking me; what are you doing as Ukambani leaders about this. Tomorrow is a market day in my place and some of them said we will not allow those people to sell cabbages in my place. We do not want to go that route and that is why this House is requesting that action is taken on these two men and any other person who will be found to be supporting them. If action is not taken against these two men, I want to promise you, we will not allow them to sell cabbages in our markets or use our roads. We will not even allow them to be our neighbours. We will chase them and we have to be very honest in that. They cannot abuse us in front of our kids, wives and women. We are men and we will not allow. Thank you Mr. Speaker.

The Speaker (Hon. Douglas Mbilu): Hon. Masesi.

Hon. Justus Masesi: Thank you Mr. Speaker for this opportunity.

(The Hon. Member moved to the microphone on the right hand side of the Speaker)

Hon. Justus Masesi: Let me stand here because of the media. I know they want to record me in particular.

(Laughter)

Hon. Justus Masesi: I would call this ethnic profiling. This is an abuse of this community and I hate the attitude this tribe has against the Kamba people. This song was produced by Kikuyus, not Luos or Meru people but kikuyus ---

The Speaker (Hon. Douglas Mbilu): Order Hon. Masesi. The song was produced by persons who are named in the Motion. There are some who are in Wote and did not participate in the recording so that what we are requesting the National Cohesion and Integration Commission to do we do not also become subject to it. In the spirit of national cohesion and integration proceed and deal with individual names. You can attribute them to something else but do not generalize.

Hon. Justus Masesi: I was saying that this song was recorded by Davinaz pictures and sang by Isaiah Ft. Waharaka who are kikuyus and we cannot hide from the truth.

(Laughter)

Hon. Justus Masesi: As I respect your guidance Mr. Speaker, Kamba people need to be respected. I also got several calls from the people asking me what we are doing as leaders because the people are looking at us as leaders and they are listening and they want to hear us because we are the only people who can speak for them. If we are not going to speak maybe we will arouse fights between the Kamba people and the Kikuyus because that is the reasoning the common people have. If this abuse to community arose from the banning of charcoal sale from Ukambani then I think they will continue abusing us because we are not going to allow charcoal burning in our community. We are not going to allow tree cutting in Ukambani; not only in Kitui but also in Makueni and Machakos regardless of whether Governor Mutua is supporting the said community or not.

I think the two gentlemen need a brain surgery because I do not understand how someone can just produce a song to abuse a whole community even to an extent of abusing our own leaders and for that matter Kalonzo Musyoka our own kingpin. We are very good if this Hon. Members are not in the streets. For the Kikuyu people I know if it was a Kamba who had produced this song I am very sure that community would be on the streets but because we love peace and that is what we are calling for we just need to tell them that, if they do not withdraw this, then the next thing will be something else, I will not mention.

If you go Nairobi which people pull *mkokoten*? If you to Nairobi who are beggars? If you go to Nairobi who are the most dangerous conmen? Even this community where these two people come from---

The Speaker (Hon. Douglas Mbilu): Hon. Masesi ---

Hon. Justus Masesi: Yes Mr. Speaker.

The Speaker (Hon. Douglas Mbilu): You are asking questions without providing answers and I am afraid you---

Hon. Justus Masesi: I will provide later when ---

The Speaker (Hon. Douglas Mbilu): Order. Number one, that is not supporting the rules of debate. Number two, Hon. Masesi do not accuse the two and use the formula that they have used notwithstanding the powers and privileges but be more gentleman than them.

Hon. Justus Masesi: Mr. Speaker I think it is good that this House has a Speaker who is a gentleman because if there was someone else who was sitting there who is not a gentleman then this would be fire because we are really perturbed by this whole issue. I withdraw that but what I meant is that---

The Speaker (Hon. Douglas Mbilu): You do not have to withdraw, it is guidance from the Chair. Do not go and use the same examples they have used. Your tone and the words you have used have explained you.

Hon. Justus Masesi: Thank you Mr. Speaker. I did not whether I have such kind of a tone. These people need to come out, we need to see them apprehended in the Court of Law, let them be jailed because we do not want anything else less than that as Kamba people. Even as we speak to the media, and I want the media to capture this, we are a very sad community as leaders and we are speaking for our people. We are not going to relent on speaking for our people and defending our people because we are here just because of them, nothing less than that. These two singers abused my mother, they abused my mother and all the mothers who are represented in this House including your mother Mr. Speaker---

(Laughter)

Hon. Justus Masesi: These two singers abused our sisters and brothers and all the sisters and brothers who are represented in this House including your brothers and sisters. These two singers they abused our relatives and our children and all the children and relatives represented in this House including your relatives and your children; it is so sad. You can read the mood of this House especially mine, I am very sad and from here I think I will go outside and try to cool down. Let the media come when I go outside and let me record something as I cool down because I know the whole House is not going to accept another tribal abuse again and I am very sure these people whenever they are if they are been defended by their Governor, we are going to catch them. We will catch them because we are legislators, we make laws. As you know we have leaders here who are representing the whole Makueni County and we are not going to relent on this and you forgive me ----

The Speaker (Hon. Douglas Mbilu): I cannot forgive you for no sin committed. Why should I forgive you in advance? Hon. Masesi you should restrict yourself to parliament language and do not corner the Speaker to forgive before you commit the misdoing.

Hon. Justus Masesi: Yes Mr. Speaker. I remember Governor Waititu just the other day he really put it very clearly that, 70% of employees in Kiambu County should be Kikuyus. He also said that 100% of contractors who are going to be contracted in that County should be Kikuyus. What kind of a joke is this? And we have Kikuyus who are working with us and we do not have any problem with them, we have contractors

who are doing jobs here who are contracted by this County and we do not have any problem with them. This is a joke. This is a joke and we are not going to allow it, no more, we are not going to allow this. If we were as bad as they are we would already chase the Kikuyus from here but because we are peaceful people we do not want to do that but if they force us we are going to enforce the same. Thank you Mr. Speaker.

The Member for Kitise/ Kithuki Ward (Hon. Kevin Mutuku): Point of Order.

The Speaker (Hon. Douglas Mbilu): What is it Member for Kitise/ Kithuki Ward?

The Member for Kitise/ Kithuki Ward (Hon. Kevin Mutuku): Thank you Mr. Speaker. When I look at the Members and the mood, the temperatures within these four walls are becoming very high because Members are very unhappy with whatever is happening and because we are all in support we may need to go home early before we are maimed by some of these people because we live with them. Therefore, as we go by, I may request that you put the Question. Thank you.

The Speaker (Douglas Mbilu): Member for Nzambani/ Ivingoni Ward.

The Deputy Speaker (Hon. Harrison Mutie): Thank you Mr. Speaker. Today I am a very disappointed Kenyan. As much as this Country has made strides to ensure that this country belongs to one tribe, we are witnessing deliberate efforts from certain tribes to project that they somehow like own this Country. I am saying so because what we have witnessed over the weekend in my own view is a very well organized crime. One which I suspect has the support of the Kikuyu Leaders. And why should I say so? This music was released on Saturday afternoon when Kenyans were at home and they were free to attend the social media on Sunday. The message was to ensure that many people as possible get the message they were trying to pass.

Number two, up to now there is no arrest that has been made on these people and thirdly there are no charges that have been placed on this people and no one is talking from their tribe to condemn what their fellow tribesmen have done to the Kamba nation. I might be forced to remind the National Cohesion and Integration Commission that it was formed to prevent discrimination on the basis of race or ethnicity, advocating for cohesiveness amongst the diverse groups in the country and enforcing the legal provisions of the National Cohesion and Integration Act 2008. If you allow me, Section 13 of that Act and I will read it for the benefit of this House, talks about hate speech. It says *that 'A person who uses threatening, abusive or insulting words or behavior or displays any written material or publishes or distributes written material presents or directs the public performance of a play,'* and number 5 which I want Members to take note, *'distributes, shows or plays a recording of official images or produces or provides and directs a program which is threatening, abusing or insulting or involves the use of threatening abuse or insulting words or behaviors*

commits an offence if such person intends thereby to stir up ethnic hatred or having regard to all circumstances, ethnic hatred is likely to be stirred'.

Mr. Speaker, the law provides that any person who commits such an offence under this Section shall be liable to a fine not exceeding one million shillings or imprisonment for a term not exceeding 3 years or to both. In this Section ethnic hatred means hatred against a group of persons defined by reference to color, race, and nationality including citizen or ethnic or national origins. That is the advance that that Section provides. Ole Kaparo who is the chair of this Commission from Saturday and today is on Tuesday he has not acted on these two guys and the producer who produced this music knowing very well that this message was going to create disturbance amongst Kenyan tribes. These people wishing the Kamba people death and calling us sorcerers is hate speech. These people profiling the Kamba tribe insinuating that we are meant for the hard jobs like tending to tyre businesses yet they are forgetting that Kambas have produced doctors, engineers, lectures, great writers and successful business people in this country.

This failure to arrest is a mockery number one to the Constitution 2010 that created this Commission and number two, to the other 41 tribes by projecting that this one tribe is more superior than the rest and number three, is a mockery to the Kamba tribe and our leaders who have been mentioned there one being Hon. Charity Ngilu who is my party leader and number two Hon. Stephen Kalonzo Musyoka who is our leader and the Kingpin in Ukambani tribe. All these is because we are firm in protecting our environment, in ensuring that we secure the future of our generation and that earns us some insult. We want to tell them that we are going to be more firm than before. In fact, they have just energized us to be more vigilant on charcoal burning, illegal logging and sand harvesting. I would want to urge this House to even request our Governor Kivutha Kibwana to ban charcoal burning, illegal logging and sand harvesting for five years.

Alfred Mutua Governor Machakos just the other day banned the same business for three years. Charity Ngilu has banned the same I do not for how long and today Tana River and Kilifi Counties have banned this exercise. And why are being insulted? It is because we are trying to instill the International Climate Change Guidelines that will ensure we feed this nation and the planet in future. I would urge the report that comes from this House, if we are not going to see these two gentlemen plus the producer arrested and some serious charges put on them, then we as Kamba people will need to talk in one voice and tell the Kenyans who we are and what we stand for. I will not want to add more to that but this is an aggression of the highest order, trying to provoke the Kamba nation to do the unimaginable. As Leaders, we are trying as much as possible to contain our dissapomtment, to avoid insulting back this community.

We have intermarried with them, we have given them space to do business in our land. We have given them a lot respect.

As we talk toady our people back at home, our mothers, our fathers, our children, they are looking at us to shape this discussion to ensure that the Kikuyu leaders contain their own people and ensure that they are brought to book and more particularly all the agencies that are involved in this including the National Cohesion and Integration Commission, the police for not arresting these people and the Criminal Investigation Department because what is there to investigate? The evidence is open. These people did not hide. They are showing their faces. They were dancing in jubilation in that song. Was I born a Kamba by choice? It is God's doing and if banning charcoal is a grievous mistake to them, let them burn the money that they have and use it as charcoal. Let us die. If they think that mangoes are going to diminish in Ukambani then we die, then it will be okay. That will be our time to die. It is not them to decide when Kambas should die. It is God himself. Therefore, to preserve and to protect the Constitution 2010, let the mandates that have been stipulated in the cohesion take effect from Section one to the last Section of that Commission. Thank you Mr. Speaker.

The Speaker (Hon. Douglas Mbilu): Hon. Member for Kikumbulyu South in Kibwezi West; Jades Kalunda.

The Member for Kikumbulyu South (Hon. Jades Kalunda): Thank you Hon. Speaker for recognition and also quite a good explanation about who Jades Kalunda is. Maybe you forgot the PHD part --

(Laughter)

The Speaker (Hon. Douglas Mbilu): Order Hon. Kalunda! If you had come to inform the House about you credentials, then you may resume your seat. Otherwise restrict yourself to the subject matter.

The Member for Kikumbulyu South (Hon. Jades Kalunda): Thank you Hon. Speaker. I wish to stand and support this Motion based on many sentiments which I may put forward. I want to first appreciate the efforts of the House leadership led by the Leader of the Majority party for coming up with a good Motion to keep the spirit of one Kamba nation at play. That is quite commendable beginning with the Speaker and the House leadership. Two, I want to give a small background of what these two gentlemen plus the producer are trying to do because they have been very proud of themselves and it is us, the other 90 percent of Kenyans who have made it possible for them to be proud to be demeaning other tribes. When you look at the census of 2009 and relating it to what we have now, you will find that 90 percent of Kenyans have accepted it as a way of living to bow before these people because of very simple mistakes we have been committing.

Trying to understand the whole background it is very sad for the other communities to be crying foul every other time because it is us who have exposed ourselves to these kind of situations because we do not follow what the Constitution and the spirit being Kenyan should be. Ten percent of Kenyans feel like this country belongs to them and that is the reason why nobody has even followed them since this criminal act was done on Saturday. It is quite discouraging even for the leaders of the Kamba nation to look at the sentiments that were being passed through by the two members of that community. They have the lions share, even when you look at the Government appointments. In the position of PS alone, they have got more than twelve PS's and I was told by one of the Members here that we have one Cabinet Secretary from Ukambani. A lady who is married to professor Kanjama is a Cabinet Secretary. I am surprised to get to know where she comes from and whether she visits that home more often than what other Kambas can do.

One thing we have forgotten is we need to understand that there is a tribe which is a specialist in having outlawed groups like the *mungiki* and *chinkororo* and nobody acts on them. You will also have to know that there is a big tribe that is the ten percent which produces specialist goons, thieves and muggers whether in town or even in our own farms. The biggest fraudsters when you look at the ranking they are even highly ranked in the UN statistics than the Nigerians. Street kids ---

The Speaker (Hon. Douglas Mbilu): Order Hon. Kalunda! Are you able to substantiate on the ranking of ethnic communities in Africa and Kenya?

The Member for Kikumbulyu South (Hon. Jades Kalunda): I am able but because I do not want to put any effort I will have to withdraw that so that we can continue ---

The Speaker (Hon. Douglas Mbilu): Withdraw that from the record and proceed.

The Member for Kikumbulyu South (Hon. Jades Kalunda): Okay, thank you.

The Speaker (Hon. Douglas Mbilu): You have not said it.

The Member for Kikumbulyu South (Hon. Jades Kalunda): I said I will withdraw that statement.

The Speaker (Hon. Douglas Mbilu): Not I will withdraw.

The Member for Kikumbulyu South (Hon. Jades Kalunda): I withdraw.

The Speaker (Hon. Douglas Mbilu): Proceed.

The Member for Kikumbulyu South (Hon. Jades Kalunda): Thank you Hon. Speaker for the guidance. When you look also on people who do not have land these are the same people. They still think they are more powerful than anybody else ---

The Speaker (Hon. Douglas Mbilu): Hon. Kalunda, I will remind you to restrict yourself to the Motion because for the last few minutes you are debating outside the Motion.

The Member for Kikumbulyu South (Hon. Jades Kalunda): Thank you Hon. Speaker for the guidance.

The Speaker (Hon. Douglas Mbilu): Persons and the issues mentioned inside the Motion.

The Member for Kikumbulyu South (Hon. Jades Kalunda): I was looking at my points because I have a lot of points, I will have to sample some. When you look at what these two guys are it is doing is because they have the instruments of power. If it was Kativui or Ken wa Maria, they could even have slept behind bars on Saturday. I am very experienced in this because when we tried to speak for our people we found ourselves behind bars. I can tell you that tribalism, racism is learnt through societal ranking. It is never inherited and these people have taught themselves how to hate other communities and that is the reason as to why we are saying it is easy to love than to hate. When you look at what this guys are doing, like the two guys who produced this song, that is the guys who are singing this song and the producer, they have learned tribalism because other communities are very vulnerable to their deeds. They think they own this country. You can remember the National Vice Chairman of Jubilee; Hon. Murathe came to a live interview saying that the economic stakes of this country lies in only one tribe. You find yourself asking how come forty two tribes cannot rally themselves against this one tribe because we have always been ignorant and I want to tell you guys because I even resigned from teaching at the University so that I speak for my people. I want to tell you that, if the Leader of Majority does not show the way we are going to do that I will use a lot of force because I am gifted with some height and energy and I am going to do something.

When you look at where I come from Kibwezi we have coexisted with these people for a very long time. They even own a lot in Kibwezi and you heard it from Hon. Masavu saying that, our people's property was burned and properties were replaced by those guys from the Central Province. We want to tell them this is a warning to them. If you do not respect other tribes one day, and I am a big believer, we will take the helm of this leadership and you will know what that means. I remember Hon. Majority Whip saying, in a very tough words, which is very regretful that they stopped taking dogs may be it was clarified further by Hon. Deputy Majority Whip and I can tell you it is very unfortunate we never even mention when they have societal issues

we just keep mum and nobody even talks about the same. We want to tell them we will not talk but will act.

We want to even look at why these guys want to show off because they are weak in their minds. In my computer science class ---

The Speaker (Hon. Douglas Mbilu): Order Hon. Kalunda.

The Member for Kikumbulyu South Ward (Hon. Jades Kalunda): Yes.

The Speaker (Hon. Douglas Mbilu): What is a guy and who are you referring to?

The Member for Kikumbulyu South Ward (Hon. Jades Kalunda): Sorry. I am talking about the representatives of those Kikuyus.

The Speaker (Hon. Douglas Mbilu): Order Hon. Kalunda restrict yourself to the rules of the debate. The Motion at hand has issues and persons named. Either you restrict yourself to that or you do not mention it at all.

The Member for Kikumbulyu South Ward (Hon. Jades Kalunda): Thank you Hon. Speaker for the guidance. I am saying, when you look at the background of the two people they represent that community because they are weak in terms of mind. They need to walk along the university way and borrow a brain so that they can survive. In this regard I would wish to put the following points that, in support of what Hon. Deputy Speaker was saying, we are asking why should we investigate what is obvious because I was surprised the Hon. Senator from Makueni County got a response that, the NCIC is trying to investigate. What are you investigating? Because this is very obvious. Everybody has this clip in their computers and laptops and mobile phones. Why are you saying, you are taking three four days investigating on something which is very obvious?

Number two, we want to ask why you are negotiating with potential criminals who are acting. We would ask the NCIC leadership to put these guys behind bars and charge them properly so that others can learn from these mistakes. We want to ask the Chairman who happens to have been a very long serving Speaker of the National Assembly not to look at their bosses, the people who appointed them, let us act for our Kenyans, all Kenyans whether Masai, Kikuyu, Makonde anybody who enjoys the citizenship of this beautiful country. Otherwise, if we do not we are still watching. In very few months this cession thing will be a reality if you do not act on this because Kenyans will come together; 90% of Kenyans. I think there is only one extra tribe which is in support of that 10% but in very few years they will come to realize that, those guys are even murders, sorcerers, the biggest criminals in this country and they will join the fold of the 90% Kenyans and we are going to secede and we will leave that country known as Central Republic of Kenya to the Kikuyus ---

The Speaker (Hon. Douglas Mbilu): Which is this country known as Central Republic of Kenya Hon. Kalunda?

The Member for Kikumbulyu South Ward (Hon. Jades Kalunda): It is a projected country known as Central---

The Speaker (Hon. Douglas Mbilu): Do not quote what you project, quote what exists. This is a House of evidence

The Member for Kikumbulyu South Ward (Hon. Jades Kalunda): Formely the Central Province ---

The Speaker (Hon. Douglas Mbilu): Please we do not have such a Republic and everyone is aware of that. Apologize for that and withdraw.

The Member for Kikumbulyu South Ward (Hon. Jades Kalunda): I apologize and I withdraw but it is good to note that---

The Speaker (Hon. Douglas Mbilu): You cannot apologize and withdraw and then put but, you apologize, withdraw and move on.

The Member for Kikumbulyu South Ward (Hon. Jades Kalunda): Thank you for your guidance; I withdraw and move on. We want to tell them that, we are trying to come up with a country of likeminded people where there is a lot mutual respect amongst citizens of that country and if that does not happen I want to tell you that, one day will revolutionize this country and everything will go at the pace we want and this is a very big warning to everybody from that tribe because I am told they are supported by the leadership of this country in abusing our Hon. Governor Ngilu and Hon. Governor Kibwana. We want to tell them that, we will protect whatever we have. We will prptect our own king His Excellency Dr. Stephen Kalonzo Musyoka, we will protect everybody who comes from this region at any expense. We even want to give a notice of protest and demonstrations and I will lead from the front along Mombasa road because that is where the economy of this country is being controlled. Thank you Hon. Speaker for the time, thank you Members for giving me a lot of opportunity without alot of Points of Order. Thank you.

The Speaker (Hon. Douglas Mbilu): Leader of the Minority.

The Minority Leader (Hon. Kisungi WA Katete): Thank you Mr. Speaker. Hon. Members I will be very brief. Mine is to probably propose some amendments to the resolutions of this House but before I do so, I want to state categorically that I Hon. Kisungi wa Katete, I do not of anybody or any tribe which is called my *athoni*. I am married to a Kamba, a beautiful lady and I only know my athonis are the Kambas. This *athoni* thing has been used by our neighbors so that they can colonize us over time telling us we are still our *athonis* but this colonization has come systematically

from people who are pure aggressors, provocateurs and saboteurs. People who want us to remain poor so that they may benefit from our poverty and I say categorically that I do not want to be called an *athoni* of anybody except my bona fide in laws.

In the resolution we are proposing that the National Cohesion Commission, the Senate, the Office of the Director of the Public Prosecution and Cabinet Secretary and Internal Security should take action against the two artists, I think we are leaving the producer and distributor of this video. They should be also being in that category ---

The Speaker (Hon. Douglas Mbilu): Hon. Kisungi, to move an amendment you require a substantive Motion, proposer and a seconder and what you are alluding to is inclusion over and above what has been indicated which can be managed through your contribution in the Motion.

The Minority Leader (Hon. Kisungi WA Katete): Thank you Mr. Speaker.

The Speaker (Hon. Douglas Mbilu): Proceed and execute through your contribution towards that Motion and it will be captured.

The Minority Leader (Hon. Kisungi WA Katete): In that case Mr. Speaker, I will state categorically that the producer and the distributor should also be arrested and charged and two, I propose that since we know the historical background of our communities, the Kamba and Kikuyu, and we do not want to mince words, we know that the Kambas have been raped of their economic powers by our neighbors through land grabbing and economic sabotage, I would propose that a Commission should be occasioned to investigate historical, political and social injustices committed against the Kamba community and which continue to be committed against this community. Lastly, I want to state that always pride comes before a fall. This might be a blessing in disguise and Hon. Members I would urge us to move with speed in condemning, wherever we are, this act so that every Kenyan can know that we Kambas have been touched the wrong place as the Hon. Majority Leader would put it so that the other communities like what Hon. Kalunda is saying, the 90 % of Kenyans can know that one day they would be victim of the same aggressors, provocateurs and saboteurs. I happen to have a historical connection with Hon. Fariah and when this community decided to be this aggressive on their market in Garrisa town that market was burnt down. We Kambas are peace loving, we do not want to burn them but let them not dare us. Thank you Mr. Speaker.

The Speaker (Hon. Douglas Mbilu): Mover of the Motion, the Leader of the Majority

The Majority Leader (Hon. Kyalo Mumo): Mr. Speaker sir, I take this opportunity to really appreciate the Members and their are very helpful, healthy contributions towards the unity of our society of Kenya in particular and of course the debates are all culminating to one nation, one Kenya and one people and that is what I would say that we shall all be paid for talking about this unity. I appreciate that this Motion has been contributed to positively without anyone abusing anyone but talking of oneness for the betterment and the future of this great ntion of us. I thank you Mr. Speaker for guiding us, correcting us where necessary towards this end. I am one of the happiest Leader of Majority in this nation. I feel that we have achieved our objectives and that this is going to go on record and let us be respected as community because we shall reciprocate the same. I thank you.

(Question put and agreed to)

The Speaker (Hon. Douglas Mbilu): Hon. Members, I have the following directions to make, that the resolution of the House on the said Motion be communicated to the following offices or officers together with a copy of the HANSARD to be produced within 48 hours;

1. The National Cohesion and Integration Commission.
2. The Senate of Kenya.
3. The Office of the Director of Public Prosecutions.
4. The Cabinet Secretary for Internal Security and
5. The Communication Authority of Kenya.

It is so directed.

ADJOURNMENT

The Speaker (Hon. Douglas Mbilu): Hon. Members time now being 18.04 hours, the House stands adjourned until tomorrow Wednesday, 7th March, 2018 at 9.30a.m.

(House rose at 18. 04p.m.)