

BARINGO COUNTY GOVERNMENT

**SECOND ASSEMBLY
(No. Supp.001)**



**FOURTH SESSION
(001)**

BARINGO COUNTY ASSEMBLY

SECOND ASSEMBLY – (FOURTH SESSION)

SUPPLEMENTARY ORDR PAPER

THURSDAY, 22ND 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

8. MOTION

(HON. KIPRUTO KIMOSOP – MCA, MOCHONGOI WARD)

AWARE THAT, Article 28 of the Constitution provides that every person has inherent dignity and the right to have that dignity respected and protected. Further, Article 26 (1) of the Constitution further protects life and Article 40(1) of the Constitution expressly permits individuals, association or even communities to own property including land. It is therefore clear that “cattle rustling” is not just a breach of human rights but it is unconstitutional.

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, provides 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, cattle rustling has been ongoing in Baringo since time immemorial but the menace has intensified since 2005 occasioning loss of lives, loss of property as well as displacement of people,

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 water and pasture as well as land dispossession resulting from a new devolutionary constitution with the human cost of raids being

immense where hundreds are killed every year and many 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,

COGNIZANCE THAT, the cattle rustling menace is also in contravention of the United Nation Declaration of Universal Human Rights and all other International Conventions on Human, Child and Women Rights 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. The United Nation Covenant on Social, Economic and Cultural Rights also condemns cattle rustling in that Cattle rustling activity unsettles communities such that they cannot grow socially and economically. Further, the Convention of Elimination of all forms of Discrimination Against Women (CEDAW) further frowns upon cattle rustling because just as children, women are also victims of these circumstances and always bear the heaviest brunt. In addition, the convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (commonly known as the United Nations Convention Against Torture (UNCAT) which also condemns the activities of cattle rustling.

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 and Silale 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:

- 1) Move with speed and form a taskforce comprising of experts to analyze and verify the various reports on the cattle rustling menace and consolidate them with a view of formulating recommendations that will

provide a road map towards finding a long lasting solution to the cattle rustling menace.

- 2) 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 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.

ADJOURNMENT