

Sen Olekina: Thank you, Mr. Speaker, Sir. Even though I support what Sen. Mutula Kilonzo Jnr. has said, I also want us to be careful that unless we teach responsibility--- Maybe the Chairperson has to clarify whether once this money is loaned to these people, they are taught how to repay. I do not think that we can be giving money and when people default in repayment, we just waive. We want to have a proper culture where people can be taught accountability. If we give money and do not teach people how to account for it then, of course, everyone else will know that when they go to Government they can just be given money. So, the Chairperson should clarify whether there was training on how to account for the money and basic accounting skills.

Thank you.

Sen. Olekina: Thank you, Mr. Deputy Speaker, Sir. We discussed that issue with the distinguished Senator and I was advised that the Statement is not ready. So, I will wait until it is ready.

Sen. Olekina: Thank you, Mr. Temporary Speaker, Sir. The Senate Majority Leader is right that I value this Bill so much. I rise to support it. Our country is made up of ethnically divided boundaries. The reason I support this Bill is that it seeks to set up a legal framework to define boundaries and settle boundary disputes.

I was looking at all the existing disputes and they are quite a lot. I noted Uasin Gishu County and Elgeyo-Marakwet County, where the Senate Majority Leader comes from; Kajiado County and Makueni County; Kisumu County and Vihiga County, who are fighting over Maseno University; Narok County and Nakuru County, where we fight quite often; and, Narok County and Migori County. There are quite a lot of these issues which this Bill will seek to settle.

The issue of land is very emotive. Therefore, I support the idea of having a Commission different from the IEBC that is not permanent and constituted by an Act of Parliament. This is something which will go very far in helping heal the wounds because we have a lot of problems. For example, we have boundaries which are defined between Narok County and Nakuru County. There are parts of Nakuru County which extend to Narok County. On one side of the road is Narok County and as you cross a small 'V,' there is a big piece of land owned by the Nyachae family. The boundaries are in the former Nakuru District, but that is actually in Narok County.

This Bill will also set up the legal framework because, currently, most counties are defined based on old districts' boundaries and this has a tendency of creating a lot of tension. I agree with the Senate Majority Leader when he talked about people fighting for resources when they are discovered in a neighbouring county.

Mr. Temporary Speaker, Sir, the main aim of this Bill is to ensure peaceful coexistence between the communities living in this country. We are so divided politically along our cultures and tribes. Once we have this legal framework it will help us to coexist with other people.

This Bill will also help us resolve land court cases. The Alternative Dispute Resolution (ADR) is something that will help this country. This is because there are very

many land related court cases in Narok, Nakuru and Kajiado counties. For example, there is a piece of land in Suswa, which we do not know whether it is in Narok, Kajiado or Nakuru counties. Once we have this legal framework, it will help us to settle this issue.

I will now go straight to the key points which I had noted down, since I do not believe in deliberating so much on issues. Once everyone in this country knows where the boundary of County 'X' is, they will respect it. This Bill seeks to empower the Cabinet Secretary to keep up to date electronic records on county boundaries. I would like to urge the sponsor of this Bill to ensure that enough time is given to public participation. People in this country ought to know that there are legislations which have been set out and a framework to define the boundaries.

I also like the fact it gives a registered voter or a county executive an opportunity to petition Parliament to alter boundaries. This is because sometimes one may end up having a title deed of a piece of land that they bought many years ago, but the land cuts across two or three counties. Therefore, with such a petition, which I believe will come to the Senate, it will help us show the relevance of this House. There are so many issues about what this House can or cannot do, but if this Bill is given an opportunity to resolve these issues, it is more like giving it original jurisdiction. In this regard, I hope we can fight hard in this Senate.

I do not support the arguments of the Senate Majority Leader, but respect them, in trying to amend the Constitution through the backdoor and making Nairobi City as the headquarters of this country. The Constitution is very clear that Nairobi City is a County. Many years ago Nairobi was not even a region, but that has changed. We can give effect to Article 188 of the Constitution in terms of the alteration of county boundaries by setting up the temporary commission. This must be understood that it is not the IEBC. I do not support the position of IEBC dealing with it, since these issues are so emotive. Having a temporary commission that will also take into consideration the views of the land owners will help solve this problem.

Mr. Speaker, Sir, I will reiterate the issue of the ADR by stating that we have many land cases in this country. There are cases that were filed in the early 1970s in Narok County. For example, we have a case which was filled by a group ranch in Ntulele over boundary dispute which has never been resolved to date. I would like to urge the sponsor of this Bill to ensure constituency boundaries are clear because we now have a different system of government.

We do not have regions and I do not support them. This is because when we support eight regions, then the chances of a Maasai ever becoming a President in this country or a governor will be nil. The Maasai people are very generous. They sold all their land and are now scattered all the way from Marsabit to Rombo. If you say that, then we will go back to the issues of historical injustices.

I would have loved to see the National Land Commission (NLC) play a key role in this Bill. This is because there is a lot of work that has been done by them and we cannot ignore it. I saw an advertisement in the newspaper about the completion of the issuance of title deeds in Narok Town. In my view, that will be a misguided exercise because most plots in that town have more than three or four allotment letters. I would request the sponsor of this Bill to find a way to incorporate the findings of the NLC on historical land injustices. I would support the issue of regions if there was a way that we

could bring all the Maasais who are scattered all the way from Marsabit to Rombo together.

The other key thing that is important in this Bill is that it is trying to address the issue of boundaries. We know many communities continue being at loggerheads over boundaries. In Narok County, for example, the Maasai and the Kipsigis communities are constantly having boundary issues. There is a provision in this Bill that encourages small local commissions to bring people from both communities to sit together and discuss these issues. We value our elders so much. Therefore, we should not ignore their input in terms of our boundaries. If we do so, we will be completely misguided.

There is a provision in this Bill that spells out a high threshold to be met before any alteration of a boundary can be carried out. This Bill gives a voter or a member of County Executive Committee (CEC) the right to petition for an alteration of boundaries. This Bill must be subjected to public participation. I urge the sponsor of this Bill to take it down to the grassroots level because land matters are very emotive. I know that the Senate Majority Leader had earlier stated that most counties are not able to raise Ksh60 million in revenue. I disagree with him. The issue here is understanding the revenue streams and putting in place proper revenue collection mechanisms.

With those few remarks, I support this Bill. We must ensure Kenyans from Marsabit to Lamu understand the contents of this Bill because the impact it will have in their lives is enormous.

Now that we are talking of Senate *mashinani* where we will have our sittings outside Nairobi, I urge the sponsor of this Bill to talk about these boundary issues and demystify them so that people at grassroots level will understand them. This is because many people might feel threatened when they hear their boundaries will be altered.

I would encourage that we follow through the defunct county governments. There are issues of assets and liabilities such as public land that was stolen by individuals. If we are able to bring it back and know what assets each county has, then we would be able to fully defend devolution and also defend the boundaries. If I know that my land or the land of the people of Narok is being claimed by the people of Migori or Nakuru and we settle the issue of boundaries, that will help us resolve the dispute.