



COUNTY GOVERNMENT OF KITUI

THE COUNTY ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY 3RD APRIL, 2019 AT 2.30 P.M.

1. The House assembled at Thirty Minutes past two O'clock.
2. The proceedings were opened with prayers.
3. PRESIDING-Hon Speaker on the Chair
4. **PAPERS;**
 - i. Report by the Committee on Budget and Appropriations on consideration of the Kitui County supplementary Budget Estimate 1 for the Financial Year 2018/2019. *(Chairperson, Committee on Budget and Appropriations).*
5. **Notices of Motions;**
 - i. Motion on adoption of the report by the Committee on Budget and Appropriations on consideration of the Kitui County Supplementary Budget Estimate 1 for the Financial Year 2018/2019. *(Chairperson, Committee on Budget and Appropriations).*
6. MOTION ON ALTERATION OF THE COUNTY ASSEMBLY ANNUAL CALENDAR *(Majority Party Whip)*

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(014)

(077)

Motion Made and Question Proposed,

THAT, pursuant to the provisions of Standing Orders No. 27 and 151(5) (a), this Assembly hereby resolves to alter its Annual Calendar for the Third Session 2019 and defer the adjournment to Friday 5th April, 2019 and to have additional sittings on the same day during morning and afternoon sittings.

(HON. STEPHEN MUSILI - (MCA)

Question Put and Agreed to;

7. MOTION ON MUGUKA BAN- (*Member of County Assembly- Nzambani ward*)

Motion Made and Question Proposed;

Aware that Muguka is a plant whose residue leaves are chewed to elicit a stimulant effect;

Further aware that, the drug is a cheaper and more intoxicating alternative compared to other existing drugs and that it is widely distributed in the Country thereby making it readily available to our youth;

Concerned that, statistics show Muguka is one of the most recklessly abused drugs in Kenya in addition to being one of the key substances that have ruined the lives of the youth in Kitui County and the country as a whole;

Further Concerned that Muguka has adverse long term effects on the health of the users key among them being, weight loss, decreased sex drive, dental problems and insomnia;

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Noting that the youth have become addicted to chewing Muguka and spend most of their time idling in the Muguka bases rather than utilizing their time doing positive productive ventures. The drug has also contributed to the declining number of new births within the county since the youth are not focused on starting families while some of them have become impotent;

Further noting that, the stimulant impairs the youths' judgment thereby exposing them to vices such as crime, homosexuality and betting. Also the stimulant usage has contributed to the increased number of motor vehicle and motorbike accidents since the youth operate them when high and under the influence;

Alarmed that despite its vicious effects on the users, the National Agency for the Campaign against Drug Abuse (NACADA) has not done anything to control the farming, sell, distribution and usage of Muguka;

THEREFORE, this assembly hereby resolves that;

- I. The County Ministry of Trade, Co-operatives and Investments through its County Executive Committee Member, should develop a comprehensive policy document and legislation that will govern and control the farming, trade and sale of Muguka within the county. The policy framework should provide inter alia for;
 - a) The regulation of hours during which the use and trade of Muguka and Khat is authorized or give conditions for an absolute ban if that will be the case;

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- b) Regulation of the farming of khat and muguka within Kitui County;
- c) Designated areas where muguka or khat trade can be conducted;
- d) Formation of muguka or khat traders association. This will enable the County Government to be able to reach them easily for stakeholders meetings;
- e) Undertaking of awareness meetings with the different groups affected by the trade and use of Muguka or Khat;
- f) The administrative channels of handling the regulation of muguka and khat;
- g) Development of rehabilitation centres for persons affected by the use and abuse of muguka, khat, alcohol and other illicit substances;
- h) Prescription of offences relating to the regulation of muguka and or khat;
- i) Ways through which the County Government can develop alternative avenues through which the affected families can earn their livelihood;
- j) Ways in which the existing county resource centres and county village polytechnics can be used as an avenue for youth engagement in order to reduce the level of idleness which leads the youth to be involved in drug and substance abuse;
- k) Ways through which the County Government can use sports as a way of nurturing talent and keeping the youth busy to prevent them from engaging in substance use and abuse.

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(HON.RUTH KYENE)

(Motion withdrawn with the leave of the Assembly to harmonize the title with prayers sought by the motion).

8. MOTION ON ADJOURNMENT ON DEFINATE MATTER OF URGENT COUNTY IMPORTANCE - (MCA MUTHA WARD)

Motion made, question proposed put and **agreed to.**

THAT, pursuant to the provisions of standing Order No 30, this Assembly hereby adjourns to discuss an urgent matter of County importance;

Security threats caused by the Somali herders in the Kitui south game reserve to the residents of Mutha ward in Kitui south constituency

(Hon. Anthony John-MCA)

At twenty minutes past three O'clock, the Hon Speaker interrupted the proceedings to allow time for the motion.

9. MOTION ON THE INSECURITY CAUSED BY THE SOMALI HERDES IN THE KITUI SOUTH GAME RESERVE TO THE RESIDENTS OF MUTHA WARD IN KITUI SOUTH CONSTITUENCY (MCA, Mutha Ward)

Motion Made and Question Proposed;

Aware that, there has been a perennial security threats brought about by the existence of the Somali herders who have continuously illegally occupied some parts of the Kitui south game reserve in Mutha ward, Kitui south constituency in search for pasture and water for their animals. In the process these herders trespass and invade private land coupled up with criminal acts including attacking residents with crude weapons to kill, assault, insults and women and girls raped.

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Further aware, that, this has caused a lot of suffering to the extent of loss of life, property and bodily harm with the immediate incidence being the brutal attack on one resident by the same Somali herders on the night of the 24th March, 2019 who is in a critical state receiving treatment in Ikutha level IV Hospital. In revenge to this attack, one Somali herder was killed by a mob two days after the 24th March, 2019 attack.

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

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

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

THEREFORE, this assembly hereby resolves as follows;

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- i. The County Government of Kitui should liaise with the national Government as provided for in provisions of article 189 (1b) of the constitution and section 4 (c) of the Forest Conservation and Management Act, 2016 which advocates for consultation between the national and county governments in matters of environment conservation to have the game reserve assigned to a private conservationist who will put the vast idle land to better use and protect it from the herders hence guaranteeing security to the residents of Mutha.
- ii. The county Government should liaise with National government to obtain an eviction order to evict the Somali herders from the game reserve.
- iii. The county government in consultation with the Independent Electoral and Boundaries Commission (IEBC) should de-gazette the Inyali Polling station which was established in the game reserve to serve the interests of the Somali herders which compromises any meaningful efforts geared to evict these herders from the game reserve.

The county government should move with speed to improve the mobile network connectivity in conjunction with suitable network providers by erecting a BTS mast ideally at Yangumuli rock at the edge of Mutha hills so as to serve the areas of Kaatene, Kalambani, Ngaani, Kiati, Kengo, and Nzunguni villages which are worst hit by the insecurity threats.

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- iv. The county Government in conjunction with the national government should review the boundary cutline which demarcates the game reserve and Mutha ward to settle the historical boundary dispute which has existed hence causing conflict between the people of Mutha and the game reserve authorities.
- v. This Assembly should hereby form an ad hoc committee to benchmark with the Masai Mara, Nanyuki, and Samburu game reserves on how such insecurity issues were permanently solved.
- vi. The county government should organize and sponsor some residents of Mutha through the county ministry on tourism, sports and culture to go and benchmark with the Masai mara, Nanyuki and Samburu game reserves on how insecurity and boundary conflicts were tackled to get permanent solutions.

(Hon. Anthony John – M.C.A)

Debate arising

Question Put and **Agreed to**

10 .ADJOURNMENT – and the time being five minutes to Five o'clock, the Honorable Speaker adjourned the House.

11. ASSEMBLY ROSE – Five minutes to Five O'clock.

MEMORANDUM

The Honorable Speaker will take the chair on the

Thursday, 4th April, 2019 at 2.30 P. M