

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 29th July 2015

The House met at 9.30 a.m.

[The Deputy Speaker (Dr. Laboso) in the Chair]

PRAYERS

Hon. Deputy Speaker: Can the Quorum Bell be rung?

(The Quorum Bell was rung)

(Hon. Members walked into the Chamber)

Hon. Members, we now have quorum. Order, Members! We are now properly constituted. Let us settle down. We want to begin business.

PAPERS LAID

Hon. Katoo: Hon. Deputy Speaker, I beg to lay the following Papers on the Table of the House, today Wednesday, 29th July 2015:-

The Annual Report and Financial Statements of the Insurance Regulatory Authority for the year ended 30th June 2013.

The Annual Report and Financial Statements of the Ministry of Information, Communication and Technology for the year ended 30th June 2014 and the Certificate of the Auditor-General therein.

The Report of the Auditor-General on the Financial Statements of the Coffee Research Foundation Limited for the year ended 30th June 2014 and the Certificate of the Auditor-General therein.

The Report of the Auditor-General on the Financial Statements of the National Social Security Fund for the year ended 30th June 2014 and the Certificate of the Auditor-General therein.

The Report of the Auditor-General on the Financial Statements of the Horticultural Crops Development Authority for the 13 months ended 31st July 2014 and the Certificate of the Auditor-General therein.

The Annual Report and Financial Statements of the Jomo Kenyatta Foundation for the year ended 30th June 2014.

The Annual Report and Financial Statements of the Jaramogi Oginga Odinga University of Science and Technology for the year ended 30th June 2014.

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The Annual Report and Financial Statements of the Export Processing Zones Authority for the year ended 30th June 2014 and the Certificate of the Auditor-General therein.

The Annual Report and Financial Statements of the Kenya Sisal Board for the 13 months ended 31st July 2014 and the Certificate of the Auditor-General therein.

Thank you, Hon. Deputy Speaker.

PERSONAL STATEMENT

INTIMIDATION AND HARASSMENT BY EACC OFFICERS

Hon. Wakhungu: Hon. Deputy Speaker, I rise to seek your guidance pertaining to the business of this House. In line with Article 109 of the Constitution, we know that this House has the legislative authority. Two weeks ago, I brought an amendment to the Ethics and Anti-Corruption Commission (Amendment) Bill which had been sponsored by the Chairman of the Departmental Committee on Justice and Legal Affairs, Hon. Chepkong'a. In the wisdom of this House that amendment passed which required that the Secretariat of EACC be re-vetted because their confidence levels had gone down.

To my surprise, and maybe this is a trend, the EACC so far has sent some officers to my Constituencies Development Fund (CDF) office in Kiminini bringing a lot of intimidation and harassment. I do not know whether it has to do with that amendment that was passed by this House. It is an issue that has raised a lot of concern.

After doing a little bit of research, you realise that many Members have also been harassed over the same; there is an allegation that Members of Parliament passed that amendment because they are corrupt. Some of us are not in any list of corruption. We are not even being investigated by the EACC. We made it very clear. Those who are being investigated are the members of the Departmental Committee on Agriculture, Livestock and Cooperatives and Hon. Keter, whose issue was out of integrity and not corruption concerns.

This is intimidation and harassment. We want to be assured that in this House we legislate freely; there is another force of impunity somewhere that is trying to harass and intimidate Members over the same. I seek your guidance.

Thank you; maybe a few Members can ventilate on this.

Hon. Deputy Speaker: I will allow a few Members to make their comments. I will only give you a chance if you want to make a comment on this. The board is now full. I do not know if you want to contribute to a later Motion. I am looking at the intervention button and Hon. Chepkong'a is the first on my list.

Hon. Chepkong'a: Thank you, Hon. Deputy Speaker. I am disheartened to hear that my very good friend, Hon. Chris Wamalwa, the Member of Parliament for Kiminini, has been traumatised by officers of the EACC. It is unfortunate if the EACC is pursuing Members on the basis of their democratic rights to move Bills and amendments in this House. What I can tell Hon. Wamalwa, as the Chairman of the Departmental Committee on Justice and Legal Affairs, is that we met the EACC on Tuesday and we impressed upon them that investigations should be above board. There should not be cards under the table. All the cards must be on the table. We expect them to operate in a fair and just manner. They should not go to a constituency or investigate people on the basis of rumours. I have heard what Hon. Wamalwa has said.

What I would like to assure you is that we will take it up with the EACC. We do not want EACC to harass you on the basis of an amendment which was passed by all the Members. Some Members may have opposed it but it was passed by the majority. You were just a conveyor belt, so to speak. You were just representing the view of the majority.

For someone to harass a Member of Parliament, it is uncalled for, unacceptable and it will be resisted by my Committee. It will not be accepted. So, I would like to assure you that if that is true and you feel that you are being intimidated, please come to our Committee and we will deal with it accordingly. I would like to assure you that there is no Member of Parliament who should be intimidated by the EACC. In any event, the EACC receives funding from this House. It does not receive funding for purpose of intimidating or harassing any citizen. You are an eminent citizen of this country. Having been a former lecturer, we have a lot of regard for him. So, I would like to assure him that we totally support him and he will be protected.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Nicholas Gumbo.

Hon. (Eng) Gumbo: Hon. Deputy Speaker, the issues raised by Hon. Chris Wamalwa are issues that should concern all of us because if it goes the way it is happening, then it will suggest that there are forces outside this House which would want to direct how this House conducts its business. The EACC is a constitutional commission and its seniors are State Officers. It is very clear under Leadership and Integrity chapter of the Constitution that authority assigned to any State Officer is a public trust to be exercised in a manner that is consistent with the purposes and objects of the Constitution and demonstrates respect for the people.

Clearly, if the EACC is apparently in pursuit of a partisan agenda and goes after Hon. Wamalwa merely because he exercised what is constitutionally bestowed upon him by the Constitution of Kenya to make laws, then that is a very unfortunate situation. I am glad that my good friend, the Chairman of the Departmental Committee on Justice and Legal Affairs, has said that he is taking up this matter. Parliament must be allowed to operate freely.

You will recall that a few weeks back, I raised concerns over actions that appeared to be making the space of Parliament shrink. If we get to that level, then as a country we will have lost it because Parliament, especially the National Assembly, must represent divergent opinions. If we cannot come here to legislate on that which we are convinced will carry forward the spirit of this country, it will be wrong. As it has been said by my good friend, the Chairman of the Departmental Committee on Justice and Legal Affairs, it is not just Hon. Wamalwa who supported the amendment. This amendment was supported by both sides of the House and people had their own reasons. There were people who supported it because they believed that any commission cannot be properly constituted if there are no commissioners. That is what informed the decisions of some people, including mine. It now appears that people want to use some residual powers, which they have been given by this House, to try to harass Members and stop them from freely exercising their role; it is a matter that this House must not only pronounce itself on very strongly but must also pursue it with a view to demanding answers and getting to know why it is happening.

I believe that for the EACC to act, it must have a complaint. Someone needs to have complained; it can also be based on some report either by the Auditor-General or a committee of this House. In the absence of that, what then would they be looking for? So, it is something to be

condemned. I am glad that the Committee has taken it up. We want it to be followed up to its logical conclusion.

Thank you.

Hon. (Dr.) Pukose: Thank you, Hon. Deputy Speaker. Hon. Wamalwa is my neighbour in my county. He is a long-time friend whom I have known since our days at the university. I have never known him to be corrupt. I am one of the people who opposed that Bill; today I am very sad that things can degenerate to the level where there is witch hunt. I can assure them that when that Bill is brought back to this House, I will see the reason why that Secretariat needs to be vetted again. That kind of behaviour is not in line with Chapter Six of our Constitution. We expect the Ethics and Anti-Corruption Commission (EACC) to be above board, but when individuals degenerate to a level where they start witch-hunting Members of this House, it is unconstitutional. It borders on threatening the Members' lives. It appears as if the Members are not safe when legislating. It seems that they cannot perform their duties as they should. I want to thank Hon. Wamalwa for raising this issue in the House and making Members aware of this issue. After Hon. Wamalwa raised the issue, some Members are saying that this has also happened in their areas. It is not limited to Kiminini Constituency; it can happen to any Member in this House. The EACC is abusing the mandate which the Constitution has bestowed on it. It needs to be careful.

If we have a few rotten eggs within the EACC, this needs to come out very clearly. We even need to go a step further and provide that anybody who is working within the EACC should be vetted. We need to vet these people to ensure that they are above board. We have officers within the EACC who were riding bicycles and motorcycles, but today they own mansions and other big things. As President Obama put it the other day, you do not need a forensic scientist to establish what is happening within those places.

Hon. Deputy Speaker, early this year I raised the issue of officers of the EACC intimidating officers within the counties. In the light of what Hon. Wamalwa has raised, this is true. As a House, we need to come up with a way of vetting the people who are working in the EACC, not just at the senior level, but even at the secretariat level. That is where all the problems are.

With those few remarks, I say that this is a very sad day, indeed.

Hon. Maanzo: Thank you, Hon. Deputy Speaker for giving me this opportunity. The EACC is constituted under the law and its Secretariat is supposed to act when there is a report to be investigated. They can only be directed by the Auditor-General's report where audit queries have been raised, or if a complaint has been launched by a person who thinks that some law has been breached. Then investigations are conducted. If investigations show that there are reasons to prosecute anybody, then the law requires that the person is prosecuted in the right way and within the law.

However, there cannot be harassment. The Press cannot be used to prosecute people. I have seen that tendency with the Commission where committees are condemned wholesale. That happened to the Departmental Committee on Agriculture, Livestock and Co-operatives and also the Public Accounts Committee, which was previously headed by Hon. Ababu Namwamba, and now is headed by Hon. Gumbo. When something is published in the newspapers, it ends up tainting the names of the Members of Parliament unnecessarily.

It is used for political purposes. That is not how prosecution should be done. There should be proper investigations before prosecution. The Commission has very qualified people who are very well trained. Now that this House has pronounced itself on the people who are working in the Commission, some of whom have worked there for about 15 years and have not been vetted, they should be vetted. We should come up with a mechanism for vetting them just the way Judges were vetted by the Judges and Magistrates Vetting Board. Anybody who is working in senior offices should be vetted. Now that we have passed a law to regularise commissions, this Commission should be empowered and devolved. It can only be empowered by this House. Therefore, there has to be a good working relationship between the House and the Commission. There has to be mutual respect and all of us should be guided by the law, as President Obama said. He said that he is not above the law. The Commission is not above the law, we are not above the law, but there must be some respect when prosecutions are being conducted.

Hon. Deputy Speaker: Member for Lamu West.

Hon. Kariuki Ndegwa: Thank you, Hon. Deputy Speaker. I join hands with my colleagues to empathise with Hon. Wamalwa. It is disappointing for anybody to deny legislators an opportunity to give their views and deliberate on issues which affect the country. The officers of the EACC are just there to settle scores. They intimidate people while investigating them. They help political losers to fight leaders. If you look at today's newspapers, you will see the people who are supposed to be investigated. These are just laymen as far as investigations are concerned. We have the Auditor-General who can easily tell who has misappropriated funds. We also have another body which is meant for investigations, namely the DCI.

So, we have duplication of duties. Laymen with no qualifications are supposed to investigate other persons, whereas we have people who are competent and have proper qualifications to enable them analyse misappropriation and misuse of public funds. These people should be treated as we treated the former Electoral Commission of Kenya. The Commission should be disbanded. If that body has to remain, we should recruit competent people. We should not just pick a person and tell him that he will watch over public funds because he knows who is who. The EACC officers are there to enrich themselves by intimidating public officers. They get into offices in the guise of investigations.

If I want to intimidate anybody today, EACC officers will be the best persons to hire. Just tell them "Today, Hon. John Mbadi is getting at me seriously; can you keep him on his toes?" When they start investigating, I will then ask them to take him to court and harass him. They will feel that they are achieving their objective.

I would like to join my colleagues and say that the EACC Secretariat should be investigated to find out whether they are executing their mandate properly without any influence from certain quarters.

Hon. Deputy Speaker: Hon. Ndegwa, your point has been made. You can give a chance to another Member because I am only giving a chance to one more Member. We have ventilated, Members.

Hon. Kariuki Ndegwa: Thank you, Hon. Deputy Speaker. I join my colleagues in saying that the EACC should be disbanded and a competent body be formed to secure our public funds.

Hon. Wandayi: Thank you, Hon. Deputy Speaker for this opportunity. Whereas I sympathise with the situation of my good friend, Hon. Wamalwa, I would want us to be a little

bit cautious in the manner we approach this matter. In the absence of facts, it is very difficult for us to judge what is happening between the EACC and my friend, Hon. Wamalwa. This House is on the spotlight; the whole country is watching it and we can easily fall into a trap and be treated as a House which is overly against the anti-corruption efforts. I would want the Committee to address the issue raised by Hon. Wamalwa independently. The fact of the matter is that corruption remains a very big problem in this country. This House should not make itself to be seen as one which is not supportive of efforts to address corruption. The EACC under the law has got a very wide mandate; it can initiate investigations on its own, without being referred by anyone. What is important is that we have a mechanism as a House to address the matter of strengthening the EACC.

The EACC is a constitutional commission and I have seen past attempts to make it work in a manner that does not really comply with the Constitution. This House has got a responsibility to help the President and the Executive fight corruption. There is this issue of harassment; I would want to plead with my colleagues that whatever one may do against you, if there is not enough evidence to prosecute or convict you, there should be no need to worry. The EACC can do whatever they want against you, they can investigate you but even if they choose to take you to court without adequate evidence, in the fullness of time you will be acquitted.

Therefore, this House needs to take a moral high ground and be supportive of all efforts to tackle corruption, without really appearing to personalize it. I want this to be very clear because tomorrow you will read in the daily newspapers screaming headlines that the House gangs up to condemn anti-corruption commission and fight it. That will be a very sad day. Let it go on record that we are not opposed to the fight against corruption, but again we insist that the fight against corruption should be undertaken in a transparent and objective manner.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Members, you know we could go on with this issue; it affects many of you but even if it does not affect you personally, it affects you in a different way, either through proxies or even in your role as a legislature. So, Members, I really know that you all want to say a word on this, but we really must bring it to a stop so that we can continue with the business of the day. Hon. Washiali.

Hon. Washiali: Thank you, Hon. Deputy Speaker. I want to join my colleagues in sympathizing with my colleague who is my counterpart on the minority side because of the experience he went through when the EACC officers went to investigate his office. As Hon. Wandayi says, I want to encourage my brother Hon. Chris Wamwalwa to allow officers to do their work. The truth of the matter is that if you are operating transparently and in accountable manner you should not fear officers coming to investigate your office.

I have been here longer than my brother and in the 10th Parliament when I was a Member of Parliament, I was investigated three times. I did not raise anything against EACC; they investigated and went away. Therefore, I want to just tell my brother that in any case even when they are investigating the CDF, it is not him they are investigating because the CDF has a Fund Manager, committee and chairman. Therefore, the officers come to investigate the CDF and not my brother, Hon. Wamalwa who is actually just a patron. Therefore, we should not blame EACC officers that they come to intimidate us. To me, it is not intimidation and we should allow the officers to carry out investigation. The other day we had issues with the CS Waiguru; some leaders were saying she should be investigated. The truth of the matter is that if there are any

reasons for any officer to be investigated then they should be investigated. If found culpable they should be taken to court and if found innocent and their books are okay they cannot be charged for an offence they have not committed. Therefore, I just want to encourage my brother again to allow the EACC officers to do investigations; should they find him culpable he will have to face the law.

Thank you, Hon. Deputy Speaker.

(Laughter)

Hon. Deputy Speaker: Order, Members! I think Hon. Washiali has summarized for us. My guidance as had been requested by Hon. Wamalwa is that should any member genuinely feel that they are being targeted by the EACC for anything that takes place on the Floor of this House, we have a capable committee and the Chairman has already indicated that they are ready and willing to investigate the matter on their behalf and bring it to the Floor. So, Members, if any of you has a genuine feeling that EACC is targeting them for one reason or another, you can use our capable committee to carry out investigations and bring a report to this Floor.

Thank you.

BILL

First Reading

THE BIOMEDICAL ENGINEERS BILL

(Order for First Reading read – Read the First Time and ordered to be referred to the relevant Departmental Committee)

MOTIONS

PERIOD OF SERVICE FOR POLICE OFFICERS AFTER TRAINING

THAT, aware that the Kenya Police Service spends considerable resources on training officers among the cadre of trainees; further aware that many of the police detectives are hired by other Government and private institutions as soon as they acquire the necessary expertise and experience; deeply concerned that this results in delayed and botched investigations and failed conclusion of critical prosecutions plus a high number of acquittals due to perennial shortage of specialized officers in critical departments such as ballistics, forensics, document examinations, fraud detection, money laundering, transnational crime and cyber crime; cognizant of the fact that private employers are able to offer superior terms, this House urges the Government to ensure that any Regular Police, Administration Police Officer and Prisons Officer who benefits from specialized training at the taxpayers' expense should serve in the public sector for at least 10

years before leaving for the private sector or refund the public funds used in their training

(Hon. Waluke on 8.7.2015)

(Resumption of Debate interrupted on 8.7.2015)

Hon. Deputy Speaker: Hon. Members, on this one remember that what was being debated was the amendment. Can we just get a few Members contributing on the amendment before we put it to the vote? Some of you do not even know what the amendment was. It was an amendment by Hon. Daniel Maanzo and it is on your Order Paper, it states:-

THAT, the Motion be amended by inserting the following words at the end thereof “and further that the Government in turn considers proper remuneration, accommodation and welfare of all police officers”.

Hon. Ali Rasso, had you contributed to this amendment?

Hon. Dido: Thank you, Hon. Deputy Speaker. I rise to support this Motion as amended---

Hon. Deputy Speaker: No, it has not been amended; you are just debating the amendment; we have not put it to the vote.

Hon. Dido: Okay, Hon. Deputy Speaker, I rise to support this Motion. The import of this Motion is much bigger than what is put here. It is about the terms of service of the police force. It is about why we cannot retain our police officers in service for long periods, and why specialized cadres, who attend long courses overseas using taxpayers' money, cannot be retained in the service. Primarily, it is about the incentive to keep them around. It is about promotion and investing in them for them to undertake their jobs without any hindrances or difficulties. Even under the police force reforms, including the vetting of police officers, most of these things have become very heavy, in that it has taken a lot of time for the reforms to be grounded and for the officers to feel confident that they can continue serving.

There is always, in any job, the issue about greener pastures - the grass on the other side is always greener. That is why many institutions, particularly in the area of security, are coming up and poaching those members of the police force whom they believe can add value to their institutions and in the process weakening the police service itself. For that reason, I believe the Government has a duty to ensure that those who have had long specialised training are retained.

In the military, where I was for many years, if an individual attends a specialised course, they must undergo a bonding, that is they sign a document that ensures that they remain in service for at least five years and if they opt out, they must pay back the money that was used to train them. To an extent, the incentive is about promotion and increasing stipend for the specialised jobs they do. It is also about police welfare.

Hon. Deputy Speaker: Hon. Rasso, you are debating the Motion. What I am trying to get is a few more contributions on the amendment, so that we can put it to vote and then we can debate the main Motion. The amendment to the Motion is specifically the addition of words at the end which are:

“and further that the Government in turn considers proper remuneration, accommodation and welfare of all police officers.”

That is the amendment we want to debate and dispense with; we want to decide whether we want to add the above words to the Motion or not. I have been waiting to see you address yourself only to that before we bring back the debate. You should debate the amendment and contribute to the main Motion once the amendment is passed.

Hon. Dido: Thank you, Hon. Deputy Speaker. I support the proposed amendment because it is about police welfare. We cannot retain officers in service if their welfare is not looked into.

I beg to support.

Hon. Deputy Speaker: Anybody else who wants to support the amendment? Hon. Joseph Limo, are you speaking to the amendment? I want to put the Question.

Hon. Limo: Hon. Deputy Speaker, I support the amendment. If you have people in service and their welfare is not well-taken care of, it will be an effort in futility. Therefore, I support that their welfare should be looked into.

Hon. Deputy Speaker: Hon. Onyura.

Hon. Onyura: Thank you, Hon. Deputy Speaker. I rise to support this amendment. It should be fairly obvious that one of the reasons why people move from one job to another is to look for the so-called greener pastures. If you can make a job green enough, it will be one way of not only retaining staff but also attracting good calibre staff.

I support the amendment.

Hon. Deputy Speaker: Hon. Members, in the interest of time, I would now like to put the Question.

(Question, that the words to be added be added, put and agreed to)

(Question of the Motion as amended proposed)

We now want to move to debate the Motion as amended which now reads:-

THAT, aware that the Kenya Police Service spends considerable resources on training officers among the cadre of trainees; further aware that many of the police detectives are hired by other government and private institutions as soon as they acquire the necessary expertise and experience; deeply concerned that this results in delayed and botched investigations and failed conclusion of critical prosecutions plus a high number of acquittals due to perennial shortage of specialized officers in critical departments such as ballistics, forensics, document examinations, fraud detection, money laundering, transnational crime and cyber crime; cognisant of the fact that private employers are able to offer superior terms, this House urges the Government to ensure that any Regular Police, Administration Police Officer and Prisons Officer who benefits from specialized training at the taxpayers' expense should serve in the public sector for at least 10 years before leaving for the private sector or refund the public funds used in their training them, and further that the Government in turn considers proper remuneration, accommodation and welfare of all police officers.

Hon. Gunga Mwinga, the sound is very low. The microphone does not seem to be working. Try to use the next one.

Hon. Chea: Thank you, Hon. Deputy Speaker for this opportunity. I wish, from the outset, to support this Motion as amended and equally thank Hon. Waluke for having brought it.

No doubt, security is very important for the political, economic and social development of this nation. It is true, as stated in the Motion, that officers are trained with taxpayers' money. It is important that, having received such training, they give back to the public. If this Motion sails through and is implemented, it will serve so many things. First, it is likely to maintain a stable force. We are going to have a stable force within the country.

Secondly, if the Motion goes through, issues of remuneration related to the offices and their welfare will equally be taken care of. I have to mention that it is everyone's desire to go for greener pastures but where the Government has spent a lot of money in your training, it is expected that you give back to the society. It is important to point out that, as a result of so many officers leaving the force, we will always cry of shortage of officers. There are so many constituencies and several counties where to-date we talk of lack of officers. Therefore, security gets compromised by the day.

Hon. Deputy Speaker, my experience, in terms of prosecutions in court, is that there are so many experts in different fields. For instance, in the area of examination of documents, we used to have a situation in this country where we had one person who would examine documents. He was the chief document examiner in this country. Those who go to court must have realized that they would go to court one day and find that the particular document examiner was attending court proceedings in Kisumu or Mombasa. So, the case would have to be adjourned for, say, three months before his attendance is secured so that he could give evidence. At the end of the day, justice is delayed and denied for the suspect. So, if there is a way in which we can have such officers retained in service after they have undergone training, it will serve this country better.

However, we should not look at it in terms of when they are in employment. It is equally important for this nation, if we are to make strides; to ensure that, even upon retirement, such officers, especially specialized officers; we keep on utilizing them. I want to believe that in some issues experience is gained depending on the amount of time spent doing something. Going forward, the Government should come up with a way in which we can engage the services of such specialists.

With those few remarks, I sincerely support the Motion.

Hon. Deputy Speaker: Timothy Wanyonyi!

Hon. F.K. Wanyonyi: Thank you, Hon. Deputy Speaker, for giving me a chance to contribute to this Motion. I support the Motion as amended.

Hon. Deputy Speaker, this is a case of brain drain, where the Government invests so much in these officers, in terms of training them, only for the Government to lose them to other agencies. This is because even after undergoing training, the officers realize that their welfare, remuneration and accommodation are not taken care of. If you have ever visited the areas where police officers live within police stations and police lines, you must have realized that the houses are pathetic. Most of the officers live with their families in what I call shanties because dwellings for individual families within premises are divided by makeshift curtains, despite the fact that officers live with their families. Therefore, if the welfare of such officers is not taken care of,

they will definitely migrate to some other places where they will get better pay because their welfare is paramount.

As we debate this Motion, we should go further and look into issues affecting other public servants. This is because the Government trains many public servants, only for us to lose them. For example, we have so many Kenyans working in other African countries because we spent taxpayers' money and ended up not offering them employment. We must, therefore, look into the issues affecting such officers and ensure that before we bond them to ensure that they remain in the service, we sufficiently take care of their welfare. Their pay must be looked at. That is the way to go. We cannot keep on saying that we have spent so much money and, therefore, they must remain in the service when one cannot make ends meet. That is how the issue of corruption comes about. Because of the meagre pay that they earn, they are forced to look for other ways of surviving. That is how we end up having corrupt public servants, including members of public; we are the ones who end up bribing public officers and doing all manner of things. We know very well that even the officers who protect us are hungry men. They live in squalor. That is not something we must be proud of.

Hon. Deputy Speaker, this Motion should proceed to do more than what has been proposed.

Thank you.

Hon. Deputy Speaker: Hon. Zainab Chidzuga!

Hon. (Ms.) Chidzuga: Shukrani, Mhe. Naibu Spika. Nimesimama kuunga mkono na kumpongeza Mhe. Waluke kwa kuileta Hoja, ambayo inagusia usalama wetu kikamilifu.

Serikali huwaajiri watu na kuwapa mafunzo maalum lakini baada ya muda mfupi, watu hao wanaacha kazi na kwenda kuhudumu kwingineko. Hali hii imechangia ukosefu wa usalama nchini, kwa sababu maafisa wanaobakia kwenye kikosi ni wale ambao hawajapata mafunzo yanayohitajika kwenye vitengo tofauti. Kwa mfano, ukiangazia kundi la *Recce* katika idara ya polisi, utaona kwamba ni maafisa wachache sana ambao hupata mafunzo maalumu. Tunapowahitaji, inakuwa vigumu kupatikana kwa sababu wako katika kambi moja pekee. Kama mafunzo hayo yangesambazwa kwa kila pembe miongozi mwa kikosi cha polisi na maslahi yao yaangaliwe vilivyo, itakuwa vigumu mtu kuacha kazi kwenda kutafuta matunda katika maeneo mengine, kinyume na alivyokubaliana na Serikali alipokuwa akiajiriwa kazi.

Kwa nini ninasema hali hii inachangia utovu wa usalama? Tumeweza kuona na kusikia kwamba miongoni mwa majambazi wanaokamatwa ni watu ambao walipitia kikosi cha polisi. Baadhi ya maafisa wa usalama hushiriki kwenye uhalifu ili wapate hela za kuwawezesha kujimudu kimaisha.

Mhe. Naibu Spika, kwenye vikosi vya majeshi yetu, kuna mkataba ambao unasema kwamba mtu hawezi kuacha kazi ya jeshi mpaka atakapohudumu kwa miaka fulani. Kwa hivyo, kwenye mkataba wa ajira ya askari polisi inafaa tuweke kipengele kama hicho ndiyo isiwe rahisi kwa hao watu kuacha kazi, na mtu akiamua kuacha kazi mapema iwe ni sharti alipe ridhaa ya zile pesa ambazo zilitumika wakati alipokuwa akipatiwa mafunzo. Pia, tukitekeleza ukarabati ambao umependekezwa na Mhe. Waluke ili kuangalia jinsi tunavyoweza kuwasaidia maafisa wa polisi, itawafanya vijana, kinyume na jinsi ilivyo sasa, wakubali ajira katika kitengo cha polisi. Ukiangalia nyanjani wakati watu wanaambiwa waende wakaombe hizo kazi, vijana wengi siku hizi wamevunjika moyo. Hawataki kuenda maana wanasema: "Hata nikienda, sina nyumba nzuri wala mshahara wa maana. Mwisho itaishia nishindwe na kazi."

Katika kitengo cha polisi miaka ya nyuma Makamu wa Rais akiwa ni Mhe. Moody Awori, ilitokea kwamba kutakuwa na usimamizi maalum ambao utaweza kubadilisha maisha ya kitengo cha magereza na hata polisi wa kawaida. Lakini, ukiangalia zile nyumba ambazo zilizengwa, nyingi ziko Nairobi na miji mikubwa. Kadhalika, hazimfaidi anayepaswa. Nyingi zimechukuliwa na wale maafisa walio na mishahara mikubwa na katika ngazi za juu. Ofisa anayetumikia katika ngazi ya chini anakuwa mtu anayenyanyasika kimaisha.

Ninaunga mkono Hoja hii ikiwa na ukarabati ambao umeletwa na Mheshimiwa mwenzetu. Shukrani Mhe. Naibu Spika.

Hon. Deputy Speaker: Hon. Onesmus Njuki.

Hon. Njuki: Thank you, Hon. Deputy Speaker, for the opportunity to contribute in this Motion as amended. The police force is one of the forces that are very close to the hearts of Kenyans when it comes to security issues and the extra work they normally do. But, we have seen numerous shifts and migrations from this force because of the pathetic situation they normally operate in.

I listened to my brother, Hon. Tim Wanyonyi, describe a police house. These police officers do not live in houses most of the times. They live in tins, those metallic round things which Hon. Waluke must know their proper names. Sometimes you find them sharing that tinned shack between, not just two policemen but with their families. They are also human beings and they also have families and a life to live.

I had a very nasty experience when I came to this House. I was given a bodyguard from my rural home. Of course, they have to live here when we come to Nairobi. The nearest place he could get a place to live in was somewhere in the west of this city. He was given a room in a house that was being shared by another police officer with two wives and four children. Some of the children were grown up daughters. What was between those two rooms was just a curtain. You wonder how this young man was supposed to share that room and even the bathroom facilities with the other family and observe his privacy and, of course, respect the privacy of the other house. It is a very difficult situation. Under such circumstances and if someone got another job that is well paying, they will just leave. What is the effect of this?

I have seen that most of the pilots who fly the choppers at Wilson Airport are former police officers who were trained using taxpayers' money. Even the owners of the choppers trust them more because they feel they have better training than civilians. What happens is that we end up having more mediocre pilots who are left behind to fly our dignitaries. I have heard and I would not want to say it with a lot of confidence because whatever is rumoured in Kenya could hold a bit of truth, that the pilots who flew the former Vice-President Hon. Saitoti may not have had many flying miles as compared to those who fly these private choppers. The more flying miles you have, the more the experience. Sometimes we lose lives under very critical situations where they would have been saved if we maintained experienced pilots so that they can be value for money for the Kenyan taxpayer. Training a pilot costs a lot of money, especially a chopper pilot. These are some of the things we are saying are a brain drain which is not ordinary like the ones we find in these other jobs. This is because training a pilot costs a lot of money since these are specialised trainings and it is taxpayers' money. The fact that they do not stay long enough to be able to deliver what they are trained for is a loss to the Kenyans. It is not just the chopper pilots. I am told that Kenya Airways (KQ) prefers the same pilots who have been trained in the

forces. What is in place to retain them and make them work for the Ministry of Defence, the Ministry of Interior and Coordination of National Government or the police force?

The crime rate in this country is not a secret. We have seen former police officers who have been arraigned in court for having been involved in robbery in broad daylight like other robbers. We have seen it in the media and in courts. You know you cannot compare an armed former police officer with an ordinary thug in the streets, even if it is a member of *Mungiki*. That is a person with expertise. That is somebody who has been trained to handle guns and criminals. It is like sending a thief to catch a thief. Some of these happenings are because these people have been out of job. You may have got a job with a private company with a lot of hope and expectations. You of course know that the private sector may not give you the terms and conditions like the ones you have in the public sector. Therefore, they sometimes end up losing their jobs. I know an officer who was doing very well in the police force. He was offered a job at the airport by one of the companies that export goods and he was laid off after about one or two years. Nowadays he is on Mombasa Road. You know what happens on Mombasa Road at night. Armed robbers never used to be there in Ukambani. Nowadays you find so many of them there. It is because of such reasons.

Therefore, I want to thank Hon. Waluke for having realised there is need for us to regularise this and urge the Government to employ and retain rather than encourage this brain drain which can be a very expensive affair. It is not just turnover or brain drain; it is a risky affair even to Kenyans.

With those few remarks, I want to support the Motion. Thank you.

Hon. Deputy Speaker: Hon. Moses Injendi.

Hon. Injendi: Thank you, Hon. Deputy Speaker. I also rise to support this Motion by Hon. Waluke. I have been wondering that when it comes to recruitment of police, there is all the excitement for persons to join the force but then, interestingly, after the training, you find that these people are rapidly leaving the force. I am happy that this has come about, particularly with amendments. This is because what has been driving most of them out of the force after training is the living conditions and salaries.

Even as much as most of them leave the force, interestingly, they leave expecting to live good lives out there. Finally, when they find that they are not living this good life, they get involved in thuggery, killing and maiming persons using arms in the streets.

I want to support this Motion by Hon. Waluke and urge that, for us to retain these persons, we have to improve their living conditions. When it comes to one's life, it is very important that the Government takes care of it even after recruiting this person for employment in the force. I want to give example of most of the police officers and the kind of houses they live in even in my area. At the end of the day, this causes the person to leave the force to live another life even if it means a life of poverty. When it comes to housing, these persons live in very poor conditions. We know that most of the police officers are unmarried when they get recruited. When they get married, they have to live with their spouses in very small houses. When you are a young person and you get married you will want to have your fun with your wife. You want to procreate and this mostly happens at night. You find that four police officers live in a house when they are newly married.

Hon. Deputy Speaker, you know how you are supposed to do it when you want to procreate. You find that they have no fun and they cannot properly make love in their house. So they opt to get out of the police force.

When you look at their salaries, some of them earn as little as Kshs12,000. No wonder those who remain in service, particularly those in the Administration Police, kill themselves because they cannot meet the kind of expectations their wives put on them and yet they are employed.

At the end of the day majority of their wives become unfaithful. So, these officers decide to kill their wives and themselves. If we can improve the lives of these officers, particularly in terms of accommodation and salary, then we can condition them to work for 10 years, as he is proposing. However, I am not happy with the time; I would have proposed six years because 10 years are too many for a person to remain in the service.

I support the Motion, Hon. Deputy Speaker.

Thank you.

Hon. Deputy Speaker: Yes, Hon. Nicholas Gumbo.

Hon. (Eng.) Gumbo: Hon. Deputy Speaker, I thank you for giving me the opportunity to contribute to this Motion by my good friend, the Hon. John Waluke, in its amended form, which says:

“and further that the Government in turn considers proper remuneration, accommodation and welfare of all police officers.”

Hon. Deputy Speaker, growth is a natural process. Every living thing aspires to grow. Every human being aspires to grow, whether it is in profession or at work. I would be very surprised if 30 years from now there would be any Member of this House who would be comfortable to just remain a Member of Parliament without, for instance, having chaired a Committee or having made an advancement of any sort.

Much as we debate this Motion, we must admit that at the moment there is very little motivation for police officers in the service. Very often, even simple things like promotion depend on who you know as opposed to merit. It saddens me. The other day I was talking to a police officer in Kisumu who joined the police service in 1980, that is, 35 years ago. This gentleman is still a constable. Honestly, where is the motivation? I am sure there are several such police officers who have served in the service for over 30 years as constables. Even if these fellows do not have the education required, I am sure they know one or two things about security. Would there not be a way to consider such officers for promotion of sorts? Where is the motivation when you remain a constable for nearly 40 years? Why would you even want to continue working in the service?

The other sad thing is that we had a very ambitious programme for police reforms. This ambitious programme has largely stalled. The National Police Service (NPS) still remains one of the most opaque institutions in Kenya. Even simple things cannot be done in an open and transparent manner.

I will give you an example. It is common sense that every time officers go to work outside their usual station, they have to be facilitated. Even us Members of Parliament, when we go for seminars outside Nairobi, we are facilitated. I am sure you have seen the exchanges that are going on in the media. Last weekend, thousands of police officers were brought to the city to help with traffic control and enhance security during the visit of President Obama. It is very sad

when you read that some of these officers were bundled into lorries like sardines from their stations upcountry, brought to the city, taken to some godforsaken hostels in the eastern side of town and nobody cared how they ate or went back. Is this how you treat responsible people? Are we now waiting for another scandal to come up? Can we be told why nobody provided for the upkeep of the thousands of police officers who were brought to enhance security in the City?

When you hear things like this, you become very sad. As representatives of the people, we must pronounce ourselves on this. Some of these police officers say they were to be given allowances. Obviously, when they come to work here they have to eat and sleep in decent places. Are we now waiting for another inquiry to be started by this House on who took the allowances which were meant for the police officers who came to provide security and control traffic during President Obama's visit?

This Motion is good, but it cannot sort out this problem. Yes, it is true that a lot of resources go into training police officers and security forces, but we will remain nothing but a talking shop if, as a House, we cannot take measures to ensure that police officers are paid well, provided with comprehensive insurance and we improve the deplorable state of police housing.

I have had relatives who have worked in the police service. There is a time I visited one of them when I was just leaving university. I asked him: "Why are all these curtains in the sitting room?" I further questioned him: "How come you are sleeping here and somebody else is sleeping next door? How come some of you are married while others are not and yet the only thing dividing you is a curtain?" We are even encouraging immorality in the NPS through these deplorable conditions that we allow them to work in.

Most importantly, let us streamline promotions. This idea that you can only be promoted if somebody is able to hold your hand is bringing the morale of the police down. Let us also equip the police properly. If we do all these things and make the work of the police attractive, that in itself will have guaranteed retention in the force. However, it is not going to be possible even if we were to make laws because always there is the letter and spirit of the law. If I am living in a deplorable house, I do not have insurance, you are paying me badly, when you ask me to go and work outside my station you pack me in a lorry like a bag of sardines and you do not even care how I live, eat or sleep, how do you expect me to stay in service? Even if we enacted punitive laws, what would stop me from moving if I get a better employer? Everybody wants to improve his or her lot. What would stop me from jumping ship and joining somebody who is offering me better terms? It is unacceptable that today a lot of private security firms give better terms than the NPS to which we appropriate billions of resources in this House every year.

In the Budget that we passed this year, a huge amount of money has gone towards what ought to be the welfare of police officers. I am not one person who buys into the idea that the problem we have with our security is consistent underfunding over the years. If you look at the trends over the last five years, for example, if you take the NPS and compare it with the police in Tanzania, Uganda, Rwanda or Burundi, you will realise that the allocations that we make to our police service every year is more than what the Tanzanians, Ugandans and Rwandans put together make to their police services.

Let us improve the welfare of police officers and we will be able to train a disciplined service. When loss of job means nothing to you, even with punitive laws you will still jump ship.

With those remarks, Hon. Deputy Speaker, I beg to support.

Hon. Deputy Speaker: Hon. David Kangogo.

Hon. Bowen: Thank you, Hon. Deputy Speaker. I stand to support the Motion. I also want to congratulate my friend, Hon. Waluke, for bringing the Motion to the House. We are discussing a very serious issue here; the issue of the security of Kenyans. It is difficult being a policeman in Kenya under the current conditions especially having to serve until the age of 60. Our police officers deserve good houses. They need better working conditions and proper equipment.

You cannot work in an environment that is surrounded by the civil society and as you work, you are told to confront criminals who have powerful firearms with your bare hands. Many policemen have found themselves in the receiving end in their line of duty. It becomes difficult to balance between working and observing human rights. I do not know the human right that these people talk about when the rights of the police officers are not safeguarded.

Some police officers have lost their lives in their line of duty and we have not seen the human rights activists fighting for them. When a police officer kills a criminal or *Al-Shabaab*, they are taken to court. We need to encourage our police officers. There is need for them to be given a lot of morale in terms of remuneration, housing and promotions. This does not only happen to police officers. In the public service, officers are very demoralised. The legal officers in the Civil Service, for instance, in the Attorney-General's Chamber and other legal officers in the Civil Service are moving out to join other well-paying commissions.

There is need for the Salaries and Remuneration Commission, which is a constitutional commission, to come up with standardised job groups so that people with same qualifications, skills and expertise get similar remuneration, whether they are in the police force, the Civil Service, parastatals or any commission. By so doing, we will stop police officers from leaving the police force to become security officers at the Kenya Revenue Authority or the Central Bank of Kenya.

Until we harmonise the salaries of all public officers, officers who are trained by the Government and taken out for very many years for specialised training using taxpayers' money, we will not stop them from wanting to become security officers for the Kenya Power, KenGen or other institutions which are well-paying.

The Member for Westlands talked about police houses. I want to confirm that they are surely shanties and not houses. This House appropriates huge amounts of money to the National Police Service. The Budget of Kshs70 billion to the police service is not small. Almost 70 per cent of this money goes into the hands and pockets of corrupt individuals within the Ministry of Interior and Co-ordination of National Government and senior police officers. If this money is well utilised to take care of the welfare of police officers in terms of covering their promotion costs and giving them better houses, our officers would be very much willing to protect Kenyans and our country. This money should be utilised well. In the past, this has been the centre of corruption in this country.

The mega corruption in this country has been in the police force and the Office of the President. This includes the Anglo Leasing scandal which was in the name of buying police equipment and constructing police houses. Under the police reforms, our police officers should be given decent houses and their salaries increased. They should be paid their allowances when they go out and be promoted. It is very sad that a police officer who has worked for over 35 years is still in the same rank he was recruited. There must be a systematic formula of

promotions in the NPS. That is the only way we can encourage our police officers. We should also promote officers who have performed excellently.

The Independent Policing Oversight Authority (IPOA) demeans the services of the police. The Kavuludi Commission and the civil society are also intimidating police officers. As we pass this Motion today, it should be implemented to the letter. We have talked about very many issues.

We have sought many Adjournment Motions in this House whenever we have insecurity in certain parts of this country, but they have not yielded anything. We only sit here, discuss, pass and say that we urge the Government. In every Motion, we urge the Government. I do not know where the phrase “we urge the Government” came from. We need to compel the Government to do something. We should not be seen to be begging the Government to implement what it is supposed to implement. It is the principal duty of the Government to protect its citizens.

I support the Motion with the view that it is going to be implemented by the Executive to make sure the welfare of police officers in terms of their salaries, promotions and housing is looked into very well.

With those very many remarks, I support.

Hon. Deputy Speaker: Yes, Hon. Cyprian Iringo.

Hon. Kubai Iringo: Thank you, Hon. Deputy Speaker for giving me this opportunity to contribute to this Motion. Let me thank my colleague, Hon. Waluke, for bringing this Motion. I support it with amendments. As we argue over the issue of police officers, their terms of service, the way they conduct themselves and what should be done, we should consider whether despite training them, we should give them the right ammunitions, accommodation and other facilities for them to execute their mandate. The problem of the police officers is two-fold, namely, they are trained and given jobs, but are they remunerated to the extent that they are comfortable?

*[The Deputy Speaker
(Hon. (Dr.) Laboso) left the Chair]*

*[The Temporary Deputy Speaker
(Hon. (Ms.) Mbalu) took the Chair]*

Once we train them and send them out or take them to college so that they can perform special duties like ballistic and forensic investigations and documentation, they should be remunerated as per their certificates or what they have been trained in. That is why many officers will go for greener pastures in the private sector or even outside the country. They have the papers and when they bring them back, we retain them with the same salaries or give them a small token. We even retain them in the same premises where they were staying. At the end of the day, they become demoralised.

I support the amendment that as much as we would like to retain these officers after training them and after spending taxpayers' money, we also need to look into their welfare. If this is not done, they will run to places where they can get proper remuneration. For instance, if the Central Bank of Kenya is giving them cars, houses, telephone allowances and others, they

will run there. If we give them the right and necessary equipment and ammunition to do their work, I strongly believe that they will remain in the police force.

Equally, we should also have some terms. Once you train them, you also need to have an agreement on why you have trained them. We should tell them that we trained them because we wanted them to work in the police force, in certain departments and their services should be seen to be offered within a certain period because money was spent in their training. If you are trained and by the time you finish your training you are already looking for a job out there, it becomes an expense to the taxpayer. It will also be a loss to the police force. We should have a policy to the effect that once a police officer has been trained in a certain line of duty he or she needs to offer his or her service there until a given period is over before moving out.

We have a similar policy in the armed forces where once one has been trained as an officer in the armed forces, he or she cannot just walk out and do other jobs elsewhere. You have to offer your services. I used to work in a bank some years back and the bank used to train us. Once you were trained, you had to sign an agreement with the bank that you would not leave that bank until you worked for it for four years after the training. This is because already the bank had put in some money to train you. Therefore, you need to render services to pay back that institution. This should happen in the police force. Once an officer has been trained, he or she should render his or her services for some time before he or she leaves.

The Kavuludi team in the Police Service Commission should not be sitting there harassing police officers in vetting rooms by asking them how many children and houses they have and how they acquired that goat or *shamba*. Those are trivialities. They should come up with a policy in terms of how they can keep the police officers comfortable in their jobs so that they can render the maximum of what they can offer.

We have had cases of police officers, mostly the Administration Police Officers killing themselves. Unfortunately, we do not get to know why they do so. But if you go to the root cause of the matter, you might find that it is because of frustrations. Maybe they cannot even feed their families. Maybe they are bodyguards to some officers including the Members of Parliament, but where they sleep or what they eat, God knows. They get frustrated and instead of killing other people, they kill themselves. We should investigate why they are demoralised to that extent. Are they remunerated well? My colleagues have echoed it here and I will repeat that where these police officers sleep is pathetic. If you visit Utawala Quarters, you will find that two officers sleep in the same house which has one sitting room and one kitchen. It is only the bedrooms which are separate. This is the case and yet these officers have families.

I have a friend who is almost my age mate, a grandfather, but when I visited him I was shocked by where he sleeps. When the wife visits, I do not know where she also sleeps. I find it quite weird. Therefore, the Budget we allocate to the Ministry of Interior and Co-ordination of National Government or the police force should be tailored to support our officers morally. Once we train them and support them morally, I strongly believe they will offer better services to this country. They will secure this country. You do not expect somebody to dig or farm when they are hungry. When you go to the farm, you just doze or sit down to rest because you do not have the energy.

Equally, if you do not know where the next term's fees for your child will come from; when you do not know when you are going to buy the next pair of shoes and you know that you needed to buy a cow but you cannot even afford a goat, you find that there is no need of working.

The Government and the NPSC should wake up after this Motion by Hon. Waluke and ensure that we train our police officers, have a system of exit for them and keep them comfortable in their places of work. We should also arm them properly to fight crime.

Most of our officers carry G3 rifles and AK47 and yet they are expected to confront the *Al-Shabaab* who have sophisticated guns. Why can we not invest in buying more guns? How can thieves have better weapons than us? Let us put our priorities right. I strongly believe that if we put our priorities right, our forces will be of more use to us and we will not experience hue and cry all the time that our policemen have done this and are not doing that.

Police officers are sons and daughters of this country. They are our children, fathers and mothers. If we remunerate and house them well, at the end of the day, we will get best services from them.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Very well spoken. The Member for Ugunja, Hon. Opiyo.

Hon. Wandayi: Thank you, Hon. Temporary Deputy Speaker for this opportunity. From the outset, I rise to support this Motion as amended. I am very grateful to my friend, Hon. John Waluke, for having thought it wise to bring this Motion. This Motion could not have come at a better time.

I want to speak to this Motion very briefly particularly on the aspects brought about by the amendments. It is a fact that police officers in this country work under increasingly difficult circumstances. They work under very tough challenges. It is only in this country that we still have the police being seen as a reserve of failures. This is a historical problem. In the past, the profession has been left to people who have not performed well in school. This has continued to perpetuate the fact that police service is a reserve for failures.

In most countries, more so in the west, for example, America, police service is a very serious profession. It is a profession just like any other. Indeed, in some countries, it is a very coveted profession and it takes the very best to get admission into the police service. In Kenya, it is totally the opposite of what happens in the developed world. It is dehumanising that police officers can be expected to offer services within the conditions they operate which, to say the least, are not fit for human survival. The fact that police officers are underpaid does not need to be overemphasised. I have heard of amounts of money appropriated by this House to the NPS. The fact of the matter is that even though the amounts appropriated look big, they are not sufficient to address the needs of the NPS, particularly on the matter of remuneration, housing and other welfare aspects. So, this country needs to do more to adequately fund the NPS so as to take care of the officers in a manner that can make them capable of providing services to the citizens of this country.

It goes without saying that if a police officer is underpaid, his or her morale plummets. A demotivated or demoralised police officer cannot be expected to offer services to the country. This is an issue we have talked about over and over. It is also a fact that police officers in this country do not even belong to a trade union. Therefore, there is no one to agitate for their welfare. There is no one to fight for their welfare too. So, these officers are left at the mercy of no one because there is probably no mechanism for them to articulate the issues they feel need to be addressed in order to make them feel like human beings.

In my constituency, if it were not for the Constituencies Development Fund (CDF), I do not know what could be happening now. Many a times we have been called upon in the

constituency to provide funds to renovate the housing units of police officers almost in every location. Sometimes, we go to those housing units and get appalled. You cannot believe that police officers who are supposed to offer services are made to live in conditions that are outrightly dehumanising. Why is it not possible for the Government to properly provide for adequate funds to address the issues of remuneration and welfare of police officers?

People will say that it is obviously a matter of budgetary constraints. That could well be so. However, a lot of money is wasted in this country through corruption. So, any sensible government would first and foremost look at ways of sealing the loopholes through which funds keep on being siphoned out by individuals for their own use at the expense of the citizens. If these monies were saved, we would have enough money to allocate to the police service to adequately compensate police officers for them to provide the services that citizens expect of them.

Hon. Temporary Deputy Speaker, on training, I must say that our police officers are fairly well trained. Indeed, the APs even look like they are better equipped and more trained than the regular police. Why do I say so? This is because in the villages, citizens are increasingly relying upon the APs for response purposes. They have responded very adequately and in a timely manner to distress calls even under the very difficult conditions that they operate in. So, what we only need is to provide mechanisms to make them motivated so that they continue offering these services in a manner that Kenyans will feel safe.

The other issue is overburdening of police officers. We are talking about their welfare. This is within the limit. This country has one of the largest police officer to citizen ratio in the world. This is because you find police officers being assigned roles which are secondary to their primary mandate. The primary mandate of the NPS is to protect citizens and ensure law and order prevails in the country. However, many times you find police officers have been assigned roles which, in my view, could be done by other people, particularly the issue of police officers being assigned to provide security to the VIPs and their property. This is a serious drain on taxpayers' money. I was happy the other day we debated the Private Security Regulation Bill. If that Bill sees the light of day, it will be possible for us to reserve the police officers for the work for which they are supposed to do.

It is inconceivable that you can arm a police officer who went to bed hungry, whose children are at home unable to go to school because of lack of school fees and whose wife is at home bedridden because of sickness and the officer is unable to afford medical care. You provide this person with a firearm and send him to provide security and you expect him to perform. This is the fallacy we are talking about. We have seen cases in this country where police officers have been implicated in crimes. Those crimes happen because police officers are unable to make ends meet due to poor compensation. So, this Motion needs to be passed in its entirety as amended.

Once the Motion has been passed, I call upon the Government to take definite steps to look for money in the manner I have suggested; seal the loopholes of corruption, get money, channel it to police officers and ensure accountability. We also do not want police officers to get money and fail to account for it.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Your time is over. Let us have the Member for Narok West, Hon. Patrick ole Ntutu.

Hon. ole Ntutu: Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity, first, to support this Motion as amended. I congratulate my good friend, Hon. Waluke Koyi of Sirisia Constituency for bringing this Motion.

Having served in the army for very many years, he understands the problem that we are facing as a country. This Motion seeks to prevent police officers like APs, the General Service Unit (GSU) and regular police from leaving the service immediately after graduation from police colleges. I totally agree with him that statistics show that very many young men and women go to these training colleges in the name of becoming police officers. However, immediately after graduating, very many of them leave the service. The reasons are many. The reasons most of my colleagues who have spoken before gave are poor remuneration, poor working conditions, lack of insurance in their work place and lack of vehicles and modern equipment. That is very true. However, I must say that Kenyans are very clever. Very many police officers leave the service because they have received good training from the Kenya Police Training College. Normally, they are poached by many private institutions such as insurance companies and banks so that they can go and provide the services and skills they got from the police training colleges.

Let me say that this is something that we must be very careful about. It is not just the private institutions that are taking our young men and women, the *Al-Shabaab* are also taking these young men and women to train them further so that they can come back and attack their motherland.

In Kenya, the people we hear have gone to Somalia and other countries only for them to come back to attack us are people we have trained. So, I totally agree with the Members who have spoken before me that we need to put a curfew or a regulation that states that somebody must serve, at least, five years like is the case in the army. If such persons have to leave then they must pay the amount of money that was used to train them. Even though it is very hard, it is one of the things that we must do as a country.

I heard my good friend, the engineer, talk about the number of police officers in the City being increased when the President of the United States of America, Obama visited us. I belong to the Departmental Committee on Administration and National Security. Yesterday, we interviewed the Cabinet Secretary for Interior and Co-ordination of National Government. First of all, we congratulate him, the Inspector-General of Police and the entire police force for a job well done. We must also congratulate the officers who did a good job to ensure that nothing happened. As a country, we have been congratulated by very many people. I wish Hon. Gumbo was here. I want to tell him that we are following up on what he said. We want all the officers who came to provide security, particularly those who came from upcountry to be paid their allowances. That is their right and they must be paid that allowance.

Our Government has tried its best. I hope all Members of Parliament will agree with me that today, when you go to your various constituencies, you will see new police vehicles. It could be that not all the constituencies have new police vehicles, but this time round we see very many vehicles. However, there is a front that the Government is not working on and that is housing. Nothing has been done about it. As a House, we must follow and ask the Cabinet Secretary for Interior and Co-ordination of National Government questions. The amount we allocated them during this financial year - about Ksh70 billion - is not little money. That money must trickle down to the people on the ground, particularly those living in pathetic conditions.

The other front that has been neglected is their salaries which have not been improved. As Members of Parliament, we must push and ask our Government to improve the salaries of these young men and women, if we want to retain them in Service. Obviously, it is human nature that if somebody gets greener pastures, he or she will move. Since I belong to the Departmental Committee on Administration and National Security, I must say that the Government has hired very many young men and women and most of them are graduating from these colleges. We have seen the numbers increasing. However, the question we need to ask is whether they are being paid well. We agree that the numbers are increasing; we have been employing them in good numbers of about 5,000 yearly.

Last year, we employed about 10,000. This year they are probably going to employ in large numbers. The questions we must ask are: When these people graduate and go to serve, are the houses they are expected to live in, in good condition? Are the salaries being paid to them enough and commensurate with the work they do? Those are the key issues that we must address.

The other issue is that we must look at the entire security force. It is not just about the police. We have Deputy County Commissioners, County Commissioners, Assistant County Commissioners down to chiefs and Assistant Chiefs. Are they taken care of when it comes to their working conditions, housing and such like things? That is something that we must address, as a House, because it is a problem. You cannot continue saying that you must put a curfew on the officers not to leave and yet you are not taking care of their welfare. We must look at it in its entirety. You have all heard that the Government has recruited about 700 Assistant County Commissioners. You should also know that most of them left for the county governments simply because they thought that the county governments would pay them better than what the national Government is paying. It is a good thing to move to greener pastures. However, we must also ask something about the training we have given that particular individual. It must be used properly.

Hon. Temporary Deputy Speaker. With those few remarks and because I want to give my colleagues a chance to also contribute, I just want to say that, as a country, we are moving forward and we must support it where necessary. We also must criticize when they do not do the right thing.

Thank you for the opportunity.

Hon. Mwaura: Thank you, Hon. Temporary Deputy Speaker. I rise to support this Motion. I want to start with the visit of our recent visitor and our big brother, President Obama. When he was here he spoke about corruption. I remember him vividly saying that if you are employed in the public service and you start accumulating wealth say, you buy a new car, a new House and yet people know your payslip, people are not stupid. They will know that there is corruption happening somewhere. Indeed, when President Obama went to Addis Ababa, he further quoted that there is nothing that will unlock the potential of Africa other than confronting the cancer of corruption.

It is no wonder that when you look at the corruption index, the police are always at the top of the list. I know sometimes Members of Parliament also fall under that, but it has more to do with the fact that people think that we want to increase our own money, which is majorly because of our social welfare system of the big man syndrome that affects people in political office.

If you look at the vetting of policemen under the John Kavuludi-led commission, you are likely to hear of a policeman with Kshs100 million in his account, which he cannot account for. If we are to share our experiences, as Members of Parliament, we will confess that in the system of police, things only work if you have power or money. In this country, if you want the police to do their job, you have to bribe them; you have to pay them over and above what they are supposed to do. I have been engaged in rescue missions of children with albinism and I have seen the way in which sometimes suspects corrupt the police to circumvent justice.

Recently, there was a suspect who was supposed to be involved in witchcraft. He had connived with some witchdoctors here in Lenana to take away two twins with albinism. They had approached a lady by the name Miss Winrose Simiyu. When we arraigned them before the police, before we even prosecuted the statements, already that man was well known to the police. He had already been told that he would be given a police bond. That in itself speaks about corruption that is inherent in the DNA of our police service.

In that regard, I would like to say this without fear or favour: Our police force is nothing more than a legitimate armed group of thugs. The people who are suffering as a result of miscarriage of justice in this country because of the police force are many. They continue to do so because they are intimidated by weapons of violence, uniform of the police and the status of law enforcers which is the police administration. Therefore, this Motion by my friend, Hon. John Waluke Koyi, is very timely because it wants to address the issue that would also help us, as a country, fight the vice of corruption. This Motion wants to address the malice that has made many of our people who cannot afford those bribes and do not know how Government works not get services. It will help us clean the otherwise corrupt police administration.

When I have conversations with police officers, they tell me that even the senior police administration sometimes fails to take action because if it were to and be seen to be jeopardising the work of a police officer who is involved in certain malpractices or serious allegations against them, they can as well be waylaid and killed or harmed when they are out of work. Indeed, Kenyans are aware.

We have heard of many stories of senior Criminal Investigation Department (CID) officers being killed or police officers being carjacked. They disappear without trace principally because of some of the cases they may be handling. Most importantly, sometimes if you look at the structure of crime in this country, you will note that there is always that connection with the police. It is very critical because recently when I was following that case, even the Office of the Director of Public Prosecutions (DPP) heavily relied on the CID, Divisional Criminal Investigation Officers (DCIOs) and the police officers on the ground to compile evidence that would make a case prosecutable.

When I look at this Motion, I see specialisation of police officers in very many critical professions can only happen if you are in the police force. You are aware that critical experience even from the best of our graduates can only be attained if people are admitted as police officers. I was very glad to find a former colleague at Kenyatta University is an Inspector of Police. That showed me that, indeed, now the police administration has already started taking graduates as part of their rank and file and not just as individuals who are there to take commands.

However, if you look at the remuneration and welfare of the police, it leaves a lot to be done. First and foremost, I remember a police officer telling me that sometimes you hear police officers killing each other because they are sharing a house. When you leave your house, the

other man may go and try to befriend your wife. You can imagine the privacy that is required of a home.

I married recently. So, that is in itself something that any man can kill for. You are talking about people who are underemployed, underpaid, armed and do very distressing jobs. When you look at the danger that the police go through in chasing criminals and yet for a very long time they do not even have insurance, you wonder how they fund their medication. There has been a proposal in the current Budget to allocate Kshs7 billion towards the police insurance scheme. However, we have also heard that there may be some elements of malpractice there but that is another story. The bottom line is that this Motion can only succeed if we also allocate more resources towards ensuring that the amended Motion and the items as enumerated here with regard to accommodation and remuneration are catered for. That is the only way we can show commitment towards this Motion.

I would like to urge the NPSC to take up this matter. We will support it as a House so that we can have a clean police force that will defend the people of Kenya.

Hon. Temporary Deputy Speaker, I support.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): You support. Thank you for reminding us that you recently married and appreciate the passion for privacy.

(Laughter)

Hon. Member for Kipkelion East, Joseph Limo.

Hon. Limo: Thank you, Hon. Temporary Deputy Speaker for this chance to contribute. I also wish to thank and congratulate my friend, Hon. Mwaura, who happened to have studied with me in the same university which is becoming the university of the future - Kenyatta University. Even the first President of the USA to visit Kenya recognised the importance of that university. I thank Hon. Mwaura for recognising the importance of privacy in life because he got married the other day. He even visited the President of the Republic of Kenya. So, I know that he has also recognised the importance of the current Government and upholding the constitutionality of the election of the President of the Republic of Kenya.

The police force is a service. The problem we have in Kenya is that many people are joining the police service for employment. It is high time Kenyans recognised that if you have a calling to become a police officer, you must recognise that it is a service and not employment. It is the same way pastors who are very committed were called to serve the people of Kenya in that line. The only problem we have in Kenya right now is that many people do not follow their calling. They go to wrong places for wrong things. We are in a sorry state because many people have been given wrong jobs. We do not understand why we even campaign to have professionals employed as police officers and servicemen.

What is important is that we must recognise ranks in the police service. There are commanders and inspectors, but there are also servicemen. The reason why we are overwhelmed when we are fighting with terrorists and bandits is because we fight with people whose skills do not match those of our police officers. Bandits and cattle rustlers are very brave people. They have lived with guns since they were two years old. They even help their parents, most of whom are police reservists, clean guns at the age of two. You take a Form Four leaver or a graduate to Samburu to fight bandits and yet he has never had a chance to handle a gun and is trained for

nine months only. They face very difficult situations and even the sound of a gun scares them. They put their guns down, remember their degrees and run home. So, we cannot fight terrorism, cattle rustlers or bandits when we are sending the wrong people to fight with these hardcore criminals.

I am saying that we must match jobs with skills. Even in the private sector where I worked for many years, you cannot have somebody holding the position of a manager if he is not trained. There is no way you can have a well trained manager working as a watchman at the gate. You must match skills with jobs. So, in the police service, we must identify talent. We must identify the people who will be police officers sitting in the office and planning. They must be very well trained in that line. They must be people who are well educated with even Masters Degrees and PhDs. For our servicemen who are supposed to fight and follow command, one does not need to have a degree. There are many people who are now asking for transfers. When officers are being released from Kiganjo, we get a lot of calls from officers wanting to be transferred to Nairobi, Kisumu, Eldoret and other urban centres. Why? They want to pursue degrees.

In this country, we have moved away from looking at service delivery to looking for papers. I am not a proponent of equal pay for equal skill only. We must also consider delivery of service. If somebody has performed exemplary, you should reward that person and, therefore, there will be differentiation of pay depending on skill, training and performance. That is how we are going to perform.

On the Motion which is before us, first, we must develop a structure of pay, benefits and other things like accommodation. There was a very good plan of building houses for police officers. Once you have that structure in place, then go for the individuals and employ the right people. If we want cadets, we employ people who are well educated. If we want servicemen, there is no harm in employing from Standard Eight all the way to Form Four. The reason why we have many criminals in this country is because we have a dangerous gap. There are people who attained below Grade D+ (plus) and there are others who did not proceed beyond Standard Eight. These are youths lying idle at home. What do you expect them to do? They become the right target for criminals and *Al-Shabaab* to take them away from this country.

We must look at those people. It is a big percentage. If you look at the transition from Standard Eight to high school, you will see that many people drop in between. Many people complete Form Four and are not in tertiary colleges or universities. Where are they? They are lying idle. We must have a clear structure in the police service so that when these police officers are trained and have been given the job, they must stay there for a certain number of years. However, we must look at their welfare.

In any organisation including the Government, when you are trained, you must be bonded for a certain number of years depending on the level of training so that you are restricted from moving away from your job until the tentative cost of your training is fully recovered through provision of service to the country. This Motion is in the right direction but there are many things that need to be addressed before we can implement it. These include proper pay, housing and proper identification of the right people for the jobs, so that when you are providing the bond, you are providing it for the right person to stay in that job. Staying is not important. What is important is the satisfaction which that person has to offer service within that bonded period. If

you hold somebody for 10 years and he is not satisfied and not offering any service, he can sit there doing nothing.

I support this Motion, but with a reservation that we must provide a proper structure for the NPS to deliver.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Thank you. Let us have the Member for Rabai, Hon. Kamoti Mwamkale.

Hon. Mwamkale: Thank you, Hon. Temporary Deputy Speaker, for this opportunity. I rise to support this Motion. From the outset, I join my colleagues in congratulating Hon. John Waluke for bringing this Motion to this House.

It is, indeed, true that training of experts particularly in the field of document examination, money laundering, cybercrime and forensics consume a lot of taxpayers' money. Most of this training is never undertaken within the Republic. It is mostly offered in developed countries. Many of them are taken to Israel, Germany, USA and United Kingdom (UK) for this training. It is, therefore, an expensive endeavor for the country and it consumes taxpayers' money. Indeed, we expect value for the money that we spend to train these officers.

For those who have been in courts, we have seen many cases being lost. Many crimes nowadays, particularly cybercrime or fraud require expert document examiners. Unless we have these experts in plenty and have good document examiners, we are going to lose these cases. Because criminals know that it will not be easy to prosecute and find them guilty, we are going to have an upsurge of crime as we are experiencing now. This is the case and yet we are spending taxpayers' money to train these officers. It is high time we peg that training and expenditure to some period of time. If we spend taxpayers' money to take them for training, they must be made to remain on the job and serve *wananchi* despite there being greener pastures. That is because it is the taxpayers who have spent their money to have them trained in those fields.

I appreciate and thank the Member who has brought the amendment. We have witnessed an exodus of officers, particularly those who have undergone the training, going out to look for greener pastures. Why is that so? It is because of the welfare aspect. We must appreciate that even now we are losing the war on insecurity simply because of the welfare aspect. If we are to take security seriously, we must start looking at the well-being of our officers. When we train them, we should appreciate that, that training adds value to their education and their lives and immediately they come back they must be given promotions. If we are to welcome those officers immediately they come back from the training with promotions, most of them would remain in the police force. It is high time we looked into the welfare aspect. Let there be promotions even for those who have not gone for such expert training. It is high we have a process of how one can know and be guaranteed a promotion. As I speak, there are officers who are now inspectors simply because their bosses, under whom they are working, like them. Some went to see a boss and were promoted. That is a very bad process and it must change. Otherwise, we are going to demoralize our officers and as a result we cannot expect to win the war on insecurity.

The housing aspect is something that must be looked into. This country has witnessed our officers shooting and killing themselves. We have seen suicide cases and people wiping out their families and even colleagues. All this is happening because of the environment in which they find themselves. Officers are people who work overtime. Some work overnight. You cannot expect married officers to share houses with bachelors. That is what is happening. Anybody can predict that, that kind of environment encourages promiscuity and adultery. As a result of that,

our officers, who are our children and brothers, have been killing themselves. If the Independent Policing Oversight Authority is serious about the welfare of officers, instead of blaming them and scrutinizing them negatively, they should look at their welfare and give them proper remuneration which matches that of others in the public service. Let those who have gone to universities be paid like other graduates in other corporations.

With regard to housing, police are human beings who deserve humane treatment. Making them share houses even when they are married is de-humanizing. Those aspects, once they are looked into and taken care of, I am sure our officers will remain in the force even after going for their training. Even those who do not go for training will strive to be there because there will be something to live for.

With regard to the insurance that is now being given to them, why should we wait for somebody to die in the course of his or her job for the family to be paid Kshs10 million? It is high time we looked at those who go for errands that are by nature very risky. Those officers who go to fight in Somalia should have a package for them to be paid when they come back or when they make strides and are successful in whatever they are doing. We should not wait for them to die in the course of their duties so that we can pay their families. It is high time we made arrangements for them to be paid even while they are still alive and when they successfully take up big endeavours or risks. Those are the things we can do. We are going to make strides in our fight against insecurity. Our police force will be a place where everybody will be fighting to go. If this Motion is implemented as amended, it is going to bring a big change to this country.

With those remarks, I support this Motion. It will make a big change once it is passed.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. James Nyikal, Member for Seme.

Hon. (Prof.) Nyikal: Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to contribute to this Motion. As Hon. Mwaura said, when President Obama was here a few days ago, he made great speeches. Kenyans danced, laughed, ululated and some even cried. If you look at the content of the speeches, he was talking about things we know, should have done and have even put up structures for. The question is: Why have we not done them?

Of the things he said, corruption and insecurity were upmost. We even have structures for them. Why are things not working? If we are to be really sincere in our happiness, elation and the optimism that we showed, we must start acting to achieve the ideals that he mentioned. This Motion, in a small way, gives us the opportunity to start acting out the things that we demonstrated we loved. It may do so in a small way but it is important. I would call upon the Mover, Hon. Waluke, to amend this Motion. Hon. Waluke, I am directing you to amend this Motion to say that this House “resolves” and not “urges” so that we can follow up with the Committee on Implementation and get there.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Prof. James Nyikal, you also have the option, as a Member of Parliament, to bring an amendment. The amendment is always debated and if carried, it will become part and parcel of the Motion.

Hon. (Prof.) Nyikal: I am directing it to where there is greatest motivation to get it done.

Corruption and security are at the doorstep of the police force. If you look at the issue of security in this country today, it is one of our greatest pains, particularly internal security. Our enemies have resorted to attacking us internally. In terms of internal security, the force that can deal with it most effectively is the police force. I know that we have been forced by

circumstances, due to the onset of the *Al Shabaab*, to use the other armed forces. However, it is the police that should do it.

In order to be effective, maintain security and fight corruption, we need a police force that is contented, has enough numbers, that can be where we want them and that will act from their hearts because they are serving.

Hon. Temporary Deputy Speaker, I know that bonding them will retain them, but the best way to retain people is to improve their working situations. If you look at the current situation - and I know it has been said but we can repeat it - it is a problem unless we solve it. The working conditions of the police are deplorable. We know about their remuneration. It is not good. There are structures we have created, like the Independent Policing Oversight Authority, the Police Service Commission and the police service itself. We have not harmonized them to work properly so that the police can feel that they are appreciated and work well. As I have said, many police officers are trying to do other things to make ends meet.

(Hon. (Ms.) Odhiambo-Mabona consulted loudly)

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Millie Odhiambo, today you are too excited. I know President Obama was here last week but, please, make your consultations low.

Hon. (Prof.) Nyikal: Thank you, Hon. Temporary Deputy Speaker for that protection. If you look at their remuneration, many police officers - and even the security that we have - try to sneak out to do other jobs. They go on other errands of escorting people and money to make ends meet. I think this is not acceptable. Even the officers we have as Members of Parliament, the little we give them on top is not enough. They move around with us and yet, we have not thought about giving them per diem as it is with other officers working in other Government departments. It is this kind of discrimination that makes them do all those things.

On housing, Hon. Mwaura has highlighted the need for secrecy for certain functions to go on. How can people live like that? On promotion, it is a known fact. We know how our officers are urging us to secure a promotion for them. Why can we not have a system where people get promoted for the work they do and not for who they know? We need to look at that. In the end, our relationship with the police is not cordial. They are desperate and poorly paid. We need a police force that when you see a policeman, you feel encouraged and safe. We do not want a situation where, when you see a policeman, you feel scared and afraid. We must change this.

I support this Motion that we should bond policemen to be there because we have enough numbers. But bonding people without improving their working situation is slavery. We cannot keep people in bondage because we spend money on them. We need to improve their situation and then the bonding will work.

With those remarks, I support the Motion as amended.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Members, is there any Member who wants to negate?

Hon. Members: No.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Member for Belgut, Eric arap Keter.

Hon. Eric Keter: Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to air my views on police officers.

At the outset, I want to say that I support this Motion. Why do I support it? This is an issue that touches sides as it touches the security of all of us in this country. So, we are dealing with a very sensitive issue. A police officer is an officer who has used a lot of money in terms of training and they may have been trained in Kenya or overseas. The issue is that most of them transfer to other firms and companies for better pay. The issue here is how are we going to retain them? I would like to thank the hon. member for coming up with this Motion - that we should have a way of bonding them to stay longer. I would like to urge that we should not look that the bonding aspect because what is important is the kind of service we expect from those individuals? Do we want them to protect us and our properties? How are we going to maintain them? Sometimes, when people blame police officers, I sympathize. That is because they look at the officers at the top. We are treating this issue on the top. What makes an officer receive a bribe? What makes an individual receive a bribe? We need to look at the resources they have. So, we should look at their welfare. The other day, I asked police officers in hardship areas like Kapedo how much allowance they were paid. They said they are given very little allowances. Imagine a married officer is given Kshs1,200 per month in a hardship area like Kapedo! It is really disturbing and we should look at this issue and be honest.

The other issue I would like to talk about is the salary. The salary given to those police officers is very little. Most of them get between Kshs18,000 to Kshs20,000 and yet, they have very large families. They need to educate their children. They need to look into their own welfare at home. Some go for training for six and others for eight months and we demand services from those people.

Hon. Temporary Deputy Speaker, I also find cases of officers injured or killed taking a lot time to be solved. It is like a punishment to them. There is an officer from Belgut Constituency who was killed in North Eastern in 2008 and up to now, the family has not been given anything. I feel hurt. We should look at the issues affecting our officers in a very good way. I think we are mistreating them. How can an officer stay in training for eight months? How can their families be looked into in terms of payment? We should view the issue of officers in a better way and not only bonding them. Bonding them is okay because we want to retain them to give us services. But the problem is what their welfare is. Look at the police officers, their homes and the type of houses they have. I can recall having visited one in Mombasa where a married couple shared a room by partitioning it with a curtain. We should be very realistic. I appeal to this House and the Government to look at the welfare of the officers in a better way. Those who are doing special services should be paid well and those going to risky areas should also be paid in time. All officers should be well remunerated.

Hon. Temporary Deputy Speaker, we should not only look at the police officers. Let us look at other Ministries. That is because in other sectors, we have officers who were trained using huge public money and in most cases, they render services for a very short time. I urge this House to look at this issue critically - particularly on the welfare. Through the welfare, I am sure we shall eradicate corruption which has become a talk. We talk about corruption but there is nothing substantial which is done. Yes, we should really eradicate corruption, but what are we going to do? You are giving an officer Kshs15,000 and subjecting him to very difficult conditions in life and you demand services. We should do more for those police officers so that

they render us good service and then we will have the ability to say: “Yes, you have been well remunerated. Give us better services.”

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Thank you. Hon. Members, this is a House of rules and procedures. Before I call upon the Mover to reply, I give a chance to Hon. Michael Onyura who is the Member for Butula for the few remaining minutes.

Hon. Onyura: Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to also air my views regarding this Motion. I know that I supported the amendments. That is because the amendments made significant improvement on the Motion as it was. However, there are certain aspects of this Motion that I have difficulty with, and would make me unable to support it fully in the form it is.

I am personally not comfortable with the issue of bonding. I do not think that, that is the route we should be going. That is taking a shortcut when we know the root causes of why we have such a high turnover in the police force. What we should be dealing with should be those root causes rather than trying to look for a shortcut. From my own experience of having been quite a long practising human resource manager, you are much better of having an officer who is willing, trained and happy. What we should be looking at is: How do we make or achieve a good working environment that will attract qualified and able people and retain them? I think that is what we should be looking at. You are really worse off if you are going to have an officer who is merely there, marking time and waiting for the period of the bond or the bondage as one of my colleagues alluded to, to end. They will not give you 100 per cent service. In fact, they will just give you part of it. That is why you find they are not committed and are de-motivated. It is worse having such a person than having somebody that enjoys and has job satisfaction.

It is the responsibility of the Government to educate its population and equip it with skills, including of those kinds. The shortages that we may be experiencing will be fairly artificial. It is as a result of poor planning. It is as a result of not matching the job market with the skills that we are giving to our population. How come that whenever recruitment---

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Member, just a minute. One minute. Of course, your time is--- I mean continue for just a minute.

Hon. Onyura: Sorry, I did not get that, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): This Motion had limited time. I am adding you one more minute.

Hon. Onyura: Okay. There is also a fallacy that those officers are not serving the taxpayers when they go out to work in the private sector. That is completely incorrect. If an officer leaves and goes to work with say, Kenya Breweries Limited (KBL) or Safaricom and the like, they are still serving the taxpayers. In fact, those are among the highest taxpayers in this country. It is not correct to say that it is a waste of taxpayers' money when they move to another section of the economy. Those are corporate taxpayers and they pay much more than anybody else. What we need to do is to plan properly and know what we need. If we need 1,000 document specialists, why do we only train 100? We should be able to plan and train the numbers that we need. That is because those resources and the people with proper basic education are there.

With that, I support.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Thank you. Hon. Members, we do not want to break our own procedures. The Motion on Order No. 9 had a balance of two hours and 10 minutes. We started at 10.10 a.m. and the Mover was to be called to reply at 12.10 p.m. I,

therefore, call upon the Mover to reply. If you are philanthropic enough, you can donate some time.

Hon. Koyi: Thank you, Hon. Temporary Deputy Speaker. I really want to appreciate all my colleagues in this House for their contribution. I appreciate those amendments like the ones by Hon. Maanzo and the Seconder, Hon. Lentoimaga. Before I continue, I want to donate my little time to a few Members of Parliament here. One is Hon. Olago whom I will give three minutes, Hon. Lemein of Narok two minutes and Hon. Dalmas Otieno two minutes.

(Laughter)

Hon. Members: Gender.

Hon. Koyi: Because of gender, I will give one minute to *Mheshimiwa* Joyce from---

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Who?

Hon. Koyi: Yes. Hon. Olago.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): And you have your two minutes. Hon. Members, the philanthropic Member who is the Mover has donated his eight minutes. You will only have two minutes to reply. The first one goes to Hon. Olago, Member for Kisumu West, three minutes.

Hon. Aluoch: Thank you, Hon. Temporary Deputy Speaker. This Motion could not have come at a better time from a better person as we try to implement the Constitution of Kenya, 2010. A better person because Hon. Waluke is not just an internationally trained military person, but is also world-recognized because of that training with money from the Kenyan taxpayers. Recently, when I went with him to Namibia, the founder President Sam Nujoma recognized him as having been in the Kenya Battalion (Kenbatt) when Namibia got independence.

I think we are digressing. The important thing is to understand that the Motion is talking about specialized training by police officers. It is not just welfare or remuneration. In my other life before I came to this Parliament, I interacted very closely with specialized law enforcement agencies. I know that the focus of this Motion should be on people like ballistic and firearms experts, people like document examiners and arm writing experts, people like Interpol and personnel who are involved in international border crime.

Training those types of staff takes time and public money. Once they have acquired the skills, they should be made to stay for a while before they go to the banking, insurance or private investigation industries. I say that because from my experience, many serious court cases are lost because we do not have people who can give evidence in court in those specialized fields. Many times, document examiners in matters involving fraud and forgeries do not come to courts in time. We have only three document examiners for the whole Republic and they have to keep on shuttling all over the Republic. At the same time, they have got to attend courts and they do not have time to look at the documents. At the end of the day, serious criminals go scot-free because of lack of evidence. That applies across the line to the other experts. Once we train them, we must find a way of remunerating them well and letting them stay to give evidence.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Thank you. The next beneficiary of the philanthropic Member is the Member for Narok South, Hon. Korei ole Lemein. You have two minutes.

Hon. ole Lemein: Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. I must appreciate my very good brother, Hon. Waluke, for coming up with this particular Motion. I concur with Hon. Olago Aluoch that, indeed, when three of us visited Namibia, we learnt a lot about Hon. Waluke and the service he did to that particular country.

I must say that this Motion is extremely timely because we all understand the conditions under which our policemen and women are operating. I believe that what the Members of Parliament have actually spoken about in the entire morning is, indeed, true. The working conditions of our policemen and women are pathetic. I believe the only way that we can prevent those specialized trained persons from running away from the police force is improving their working conditions and environment and, of course, their remuneration.

I support the Motion.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Member for Rongo, Hon. Dalmas Otieno, two minutes.

Hon. Anyango: Thank you, Hon. Temporary Deputy Speaker. I wish to advise against this Motion but, unfortunately, I am speaking on donated time. First of all, the security service is one of the services we share with the private sector. Who is going to train and has the facilities and capacity? It has to be the Government and it must be seen to be training for the entire economy. So, a mechanical bonding approach for 10 years is not responsive to productivity that is required in public service delivery performance. So, if we are going to apply this mechanically, that you work for us 10 years, training was just an opportunity, but then my performance under training and after training is evaluated by the whole economy. I should be accepted anywhere in Kenya even outside the rest of the world. I am still a Kenyan and I will still be contributing and you notice we send hundreds of billions back to Kenya from our experts outside the world.

The Government should first accept its responsibility to train for the economy. Two, the Government must realize it is the productivity of the officers in service that counts, not the two years that they were given and the several hundred thousand shillings that were paid for their training period. We should manage the public service employees on the basis of you joining competitively and you can quit if you are not satisfied and come back when we have opportunities in the service. If the economy has opportunities elsewhere for my labour, I should be allowed to go and come back. I wish to advise against this. It is an old practice that is not consistent with modern human resource management and my brother, I urge the House that if you do not withdraw, they should reject it

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Thank you. I am sure the Mover has already heard your advice. Member for Turkana, Hon. Joyce Akai, one minute.

Hon. (Ms.) Emanikor: Thank you, Hon. Temporary Deputy Speaker. I want to just dwell on one point. First, I want to thank my brother, Hon. Major Waluke for this very important Motion and I support it.

While we say the police force generally lives under pathetic and deplorable conditions, there is a group of those men and women in uniform out there in some far-flung areas in Kenya, including Turkana that in fact encounters double tragedy. Those are people who have no vehicles and their families are far. They stay for months and years without seeing them and without any communication. They are at the mercy of cattle rustlers and traditional warlords. We have cases of policemen faking madness in order to be transferred. That is because they cannot withstand

the situation. We have lost many senior officers in Turkana. Last week, we lost an Officer Commanding Station (OCS) at the border of Sudan and Kenya. We have lost many of them at the border of Ethiopia and Kenya. In fact, they are doing a job that should be done by KDF. Those are external threats.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Thank you. Your one minute is over. Hon. Waluke, you are the Mover. You have two minutes.

Hon. Koyi: Thank you, Hon. Temporary Deputy Speaker. My friend Hon. Ababu has come and he really wants to add his voice. I will let him have one minute and then I remain with one.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): At your disposal, one minute for Hon. Ababu.

Hon. Ababu: This is a very historic Motion and I support and congratulate the hon. Member. Indeed, it is quite fitting that this Motion is coming from a Member who has a background and history from the disciplined forces. Just to say that even as we do this - and I support fully - we should retain officers in whom the public has invested. Let us also make their working conditions an incentive for them to want to stay on their own free will.

I support this Motion.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): That is the advantage of being the Mover. The Mover, you have one minute and you cannot donate any more.

Hon. Koyi: Thank you very much, Hon. Temporary Deputy Speaker. I just want to thank all the Members of Parliament from both sides for supporting this Motion. If we continue with this spirit and unity, we are going to move this country forward. I just want to thank each and everyone, together with Hon. Maanzo who has moved the amendment. I am going to come up with a Bill to make sure that those officers' welfare is taken care of. It is Parliament that will pass each and everything. I am only asking both sides to pass this Motion because it is the start of everything for the welfare of the soldiers, police and other uniformed officers. Thank you very much again for those who supported and those who guided me with the amendments.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): You beg to reply.

Hon. Koyi: I beg to reply.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Members, I can confirm that we do not have the requisite numbers for us to put the Question and so, I do order that the Question will be put in the next sitting at the most appropriate time.

Before we move to the next Motion, please, join me in welcoming pupils from Mathusini Primary School, Mwingi West Constituency, who are in the Chamber, courtesy of Hon. Kitungi
Next Order!

(Applause)

FIREARMS TRACKING AND REGISTRATION SYSTEM

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Order No. 10 by Hon. (Dr.) Victor Munyaka, MP, to move.

Hon. (Dr.) Munyaka: Thank you very much, Hon. Temporary Deputy Speaker. I beg to move the following Motion:-

THAT, aware that many innocent Kenyans have been victims of crime attributable to stolen and illegally acquired firearms; concerned that, despite the proliferation of small arms, there has not been efforts to track location, movement and use of firearms held by licensed persons and the disciplined forces; acknowledging the need to adopt a mechanism for providing real time geophysical location and movement of firearms to facilitate recovery of stolen firearms and forensic identification of guns used in crime scenes; cognizant of the fact that a number of countries continue to implement modern technologies to regulate, monitor and track use of firearms; further aware that use of electronic tracking technologies, including the Global Positioning Systems (GPS) has been used to track and record location and movement of firearms; this House urges the Government to fit all guns held by licensed persons and the disciplined forces with electronic tracking devices and ensure the proper and comprehensive registration of all firearms in the country in order to curb insecurity.

Hon. Temporary Deputy Speaker, a firearm is a weapon from which a shot is discharged by the use of gun powder. Examples of firearms commonly used in Kenya are AK-47, G-3, Uzi and many other types of pistols. In Kenya, firearms are usually possessed by the disciplined forces, which include the military, Kenya Wildlife Service (KWS), Kenya Forest Service (KFS) and Kenya Police Reservists (KPRs). We also have licensed private gun owners. There are also illegal gun holders like criminals, robbers, terrorists, bandits and poachers. There are also some communities who, because of their cultural practises like cattle rustling, use illegally-owned guns. Other communities use guns for self-defence against their aggressors, especially where there is minimal Government security.

Firearms may be used for self-defence---

(Loud consultations)

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Millie Odhiambo, the level of your consultations is a bit high. We can almost hear what you are saying. Just lower the level a bit so that we can hear what the Member is saying. It is important to consult.

Hon. (Dr.) Munyaka: Firearms are mostly used by individuals for self-defence and by Government agents for maintaining law and order. Criminals use guns for robberies, assassinations, cattle rustling, poaching and to cause terror on innocent Kenyans. There are also cases where illegal firearms have been used in human rights abuses. For example in Nigeria, members of the *Boko Haram* use illegal guns to kidnap and mistreat girls. Most importantly, illegal guns have been used in political conflicts and civil wars like has been the case in South Sudan, Congo and Somalia.

Illegal guns in the possession of citizens cause many deaths and a lot of human suffering like we recently witnessed in Kapedo, Baragoi, Mpeketoni and many other parts of Kenya. Illegal guns can also be used to cause loss of property and wildlife. Due to loss of wildlife, the country will lose its earnings from tourism. Illegal guns can also cause conflicts, political instability and genocide in some areas. Illegal guns are a threat to national security, world peace, democracy and development. They are also a major cause of displacements from homes for people who are affected.

The Government has been having a lot of problems in dealing with illegal guns. It is a major crisis because most guns are cheap and readily available. The life of a gun is usually very long such that somebody can keep one and use it to terrorise communities for a very long time. Most of the guns are concealable. Due to this fact, somebody can transport a gun without anybody noticing. Most guns are acquired legally, especially by the Government for purposes of defence, security and maintaining law and order. Most private gun owners purchase their guns from authorised dealers once they get licenced by the Government. Illegal gun owners acquire guns through illegal traffickers. During conflicts, many guns get into the hands of communities and are transported across countries and used to cause chaos in the surrounding countries. For example, we understand that most of the illegal guns in Kenya found their way from Somalia, Sudan, Uganda and other neighbouring countries because of the porous nature of our borders.

The Government has been trying to control and mop up illegal guns, but the process has been so difficult because most of the communities who keep guns use them for self-defence and protection. Most of those areas like West Pokot and Turkana have minimal Government security and so, guns are very dear to the communities. They retain them for self-defence. The Government has tried to forcibly mop up illegal guns but the process has been so difficult because the communities are not ready to surrender them. The Government has also offered amnesty to encourage people to surrender illegal guns.

However, the most practical method of trying to get illegal guns from communities would be to create a system where the illegal gun owners can own the guns legally. If all illegal gun owners, especially in communities which use the guns for self-defence, agree to have their guns registered, tracking devices would be fitted in the guns to ensure self-responsibility. That is an approach the Government is currently trying to use, especially in the communities that own guns illegally. I believe that is an opportunity for the Government to understand how many guns are in Kenya illegally. The Government can be at peace once people surrender the guns, they are registered and fitted with tracking devices, so that they can become responsible communities.

The gist of my Motion is to urge the Government to register and fit all guns with tracking devices. To register a gun is to enter information about that particular firearm in an official book or a system of public records, so that we can have a data-base of all the firearms. This is similar to what Kenya has done in the past by requiring all Kenyans to register their mobile phones. We also register our motor vehicles and parcels of land. This is not a new thing for the Government. Registration is vital so that we can know the manufacturer of a particular firearm, the serial number, the owner, the service history and change of hands of a particular weapon. In this era of technology, we can use digital registers, so that it is not as cumbersome as when we use papers.

To track a gun means to monitor the geo-physical location or any change in the geo-physical location of a firearm in real time. The benefit of tracking a gun would be to recover stolen guns. We have many cases where thugs, terrorists and robbers have stolen guns from innocent Kenyans and police officers. The Government has not been able to recover those stolen guns. A good example is in Kapedo where 19 police officers were killed and 19 guns lost. It even took His Excellency the President to give a directive that guns should be surrendered, but we did not have a good method to ensure that the guns were surrendered. If those guns were fitted with a tracking device, then immediately after they were stolen, the Government would have followed them up. During kidnapping incidents, police officers have used the tracking system of mobile phones to save the victims.

There are several methods through which we can track guns. For instance, it can be through the Global Positioning System (GPS), where a firearm tracking system comprising of a geographic position signaling unit is securely attached to the firearm and wirelessly inter-connected to a monitoring station. The monitoring station would be a station where we have a bureau of professional and ethical people who should safeguard the information of whoever owns a gun in the country. Many people may fear that if they have a gun and they are being monitored, somebody may sell out their whereabouts. This then becomes another concern. But in areas where it has been practised, we have a bureau which is manned by ethical and well trained officers who are backed by a proper legislation on confidentiality and proper management of that particular bureau for monitoring the wireless inter-connection and the station. They use microchips which will continually transmit the geographic position of the firearm to the monitoring station.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Victor Munyaka, you have three minutes so that you can plan your time.

Hon. (Dr.) Munyaka: Thank you, Hon. Temporary Deputy Speaker. Let me go straight to the immediate benefits of tracking firearms. The authorities will ascertain without doubt who is entrusted with a firearm at any one time. They will also determine the physical location of a firearm in real time and detect any change of geo-physical location of a firearm thus raise advance concern about the change. So, we will know that a particular firearm has moved from the operation area to a different area. More importantly, the authorities will be able to recover stolen or lost firearms.

The other major advantage is that this practice will avert crime. It will also eliminate misuse of firearms because it will make the owners responsible. It will instill discipline and a sense of responsibility. It will help in forensic investigations of firearms used in crime and also build on evidence that is crucial in prosecution of offenders.

Thank you very much, Hon. Temporary Deputy Speaker. I wish to call upon Hon. Lemein to second this Motion.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): The Member for Narok South, Hon. Lemein, to second.

Hon. ole Lemein: Thank you, Hon. Temporary Deputy Speaker. I must thank Hon. Munyaka for coming up with this Motion. I am sure this Motion is going to be of immense interest to the people of this country, particularly the people from the North Rift. People from the North Rift have suffered for a long time; simple reason being the existence of a number of illegal firearms. The Government cannot identify the holders of those firearms.

It has been a challenge to locate and monitor those firearms. A figure of 500,000 illegal firearms in this country is a big number. I believe that a number of those guns are within the North Rift and other regions. The Government should take the necessary step and come up with a system that is quite tight. We are in the technological world and this is one of the areas that we should look into. If criminals access the system and the software that we are using, they can allocate particular ammunitions to themselves. The Mover has enumerated the benefits of this Motion and I do not need to repeat them. However, even the Ministry of Interior and Co-ordination of National Government will be interested in this Motion.

It is a noble idea and I second the Motion.

(Question proposed)

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Members, I have eight requests. The first on my request list is Hon. Yusuf Chanzu, the Member for Vihiga Constituency.

Hon. Chanzu: Thank you, Hon. Temporary Deputy Speaker for giving me the opportunity to support this very important Motion. It is important to support this Motion because our economy is growing very fast. It is one of the fastest growing economies in the world. In fact, the remarks by the President of America, Barack Obama were that our economy was far from what is going on in the Far East, namely, Korea, and the fact that the gap is now closing. That confirmed that our economy is growing very fast. We have just been getting figures, but that was an observation from outside. That growth comes with problems that are associated with growth. We have allowed a situation where people come in and out as they feel like. That is how we have ended up getting illegal firearms in the country.

For the arms that we have here, it is important for them to have tracking devices so that we can know where they are at any given time. There have been political assassinations in this country from the 1960s, and the Government has not been able to establish the truth about those crimes. That is because people carry arms which do not have tracking devices. They will be licensed, but you cannot track them. This is a very important Motion. If the licensed guns are tracked properly, then it is also very easy to know those that are coming in illegally. There will be some kind of vigilance and we will identify them very easily. This also puts a lot of responsibility on the Government. Security along the borders should be intensified so that anybody who comes in is properly inspected. If we do that, we will not continue getting illegal arms or those small arms from outside. We will have a proper inventory of what is there. It will require immense work. There is quite a lot of work to be done. It means that there must be a lot of discipline from the very beginning. When we talk about growth or things like corruption, there are those who believe that you cannot earn your money or your wealth through hard work. That is because we have talked about corruption so many times and we see some people just emerging from nowhere and getting wealthy overnight. There is that belief that it is through those kinds of shortcuts that people can create wealth. Because of that, it is very easy to compromise those who are in charge of licensing and tracking.

It is something that requires a lot of patriotism. It is just like the examinations. You have seen what happens with our examinations here. We have been running our exams for a long time, but you still find that even the Kenya National Examinations Council (KNEC) is not able to explain the stage at which those exams are stolen. Sometimes, they say that they are stolen when they take them to police stations and when they are transporting them to schools. That means that Kenyans are not yet ethical enough. As we grow, it is good to introduce that kind of thing so that we can start sifting Kenyans. It is just like the Motion we have just passed here, the one that was introduced by Hon. Waluke. It is the same. Because of the stage of development that we are in, this has to come. The Government should be prepared to spend money on this. Maybe, it will have to take people who will be given this duty to some of the places where it has been done so that they can go and see the kind of discipline and patriotism in countries where people regard their country as their country. They do not just believe in corruption, stealing and so on.

So, registration of firearms will be an important element and those who are supposed to take up the jobs of ensuring that records are properly kept should be people of high integrity. It is just the Motion we were talking about here, about police officers. Maybe, there was no enough time for us to talk but there are officers who, apart from just going to look for jobs outside there, some of them have used the same arms to commit crime in order to earn a living. That is because the arms they carry are supposed to take care of people, but they do not have a tracking device. The arms that they carry to protect Very Important Persons (VIPs) do not have tracking devices. They are licensed to carry arms, but there is no tracking. So, somebody who guards a Member of Parliament here will drop him or her at home. Then he or she has the whole night to commit a crime with the same weapons and come back in the morning. It is a very important thing that must be done in this country.

Thank you, hon. Temporary Deputy Speaker. I support.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): You are just on time. Hon. Members, I must appreciate that we have seven requests to speak to the Motion. We have Hon. Millie Odhiambo, Member for Mbita Constituency; Hon. Robert Pukose, Member for Endebess Constituency; Hon. George Theuri, Member for Embakasi West Constituency; Hon. Joyce Akai, Member for Turkana County; Hon. Michael Kisoi, Member for Mbooni Constituency; Hon. Ayub Savula, Member for Lugari Constituency and Sammy Mwaita, Member for Baringo Central.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Members, this is a House of rules and procedures. The time being 1.00 p.m., this House stands adjourned until this afternoon at 2.30 p.m. It is so ordered.

I thank you all.

The House rose at 1.00 p.m.