

BARINGO COUNTY GOVERNMENT

**SECOND ASSEMBLY
(No.069)**



**FOURTH SESSION
(001)**

BARINGO COUNTY ASSEMBLY **SECOND ASSEMBLY – (FOURTH SESSION)** **ORDERS OF THE DAY**

TUESDAY, 13TH OCTOBER, 2020 AT 2:30 PM

PRAYERS:

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Statements
8. Motions/Bills

5. PAPERS

(The Leader of the Majority Party)

1. Baringo County Government Executive Reports and Financial Statements for the Financial Year ended June 30, 2020
2. Baringo County Government County Executive Annual Revenue Statement for the Financial Year ending 30th June, 2020
3. Baringo County Government Emergency Fund Annual Report and Financial Statements for the Financial Year ended 30 June, 2020
4. Baringo County Executive Mortgage Fund Annual Report and Financial Statements for the Financial Year ended 30 June, 2020
5. Baringo County Executive Car Loan Fund Annual Report and Financial Statements for the Financial Year ended 30 June, 2020

6. NOTICE OF MOTION

(HON. KIPRUTO KIMOSOP, MCA, MOCHONGOI WARD)

AWARE THAT, Article 29 of the Constitution provides that every person has the right to freedom and security of the person, which includes the right not to be:

- (a) deprived of freedom arbitrarily or without just cause;
- (b) detained without trial, except during a state of emergency, in which case the detention is subject to Article 58;
- (c) subjected to any form of violence from either public or private sources;
- (d) subjected to torture in any manner, whether physical or psychological;

(e) subjected to corporal punishment; or

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

FURTHER AWARE THAT, the Preservation of Public Security Act, 2009 provides that the preservation of public security means ensuring the safety of persons and property.

ACKNOWLEDGING THAT, the Penal Code (Amendment) Bill, 2016 provided that a person who steals livestock commits the offence of cattle rustling and is liable on conviction to imprisonment for a term of not less than fifteen years.

APPRECIATIVE OF THE FACT THAT, Article 40(1) of the Constitution expressly permits individuals, association or even communities to own property. Article 26 (1) of the Constitution further protects life and finally Article 28 deals with human dignity. It is therefore clear that “cattle rustling” is not just a breach of human rights but it is unconstitutional.

NOTING THAT, cattle raiding in Kenya is often viewed in the legitimizing context of tradition, climate change and resource conflict, but increasingly it has much more to do with organized crime meeting a rising demand for meat, and political violence resulting from a new devolutionary Constitution with the human cost of raids being immense where hundreds are killed every year and thousands forcibly displaced.

FURTHER NOTING THAT, cattle rustling is a problem that touches on a number of areas within the fabric of society whereby whenever these raids take place it is a question of tribes and ethnic groups living together, it is a matter of

security, human rights as well as social cultural and economic issue that the County government should take seriously,

COGNIZANT THAT, the cattle rustling menace is also in contravention of the United Nation Convention on the Rights of the Child which Kenya is a signatory. This comes to play as children are always some of the most vulnerable and often victims of these raids. There are also young girls who are forced into early marriages so as to get protection from cattle rustlers

CONCERNED THAT, there have been perennial cattle rustling incidences in areas in Baringo County namely; Mochongoi Ward, Mukutani Ward, Saimo Soi Ward, Bartabwa Ward and areas bordering Elgeyo Marakwet along Kerio Valley, Turkana County around Kapedo as well as areas bordering Samburu County

DISTURBED THAT, there have been serious interventions to curb the spread of the cattle rustling menace in Baringo County including Peace Caravans, Non-Governmental Organizations, Civil Society Organizations among others yet there have been no significant improvement on the cattle rustling menace ;

FURTHER DISTURBED THAT, there have been several reports generated with a view of addressing the perennial cases of cattle rustling such as the TJRC report, the Kenya National Human Rights Report, Scholarly Writings as well as Reports by the County Assembly Committee on Justice, Legal Affairs, Devolution, Governance and Cohesion but the same have not been aptly implemented;

NOW THEREFORE, this Motion urges the County Government of Baringo to:

- a) Move with speed and form a taskforce comprising of experts to analyze and verify the consolidated reports on the cattle rustling menace with a view of formulating recommendations that will provide a road map towards finding a long lasting solution to the cattle rustling menace.
- b) That in the meantime and pursuant to Article 29, the County Government in conjunction with the National Government security apparatus, ensure that residents are provided with enough security to guarantee them their safety and that of their property so as to shield them from the perennial devastating effects of cattle rustling.

7. STATEMENTS

010/2020: Hon. Ernest Kibet, MCA, Kabarnet Ward, seeks a statement from the **Chairperson, Livestock and Fisheries Committee** on the following matters of concern:

- i. If he is aware that Kiptilit Slaughter House is currently in a pathetic state?
- ii. If he is further aware that there is no watchman guarding the facility?
- iii. Is he aware that there is no lagoon for the treatment of solid and liquid waste emanating from the facility for safe release downstream considering that the untreated waste flows directly into KIRDAM (Kirandich Dam) which is the source of water for the entire Kabarnet Town?

- iv. Is he further aware that there is no sentry house at the gate of the facility to shelter the watchman in case of rain or harsh weather conditions?
- v. What management structure exists to take care of day to day running of this slaughter houses and county slaughter houses in general?
- vi. What measures is the County Livestock Department putting in place to remedy the prevailing situation?

016/2020: Hon. Richard Cheserem, MCA, Saimo Soi Ward, seeks a statement from the **Chairperson, Water and Irrigation Committee** on the following matters of concern:

- i. If he is aware that the following projects were budgeted for in the 2014/15 Financial Year?
 - a. Mogotkot (Chemakot) water pan (excavation)
 - b. Kaptara (Ngechararim) water pan (excavation)
 - c. Oswonin - Koroto water supply (piping)
- ii. What is the status of the above mentioned projects?
- iii. How much has been paid towards the said projects to date?
- iv. Who are the contractors of the said projects?
- v. Have the said contractors delivered as expected?
- vi. What urgent measures has the County Government put in place to ensure the speedy completion and handing over of the said projects to ensure value for money and accrued benefits for the targeted communities?

025/2020: Hon. Paul Kibarar, MCA, Emining Ward, seeks a statement from the **Chairperson, Roads and Infrastructure Committee** on the following matters of concern:

- i. If he is aware that several County Roads have been affected by the recent and on-going heavy rains?
- ii. If he is further aware that some County Roads were affected by landslides and mudslides rendering them impassable especially during this heavy rains time?
- iii. Can the Chairperson give names of roads affected by (ii) above in the County?
- iv. Can the Chairperson indicate KERRA Roads per Sub County?
- v. Can the Chairperson further inform the House the other roads which have been proposed to be given to KERRA from County roads per Sub County?
- vi. What measures has the County Government put in place to ensure that the roads destroyed by the ongoing rains as described in (i) and (ii) above are repaired to motorable standards and all the roads in the County are maintained in good condition?

ADJOURNMENT