

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 29th September, 2010

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.256

CRITERIA FOR ESTABLISHMENT OF NATIONAL POLYTECHNICS

Mr. Ochieng asked the Minister for Higher Education, Science and Technology:-

(a) whether he could explain to the House the criteria used in identifying the regions that have benefitted from the establishment of eight new national polytechnics; and,

(b) how the Ministry intends to cater for such regions as Nyakach in Central Nyanza which were not considered.

The Assistant Minister for Higher Education, Science and Technology (Mr. Kamama): Mr. Deputy Speaker, Sir, I beg to reply.

(a) We are not putting up new national polytechnics, but upgrading eight existing technical training institutions to the national polytechnics as follows:-

1. Meru Technical Training Institute,
2. Machakos Technical Training Institute,
3. Nyeri Technical Training Institute,
4. Mombasa Technical Training Institute,
5. Sigalagala Technical Training Institute,
6. Kitale Technical Training Institute,
7. North Eastern Province Technical Training Institute, and,
8. Gusii Institute of Technology.

The criteria used in identifying the regions were as follows:-

- (i) Existing Technical Training Institutions,
- (ii) The Institute must be far from existing national polytechnic.

Nairobi Province did not benefit because it has access to a number of institutions, including Kenya Polytechnic University College, which also offers training programmes similar to those in national polytechnics.

(b) Nyakach could not be considered for upgrading since there was no existing technical training institution in the region. We were considering only one training institution in each province. However, the Ministry is considering other regions for building new technical training institutes, including Nyakach, subject to availability of funds.

Mr. Ochieng: Mr. Deputy Speaker, Sir, the answers given by the Assistant Minister is a bit misleading because in his answer, he says that they were considering one institution in each province. But if you go through this list, you will find that Meru Technical Training Institute and Machakos Technical Training Institute are both from Eastern Province. Sigalagala Technical Training Institute and Kitale Technical Training Institute are in Western Province. So, is he really correct in telling us that they considered one institution per province?

Mr. Kamama: Mr. Deputy Speaker, Sir, what the hon. Member says is true to a certain extent. The first statement is on Meru and Machakos training institutes. Yes, the two institutions are in Eastern Province. We also considered the seniority of these institutions. We all know Meru Technical Training Institute and Machakos Technical Training Institute are very old institutions. But the last statement by the hon. Member is misleading because Sigalagala Technical Training Institute is in Western Province while Kitale Technical Training Institute is in Rift Valley Province.

Mr. Aluoch: Mr. Deputy Speaker, Sir, the criteria used to identify these institutions was unfair because in Nyanza, the oldest and biggest institute is the Ramogi Institute of Advanced Technology. Why was this not considered for Nyanza, since it is the biggest and the oldest?

Mr. Kamama: Mr. Deputy Speaker, Sir, if you look at our current Budget, we have considered Ramogi Institute of Advanced Technology, especially in the stimulus package. So, it is also considered not in this category, but in another category.

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, I hope the Assistant Minister appreciates that with the new Constitution, we have moved into an era of the county governments. What is he doing to ensure that the new counties like the Kitui County, among others, have got institutions which benefit from the stimulus package to ensure that every county is technologically self-sufficient?

Mr. Kamama: Mr. Deputy Speaker, Sir, what the hon. Member has raised is quite valid. I want to confirm to the House that our vision, as a Ministry, is to have a university in every county. It may take quite some time, but we are planning. We also want to ensure that at least, every county has a technical training institute. So, when we propose this in our subsequent budgets, I hope Members will support us. That is our vision and we intend to prosecute it to the letter.

Mr. Mwangi: Mr. Deputy Speaker, Sir, we appreciate the reasons given by the Minister on the construction and distribution of those institutions. He said that those institutions were considered old and advanced. How does he consider the areas that have none?

Mr. Kamama: Mr. Deputy Speaker, Sir, I want to confirm to the House that we will look into areas which have not been considered but, of course, subject to availability of funds. So, you will be considered, hon. Mwangi.

Mr. Deputy Speaker: Ask your last supplementary question, Mr. Ochieng!

Mr. Ochieng: Mr. Deputy Speaker, Sir, could the Assistant Minister now confirm to the people of Nyakach that in the next financial year, the Ministry will establish a technical institute in the constituency?

Mr. Kamama: Mr. Deputy Speaker, Sir, at this stage, it is not possible to confirm to the good people of Nyakach that we will give them a technical training institute. However, the issue will be discussed in the Ministry and we will get in touch with the hon. Member once the matter is finalized.

Mr. Deputy Speaker: Next Question by Mr. Ruteere!

Question No.276

EXPANSION OF MERU SEWERAGE SYSTEM

Mr. Deputy Speaker: Mr. Ruteere is not in yet?

Question No.303

REPAIR OF EMALI-UKIA ROAD

Mr. Kiilu asked the Minister for Roads:-

(a) whether he is aware that Emali–Ukia Road (Road C99) is currently in a very bad state as a result of neglect;

(b) whether he could provide emergency funds to reconstruct damaged culverts, drifts and also undertake to murrum the entire road, as a short term measure; and,

(c) when he will upgrade the road to bitumen standards.

The Assistant Minister for Roads (Mr. Kinyanjui): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that the Emali – Ukia Road, that is, C99, is currently in a state of disrepair.

(b) I have already provided funds for repair of the damaged culverts, drifts and spot gravelling of the road.

(c) My Ministry has envisaged carrying out the design to bitumen standards of the said road in the next financial year; that is, 2011/2012, after which it will be considered for tarmacking.

Mr. Kiilu: Mr. Deputy Speaker, Sir, I would like to thank the Assistant Minister for that answer. But could he state the amount of money he has set aside for those emergency repairs? When does he expect the work to commence, in view of the fact that the road is in a state of disrepair?

Mr. Kinyanjui: Mr. Deputy Speaker, Sir, my Ministry, through the Kenya National Highways Authority (KeNHA), has set aside Kshs5 million in this financial year and, indeed, the work will commence in the next few weeks. We have already sent the contractor there.

Mr. Kilonzo: Mr. Deputy Speaker, Sir, the Assistant Minister must appreciate that after the restructuring of the Ministry of Roads and the creation of those authorities, Members of Parliaments and their constituents have been experiencing a lot of problems,

especially with regard to roads under KeNHA which are in the constituencies. In my constituency, Road C96 has been in a bad state and yet, KeNHA is not taking any measures to deal with that road. The rural roads are being done because they are under an engineer who is based in the county. We have a lot of problems reaching KeNHA to get those roads done. What is the Assistant Minister doing to ensure that KeNHA has a person on the ground so that roads can be done efficiently and faster, as they get messed up by the weather?

Mr. Kinyanjui: Mr. Deputy Speaker, Sir, I want to agree with the hon. Member that a lot of time and focus has been given to the rural roads. Therefore, ownership of the highway roads has been in doubt. I want to assure the hon. Member that we have officers on the ground. What we need to ensure is that, at any one time, whenever we have the work plan for the highways, hon. Members from that region should get a copy of the work plan for the roads to be done. They should be involved at every stage. We have a work plan for the whole country for the highways and I think, at the appropriate time, we will be able to share it with hon. Members.

The Assistant Minister for Agriculture (Mr. Ndambuki): On a point of information, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: To the Assistant Minister?

The Assistant Minister for Agriculture (Mr. Ndambuki): No, to the Questioner.

Mr. Deputy Speaker: You are an Assistant Minister. You cannot offer information to the Questioner.

Mr. K. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to imply that there are officers in the constituencies who are dealing with the highways and yet, if you go to the offices at the constituency or district level, the engineer in charge will tell you that they are only in charge of Class D roads; and any other class of roads below that? If you have a query to raise about the highways, you have to consult the people in Nairobi. Is he in order to mislead the House?

Mr. Kinyanjui: Mr. Deputy Speaker, Sir, I think the hon. Member may not have got it well. I said that we have them on the ground. I did not mean at the district or constituency level, but actually at the provincial headquarters. That is because highways are long and they traverse huge distances. So, what we will do, like I said, is to send a copy of the work plan for each region to the Members of Parliament so that they can also be our eyes on the ground. Once the work is done, they will be in a position to appreciate, given the work ahead.

Mr. Deputy Speaker: Hon. Members, it is not an opportunity for people to hijack Questions raised by other hon. Members. When a Question is asked on a given place, give support to the Questioner. Do not ask about other areas, unless it is on policy matters.

Mr. Kiilu!

Mr. Kiilu: Mr. Deputy Speaker, Sir, in part (c) of his answer, the Assistant Minister indicated that the design will be done in the next financial year. However, sometime back, personnel from the Ministry of Roads were on the ground and a design was done. What kind of design was that? What design does the Minister intend to do next financial year when actually that road had been designed for tarmacking?

Mr. Kinyanjui: Mr. Deputy Speaker, Sir, roads serve people and with the change of settlements and settlement patterns, before you do any actual construction, there is

need to do design review to ensure that the roads serves the needs of the people at a given time. The design we are talking about is a design review that will ensure that all the settlement patterns and new features are taken into account.

Question No.311

PAYMENT OF PENSION DUES TO RETIRED ARMY
OFFICER CHARLES N. SOLOMON

Mr. K. Kilonzo asked the Minister of State for Defence:-

(a) why Mr. Charles Ndumbu Solomon (Service No.8350), who retired from the Kenya Army in November 2005, has not been receiving his monthly pension; and,

(b) when the Government will start paying him the pension as well as other arrears that are due.

The Assistant Minister, Ministry of State for Defence (Mr. Musila): Mr. Deputy Speaker, Sir, I beg to reply.

(a) After retiring, the serviceman was paid his gratuity on 17th August, 2006 amounting to Kshs565,214.10. The other amount of gratuity of Kshs277,435.85 was paid to Esther Taabu Ndumbu as per court order issued by hon. J.E. Ragot (Mrs) on 16th May, 2001.

(b) The service man, Charles Ndumbu Solomon, was requested by the Director of Pensions to present his pay point, that is, bank account for onward payment of the balance of his pension as well as the arrears but I regret that, up to date, he has not done so.

His pension, therefore, will be sent to his account once he provides the details required at the Pensions Department. I request the hon. Member to advise Mr. Ndumbu to send his details and the pension will be paid.

Mr. K. Kilonzo: Mr. Deputy Speaker, Sir, I wish to thank the good Assistant Minister for this answer and also remind him that he brought a Bill which was passed in this House, discussing the modalities of paying pensions to people when they retire. I want to agree with him that the first part of the answer is correct about the arrears. What is in contention is the pension money. He has provided these documents to the service. I followed it up by a letter enquiring about the same, but did not get any response from the Ministry of State for Defence. My request is for the Assistant Minister to give an undertaking, if I bring another set of documents, that he will be paid his pension as soon as possible.

Mr. Musila: Mr. Deputy Speaker, Sir, the hon. Member is very right and he knows very well how passionate I am about payment of pensions to pensioners. Indeed, I want to undertake that if the hon. Member gives me these details, particularly the account number where the pension is going to be paid, I will make sure, personally, that this is done.

Mr. Deputy Speaker: I hope you are satisfied.
Next Question, hon. Chepchumba!

Question No.351

MEASURES TO FORESTALL HEALTH RISKS
POSED BY COMMUNICATION MASTS

Ms. Chepchumba asked the Minister for Information and Communications:-

(a) whether he is aware that communication masts/signal which have become a common feature in Kenya in the last ten years have occasioned negative health ramifications in the lives of Kenyans;

(b) what steps the government is taking to ensure that the possible risks of the electromagnetic radiations from these masts are curbed and what policies are there to ensure that persons injured as a result of such radiations will be promptly compensated; and,

(c) how the companies will be legally made to respond to the robust new evidence of harmful health effect.

The Assistant Minister, Ministry of Information and Communications (Mr. Khaniri): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Whereas there may be studies that tend to establish a link between certain diseases and other effects of electromagnetic radiation, it is important to note that all reputable studies such as those conducted by the World Health Organization (WHO), that are subjected to proper peer review, have not established any such linkage. The standards put in place by the Kenya Bureau of Standards for the Kenyan market are those recommended by the International Commission on Non-ionizing Radiation Protection and the WHO, which are among the most stringent in the world.

(b) The present regulatory framework on non-ionizing radiation cuts across the Kenya Bureau of Standards which sets or adopts the standards to be applied in the country; the Communications Commission of Kenya (CCK), which undertakes equipment type approval and stipulates the deployment parameters that service providers must comply with and the National Environment Management Authority (NEMA), which approves specific site installations of electromagnetic radiation sources. My Ministry, through the CCK and the Ministry of Public Health and Sanitation, through the Radiation Protection Board, has established a memorandum of understanding under which the said organs of Government have commenced audits of cellular mobile-based trans-receiver stations to establish compliance with the standards in force. Several regulatory bodies, for example, the Kenya Bureau of Standards, NEMA, Kenya Civil Aviation Authority and the CCK have also in the past five years, worked together to address the concerns raised by the public with respect to Base Trans-Receiver Station Terminals (BTS) infrastructures and so far, come up with an industry code of practice which, among other things, requires operators to adhere to electromagnetic field standards recommended by the ICNIRP.

Regarding the matter of compensation, I would like to say that compensation for injuries occasioned by such facilities will be based on establishment of a court of law that a particular firm has contravened the law with respect to the standards and compliance with regulatory conditions in force.

(c) In view of the existence of a standing committee between five agencies, that is, the Kenya Civil Aviation Authority, Radiation Protection Board, NEMA, Kenya Bureau of Standards and CCK that have specific roles in the regulatory of masts and base

stations, any new reputable evidence will be duly considered by these Government agencies and appropriate steps taken, which could involve a review of standards or infrastructure deployment conditions among other actions as may be necessary.

Ms. Chepchumba: Mr. Deputy Speaker, Sir, with the expected expansion of telephony, how will the players in the field address long-term effects?

Mr. Khaniri: Mr. Deputy Speaker, Sir, as I have stated, studies that have been done so far by the professional agencies that I named in my answer have so far indicated that there are no effects. Unless on the contrary, the hon. Member can table any evidence of study done by any agency to show that actually, these effects are there, I cannot reply to that.

Mr. Deputy Speaker: I am actually surprised that the matter is not generating any interest. Last question hon. Chepchumba!

Ms. Chepchumba: Mr. Deputy Speaker, Sir, the Minister has said that he is not aware that there could be some harmful effects. But I know that even with the cell phones that we use daily, some of us are complaining of ear problems. But whatever is installed, the Government should take precautions to protect the users. How many of these masts are to be erected in the next two years?

Mr. Khaniri: Mr. Deputy Speaker, Sir, you will agree with me that, that is a different Question. This will depend on the service providers or companies that provide telephony services. But I just want to assure the hon. Member, the whole House and country at large, that as a Ministry, we have come up with a policy to encourage mobile providers to share the infrastructure. In low income areas, we have come up with a policy where the Government will put up masts and then hire them to the service providers. This will help us to curb the mushrooming of masts all over the country.

Dr. Khalwale: On a point of order, Mr. Deputy Speaker, Sir. This Ministry is in charge of licensing of all present and future investors. I believe that to license, they normally look at the strategic plans of all the companies. I still insist that he answers that question because the strategic plans that you looked at when you were licensing them must have shown how many masts they were going to put up in future. This is not a theoretic thing because this is an area which is uncharted all over the world. It is modern technology and the effects of non-ionizing radiation do not manifest themselves within a short time. We would like to hear the precautions the Ministry is taking, for example, in ensuring that those masts are not put in densely populated areas. Some masts are right inside primary schools, for example, Museno Primary School in Shinyalu.

Mr. Khaniri: Mr. Deputy Speaker, Sir, I still insist that it is not possible for me to answer that question here and now about how many masts will be put up in the next few years. That is because masts are put up as and when they are required. When they are required by the service providers, they apply to Communications Commission of Kenya (CCK) to get the approval. Therefore, we give approvals as and when the companies apply to set up masts. So, I cannot really say we are going to put up 100 masts in the next couple of years. However, as I said, we are also encouraging the companies to share infrastructure so that we can avoid mushrooming of masts all over the place.

Mr. Deputy Speaker: Could you answer the concern of the hon. Member on masts in high populated density areas and the effects that they have on the population? The Chair also notes that you will find those masts in residential areas.

Mr. Khaniri: Mr. Deputy Speaker, Sir, an outcome of a study conducted by an agency that I had named earlier has indicated that the effects of radiation by those masts are very minimal and reduces with the distance. Therefore, the studies we are working on indicate that there are no effects on the population that live around those masts.

Mr. Deputy Speaker: Are you prepared to table copies of those studies?

Mr. Khaniri: Mr. Deputy Speaker, Sir, I am prepared to table the reports of those studies.

Dr. Khalwale: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister, in his answer, has brought out the issue of high density populated areas. He has told us that the studies centered on equipment type approval and stipulates that deployment parameters that service providers may comply with and the National Environmental Management Authority which approves specific site installations of electronic magnetic radiation sources. If NEMA has to approve first, the Assistant Minister should tell us why those installations are in high density areas. Was it with the approval of NEMA or is it that they are convinced that 20 years from now, we are unlikely to see any adverse effects?

Mr. Khaniri: Mr. Deputy Speaker, Sir, those masts are there to enable people to use mobile telephony services. All mobile providers will target the high population density areas because they are looking for clientele and subscribers. Therefore, as we embrace the new technology, we must know that the technologies might come with long term effects that we have to address as a country. That is why I said, very clearly, that CCK and Radiation Protection Board have teamed up to undertake studies to see the effects of those masts to the populace. Tests are being done every now and then. If we establish that the masts have an effect on the population, then we will take the necessary action.

Ms. Chepchumba: Thank you Mr. Deputy Speaker, Sir. I want to thank the Assistant Minister for that elaborate answer. I am happy.

Deputy Speaker: Next Question!

Question No.357

CRITERIA FOR IDENTIFYING BENEFICIARIES
OF INFRASTRUCTURE FUND

Where is Mr. Chanzu? Is he not in? We will come to that Question later.
Let us move on to the next Question by Mr. Koech.

Question No.380

DISMISSAL OF HOSEA NG'ETICH FROM NEW KCC

Mr. Koech asked the Minister for Co-operative Development and Marketing:-

(a) whether he could confirm that Hosea Ng'etich (P/No.1310W) was an employee of New KCC, and if so, why he was he dismissed without following due process; and,

(b) whether he could consider reinstating him.

The Assistant Minister for Co-operative Development and Marketing (Mrs. Kilimo): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Mr. Hosea Kipsang Ng'etich was an employee of New KCC Limited until 22nd January, 2010, when he was dismissed from employment together with 13 other salesmen for gross misconduct.

(b) The staff advisory committee of New KCC, on 12th January, 2010, deliberated on the audit findings regarding some losses within the company where Mr. Ng'etich was one of those implicated and recommended his dismissal for fraudulently manipulating official stock records. It has, therefore, been proved that there was lack of integrity on the part of the employee which necessitated his dismissal.

Mr. Koech: Mr. Deputy Speaker, Sir, first, I would like to thank the Assistant Minister for confirming that Mr. Hosea Ng'etich was an employee of New KCC. He comes from my constituency. The Assistant Minister has indicated that 13 employees were dismissed regarding some losses in the company. Could she table a document showing how much was lost and whether it has been recovered? Could she also table minutes of the staff advisory committee which sat to dismiss those people?

Mrs. Kilimo: Mr. Deputy Speaker, Sir, there were 14 employees, Kipsang included. I will lay the document on the Table. The document shows that the former employee in question made a loss of Kshs18,986.94. The audit report for his record is here.

(Mrs. Kilimo laid the document on the Table)

It is unfortunate that New KCC has been making a lot of losses. This is just one of the many ways that New KCC has been making losses. We hope that with what is going on currently – with many people being sacked, we will get many more people of integrity. We have seen people who have been shown the door because they have not been sincere in making returns on the payments that they get after selling the milk outside.

Mr. Koech: On a point of order, Mr. Deputy Speaker, Sir. I asked the Assistant Minister to inform this House how much money has been recovered as a result of those people being dismissed.

Mrs. Kilimo: Mr. Deputy Speaker, Sir, I am afraid I do not have the correct answer on how much has been recovered as a result of those people being sacked. Surely, those are losses. In fact, we have made those losses out of salesmen going out to sell New KCC products like milk and manipulating the figures of milk that has not been sold. So, at the end of the day, they record that they have not sold much of the milk when the truth is that they have already sold. I am not in a position to tell you how much has been recovered. We have not followed the people who were sacked to pay the money. However, we have closed the loopholes of stealing the money.

Mr. Washiali: Mr. Deputy Speaker, Sir, the Assistant Minister has told us that Mr. Ng'etich lost Kshs18,000. Was there no other way of punishing him other than sacking him over a loss of only Kshs18,000? How much was he earning?

Mrs. Kilimo: Mr. Deputy Speaker, Sir, Mr. Ng'etich was a new employee. Considering that he was employed in September, 2009, he had hardly worked for a year.

He seems to have joined a cartel, with the 13 people who were sacked at the same time. The earlier New KCC got rid of people who manipulate figures and cause losses to the company, the better.

Mr. Koech: Thank you, Mr. Deputy Speaker, Sir. The Assistant Minister has confirmed that Mr. Ng'etich was a very new employee and was dismissed together with 13 others just because of a loss of Kshs18,900. Could she re-look into this case to ensure that Ng'etich is reinstated and the money is recovered from him?

It is not in order for the Government to keep on dismissing people and losing a lot of money. It would be better to punish the employees by recovering the money from their salaries. The New KCC is facing many challenges. Although the Assistant Minister has confirmed that they have sealed the loopholes, the truth is that there are many losses because of the company dismissing people on flimsy grounds to cover up on some losses that could be as a result of decisions by the senior management.

Mrs. Kilimo: Mr. Deputy Speaker, Sir, it is not true that people are sacked on flimsy grounds. Before you become a grand thief, you start as a petty thief. This person started as a petty thief. He had hardly stayed at the company, but he had already joined a bad company. If you add this Kshs18,000 to what other salesmen had stolen, it amount to a lot of loss. It is a pity that this man was not even stealing the money, but he was only manipulating figures. He used to take stocks from the store, sell them, come back and say that he did not make any sales. Many others have been shown the door. It is better for us to stop people from stealing petty cash before they steal millions of shillings as it has been happening in this country.

I do not see us reinstating Mr. Ng'etich and the other 13 officers. Many officers, including some in senior positions, have been shown the door. So, we might be anticipating more Questions on this matter in this House. However, let it be known that the KCC has been making losses because of insincere people. We will not allow them to continue in that way. We want to make profits now.

Question No.392

DETAILS OF APPLICANTS FOR NATIONAL
IDENTITY CARDS IN MANDERA

Mr. M. H. Ali asked the Minister of State for Immigration and Registration of Persons:-

(a) if he could provide details and number of applicants for National Identity Cards and indicate those issued with the documents from Mandera East Constituency since January 2008; and,

(b) what criteria is applied in the vetting of new applicants.

The Assistant Minister of State for Immigration and Registration of Persons (Mr. Baya): Mr. Deputy Speaker, Sir, before I respond, I wish to point out a typing error on the first page of the circulated written answer. In bullet (ii), the second line should read as follows: "2nd September, 2010" and not "2nd September, 2009".

Mr. Deputy Speaker, Sir, with that correction, I beg to reply.

(a) The number of applicants for national identity cards and for those issued with the documents from Manderu East Constituency since January, 2008 to date is as follows:-

(i) Total applications received between 1st January, 2008 and 2nd September, 2010, was 9,320. The number of identity cards produced was 7,307. Out of this, 5,350 were first applications, 1,690 were duplicates and changes and 267 were replacements. The difference of 213 were applications rejected as they were found to be foreigners captured in the refugee data base.

(b) The criteria applied in the vetting of new applicants are as follows:-

(i) Applicants are vetted at the locational level where they come from. This ensures positive identification.

(ii) Applicants must appear in person before a vetting committee, which comprises elders and Government officers, drawn from the Provincial Administration, the Criminal Investigation Department (CID), the National Security Intelligence Service (NSIS), the Civil Registration Department, the Immigration Department, where applicable, and the National Registration Bureau. It is also a condition that half of the vetting committee elders should be of the opposite gender.

Mr. M.H. Ali: Mr. Deputy Speaker, Sir, while I appreciate the Assistant Minister's attempt to answer the Question---

(Loud consultations)

Mr. Deputy Speaker: Order, hon. Members!

Mr. M.H. Ali: Mr. Deputy Speaker, Sir, while I appreciate the Assistant Minister's attempt to answer the Question, I am not satisfied with the answer because it is not addressing what I had asked for; namely, the details of the applicants. What is provided in the answer are only figures. Therefore, I wish to ask the Chair to direct him to give a comprehensive answer, giving the details of all the applicants.

Mr. Baya: Mr. Deputy Speaker, Sir, I gave the statistics. The issue of asking for the details is not clear as to whether the Member wanted the names. The names are normally posted at the District Commissioner's and the chiefs' offices to make sure that the residents of those locations know who has applied for what. The list of the names is in those offices, but if the Member so wishes, I can bring this list sometime next week.

Mr. Deputy Speaker: What are the details that you are asking for? Details are a lot of information. Are you asking for the names, hon. Member?

Mr. M. H. Ali: Mr. Deputy Speaker, Sir, I had asked the Assistant Minister to provide details of the applicants, which include the names, places where they have been registered and also the figures. The answer gives only the figures. Therefore, I also need the names and where they have been registered.

Mrs. Noor: Mr. Deputy Speaker, Sir, there are many Kenyans who have registered as refugees just because of the recurrent drought. They were displaced and were not able to access food. In the refugee camps, the United Nations was giving food to the people and so, these people registered as refugees. Today, they are captured as refugees. What is the Ministry doing to get Kenyans out of refugee camps and register them rightfully as Kenyans?

Mr. Baya: Mr. Deputy Speaker, Sir, it is true that out of hardships, some Kenyans joined refugees in the camps. But this is an issue that we have been trying to sort out. As long as they come out, the issue will be sorted out. The vetting committees are locationally based. If these people are positively identified---

(Loud consultations)

Mr. Deputy Speaker: Order, hon. Members! Hon. Lankas, you cannot turn this into some kind of a fish market. We are transacting a business here! The Assistant Minister is replying and the hon. Questioner cannot hear his reply. The Chair cannot also hear his reply because of the loud consultations.

Proceed, hon. Baya!

Mr. Baya: Mr. Deputy Speaker, Sir, if those who have been captured in the refugee database volunteer, and are positively identified, they will be given back their identification cards. Of course, they will be welcome back, because they came from the locations where the vetting committees are based.

Mr. Yakub: Mr. Deputy Speaker, Sir, the vetting committees in all the districts have been formed by the Government. Unfortunately, vetting committees process applications and approve them, but when those applications reach Nairobi, they are rejected. What is the point of having District Vetting Committees when the applications they approve are rejected in Nairobi? Could the Assistant Minister give us a proper policy of the vetting process at the district level before applications for identity cards reach the headquarters?

Mr. Baya: Mr. Deputy Speaker, Sir, it is true that despite the good job that is done by most of the vetting committees, sometimes applicants on the vetting committees' lists are rejected because of two reasons. First, there are those people who went to live in refugee camps to be supplied with food and some little cash. Such persons are registered as refugees.

We have an automated fingerprints identification system. When the fingerprints of such persons are put into our machines, they are recognised as refugees. So, that is one of the reasons as to why some names are rejected at the headquarters. They may have been cleared by the vetting committees. However, since such people had ventured into refugee camps, this brings confusion.

Secondly, vetting committees are made up of elders and Government officials. Sometimes a few applicants escape the attention of those committees and their names are brought to the headquarters while in actual fact they are not Kenyans. So, when that happens, our machine in Nairobi rejects them.

Dr. Khalwale: Mr. Deputy Speaker, Sir, my concern is about the current Constitution, which, in Section 27, provides for equality and freedom from discrimination. It is very painful that when you go to that area, you find that women who are more than 50 years old do not have identity cards, the reason being that they are unable to satisfy the vetting committee. In the rest of the country, all that one needs to have is one's father's identity card. He goes with it to the registration officer and his documents are processed. What are you doing to ensure that the vetting process is removed, so that the exercise is simplified for Kenyans of Somali origin; more

importantly, when are you going to make sure that you stop punishing Kenyan Somali due to your sealing of the porous border between Kenya and Somalia?

Mr. Baya: Mr. Deputy Speaker, Sir, I want to inform the hon. Member that the guidelines that are being used in the North Eastern Province were not made specifically for that province. They were made for border districts and cities like Nairobi and Mombasa, where there are so many nationalities that we have to be very careful if we are to capture only Kenyans. So, they are not vetting procedures that are applicable in only one particular area. The only qualification for their use is that an area has to be a border district.

Dr. Khalwale: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to mislead the House by saying that the vetting process is not only limited to the Somali border points, and that it applies to all Kenyan borders when we know that the Abaluhya are on both sides of Uganda and Kenya, yet the vetting process does not take place in Busia? Why is it that in Busia a Kenyan is able to get an identity card very easily, but in the North Eastern Province it is very difficult to get it?

Mr. Deputy Speaker: Assistant Minister, are you sure of the truthfulness of the facts you are giving here? I am constrained by the fact that I am on the Chair; I would really love to participate in interrogating your answers.

Mr. Baya: Mr. Deputy Speaker, Sir, I know the interests of the Chair well. This procedure is similar in all border districts. If you go to Isebania, our border with Tanzania, you will find that it applies. Even in our border with Tanzania along the shore line, in Msambweni, it applies. The objective is not to marginalise or isolate a particular community but to, as much as possible, ensure that only Kenyans acquire this very important identification document.

Mr. Kapondi: Mr. Deputy Speaker, Sir, given the answers given by the Assistant Minister, I come from a border area, and the information he is giving is completely misleading. As the Chairman of the Departmental Committee on Security, I went to Dadaab Refugee Camp. Refugees came out openly to admit that they had Kenyan identification cards. The refugees got those identification cards because of the corruption and inefficiency that we have at the headquarters, and that should not be used to punish thousands of Somalis in the Northern Eastern Province. What is happening now? The other day, there was cancellation of the census results in those areas. In the last four years, there has been freezing of issuance of identity cards in North Eastern Province. Why should that community be denied the right to be Kenyans?

Mr. Baya: Mr. Deputy Speaker, Sir, what the hon. Member has raised does not seem to be a question but rather a comment. However, let me say that refugee camps are not registration centres. When refugees come into the country, be it from Sudan or Somalia---

Mr. Deputy Speaker: The questioner said that people in the refugee camps are in possession of Kenyan identity cards, because of corruption at the headquarters. Therefore, you should properly be addressing yourself to that issue. Are you sure that Kenyan identity cards are not issued to refugees?

Mr. Baya: Mr. Deputy Speaker, Sir, I am not aware of that aspect. Refugees live several kilometres away from Nairobi. So, if there is corruption, it must be within the camps, and not at the headquarters. I am not aware of it.

Mr. Kapondi: On a point of order, Mr. Deputy Speaker, Sir. From the answers that the Assistant Minister is giving, it appears that he is not at prepared for this Question. So, I would wish that the Chair orders the Assistant Minister to go back and do his assignment well. We have been to those areas. From what he is saying, he seems to be in a different world altogether. So, I would seek the indulgence of the Chair that he be ordered to go back and bring a proper answer to the House.

Mr. Deputy Speaker: Yes, hon. Letimalo!

Mr. Letimalo: Mr. Deputy Speaker, Sir, could the Assistant Minister further explain his response? Besides using parents' particulars to be able to identify new applicants, why could the Government not use security intelligence officers to isolate Kenyans from non-Kenyans rather than subjecting new applicants to unnecessary vetting?

Mr. Baya: Mr. Deputy Speaker, Sir, the vetting exercise is a combination of various techniques. That is why we have officers from the National Security Intelligence Service (NSIS) plus the production of identification from parents which assists us to know who is a Kenyan and who is not. So, there is no one particular method that is applied. That is why we have all officers even from the Ministry of education from time to time.

Mr. Deputy Speaker, Sir, I would also want to further say that there is a difference between visiting a refugee camp and visiting a registration centre. If we go to a refugee camp today and find about 2,000 refugees having run away from other countries to our camp, you will be surprised. I would like to inform Mr. Kapondi that I was there two weeks ago and I know what I am talking about. The vetting exercise should be divorced from the handling of refugees in this country if we are to move ahead.

Mr. Washiali: Mr. Deputy Speaker, Sir, there is an investigative programme running on *KTN* known as *Jicho Pevu* and they have been showing us how illegal immigrants are coming into this country. What has the Ministry done to follow up on those people who are running the programme to make sure that the illegal immigrants do not come into the country instead of vetting them and trying to deny Kenyans proper registration?

Mr. Baya: Mr. Deputy Speaker, Sir, there are many programmes that are ongoing within the Ministry to make sure that we curb the coming in of people who are not properly registered as refugees. However, we must also appreciate that our borders are porous. The borders are big and fairly porous. Those who come through designated areas are registered as refugees but there are those who go through *panya routes*. That is an exercise that we have to undertake together. Of course the Ministry will take the lead but we need the support of all Kenyans to make sure that those who come to our country are properly registered.

Mr. Washiali: On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Mr. Washiali, could you allow Mrs. Noor to raise her point of order?

Mrs. Noor: On a point of order, Mr. Deputy Speaker, Sir. From locations up to the district level, the vetting committees have taken an oath. They vet people and identify Kenyans properly. Is the Assistant Minister in order to tell us that after these people have gone through that process, a machine in Nairobi rejects the name? Is he in order to tell us

that a machine rejects the names when elders have vetted these persons , who have been positively identified as Kenyans?

Mr. Baya: Mr. Deputy Speaker, Sir, I think we are going round in circles. I answered that question. The same hon. Member told us here that there are some Kenyans who went into the refugee camps because of the little gains there. So, after these Kenyans are registered and they go back to the villages, their fingerprints are still maintained by the data base in the refugee camp. That is the reason why they may be vetted and approved at the locational level but rejected here.

Mr. Washiali: On a point of order, Mr. Deputy Speaker, Sir. My question was very specific. I had pointed out that there is a programme on *KTN* called *Jicho Pevu* which has already investigated and found out that we have illegal immigrants who come into this country. They have done everything for you. What have you done as a Ministry in joining these people who are behind these programmes to make sure that the illegal immigrants do not come through the porous borders that you are now talking about?

Mrs. Noor: On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Mrs. Noor, the hon. Member was on a point of order.

Mr. Assistant Minister, you are supposed to respond to a point of order by Mr. Washiali.

Mr. Baya: Mr. Deputy Speaker, Sir, I am not aware of the programme that is being run by a certain radio station. This is a democratic country and anybody can air whatever they want. With regard to the porousness of our borders, I said that this is a joint exercise. We are doing our best together with the security personnel who are manning our borders to make sure that we do not have illegal immigrants coming to this country.

Mrs. Noor: On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: That should be the last point of order, Mrs. Noor.

Mrs. Noor: Mr. Deputy Speaker, Sir, I told the Assistant Minister that the Ministry should undertake a comprehensive process to address the issue of Kenyans who are in the refugee camps because they went there for certain needs. If you find that they appear in the refugee camp and their fingerprints are in the data base, why can you not just cancel the UN identification card and give them the rightful identification card? There are other Kenyans who go through normal vetting procedures and when the data comes to Nairobi a machine just rejects it. So, is the Assistant Minister in order to tell us that after going through all those procedures, a machine just rejects the data?

Mr. Baya: Mr. Deputy Speaker, Sir, those Kenyans who are sure that they are Kenyans and whose fingerprints were rejected by our data base in Nairobi can be assisted. If the hon. Member knows any of them, they should give us the list and we will correct that anomaly.

Mr. Deputy Speaker: Mr. Hussein, could you ask the last supplementary question on the same? The hon. Assistant Minister has undertaken to bring you that list but can you ask your last supplementary question?

Mr. M.H. Ali: Mr. Deputy Speaker, Sir, I appreciate. Are these vetting procedures meant to harass Kenyans or to help them because most of the Kenyans who have been applying for identification for the past five years are yet to get them? When they reach the age of 25 years, they are told that they are over-age. I think that is unfair and those procedures must be looked at so that they can assist Kenyans to get

identification without suffering. It is not fair for a Kenyan to miss identification because without one, you cannot access services. I want the Assistant Minister to confirm that the vetting procedures should help Kenyans and not otherwise.

Mr. Baya: Mr. Deputy Speaker, Sir, we will keep on streamlining the vetting procedures, including changing the vetting committees because they are supposed to serve for only one year. However, for those who are 25 years and above, they can also be vetted; so long as they are Kenyans, they will still be given identification cards. I want to assure the hon. Member that there is nobody who will be denied an identification card even if they are above the required age.

Mr. Deputy Speaker: Next Question, Mr. Warugongo!

Question No.396

HIGH STORAGE CHARGES OF
ESSENTIAL GOODS AT PORTS

Mr. Warugongo asked the Minister for Transport:-

(a) whether he is aware that due to delay and costly storage charges at ports, the cost of such imported essential goods as medicine escalate drastically; and,

(b) whether he could consider increasing the number of free storage days, especially at Jomo Kenyatta International Airport, from two (2) to five (5).

Mr. Warugongo: Mr. Deputy Speaker, Sir, I have not received the written answer.

Mr. Deputy Speaker: Do you wish to proceed with the Question or do you want to be given the answer first?

Mr. Warugongo: Yes, Sir. Part “c” of the Question is also not there. Let the Minister proceed with the answer.

Mr. Deputy Speaker: Do you want the Question to be answered?

Mr. Warugongo: Correct!

Mr. Deputy Speaker: Where is the Minister for Transport?

The Question is deferred to tomorrow afternoon and the Clerks Department should liaise with both the hon. Member as well as the Minister to make sure that the Question is as complete as you had filed it yourself. Hopefully, you will get the written answer before the Minister answers it.

(Question deferred)

Question No. 276

EXPANSION OF MERU SEWERAGE SYSTEM

Mr. Deputy Speaker: Is hon. Ruteere not in Parliament today because of any parliamentary business both inside and outside the country?

This Question is dropped!

(Question dropped)

Question No. 357

CRITERIA FOR IDENTIFYING BENEFICIARIES
OF INFRASTRUCTURE FUND

Mr. Deputy Speaker: Clerks Department, are you aware of hon. Chanzu's absence?

(Question dropped)

Next Order!

MOTION

ADOPTION OF REPORT ON FACT-FINDING
VISIT TO SAMBURU /ISIOLO DISTRICTS

THAT, this House adopts the Report of the Departmental Committee on Administration of Justice and National Security on its fact-finding visit to Samburu East and Isiolo North districts on 21 – 23 September, 2009, laid on the Table of the House on Wednesday, August 11, 2010

(Mr. Kapondi on 18.8.2020)

(Resumption of Debate interrupted on 18.8.2010)

Mr. Deputy Speaker: The hon. Chair or Deputy Chair of the Departmental Committee on Administration and National Security---

Hon. Lankas was contributing on the same. Hon. Lankas, you have got 15 minutes left. So, can you proceed and conclude your contribution?

Mr. ole Lankas: Thank you, Mr. Deputy Speaker, Sir. I was contributing to this very important Motion before I was stopped.

Mr. Deputy Speaker, Sir, this Motion is as a result of the Committee visit to this part of the country; Samburu East and Isiolo North. It was as a result of the frequent and insistent conflict between communities in that region.

Mr. Deputy Speaker, Sir, as a result of this visit, many findings came out. One of the findings that the Committee came up with is the issue of conflict between these two communities. It is not lost to this House that cattle rustling was one of the issues that really caused this Committee to visit these areas. One of the things that happened following this visit is after an incident that took place in this area, where a total of about 4,000 livestock were forcefully taken from one community by the security personnel and

the reason they gave was to compensate those who lost their livestock from the Isiolo side.

Mr. Deputy Speaker, Sir, what followed this incident is that---

(Loud consultations)

Mr. Deputy Speaker, Sir, there is a lot of loud consultation in the House!

Mr. Deputy Speaker: Hon. Members, please, let us listen to the hon. Member on the Floor. If you have to consult, consult in very low tones.

Proceed, hon. Lankas!

Mr. ole Lankas: Thank you, Mr. Deputy Speaker, Sir.

As I was saying, as a result of this single incident, there was resurgence in violence and crime in this area because the way this operation was carried out was suspect; it was not in order and, as a result, those who lost their livestock felt bitter up to this moment. The Government could not account for the recovery of these animals.

Mr. Deputy Speaker, Sir, the recommendation of the Committee is that, unless the Government fully accounts for the loss of these animals; why the Government went with such force to recover such a large number of animals from very, very innocent people-- If you talk of about 4,000 head of cattle taken from a community and yet those who were suspected to have committed the crime are very few people, it was the duty of the security personnel or the Government, for that matter, to arrest the suspects but, instead, the Government used a lot of force. In fact, apart from the animals they took from this one community, they also harassed people, there are a lot of bad things that happened within the community and some people have been maimed up to now.

So, what we are saying is that unless the Government – and this is the point that we want to make very clear – accounts for the loss of these animals--- What came out is that after they took all these animals, they took them to the fields and instead of compensating the community they were supposed to compensate, they shared them out without any order.

Mr. Deputy Speaker, Sir, this is one incident that I believe should be addressed because as a result of this incident, there was resurgence of crime in this area as a revenge mechanism. It is true that there is a problem in some of these areas, especially in pastoral areas of this country. We are saying that the Government should be non-partisan in addressing some of these issues. What is happening is that when they talk of disarmament or armament for that matter, because they have what they call the “Police Reservists”, you find that there is some very un-procedural way of arming some people while others are not armed, depending on where “the power” is. If a Minister is so powerful in the Government, he is able to convince the Government machinery to arm his people while the other neighboring community is not armed. In the same way, you will find that some are disarmed while some are not disarmed. So, out of all this irregularity and unfairness, you will find that there is no way there is going to be peace in this area unless the Government commits itself to working honestly and without any partisanship. This is one issue which the Government must really address and address very seriously, because we are aware that some areas are taking advantage of that situation; that because a Minister comes from a certain community, he comes and addresses the Government here and then, the following day, his people are armed. There is not going to be any harmony!

Mr. Deputy Speaker, Sir, it is also true that what we are witnessing in some of these areas; why there is disharmony amongst communities in some of these areas – Samburu East and Isiolo North and the larger pastoral areas – is because of poverty. So, we are saying that unless the Government deliberately commits funds to these areas to improve development in some of these areas, we will continue witnessing some of these problems happening because there are a lot of idle youth in these areas; people who have nothing to do! But you will find the Government, contrary to this, committing most of its funds to urban centres, leaving some of these far-flung areas to continue languishing in poverty. As I said, poverty is one of the main causes for our young people to continue engaging in some of these retrogressive practices like cattle rustling.

Mr. Deputy Speaker, Sir, infrastructure is an issue. In the Office of the President, there is one very crucial department, which is the Development Fund because it is in charge of security. There is always a fund to address the issue of infrastructure especially security roads. We have actually always committed a lot of money to the Office of the President with the hope that these areas are going to be given priority. However, on the contrary, we are not seeing any much development taking place in these areas. We do not see security roads being addressed and yet there is a lot of money which is always committed to this Ministry. The Office of the President should go out of its way to make sure that it really commits funds to these areas.

The officers who are posted to these areas, the DCs, the OCPDs and the rest, have no facilitation at all. They are demoralized. The “don’t care” attitude sets in. That is why we find that some of these issues continue unabated. Whenever they make statements here, they say that “we have sent the police to these areas and they are pursuing the rustlers.” These are the common clichés that we are used to hearing every now and then. So, I think it is time that we must rise to the occasion and really walk the talk. We do not understand why, at this time in the history of this country, the Government cannot reduce or contain the issue of cattle rustling which is the main problem between the pastoralist communities in these areas. They form more than half of this country but their issues are never given the seriousness that they deserve.

We are saying that the Government should come out very clearly and give priority to these areas in terms of development and being serious in addressing the insecurity that is so rampant in these areas because they are not really taking these areas very seriously. It is like the value for live in this country depends on where you come from because every day, we read in the newspapers, it is all over and it is true that in these pastoral areas, people die every month out of some these incidences but they are never taken seriously. It is just like another animal has died. It is not like a human being who has died. So it is time that the Government must put its foot down and try to address the issues of insecurity in these areas, moreso, these two communities in the two areas; Samburu East and Isiolo North. These people have lived together for all these years but because of these incidences, you find these communities drawing apart just because of the inability of the Government to address the core issues why they are almost at loggerheads all the time. So we are addressing these issues and we are saying that it is time the Government should act and act without any partiality.

Politics aside, it has been said that some of the conflicts we are witnessing in these areas are because politicians contribute. However, if the Government were to act, all these can be brought on board. If it is true that some politicians are helping or

abetting these crimes, why is the Government hesitant in taking action? But because we are playing politics, the issue of marginalization is still continuing in this country. That is why we are saying it is time that we must act now. So I think to sum it up, tourism is one of the main economic activities in these areas. It is a very sensitive sector. So unless the Government acts very strongly, these are some of the sectors which are threatened by this constant and continuous wrangling amongst our communities.

The role of our leaders, especially the Provincial Administration, is in question because the “don’t care” attitude is there. They post people there who are not committed to duty, they go there to pass their time---

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): On a point of order Mr. Deputy Speaker, Sir. Is it in order for the hon. Member to suggest that there is a “don’t care” attitude towards the cattle rustling exercise which is ongoing on or which has been there and yet we have actually beefed up security and recovered almost all the animals which were stolen? Is he in order to mislead this House?

Mr. Deputy Speaker: The contributor said that you use collective punishment. The only thing you can ask him is to substantiate his statement; the fact that he has stated. Okay proceed!

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, the hon. Member is a member of the peace committee where we share ideas and they are the people who suggest what we should be doing. Now, when he stood to contribute to this Motion, he is apportioning the blame on the Ministry of State for Provincial Administration and Internal Security and yet he is the one who came up with the idea of grabbing whatever we can in order for us to get the animals which were stolen. Is he in order?

Mr. Deputy Speaker: He is the one who advised you to do collective punishment?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Yes, it was a collective responsibility between us and the Members of Parliament from the areas.

Mr. Deputy Speaker: For collective punishment?

(Laughter)

Hon. Assistant Minister, it is illegal and unconstitutional in this country for anyone to carry out any form of collective punishment.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, it is not a question of collective punishment---

Mr. Deputy Speaker: It is not whether you were advised by the contributor or not.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, we agreed on parameters which we should be exercising in order for us to recover the livestock which is stolen. If he comes up here and says that we are punishing those who have not stolen the livestock, then I am at a loss. I do not know what to say now.

Mr. ole Lankas: Mr. Deputy Speaker, Sir, maybe I expected the Assistant Minister to respond to that issue when he is replying. So let me continue with my contribution.

The other issue that I think needs to be addressed in these areas is the role of the NGO world; those that deal participating with the issues of security. Some of them are playing double standards and unless they are all vetted, some of them might or might not be the cause of the insecurity that we are witnessing in some of these pastoral areas or areas which are still practicing this retrogressive practice of cattle rustling. So they also need to be vetted in one way or the other because some of them thrive on this insecurity so they need also to be vetted. My parting shot here is the issue that I have already mentioned, that property and about 4,000 livestock were lost. So the Government should account to the satisfaction of this House how these animals were distributed, and to who. Otherwise, the Government should take full responsibility for the loss of these animals from these communities.

So, Mr. Deputy Speaker, Sir, I want to rest my case by saying I support this Motion.

[Mr. Deputy Speaker left the Chair]

*[The Temporary Deputy Speaker
(Prof. Kaloki) took the Chair]*

The Assistant Minister for East African Community (Mr. Munya): Thank you Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this Report of the Departmental Committee on Administration and National Security.

Where I come from, this problem of cattle rustling is very big and persistent. Our people have been impoverished by cattle rustlers. Year in, year out, we lose cattle to cattle rustlers. The Government has come up with many ways of dealing with this problem but it has not been dealt with to finality.

Mr. Temporary Deputy Speaker, Sir, these particular incidences contained in this Report were triggered by the fact that raiders from these regions mentioned in the Report, attacked our area and took away thousands of cattle. In our area, we do not practice cattle rustling. Meru people do not raid anybody. We do not! We are settled and even those who are herdsman do not raid anybody for cattle. However, there is this particular cultural problem in which Samburu warriors continue raiding people in that region.

Mr. Letimalo: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to pinpoint one particular community and say they are involved in cattle rustling?

The Temporary Deputy Speaker (Prof. Kaloki): Is there a problem? Indeed, that is a fact and he can substantiate.

Mr. Letimalo: Mr. Temporary Deputy Speaker, Sir, it is not a community that raids. These are individuals who are criminals just as we have bank robbers! We cannot pinpoint a particular community that robs banks. We are talking about criminals in the pastoral communities and not the Samburu.

The Assistant Minister for East African Community (Mr. Munya): Mr. Temporary Deputy Speaker, Sir, I am responding to a Report that mentions Samburu

East. I cannot help mentioning a particular area which the Report deals with. If the Report was general, I would also speak generally. However, once the Report is addressing a particular problem from a particular area, the Standing Orders allow me to discuss the Report specifically.

Mr. Letimalo: On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Prof. Kaloki): Order, Mr. Letimalo!

Mr. Letimalo: Mr. Temporary Deputy Speaker, Sir, the Report arises from a visit by the Committee which covered three areas; Samburu East, Isiolo North and parts of Meru where the hon. Member comes from. So, it is not about Samburu only. The hon. Member is misleading the House and is out of order.

The Temporary Deputy Speaker (Prof. Kaloki): Mr. Munya, I think you are experienced enough to appreciate what Mr. Letimalo is talking about. Would you then stick to the Report and the contents? Talk about the three areas Mr. Letimalo has mentioned and then we move forward.

The Assistant Minister for East African Community (Mr. Munya): Mr. Temporary Deputy Speaker, Sir, I am discussing the Report specifically. I cannot discuss it generally. The Committee visited my area, Samburu East and Isiolo North and that is the epicenter of cattle rustling.

It is very clear in the Report that raiders come from Samburu East to my area and raid cattle. In these particular incidences we are talking about---

The Temporary Deputy Speaker (Prof. Kaloki): Mr. Munya, it is my opinion that you stick to the content of the Report.

The Assistant Minister for East African Community (Mr. Munya): Mr. Temporary Deputy Speaker, Sir, I do not know how to avoid talking about what I am talking about because that is what the Report addresses. However, I will try my best to keep my friend Mr. Letimalo happy and on his seat.

Mr. Temporary Deputy Speaker, Sir, raiders come from the north and raid my area every year.

(Laughter)

There are particular routes that they follow; they cross the Ewaso Nyiro River. The Government knows the particular points along which they cross the river.

Mr. Temporary Deputy Speaker, Sir, in this particular incident where the Government took stern action, over 3,000 heads of cattle were taken from Meru North particularly Tigania East---

The Minister for Environment and Mineral Resources (Mr. Michuki): On a point of order, Mr. Temporary Deputy Speaker, Sir. Mr. Munya is talking about cattle rustlers coming from the north, could he be more specific? Which degree to the north?

(Laughter)

The Temporary Deputy Speaker (Prof. Kaloki): Mr. Munya, do you want to respond to that?

The Assistant Minister for East African Community (Mr. Munya): Mr. Temporary Deputy Speaker, Sir, the raiders cross Ewaso Nyiro and come through two

hills. Shaba Hills is the crossing point; they then come from Ndaaba and from Archers Post. When they are pursued by security forces, they go and end up in an area where one of the hon. Members of this House comes from. They never go beyond that area. They stay there.

Mr. Letimalo: On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Prof. Kaloki): Order, Mr. Letimalo! We have already dealt with your point of order.

Mr. Munya, do you want to continue to contribute on this Motion?

The Assistant Minister for East African Community (Mr. Munya): Mr. Temporary Deputy Speaker, Sir, in this particular incident, because of loss of cattle and the fact that the Government was tired of these persistent raids, following the Modogashe Declaration where the communities living in that area sat down and agreed that if one community raids another community, adequate compensation is given, the Government pursued the raiders. The cows were identified from where they were kept by the warriors and the Government was able to return the cows. Security forces pursued the cows and were able to get them from the raiders. They were then driven back to Meru North and distributed to their owners.

The owners of the cows were called---

Mr. Letimalo: On a point of order, Mr. Temporary Deputy Speaker, Sir. Could the hon. Member explain how these animals were identified using military choppers? How do you identify stolen animals from a herd using choppers? Is the hon. Member not misleading the House?

The Temporary Deputy Speaker (Prof. Kaloki): Mr. Letimalo, I think you had the opportunity to read the Report. What Mr. Munya is doing is just to share the contents of the Report. I, therefore, think your point of order is out of line.

Mr. Munya, please, stick to the content of the Report and please, proceed!

The Assistant Minister for East African Community (Mr. Munya): Mr. Temporary Deputy Speaker, Sir, when cattle raiders raid an area, there is always a trail. The security forces follow the trail. When driving a large number of cows there is a trail that is left. This is what the security officers, who are very well trained, follow. Usually the chopper is used to assist them identify where the cows have reached and send information to the forces on the ground to follow them. This is what happened and the cows were followed and brought back to Isiolo airstrip. The herdsmen who had lost their cows and reported--- If you go to the Occurrence Books (OB) at Isiolo Police Station, Lare Police Station and Tigania Police stations, you will find reports of the herdsmen who had lost their cows and the numbers. These herdsmen were called and were able to identify their cows. They were then given their cows back.

Mr. Temporary Deputy Speaker, Sir, what surprises me is when the Report says that this was collective punishment. This is not true. It cannot be collective. It was not a punishment because the Government was trying to retribute to the rightful owners cows that had been raided by warriors from that region. How this amounts to collective punishment I do not understand. If raiders raid your area and the Government recovers those cows, the Government restitutes those cows to the rightful owners. Where does collective punishment come in?

Mr. ole Lankas: On a point of order, Mr. Temporary Deputy Speaker, Sir. In his contribution, the hon. Member said that according to the Modogashe Declaration, the

owners of stolen animals were to be compensated. He is, therefore, saying the animals that were recovered were for compensation. Now he is contradicting himself by saying it is the same animals that were stolen which were recovered and taken back to the owners, is he in order?

The Assistant Minister for East African Community (Mr. Munya): Mr. Temporary Deputy Speaker, Sir, I was just raising the issue of Modogashe Declaration as one of the agreements that the communities living in that area have entered into in terms of trying to bring to an end the menace of cattle rustling. I was not saying that the Modogashe Declaration was used in this case to compensate. In this case, there was no compensation; it was recovery of animals stolen and restitution of those animals to the rightful owners. So, that is why I was emphasizing that in this case, the issue of a collective punishment does not arise. In law, we also say that you do not benefit from your own mistakes. If you are a cattle raider, you come raiding people, you go with their cows, the Government comes to assist to enforce the law and takes over the cows, why do you cry foul? If you had stayed where you live, kept your cows, grazed your own cows and you did not go to steal anybody else's, nobody would have come to disturb where you live. Nobody would have come to disturb you. So, I do not see why we would want to use a Committee of this House to intimidate the Government from doing its job of protecting property and enforcing security in areas that are prone to insecurity. If you go to my area, people have been unable to settle down. We are not able to graze our cows where we are supposed to graze them. Even now, we are not able to water our cows in the watering holes because warriors from that region have invaded and taken over the area. I am saying that it is high time, if you ask me, for the Government to become even firmer in dealing with the menace of cattle rustling. It is not only the Government. I am also saying that it is high time for the leaders; especially Members of this honourable House, to take responsibility and start organizing their communities to start engaging in other income generating activities, so that they can stop that outdated practice of trying to replenish their cows after a drought, with cows belonging to other communities. This is what has been happening! When a drought comes and cows are wiped out in certain areas, young warriors who are trained there and who have gone through the traditional process of initiation are sent out there to replenish their herds by raiding other communities. That practice, because of tradition, is tolerated in certain areas. We are saying that time has come when we have to stop this practice and leaders take responsibility of training their people to stop stealing in any other name. Cattle rustling is a criminal activity! It is use of violence where you kill people who are herding cattle, take their cattle and then you try to justify using a Committee of this House.

Mr. ole Lankas: On a point of order, Mr. Temporary Deputy Speaker, Sir. When you talk of a region or a community, are we justified to say that because the activity of cattle rustling is committed by ten or 20 people whom the Government has a responsibility to identify, we condemn everybody? Are we being fair by trying to lump together whole communities and condemn them for the actions of a few? In this country---

The Temporary Deputy Speaker (Prof. Kaloki): Order, Mr. ole Lankas! What Mr. Munya is contributing and shedding more light on is the leadership to take responsibility and put their people together and deal with the problem. That is leadership! That is what I am getting from him. Mr. Munya, do you have any remarks?

The Assistant Minister for East African Community (Mr. Munya): Mr. Temporary Deputy Speaker, Sir, I cannot put it better than you have done. What we are saying is that leaders should provide the leadership. Let them not be fickle and be led by public opinion that is, sometimes, wrong. Provide leadership to your people; direct them to better ways of earning a living other than cattle rustling.

In conclusion, I want to say that even though the Government has been trying to resolve the problem, it has still not done enough, especially in Meru North. The Government has been promising us that a fully fledged police station will be put up at Ndamuru area, which is one of the main routes of cattle rustlers. But that has not been done. There was also a promise to put up a fully fledged police station at Ndahaba. That has not been done. There was also a promise to put up a fully fledged police station at Kambela, but that has not been done. The police officers who are there are few. There is no transport and even when raiders come, you do not expect the police to pursue them on foot. There is no transport and so, when the raiders come, they take the cows because they know the police are helpless because they do not have the relevant equipment. They do not have the vehicles to pursue the raiders. Even though the routes and periods when the raiders come are known--- We are telling the Government to wake up to this reality and take its responsibility fully. But, generally, the Report is good because it is making recommendations on what the Government can do to beef up security in those areas and to assist those communities to settle down and do other meaningful activities. So, generally, I support the report. What I was opposed to is those insinuations that there was collective punishment and cows were taken and not given to the rightful owners. But, generally, I support the recommendations that have been given by the Committee.

With those few remarks, I beg to support.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, thank you for giving me this opportunity to add my voice on a well researched Report done by a Committee of this House. I am amazed that we are still talking about cattle rustling in the 21st Century. I am amazed! I want, first of all, to start by thanking hon. Members and leaders from the pastoral communities for coming out to find a solution to this problem. I would also wish to give the background of this issue. Violence and inter-communal conflict in pastoral areas has been endemic since Kenya's pre-colonial era. In North Rift Valley and upper Eastern, those conflicts and cattle rustling incidents are mainly reported between the Samburus Turkanas, Pokots, Boranas, Somalis and lately the Meru who have since July 2009 been victims during the attacks. In those communities, the main culprits have been the youth. The women are---

The Temporary Deputy Speaker (Prof. Kaloki): Order! Mr. Ojode, are you responding or are you contributing?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, I am responding! I do not have to be the last speaker in order for me to respond. Let me respond while congratulating the team for having done a good job.

Hon. Members: No! We have not finished!

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, I am responding to this particular Report!

The Temporary Deputy Speaker (Prof. Kaloki): You can contribute and then you can do that when you are giving the Government response.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, but I can do both at the same time. I can respond and---

Hon. Members: Sit down!

The Temporary Deputy Speaker (Prof. Kaloki): You cannot do both! You can contribute. Would you like to do that at the end?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, since you have given me the Floor, why do I not just finish, unless you want to give me the Floor for the second time? But our Standing Orders do not allow one person to talk twice on a particular subject.

The Temporary Deputy Speaker (Prof. Kaloki): You see, this is also your docket and, at the end, you can do that. I have already consulted with the Clerks. But what I am saying is that you need to stick to the contribution.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, so, you want me to take the notes from all the hon. Members first?

Hon. Members: Yes!

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, if that is the mood of the House, the Government does not have any problem with that.

Mr. Langat: Thank you, Mr. Temporary Deputy Speaker, Sir. I also want to contribute to this Report. I want to say that it is saddening that cattle rustling is still happening in some parts of Kenya. In the area where I come from it does not happen, but it is sad that we still have that culture in some parts of the country. Instead of saying so much and accusing one community or another, I think it is fair that we really know what the causes of this problem are. The Government should move to solve those problems.

Mr. Temporary Deputy Speaker, Sir, I believe one of the problems is that acquisition of education has not been addressed in those parts of the country. Infrastructure too is a problem. People cannot engage in serious economic activities and, therefore, they have to resort to stealing from others.

I have heard hon. Members talk about police stations being built and so forth. I am sure the Government has not been able to build police stations in those areas because there are no roads and bridges. There in no way you can deploy police in an area where there are no roads. I think the Government should provide proper infrastructure, so that people can engage in economic activities. Much more importantly---

Mr. Ochieng: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the MP for Ainamoi to complain about infrastructure and insinuate that lack of infrastructure is what causes cattle rustling, while I know that Ainamoi has good infrastructure and grows tea, but his people continue to steal animals from my constituency?

(Laughter)

The Temporary Deputy Speaker (Prof. Kaloki): Order, Mr. Ochieng! Lack of infrastructure can contribute to insecurity.

Proceed, Mr. Langat.

Mr. Langat: Mr. Temporary Deputy Speaker, Sir, I think the hon. Member is trying to sort out personal problems with me.

The Temporary Deputy Speaker (Prof. Kaloki): Order!

Proceed, Mr. Langat.

Mr. Langat: Mr. Temporary Deputy Speaker, Sir, I am only saying that the issue of infrastructure is very key in resolving these problems in the long run. Therefore we must increase the capacity of the people in those regions, so that they are able to engage in business. Otherwise, I support the Report.

Thank you, very much.

The Assistant Minister, Ministry of State for Special Programmes (Mr. M.M. Ali): Thank you very much, Mr. Temporary Deputy Speaker, Sir. I want to add my voice to this very important Motion, touching on insecurity in Samburu and Isiolo. Having had an opportunity to read this Report, I want to state that I am actually concerned by the state of insecurity in this part of the region.

Specifically, it is very disturbing when you realize that in a span of less than two years, you lose the lives of not less than 81 persons in a particular town, specifically Isiolo. This is a very sad situation and I think we are not doing enough as a Government and a nation. This is because early last year, when the situation was getting out of hand, we took part in a peace mission in Isiolo. Following that, we had a high level meeting in Naivasha with the Ministry of State for Provincial Administration and Internal Security and we designed a process to make sure that the internal security machinery was able to deal effectively with the state of insecurity in this part of the region.

Mr. Temporary Deputy Speaker, Sir, unfortunately, we are not seeing results. When we appended our signatures, as leaders, to a programme of disarmament of the pastoral communities, we thought it would be effective, fair and applied across the board. Unfortunately, I want to state today that, that does not seem to be the case. This is because Isiolo Town is like a town under fire and the Government is just watching. Only yesterday, we lost a Mr. Hassan Abdul Shunu between Theshab and Gashuru areas. I think all Kenyans had an opportunity to see on a video clip mid last year some people armed to the teeth invading a particular place and our soldiers were just standing by watching, and without taking any action. This is an indication that there might be some compromise somewhere.

Mr. Temporary Deputy Speaker, Sir, this has caused people to feel that they are neglected and that the disarmament programme may have been applied selectively. I saw confrontation between Mr. Munya and Mr. Letimalo, when Mr. Munya mentioned that warriors come from a certain part of the region. I was tempted to stand up and say this might be the case, and I just want to say that all of us know where the attackers come from. We all know. Everybody knows. The Government and security agencies know it. Why the hell can we not move in with speed and make sure that all Kenyans are treated equally?

As leaders, we have heard people saying that we must encourage our people to be civil, disarm and stop cattle rustling. Indeed, some of us have followed suit and done the same. I want to proudly say that we have encouraged our communities to disarm.

Immediately they disarm, they see others arming themselves to the teeth. The playing ground is not level. I am sure you will agree with me that in the past, when everybody was at liberty to go and attack each other, we knew who was a better warrior than the other. We have been able to tell our people that this is a thing of the past. Let us forget. Let us make sure that we are civil. But other parties are arming themselves and attacking our people. We keep watching, and are being encouraged by the Government to continue maintaining peace on the promise that the Government will take action. No action has been taken; yesterday we lost one person. We cannot sit back and just watch. Enough is enough. It is time the Ministry of State for Provincial Administration and Internal Security became serious and delivered on its promise.

Mr. Temporary Deputy Speaker Sir, it as if some people want to cut off Isiolo Town from the rest of the country; we want to discriminate against a certain group of people there, especially the locals. It is as if there is an opportunity ahead. Thanks to the Government, especially the road sector. Today I want to say that in the history of this Republic the 130-kilometre Moyale-Isiolo Road has already been tarmacked. Plans are underway to make sure that the whole stretch is tarmacked. I want to thank the Government for that. This has been able to ease insecurity.

Now that the Government has plans to develop Isiolo Town, there are some people who are politically scheming how to manipulate the residents of the town so that the situation can work to their advantage.

We want to appeal to the Government to move with speed to convince us that the plans they have for us are actually fair to all the communities. At the moment, I want to submit that the picture which is on the ground is that our agencies are biased. In some cases, they are unable to do their work because they do not have vehicles. They just sit down and watch people do these terrible things. The Report touching on disarmament mentions that over 300 guns were given to a particular tribe and specifically they are talking about Borana. I want to appeal that this be expunged from this record because it appears like one community is favoured, while that is actually the community under siege. Our animals have been driven from Isiolo to a particular direction and they have never been recovered to date. The latest incident, as I have indicated, happened yesterday. This is a community under siege whether deliberately or otherwise. It is like others are supported and aided. We want to call upon the Government to ensure that this is stopped. We want a fair play. We want all Kenyans, wherever they are in this country to be happy to be part of this great nation. We do not want others to be supported and others to be discriminated, so that we can have peace and harmony in this country.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I want to appeal to your good office that the part of the Report touching on the issue of the guns, especially about the Borana, be expunged from this report.

The Temporary Deputy Speaker (Prof. Kaloki): Okay. I now call upon hon. Ojode to respond on behalf of the Government.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, let me start by thanking my colleagues who have got a chance to contribute on this particular Report.

Mr. Temporary Deputy Speaker, Sir, the Departmental Committee on Administration and National Security has so far done a good job. The Report is quite elaborate and factual. I agree with it. I got a chance to hear my colleagues bashing the

Government in terms of not moving fast enough to avoid cattle rustling menace. I want to say the following: My colleagues who are in this Committee have so far been very supportive despite the fact that we have had problems in expansive areas, where cattle rustling is practised. I must thank them for having agreed that we can work together to minimise incidences of cattle rustling. I also want to say that if it was not the presence of security officers within those areas, they would not have been keeping even a goat.

Mr. Temporary Deputy Speaker, Sir, as I mentioned earlier, it is sad that in the 21st Century we are still practising cattle rustling. This comes about because of proliferation of small arms and light weapons, cultural and traditional practices. It is also because of the revenge and counter revenge attacks, poor infrastructure which hampers rapid response by the security personnel and agencies, limited resources, poverty and high levels of unemployment. There is also the issue of porous borders. There are also inadequate security personnel due to expansiveness, low level of education and inadequate educational facilities, frequent and prolonged drought and hostile neighbouring communities across the national borders. Those are some of the things that contribute to cattle rustling.

Mr. Temporary Deputy Speaker, Sir, last year alone, we had a unique experience where the security situation in North Rift and Upper Eastern deteriorated to an alarming level. These violent conflicts were precipitated by availability of illegal arms. We agreed together with my colleagues that the first thing we need to do in order to incapacitate rustlers is to disarm them. After disarming, what will happen to those who still acquire illegal arms? We agreed that we are going to have Kenya Police Reservists (KPRs). But before we identify the KPRs we must vet them, especially where we do not have the police personnel.

Mr. Temporary Deputy Speaker, Sir, police records indicate that between July, 2009 and November, 2009, a total of 103 incidents were reported. The attacks culminated to 88 people losing their lives and about 26,800 livestock were stolen. The following are some of the specific incidents which were recorded as the highest casualties. On 12th August, 2009, seven people were killed and 8,000 livestock stolen in Turkana. On 15th September, 2009, 35 people were killed in Samburu. On 1st October, 2009, 14 Toposa were killed in Turkana. On 15th November, 2009, 14 people were killed and 4,000 camels stolen in Isiolo, but were all recovered.

We must also thank Government initiatives. When camels were stolen, security officers moved in and we recovered whatever had been stolen. But that came about as a result of our meeting with the leaders from that area. I want to congratulate them. I want to say thank you for supporting the Government initiatives. The participation of the Government is felt by anybody within those prone areas. The security personnel are on the ground. We have the Provincial Administration officers such as DCs, DPs, Chiefs and Assistant Chiefs whose primary duty is to recover any stolen animals within those areas.

With regard to Government response to the security challenge, my Ministry convened several meetings of Members of Parliament from the affected regions. One major workshop was conducted in Nairobi on 1st and 2nd October, 2009 in order to seek their views and enlist their support on the way forward.

During one of the meetings held in Naivasha on 18th and 20th November, 2009 – my colleagues are here and they can vouch for me – we enlisted their support and commitment to the urgent need for a comprehensive disarmament. We agreed in principle

that the only way forward is to disarm those who have illegal arms. I even went further to amend the Firearms Act which states that anybody found to be leasing his gun or rifle will be imprisoned for life. That was passed in this House. So, even if it is a police officer who is found leasing his gun for purposes of being used in cattle rustling, he or she will be imprisoned for life. The person to whom the gun is leased will also be imprisoned for life. If that is enforced, we will manage to reduce criminal activities by 70 per cent. When somebody who attacks you has a gun and you do not have one, you will surrender whatever you have. That is a thing of the past now. Lease your gun at your own risk. Give the Pokot your gun at your own risk. The Pokot or Turkana who have guns and they do not have licences, especially automatic rifles, risk being imprisoned for life.

On 15th November, 2009 the Government mounted a security operation in upper Eastern Province and North Rift involving 2,479 security personnel. We have increased the number of security officers deployed within that region. We created additional administrative units and security posts in the affected areas. My colleague, hon. Munya, talked of creation of police stations. That is not a problem for us. The district security personnel sit and agree that they do not need a police post, but rather they need a police station. When a police station is created, we will put it in---

Mr. Outa: On a point of order, Mr. Temporary Deputy Speaker, Sir. Before us here is a strange unattended item. I am wondering whether it is right to have an unattended item in the House.

The Temporary Deputy Speaker (Prof. Kaloki): Serjeant-at-Arms, could you ascertain what the strange item in the Chamber is? Proceed, Mr. Ojode! I think that is taken care of.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, you know that when we are discussing a very serious issue like this one of mine, we do not need any interruption.

*(The Temporary Deputy Speaker consulted
with the Serjeant-at-Arms)*

The Temporary Deputy Speaker (Prof. Kaloki): Hon. Members, the strange package is the property of hon. Odhiambo-Mabona. Serjeant-at-Arms, you can now move that special property to hon. Odhiambo-Mabona.

(Laughter)

Proceed!

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, we are increasing equipment to the security agencies. If any Member of Parliament wants us to create a police station, first the security personnel within that particular constituency have to agree amongst themselves. I am talking about the District Criminal Investigation Officer (DCIO), the District Commissioner (DC) and so on. They will then recommend to us that there is need to create a police station in a particular area. You will agree with me that if

you go to Isiolo, Turkana, Pokot and many other places, you will see that we have created quite a number of police posts to help curb cattle rustling.

We also said that there will be rapid response to incidents as soon as they occur. My colleagues will agree with me that we, sometimes, invite the use of a chopper because of the bad terrain. We do this in order to identify where the cattle are being driven. We have done this successfully and we have identified the stolen animals. We have recovered the stolen animals and we announced publicly that we want members of the community to come and identify their animals. We do this without any discrimination. The Government cannot discriminate its own citizens. That is not possible. In fact, this time round, instead of bashing the Government, it should be congratulated. That is because not a single animal is still outside there waiting for the owner to come and identify it. We normally hold *barazas* and we ask the owners of the animals to identify their animals. That has been done successfully. Hon. Letimalo and Hon. ole Lankas know what we have done and they have even congratulated us as a Ministry and the Government for doing a good job. I want to thank them. Let us continue that way.

Mr. Temporary Deputy Speaker, Sir, what are the achievements? These initiatives have enabled the Government to restore relative calm in the affected areas. In addition, the following have been recorded:-

- (i) Pastoralists who have caused mayhem by invading Shaba and Buffalo National Reserve were removed. Tourism business in the affected tourist hotel has now picked up very well. That is because of our quick action. The people living within that area were going to lose revenue because no one would go to see wildlife; cattle rustling are the order of the day.

It is quite amazing that in the 21st Century, there are some communities which are still practising cattle rustling. We want this to stop. It cannot go on when I am the Assistant Minister in that docket. No!

Mr. Temporary Deputy Speaker, Sir, the recovery of 2,160 illegal firearms---

Mr. Ochieng: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister is not telling us the truth. Last night in my constituency, Nyakach, two women were seriously hurt by cattle rustlers. So, he has to admit that this problem is still with us and the Ministry has been unable to tame that problem. Is he in order to mislead this House that the problem has been tamed?

The Temporary Deputy Speaker (Prof. Kaloki): Hon. Ochieng, the Assistant Minister is contributing on a particular area. He is giving a success story of that particular area and how the Ministry was able to normalize the operations and security in that area.

Proceed, Mr. Assistant Minister!

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Not only that Mr. Temporary Deputy Speaker, Sir, together we can.

Mr. Temporary Deputy Speaker, Sir, there are isolated cases. One or two animals stolen by the roadside in Nyakach is not a big exercise. However, we are saying that even if it is one animal which is stolen, the Government will take action. The law will be followed. That is why he has got a camp within Sondu. He has a camp at a place called Onywongo. He is able to sleep because of our swift action. Because of our actions, the area Member of Parliament can go and sleep.

Mr. Temporary Deputy Speaker, Sir, so far, 2,160 firearms and 18,520 rounds of ammunition have been recovered in those affected areas. Similarly, 3,372 head of cattle, 4,388 camels and 12 donkeys had also been recovered. We called the community to a *baraza* to come and identify their animals, without bias or discrimination because that is the work of the Government. If the community and Government can work together as is being perceived now, I want to inform this House that the cattle rustling menace will be a thing of the past. So far, 96 suspects have been arrested and are facing appropriate charges in various courts of law. My colleagues know that.

Mr. Temporary Deputy Speaker, Sir, what is the way forward? First, in order to reverse the deteriorating security situation and inject the necessary infrastructure that will spur socio-economic development in the two regions, the Government intends to roll out Operation Dumisha Amani Two, which will comprise of the following 12 strategies, which we agreed on together with my colleagues in the Departmental Committee on Administration and National Security. Some of these strategies are also recommended in this Report and that is why I am supporting it. The strategies are:-

(i). We should have deployment of adequate, specialized and well equipped security personnel.

(ii). Promotion of voluntary surrender and seizure of illegal weapons.

(iii). Mandatory cattle branding policy. This is a must so that after recovering the animals, we will be able to know that these particular animals belong to Boranas, Turkanas or Meru.

(iv) Intensive internal and cross-border conflict management and peace building initiatives.

(v) Promotion of comprehensive socio-economic activities with frequent and long-term impact.

(vi). Range management and improvement of the livestock economy and enforcement of compulsory education. That means that the Education Act must be enforced, so that pupils attend classrooms. Even if it is a matter of life and death, we must compel pupils to go to school.

(vii). Review and restructuring of the Kenya Police Reservists (KPRs). We have been vetting the KPRs. In the absence of those illegal arms, they were also asking: "If one goon comes in with a gun and takes all our animals, what will happen?" So, we must vet the KPRs. The KPRs will also be supported by the security personnel, including the Police, Administration Police and General Service Unit. That is why we have contained the situation.

(viii). Consistent and adequate funding of the Operation Dumisha Amani Two for sustainability.

(ix). Communication and publicity strategy.

(x). Clustering of conflict zones for ease of co-ordination and management.

(xi). Enhanced political consultation and collaboration. What we are doing with the Members of Parliament and leaders from that area must be improved and sustained. But we have been telling them also that if their animals are stolen, let them not exaggerate that, for example, out of five they add two zeroes to say they were 500. Honesty pays!

(xii). Intensive public sensitization and campaign against cattle rustling.

Mr. Temporary Deputy Speaker, Sir, we are currently in the process of implementing Phase I which will focus on cattle branding and disarmament to restore peace and security in the regions and pave way for development. Once we have stopped cattle rustling, we need to go ahead to develop that area.

Mr. Temporary Deputy Speaker, Sir, we have agreed in other fora that we are going to do boreholes and security roads. I want to confirm here that, yes; there are some roads which have been allocated funds for security purposes. The programme will require an initial funding to the tune of Kshs185 million per quarter from the Treasury to kick-start. However, Government efforts alone will not end these conflicts. I urge all my colleagues to join their colleagues from the affected regions in seeking a lasting solution. There is need to organize exchange visits and conferences for our youths and opinion leaders across the country so as to expose the warring communities to the benefits of peace, good neighbourliness and economic diversification and alternative means of livelihood. If we all join efforts, these inter-communal conflicts and cattle rustling problems will be contained.

Mr. Temporary Deputy Speaker, Sir, I want to assure hon. Members here that if we go together and agree as a nation, we will contain this situation. We, as the security personnel, are ready. I need my colleagues to support the effort the security team is doing on the ground in order to contain this situation. I also want to assure the whole country that together we will and can. Cattle rustling will be a thing of the past.

Mr. Temporary Deputy Speaker, Sir, I want to commend the Committee on Administration and National Security for not being biased and supporting the Government initiatives to contain this situation. I know that if we continue this way by next year, we will not have anything to do with cattle rustling. We have isolated cases in Kuria and Muhoroni bordering the Kipsigis. We are going to have a camp at Kupere to traverse that area. Once we have bought the surveillance equipment, we will be able to capture some of those who are entering our country illegally to cause mayhem.

Mr. Temporary Deputy Speaker, Sir, I want to congratulate the Members of the Committee and Non-Governmental Organization (NGOs) and the professionals in the Caravan for Peace and assure them that we will always give support. If need be, once the funds become available, we will be able to finance the efforts of the Committee so that we go ahead.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to support.

The Temporary Deputy Speaker (Prof. Kaloki): Hon. Members, it is now time for the Mover to reply.

Mr. Kiilu: Mr. Temporary Deputy Speaker, Sir, on behalf of the Chairman of the Committee, I would like to give special thanks to hon. Members who have spoken in support of this important Motion, particularly the Assistant Minister, Ministry of State for Provincial Administration and Internal Security.

This Report is based on a fact-finding mission. We made our report. It is not based on hearsay. I urge this House to adopt the Report so that the Ministry can implement it. Security is very important in this country. We are very concerned, as the Administration and National Security Committee, when certain parts of this country experience insecurity. Poverty reigns because people from those areas cannot go on with their daily activities due to insecurity. Cattle rustling and banditry is a vice that this

Government has a duty to stop. I am happy that the Minister of State for Provincial Administration and Internal Security has accepted to do so.

As I push for the adoption of this Report, I urge the Ministry to pay special attention to one of our recommendations - to ensure that communities which suffer from cattle rustling enjoy peace. The Government, as it carries out those operations, must do so in close consultation with stakeholders. The Minister has just talked about carrying out operations. However, as we carry out operations, we must carry them out in close consultation with our neighbouring countries, particularly Sudan, Ethiopia and Uganda, where small arms find their way into this country. We must secure our borders so that those who are affected by cattle rustling can attain some security.

The Government should not take pride in saying that it has added more security officers in those areas or added more police reservists. Recruitment of more police reservists is not the solution. The solution lies in the Government making sure that our international borders are secure and that no more firearms find their way into this country. Therefore, the Government has a duty to allocate money to secure our borders at all times.

Secondly, the Government must approach this issue from different directions and ensure that infrastructure, particularly roads, are improved. The Government should talk to telephone providers to ensure that those areas have good communication so that when there is an attack; *wananchi* can get in touch with security personnel and report the cases.

As a way of enhancing and discouraging young men from practising moranism and cattle rustling, the Government must create incentives in form of economic activities that would dissuade young men from cattle rustling. In the area we are talking about, tourism has been active and we are urging the Government to ensure that tourism is revived by way of providing security in the parks. Secondly, we should find a way of ensuring that young men and women in those areas attain formal education so that they can stop participating in the vice.

With those few remarks, I would like to urge this House to adopt this Report as presented in this House and supported by hon. Members.

(Question put and agreed to)

The Temporary Deputy Speaker (Prof. Kaloki): Next Order! Hon. Members, the Chair has information that the Mover of the Bill, Mr. Wamalwa, is away on parliamentary matters. Therefore, I will defer the Second Reading of the Bill to a later date.

BILL

Second Reading

THE RETIREMENT BENEFITS (AMENDMENT) BILL

(Deferred)

ADJOURNMENT

The Temporary Deputy Speaker (Prof. Kaloki): Hon. Members, there being no other business, the House is, therefore, adjourned until this afternoon, Wednesday, 29th September, 2010 at 2.30 p.m.

The House rose at 11.40 a.m.