

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 25<sup>th</sup> September 2013

The House met at 9.00 a.m.

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

PRAYERS

QUORUM

**Hon. Deputy Speaker:** Hon. Members, we do not have a quorum. I order the Quorum Bell to be rung. We cannot start business until we have a quorum.

*(The Quorum Bell was rung)*

Hon. Members, we can now transact business. We now have the necessary quorum. Please, get seated, hon. Members. Okay, Members we may start with the next Order.

### REQUESTS FOR STATEMENTS

#### EXPULSION/SUSPENSION OF STUDENTS FROM KENYATTA UNIVERSITY

**Hon. Deputy Speaker:** Hon. Wandayi, I see your request. Okay, you have a Statement, which has been passed.

**Hon. Wandayi:** Thank you, hon. Deputy Speaker. I have a Statement which I am seeking from the Leader of the Majority Party and I can see he is walking out. So, I am not sure who he is waiting for.

Pursuant to Standing Order No. 44 (2)(c), I wish to request for a Statement from the Leader of the Majority Party. The Statement is about the expulsion and suspension of some 12 students from Kenyatta University over the 4<sup>th</sup> March 2013 General Election-related matters. This is obviously the issue about the students' unrest of 15<sup>th</sup> March 2013 at the University. If you recall, certain electoral materials including marked ballot papers were found at the university leading to a strike, unrest or a demonstration by the students.

This matter is urgent because the university academic programmes are on and these students are at home. They therefore risk losing their chance of acquiring a university degree.

In his Statement, I would like the Leader of the Majority Party to clarify the following issues: -

- (1) how many students have been expelled or suspended following those disturbances at the university on 15<sup>th</sup> March 2013;

- (2) the full details of all the affected students, including but not limited to their official names, constituency of origin, degree course they are undertaking and the stage or year of their academic programme;
- (3) how official election materials or documents left the custody of the Independent Electoral and Boundaries Commission (IEBC) and found their way to Kenyatta University Campus on that material day;
- (4) details of the official relationship, if any, between Kenyatta University and the IEBC, including the exact date when this relationship started and the role of the parent ministry of education in securing this relationship;
- (5) the outcome of police investigations, if any, over the students' disturbances at the University on that material day;
- (6) details of disciplinary proceedings, if any, against the affected students, including but not limited to the composition of the disciplinary panel, legal representation of the students and the vote on the final verdict that led to these suspensions and all expulsions; and,
- (7) the possibility of rescinding this barbaric action that has been taken against these 12 students individually, in the spirit of national cohesion, reconciliation and healing, particularly in view of the strides that we have made as a country, in the aftermath of the Supreme Court ruling on the presidential election petition.

It is important that as a country we safeguard the reputation of our national institutions. Higher learning institutions---

**Hon. Deputy Speaker:** Now, do not go into those details. Have you finished? Please, you have asked your questions, allow the Leader of the Majority Party to tell us when he will be able to give us the answers.

Thank you, hon. Wandayi.

**Hon. A.B. Duale:** Thank you, hon. Deputy Speaker. When you were away last week, the Speaker gave a directive that hon. Members should read the Statement as signed by the Speaker or his deputy, but he has gone into other things.

I want your direction given that this is a serious investigative matter as it would require the Committee to call the IEBC, university senate, management, police, the student leadership and the political parties involved. I think this question should go to the relevant oversight Committee of Education, Research and Technology so that they can bring a report.

Your ruling and that of the hon. Speaker was on a matter of national importance. But this is a matter that needs a report to be tabled here with a recommendation. I will ask your direction that this goes to a Committee of the House.

**Hon. Deputy Speaker:** What is your point of order, hon. Wandayi?

**Hon. Wandayi:** Thank you hon. Deputy Speaker, clearly the Speaker did issue out guidelines as to who is to respond to what type of Statements sought in this House. This Statement I am seeking fits squarely in the realm of the Statements that the Leader of the Majority Party is supposed to address.

Firstly, the matters addressed here crosscut various sectors and institutions. There is the IEBC, Ministry of Education, Kenyatta University and the police. Secondly, this matter is of almost national importance because students have been expelled and suspended from the university on account of allegations that cannot be proved; on issues

related to election rigging. Thirdly, this matter is urgent as I said earlier on; the university programmes are running and the students are at home.

**Hon. Deputy Speaker:** Hon. Wandayi, your point has been made. I think we leave it to the Leader of the Majority Party and the Committee to make a decision. You can ask the Committee to assist you with investigations and you can come back and give the report to the House.

**Hon. A.B. Duale:** Thank you, hon. Deputy Speaker for that very good direction. I will consult with the Committee on Education, Research and Technology, the Committee on Justice and Legal Affairs and the Committee on Administration and National Security. We will sit and bring a report to the House in a month's time.

**Hon. Deputy Speaker:** Thank you. Hon. Wandayi, I think we have taken too long on this question and you have been given---

*(Loud consultations)*

But you have also actually said that it is crosscutting; it is going to need consultations with several bodies.

Thank you, I think your point has been made. I hope that the Leader of the Majority Party and the Committee on Education, Research and Technology have taken cognizance of the fact that students are involved and they are missing classes up to this point. Use your judgment to see how quickly we can get this matter sorted out, so that if they are to be readmitted to the university, they can get on with the programme.

Hon. David Kangogo, do you have a Statement which is signed? Remember no Statement will be presented before it is signed.

**Hon. Bowen:** Thank you, hon. Deputy Speaker, Sir. I do not have a signed Statement but almost two months ago, I requested a Statement from the Chairperson of the Committee on Education, Research and Technology regarding some students who were expelled by the South Eastern University College---

*(Loud consultations)*

Two students from my constituency and almost four from Kisii County were expelled on the allegations of being involved in skirmishes in the university. They were not given a chance to defend themselves.

I have been taken round in circles by the Chairperson for more than three days now. The university programmes are now running while the students are still at home. Therefore, I kindly request the Chairperson to tell us the position of the six students who were expelled for six years. These are young people aged 18 years, who have been expelled for six years.

**Hon. Deputy Speaker:** Okay, your point has been made, hon. Kangogo. Is the Chairperson or the Deputy Chairperson of the Committee in the House?

Proceed, Sabina.

**Hon. (Ms.) S.W. Chege:** Thank you, hon. Deputy Speaker. I think it is wrong for the hon. Member to say that I have been taking him round in circles. I do not know where I took him round.

*(Laughter)*

Hon. Deputy Speaker, as the hon. Member is aware, I am not the Cabinet Secretary. As to what the Committee has done, he has already sought a Statement. We also did a reminder to the Cabinet Secretary. This is a disciplinary matter. So, the Cabinet Secretary is also waiting for a response from the school. If we do not get the answer in the course of the week, we might summon the University Council. So, I beg the hon. Member to have some patience. Maybe, in a week's time, we will have an answer.

**Hon. Deputy Speaker:** Thank you, Chairperson. David, I do not want us to engage in arguments.

**Hon. Bowen:** Hon. Deputy Speaker, she has talked of receiving an answer in a week's time when the students are at home. These guys have been out for almost---

**Hon. Deputy Speaker:** Hon. Member, who is "she"? I want you to address the Chairperson of the Committee appropriately.

**Hon. Bowen:** Hon. Deputy Speaker, the hon. Member is talking of one week. I have already said that the students have been out for almost a semester now. I thought she would be talking about this afternoon, and not a week or tomorrow.

**Hon. Deputy Speaker:** Thank you, hon. Member. She has rightfully said so. You know that we are told that there is no government in this House. We are legislators. We are not government. We can only get responses from the Executive. So, you will have to bear in mind that there is a process. It is true that we are asking the Chairperson of the Committee to expedite the matter like in the first case where students have been missing from the university for a while now. We need an answer as to whether they are culpable of what they have been accused of or not. So, bear with the Chairperson. She has given us a week, after which she will have to call upon the university administration to explain what the problem is.

Hon. Joe Musyimi Mutambu, have you got a signed Statement?

#### REPOSSESSION OF DUTY-FREE SHOPS BY KENYA AIRPORTS AUTHORITY

**Hon. Mutambu:** Hon. Deputy Speaker, I do not have a signed Statement but I did ask for a Statement from the Chairman of the Committee on Transport, Public Works and Housing regarding what happened at the Jomo Kenyatta International Airport (JKIA). My question was very clear. I wanted to know what would happen to the people who lost their jobs and their properties, but what happened is that it turned out to be a chance for negotiations between the Ministry and Kamlesh Pattni. I said that my interest was not in Pattni, but rather in the Kenyans who lost their properties. Up to now, the question is yet to be answered. The Statement is not about to be tabled in Parliament. We do not know what happened thereafter. So, could you, kindly, give directions on the way forward? It is like I opened a door for negotiations by the Government and Kamlesh Pattni.

**Hon. Deputy Speaker:** Is the Chairperson or the Deputy Chairperson of the Committee here? Since none of them is here, let us give them a little while to come. Or do we leave it with the Leader of the Majority Party? If he is also not here, let us have the Deputy Leader of the Majority Party. Can you, please, undertake to find out where the

Statement sought by the hon. Member is and make sure that the Chairperson makes it available?

**Hon. A.B. Duale:** Thank you, hon. Deputy Speaker. I will liaise with the Chairman of the Committee and come back to the hon. Member.

Hon. Deputy Speaker, I think you need to give a directive to the effect that Chairpersons and Vice-Chairpersons must always be in the House to play their roles regarding Statement requests. We also had a problem yesterday when the Speaker was in the Chair.

**Hon. Deputy Speaker:** That is, really, not a matter on which we need to give a ruling. Every hon. Member is supposed to be in the House, and especially those who have been given responsibilities and leadership positions on matters they know that hon. Members are always going to raise questions.

Chairlady of the Committee on Education, Research and Technology, do you have something?

**Hon. (Ms.) S.W. Chege:** No, hon. Deputy Speaker.

**Hon. Deputy Speaker:** What is it, hon. Bare Shill?

**Hon. Shill:** Hon. Deputy Speaker, I have a problem with these gadgets. We do not know when to push the buttons. Sometimes you wait for the Motion to start to push the button. Sometimes people are given the Floor before others because they had pushed their buttons earlier. So, could you give us direction? When do we push the buttons when we want to speak? Is it immediately we enter into the Chamber or when debate on a Motion starts?

**Hon. Deputy Speaker:** I think you know the answer to that question. It is when the Motion starts. It is true that people are using all manner of tricks to ensure that they have a chance to speak but, really, you are supposed to switch on your button immediately the order under which the Motion you want to speak on has been called out. That is why you always hear me ask hon. Members whether they have Communication or Statement requests to make when they are actually waiting to contribute to Motions that have not even been called out.

Therefore, hon. Members, help your Speakers to be able to manage the speaking time by switching on your buttons only when the Order under which the Motion you want to speak on has been called out. As you heard in yesterday's Communication by the Speaker, there will be training tomorrow morning. You have been told that by next Tuesday, there will be no excuses about losing logging cards. So, anybody who still has problems as to when to press the intervention button and the button for request to speak should turn up for training tomorrow.

Hon. Shill, since you are one of those who have problems with the gadgets, I hope that you will turn up for training.

What is your point of order, hon. Kamama?

**Hon. Abongotum:** Hon. Deputy Speaker, you have clearly pointed out that hon. Members are using all manner of tricks to ensure that they get a chance to speak before others. How do you intend to deal with hon. Members who press their buttons immediately they get into the Chamber? What punitive measures are you going to take against such hon. Members?

**Hon. Deputy Speaker:** In fact, some of them may even press their buttons and leave the Chamber. When they are called upon to speak, they leave the chances to others seated in their places.

**Hon. Abongotum:** Hon. Deputy Speaker, if there are Members who have pressed their buttons, can you clear all of them before we start the next Motion, so that we can start afresh?

**Hon. Deputy Speaker:** Hon. Members, please, do not press the two buttons at the same time. There are hon. Members who have pressed the buttons for request to contribute and the ones for intervention as if they want to raise points of order. I know that it is not points of order that they want to raise. They actually want to make contributions. That is what my screen shows. So, let us leave all these tricks. If you just press your button when the Order has been called, we will be able to manage ourselves.

I can now see an intervention by Harrison Kombe. Is it a point of intervention?

**Hon. Kombe:** On a point of order, hon. Deputy Speaker. Three months ago, I sought a Statement from the Chairman of the Committee on Lands. That Statement has not come forth yet and the residents are still being disturbed by the salt firms. Could I be given the timeframe within which this Statement will be brought to the House?

**Hon. Deputy Speaker:** Sorry, I was a little bit occupied. This is to which Committee?

**Hon. Kombe:** It is to the Committee on Lands.

**Hon. Deputy Speaker:** Is the Chairman in the House, hon. Mwiru or the deputy?

**Hon. Kihagi:** Hon. Deputy Speaker, just yesterday, the Committee was discussing the Magarini issue and we agreed that we are going to meet the hon. Member next week because the issue is quite complex and there is something we are expecting from the Cabinet Secretary, Ministry of Lands. So, the Member will be called by the Committee next week for a brief.

**Hon. Deputy Speaker:** Thank you. I still see Joe Mutambu's intervention. Is it an intervention or what is it? Even hon. Kombe, you had not pressed the right button. You were asking for a Statement and it is not a point of order, which is what the smaller button means. You are on a point of order and that is not a point of order. Hon. Mutambu, is your's a point of order?

**Hon. Mutambu:** On a point of order, hon. Deputy Speaker. It is only that you cut me short when I was asking my question. I am surprised that when we ask for Statements, we do not get what we expect. For example, I sought a Statement, but instead of getting a report, it is a lawyer who was brought to talk to us. So, I want to know whether it is in order when Chairmen are asked questions, they bring lawyers to the Members of Parliament. Is that in order? We were addressed by a lawyer on that particular question.

**Hon. Deputy Speaker:** But you know that Members can bring in experts, if the matter requires a legal intervention; they are allowed. Our Standing Orders say that you can use experts. So, it is not a question of whether they are lawyers, but it depends on what exactly they were called to the Committee to assist in. I do not think that was out of order. Anyway, the Leader of the Majority Party has clearly said that you let him talk with the Chair of that Committee and come back to you. Hon. Wandayi, we were trying to see whether your Statement has been approved. Members, please, do not ask for an opportunity to ask for a Statement if your request has not been approved by either the Speaker or myself or a person that has been designated.

Members, we will move to the next Order.

## MOTIONS

### ENHANCEMENT OF COMPENSATION TO VICTIMS OF HUMAN-WILDLIFE CONFLICT

THAT, aware that smallholder farmers living in the buffer zone around the Mount Kenya National Park and Forest Reserve have struggled for years with the elephants that regularly invade their land and destroy their crops, which is a costly affair for these smallholder farmers where livelihoods are often lost in a single night raid; concerned that hardly a day goes by without an incident occurring between farmers and the elephants in the area; noting that elephants from the park easily stray outside its perimeters and cause damage to crops, domestic animals and homes, and even injury and death; and further aware that the Kenya Wildlife Service's compensation mechanism is wanting and unsatisfactory, giving only Kshs200,000 for death and Kshs50,000 for injury and nothing for crop or property damage, this House urges the Government to enhance the claim for persons killed from the current Kshs200,000 to Kshs1,000,000 and for those injured from Kshs50,000 to Kshs200,000 and also consider compensating farmers for destroyed crops and property based on value.

*(Hon. Njuki on 31.7.2013)*

*(Resumption of Debate interrupted on 18.9.2013)*

This matter had been exhaustively discussed and replied to. So, really, I am only required to put the Question.

*(Question of the Motion as amended put and agreed to)*

*Resolved accordingly:*

THAT, aware that smallholder farmers living in the buffer zones around the Mount Kenya National Park and Forest Reserve have struggled for years with the elephants that regularly invade their land and destroy their crops, which is a costly affair for these smallholder farmers where livelihoods are often lost in a single night raid; concerned that hardly a day goes by without an incident occurring between farmers and the elephants in the area; noting that elephants from the park easily stray outside its perimeters and cause damage to crops, domestic animals and homes, and even injury and death; and further aware that the Kenya Wildlife Service's compensation mechanism is wanting and unsatisfactory, giving only Kshs200,000 for death and Kshs50,000 for injury and nothing for crop or property damage, this House urges the Government to enhance the claim

for persons killed from the current Kshs200,000 to Kshs1,000,000 and for those injured from Kshs50,000 to Kshs200,000 and also consider compensating farmers for destroyed crops and property based on value.

#### REVIEW OF TERMS AND CONDITIONS OF RECRUITMENT FOR KPR

THAT, aware that insecurity in the Arid and Semi Arid Lands (ASAL) is caused by perennial cattle rustling that is aggravated by poor or no infrastructural facilities; also noting that there is inadequate deployment of National Police Reservists (NPR) who are ill equipped, unpaid volunteers with the National Police Services and lack the motivation to fight this crime leading to apathy that has seen residents lose their livestock and even lives; and further aware that there is need to restructure the security machinery in ASAL areas to mitigate the situation; this House urges the Government to urgently review the terms and conditions of the recruitment, remuneration and deployment of the KPR in ASAL areas with a view to providing them with uniforms, proper identification documents, automatic firearms, regular allowances and general improvement of their working conditions so as to restructure this crucial sector and help the KPR fight cattle rustling more efficiently.

*(Hon. Lentoimaga on 18.9.2013)*

*(Resumption of Debate interrupted on 18.9.2013)*

**Hon. Deputy Speaker:** The Member has the Floor and he is not available yet he is aware. Motion dropped! Where is the Member? You are taking a little while to respond.

**Hon. Ekomwa:** It is resumption of debate.

**Hon. Deputy Speaker:** It is resumption of debate. I am sorry about that. I was away last week and so, I am still trying to catch up on what transpired. Are you standing up to contribute? Fatuma Ibrahim had seven minutes.

**Hon. Ekomwa:** On a point of information, hon. Deputy Speaker, Sir. We began this Motion. Hon. Alois moved the Motion and I seconded it. Since he is not around, he requested me to reply.

**Hon. Deputy Speaker:** Thank you for the information. You will get the time to reply when we have finished contributing to the Motion.

**Hon. Ekomwa:** Hon. Deputy Speaker, I am not replying now. I was just informing you because you wanted to drop the Motion.

**Hon. Deputy Speaker:** And I also said that I am a little bit rusty having not been there last week, but I have been rightfully informed that this Motion has a balance of two hours and 35 minutes and we have a long list of Members who want to intervene. We will start with hon. Neto, who is the first one to make the request. Is hon. Fatuma Ibrahim here? She had seven minutes, but I did not see any indication that she is in the House. So, we move on with hon. Oyugi.



**Hon. Oyugi:** Thank you, hon. Deputy Speaker. I rise to support this Motion. It is a Motion that is well intended. I just hope no one is rustling my microphone. Cattle rustling is a perennial problem that affects most northern parts of Kenya and various sections of the Rift Valley.

Cattle rustling causes security issues and various community conflicts. I read this Motion and for me, it is duo faceted Motion. On the first part, I think the Mover of the Motion intends to deal with the security issues in the northern region which come about as a result of cattle rustling. On the second part, it appears that he wants the arming, proper remuneration and training of the National Kenya Police Reservists. I am not a security expert and so, on the part of arming the KPRs, perhaps that should be left to people who understand best the issues of security. We are all in agreement that the security structure of this country needs to be re-looked into and various persons that support the various facets of security in Kenya can then be supported. If at all the KPRs will then be found as that particular bolt that will fit in the whole security conundrum, then that will be a good thing to support.

I would like to speak more to what I think would be some of the suggestions in terms of helping the issue of cattle rustling. My perception is that issues of cattle rustling would be dealt with best if at all we had national cohesion and community cohesion issues, so that arming our KPRs would just be dealing with the symptoms of this problem.

Hon. Deputy Speaker, because of the revenge attacks that are connected to cattle rustling issues and the cyclic problem of cattle rustling, there is need to actively engage citizens in the various parts of the country. Having had a bit of experience in the northern part of Kenya, there is something called “peace committees” where various tribes or various communities are engaged. I am of the opinion that as opposed to arming our Kenya Police Reservists (KPRs) or giving them more training, we engage more in community cohesion issues and try things that will have the various communities that engage in cattle rustling come together. For example, we should encourage those communities to engage in joint farming projects or things that will make them interact and understand each other more. We also encourage peace markets where people interact freely with their livestock as opposed to just engaging in livestock that has been stolen.

Those practices will engage communities more in a manner that will give us long-term solutions as opposed to dealing with the symptoms which will be like arming the KPRs and occasionally calling in security.

The second thing I would like to propose, apart from the various modes of engagement, is the use of technology in tracking cattle that have been stolen so that we are able to avoid revenge attacks. We will avoid revenge attacks if we use technology to identify cattle that has been stolen and report in time the livestock that has been stolen.

Whereas it is a good thing to arm the KPRs, to end the problem that we tend to deal with – and which is cattle rustling - a more holistic approach will be the best approach as opposed to arming KPRs.

Hon. Deputy Speaker, I support this Motion and request the Mover to look at what we are trying to deal with as a country. If it is the issue of cattle rustling, then we need a modest approach. But if it is a problem of trying to improve the welfare of KPRs, that should be given consideration. That is because KPRs will be the best in terms of helping Kenya reduce insecurity.

Thank you, hon. Deputy Speaker, for giving me a chance.

**Hon. Abongotum:** Thank you, hon. Deputy Speaker for granting me the opportunity to contribute to this very special Motion for Members of Parliament from ASAL regions and also Members who come from places where cattle rustling is rampant.

Cattle rustling is an old culture. It is very retrogressive, backward and barbaric. So, we need to tackle it using every means possible so that Kenyans who live in those areas can benefit or reap what we call Independence fruits.

One time, I remember my friend, the Senator for Kakamega County, hon. Khalwale brought a Motion to this House. He actually proposed that cattle rustling should be a capital offence. In this same House, Members from those regions came together and opposed the Motion. They did not even want to amend it.

I think we need to stop this menace. Cattle rustling is prone in six counties, plus Kuria District and some areas in Nyanza. We have established beyond doubt that the KPRs who are referred to as home guards are the most effective in dealing with cattle rustling. That is because they understand the terrain, they can walk long distances and they know all the complications surrounding the cattle rustling business. So, the Government has come up with a policy which has been around for quite some time. I think we have had KPRs for the last 45 years, but they have never been given incentives. You will find the KPRs in those regions putting on *shukas*, jackets and *kofias* or hats. They do not look like serious Government staff. But, of late, the Inspector General of Police has improved their welfare. They now have identity cards and sometimes they are given uniforms at the whims of the Government. One can get a trouser today and a jacket tomorrow.

Hon. Deputy Speaker, we want KPRs to be recognised and be given stipends so that they can deliver on their mandate. We have lost very many people. You know what happened in Baragoi; we lost very many officers. Suguta Valley, which borders my constituency, is a very dangerous spot. In fact, in those areas, you can walk for 300 kilometres without seeing a policeman or policewoman. You only meet KPRs or cattle rustlers. So, we need to give motivation to those people by paying them some allowances so that they can also take care of their families by paying school fees for their children.

So, I would like to support this Motion and urge hon. Members to support it because, as you know, we are being blamed. The people from ASAL region are being blamed for not stopping this menace.

As you know, the youth who participate in cattle rustling business are supposed to be in high schools and universities carrying laptops. Instead of that, they are busy carrying Kalashnikovs and G3 rifles killing people. So, we really want to change the situation so that their lives can also be transformed.

In a nutshell, I support this Motion in totality. I urge hon. Members to come to our aid - we the pastoralists. We want you to support us so that we can end that practice in this Parliament. We want this Parliament to go on record as being the one that brought cattle rustling to an end. I think these hon. Members have what it takes to do that.

Hon. Deputy Speaker, with those few remarks, I beg to support this Motion.

**Hon. Deputy Speaker:** Thank you the Chair of the Departmental Committee on Administration and National Security.

Yes, hon. Munuve Mati.

**Hon. Mati:** Thank you, hon. Deputy Speaker. I stand to support this Motion very strongly. I stood here last Thursday and spoke at length about small arms and the problems that they are causing in this country. There were few voices that asked me to identify where those small arms are coming from. I insisted that there was a market that is saturating our country with small arms. A few people dissented. Two days later, we were faced with a situation, not of small arms, but medium scale arms like M-16s, in the fiasco we had over the weekend.

Hon. Deputy Speaker, one of the things that need to be recognized in this country is that there are people who have never known peace since Independence and I come from one such place. As a primary school pupil, I used to sleep in the bush because of bandits. As a Member of Parliament, I have slept in the bush because of bandits. I think it is just fair that this country does afford some peace and prosperity to some of the citizens of this country.

Hon. Deputy Speaker, I support the Motion because my constituents, in particular, have lost billions of shillings in terms of stolen livestock. It has lost good brains as well. Last year alone, we lost the best girl in Tseikuru District to bandits. She was killed. She was probably a material for a speaker's position in 10 or 20 years to come. She is now gone in the hands of bandits.

Hon. Deputy Speaker, I support the idea of motivating and investing in the police reservists and the whole security services in ASAL areas. The Chairman of the Security Committee would agree with me that some of us had to divide a little CDF resources which we have, to actually motivate security officers. There is no year that we do not build one or two police posts with CDF money; to basically bring security near to the people in our area.

Hon. Deputy Speaker, Sir, I would urge that the Government comes with resources and motivates the security forces that work in ASAL areas, especially the Administration Police, who sometimes live under squalid conditions while they are expected to provide security to the communities around.

I would like also to urge the Government to give police reservists to all ASAL areas, and not selectively. My area has not had one police reservist for over 20 years. I am actually surprised that this Motion acknowledges the existence of police reservists in some ASAL, while some do not have. Is there a powerful person there who probably has interest in cattle rustling, who decides that my constituency, Mwingi North, which suffers every year and loses livestock every year, should not enjoy that national facility that other ASAL areas are supposed to have? I would urge that the Chairman of the Security Committee who is a friend of mine; even before we finish discussing the Motion; to help me get a few police reservists. They can walk across as they await their uniforms and they use their own as they wait the deliberations that we have today.

Hon. Deputy Speaker, I do not want to emphasize the issue of arms. When we had police reservists in Mwingi North, they had G4s and not G3s. They also had Mark 4 guns. Mark 4 guns are not even a match for the Mkamba bows and arrows. They are basically walking sticks because you have to load every bullet, singly. By the time you load your one bullet, somebody with bows and arrows will have taken you down, even with a spear. So, I will urge that we improve the quality of the weapons that we give to the police reservists. We have to give them G4s or AKs. In any case, we are confiscating quite a few from hooligans and we may not need to actually invest a lot in procuring

them. We just need to take stock of what is in police stations in terms of confiscated illegal arms and give them to police reservists.

Hon. Deputy Speaker, I speak passionately on this matter and it will help hon. Lentoimaga because this country needs to up its operations in terms of security. It needs to take it very seriously, if we are to deal with the menace of arms in wrong hands. Cattle rustling was never a problem when the communities had only primitive weapons; bows, arrows and spears. Now with the sophistication and internationalization of weapons, it has become an industry which is worth billions of shillings. We need to invest heavily and make sure that since the Government cannot afford to give us all the policemen that we may require, both regular and administration, the communities should be given the responsibility of taking care of their own security. They should be given weapons to defend themselves.

Hon. Deputy Speaker, I say this because last week, my constituents in Tseikuru District lost 34 cows to such bandits armed with AK47 guns. They had 10 of them. That is by any standards, endemic. I want to thank the security forces in Tseikuru District because they managed to face those bandits and 27 livestock were returned. This is a very rare thing. I would like to commend them because rarely ever, do stolen livestock get returned or left by those bandits.

So, I will support this Motion and the idea of some remuneration and motivation for police reservists and will beseech whoever is responsible for recruiting those people to do it in a way that allows for good people to become police reservists. We may actually get into this process and without proper vetting, we actually facilitate the strengthening of cattle rustlers by giving AK47 guns where they will be able to engage not only the police, but also the army. So, let us put in place a proper mechanism for community vetting of police reservists so that we get the best people.

With these few remarks, I wish to support the Motion.

Thank you.

**Hon. Iringo:** Thank you, hon. Deputy Speaker for giving me this opportunity to contribute to this Motion. The Motion is well intended and I support it. But when we talk of arming civilians and giving them AK47s and other sophisticated weapons; we are going to open a pandora's box, whereby one legal gun will give birth to two illegal guns. That is what is happening.

Hon. Deputy Speaker, I happen to come from a constituency which has been perennially the hub of cattle rustling. That is Igembe Central, Meru County, and people from our neighbouring district are the ones who steal cows from us. Meru people do not steal cows. So, we have become an automatic teller machine for picking cows and taking them to the other community.

Hon. Deputy Speaker, when we talk of arming the KPRs, as one hon. Member has said, the weapons are given in discriminatory manner, whereby some communities will get guns and others will not get. So, when you are grazing your cows with arrows and bows, the other one comes with AK47 and takes your cows.

This Motion should be amended to state that--- We have got Anti-Stock Theft Unit in our system. They are there in camps and they do nothing. Cows are stolen and there is nothing they are doing. Can we restructure and arm them? Can we put them in the right place and areas where cattle rustling is such that, if cows are stolen, they are right in the system? The people who are put there by the Government should be the ones to

follow the stolen cows. But if we give every Tom, Dick and Harry guns to go for those cows, we shall be arming them to go and steal them instead of returning them. So, arming the people will not work.

Hon. Deputy Speaker, cattle rustling is an age-old culture among some of our communities. This is where we should sit down as leaders and agree to go back to our communities and tell them that this culture of cattle rustling should come to an end. As I talk, we have been interacting with one of my neighbouring Member of Parliament, who is in this august House. We have been sitting and saying: “Let us go to our communities and tell them that stealing cattle is not the only way to survive.”

I had said here that if we go to our communities and tell people to let children go to school instead of going to steal cows, it will help. Let them go and earn a living by buying their own cows instead of stealing. I think that way, we shall help.

Hon. Deputy Speaker, secondly, we have got another problem. The problem is that when those cows are stolen and the leaders go and meet, it is the same leaders who assist in hiding those cows in their communities. As we talk, every other day we go to the security people to tell them that our cows from Meru, Igembe and Tigania have gone to Samburu. We then go and locate where those cows are but then the leaders there, including the chiefs who are supposed to assist in this business of returning the cows, assist in hiding them. So, if leaders are going to assist in cattle rustling, then we will never stop it. Even if we provide machine guns and armoured vehicles to the security agents, cows will continue being stolen.

So, hon. Deputy Speaker, I strongly support the Motion which is well intended, but I will not support the idea of giving the KPRs or the people who are grazing those cows guns. Let guns be with the trained people – the people who know how to handle them. We have them in our systems. Let the KPRs, regular police, Anti-Stock Theft Unit and the General Service Unit (GSU) have guns, but we should not arm civilians.

I beg to support, but let us not give guns to the people. Thank you.

**Hon. Shill:** Thank you, hon. Deputy Speaker. I would like to support the Motion and say that the KPRs or home guards are very crucial in the ASALs. We know how limited our security personnel are and they are not even near to the ratio that has been recommended by the United Nations (UN). Most of them are concentrated where the population is high, but arid areas are places where we have scarce population. Those are Turkana, Samburu, Garissa, Wajir, Mandera and even Mwingi counties.

Hon. Deputy Speaker, the reason why this Motion is on, and I thank hon. Lentoimaga who was the District Commissioner (DC) Garissa and who understands the meaning of these things, is because it is the obligation of this Government to make sure that its citizens are taken care of in terms of security. However, when the security personnel are few, you have to look at other ways of mitigating this shortage.

An hon. Member said that we do not want to arm our civilians but already, they are armed. We have passed that stage. When you look at your television sets, you will see Turkanas, Samburus and Somalis armed walking with their AK-47 guns alongside their cattle. Uganda has even armed their watchmen. You better have registered armed people than unregistered armed people because you will follow them and you know who has a gun and what gun number. Why did the civilians arm themselves? That is because they could not be secured. They have no faith in their police apparatus.

Hon. Deputy Speaker, it is not only about cattle rustling; it is about security. Recently in my constituency at a place called Galmagala there were only five police officers and *Al-Shabaab* attacked them and killed all of them. If we had 10 KPRs at that time who know about the terrain and can walk long distances, they would have followed those people. They would have secured the situation but this did not happen because we have left our civilians unarmed and we have not given them adequate security.

It happened also in Dadaab Constituency. People have crossed all the way 100 kilometres from the border to come and kill chiefs and Administration Police (AP) officers and what did the Government do? They even removed those few officers and took them away. They said that they want to now have a policy whereby APs and police officers must not be less than 10. So, they have left all those areas without security because the people who are supposed to be hunting the criminals are being hunted. So, it is a different case.

Hon. Deputy Speaker, what we are asking for in this Motion is to have registered KPRs who have been vetted and we give them some incentives like beautiful uniform, automatic weapons and some allowances so that they do not go hungry. How can you give a gun to somebody with no money? Try to improve their working conditions and this will help.

Hon. Deputy Speaker, two neighbouring countries which are also members of the IGAD, that is Ethiopia and Uganda have done wonders. Are the civilians of Uganda and Ethiopia much better than those of Kenya? We always run away. We think that by giving weapons to some of those people then something dangerous will happen. We are always living in fear. Why should you stop somebody from protecting himself and yet you cannot protect him? This is the essence of the matter.

Hon. Deputy Speaker, recently there were so many problems in Garissa County. Garissa Town itself was seized by the *Al Shabaab* to the point whereby our police could not leave their police stations. The traffic police could not go to some zones of Garissa just because they were being hunted. If we had some local KPRs, then that problem would have really been solved. We have experienced those kinds of things.

Hon. Deputy Speaker, we have spent a lot of the money from CDF in building AP and police lines but they have now been deserted because in his wisdom, the Inspector General of Police thought that the police are now in danger. This is very interesting. If the police fear then who is going to take care of the civilians? It is like saying the medicine itself has become sick and when that happens, how are you going to treat that medicine? It is very difficult.

Hon. Deputy Speaker, what is the advantage of getting KPRs? The KPRs will consist of local people. They will understand how to handle this menace. We say that if you want to remove a thorn from your flesh, then use a thorn. I mean, these people are the people who understand the terrain and they can follow up and know who the thieves are. Why should we fear our citizens?

Hon. Deputy Speaker, as I speak---

**Hon. (Maj-Gen.) Nkaisery:** On a point of order, hon. Deputy Speaker. We cannot allow hon. Shill to get away with an outrageous statement that the Inspector General of Police has directed the police to leave that place because they are afraid. He has also said that the police are afraid and he also asked about who will take care of the

citizens since the police are not there. He should substantiate. He cannot get away with that statement.

**Hon. Shill:** Thank you, hon. Nkaisserry. I will not address you as a general now because you are also a Member of Parliament.

Hon. Deputy Speaker, I will substantiate. In my constituency, five Administration Police posts have been removed. Consequently, schools have collapsed. Dispensaries have been closed because the Inspector General of Police removed the APs and other police officers from that area, saying that their numbers are very few. That is a fact. If you want, I can take you there at my own expense. We do not want sycophancy. What I am saying is that I am mentioning places. Fafi is an example of a place where over 40 APs have been removed. The officers were stationed at various places in batches of five or 10.

Having substantiated, can I continue, hon. Deputy Speaker?

**Hon. Deputy Speaker:** Your time is up.

**Hon. Shill:** Hon. Deputy Speaker, what I was saying was important.

**Hon. Deputy Speaker:** Yes, but your 10 minutes are over. I do not know whether you have substantiated what hon. Nkaisserry had requested you to substantiate. We should desist from making statements and naming people. When you say that the Inspector General of Police has removed officers from a place, really, you need to bring a substantive Motion, so that we can discuss him. I do not know whether it is an assertion that you are making or it is something that is founded on facts or whether you even understand the reasons, if at all officers were actually removed from the places you have mentioned. Of course, you are the representative of the people of that area.

**Hon. Shill:** Hon. Deputy Speaker, when police officers are removed from an area, the buck stops with the Inspector General of Police. That is the thing. What I am saying is that police officers have been removed from not only my constituency, but also from many other places because in the recent past, there were attacks on police posts in some places. So, the police officers were removed from those places. I am not talking about Kimaiyo as a person. I am talking about the Inspector General of Police, who has the mandate. The buck stops with him. The orders would not have been executed without his knowledge.

**Hon. Deputy Speaker:** Hon. Shill, are you trying to say that the officers were removed from those places for their own security?

**Hon. Shill:** Yes, hon. Deputy Speaker. That is a fact. We are wondering why the police officers had to be removed from those areas, which are 140 kilometres away from the border with Somalia, where we have over 2,000 KDF troops.

**Hon. Deputy Speaker:** Hon. Shill, that is a very serious matter. You should have sought a Statement, so that we can get to know why this has happened.

Yes, hon. Diriye.

**Hon. Mohamed Diriye:** Hon. Deputy Speaker, I also want to add to what hon. Shill has said. It is true that in most parts of the North Eastern region – what is called Garissa, Wajir and Mandera counties – police units are very few. All the AP units that have been in existence in that area have been removed. That is a fact. The head of the NPS and his two deputies are aware. We have raised this matter with them. Their explanation then was that it was because of the attacks that happened. According to them, a police post with few officers would be vulnerable to attacks. Therefore, in order to

avoid being overpowered by raiders, they were trying to collapse the units and this caused a lot of problems in that area. My constituency has the longest border with Somalia. There are no Rapid Deployment Unit (RDU) personnel. The people there have become very vulnerable. We have raised this matter with the authorities. So, I can also substantiate what hon. Shill has said – that AP units were removed from that area. Entire villages have no AP personnel right now.

**Hon. Deputy Speaker:** Hon. Manje, what is your point of order?

**Hon. Manje:** Hon. Deputy Speaker, when the Member on the Floor was contributing, he referred to hon. Nkaissery as a sycophant. Hon. Nkaissery wanted a clarification made by the hon. Member but he went ahead and used unparliamentary language. Is he in order?

**Hon. Deputy Speaker:** Hon. Manje, I did not hear him say that hon. Nkaissery is a sycophant. That may have escaped my attention.

Hon. Shill, if you did call him a sycophant---

**Hon. Shill:** Hon. Deputy Speaker, I did not call him a sycophant.

**Hon. Deputy Speaker:** I thought I heard you say that you did not want sycophancy.

**Hon. Shill:** Hon. Deputy Speaker, I said that we do not want sycophancy. I did not say that hon. Nkaissery is a sycophant. I said we do not want sycophancy.

**Hon. Deputy Speaker:** Hon. Manje, that is what I thought I heard. That is why I did not think that he was referring to hon. Nkaissery as being a sycophant. That is, really, my understanding. That is not to say that he is a sycophant.

Hon. Kaluma, do you have something different?

**Hon. Kaluma:** Hon. Deputy Speaker, I rise under Chapter 14 of the Constitution of the Republic of Kenya, dealing with the issue of national security. I just wanted to ask whether, indeed, the Motion we are discussing is constitutional. The national security apparatus is created under Chapter 14 of the Constitution. Of course, we have the National Defence Council, the armed forces system and the police service system to secure the nation. The misnomer that we are debating – we are even seeking to give people money and facilities so that they can guard us – is not mentioned anywhere in the Constitution or in any other laws dealing with the security of the nation.

I am seeking firm directions on this matter. Are we seeking to legitimise an unconstitutional outfit because of failures within our internal security apparatus? Why are we not talking about how to facilitate the National Police Service and other legitimate security forces in the country to do their work more effectively? I am concerned that this Motion is outright unconstitutional. We are thinking of arming and giving money to people who are not recognised within our legal systems. Looking at Chapter 14 through--

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**Hon. Deputy Speaker:** Which part of the Constitution are you referring to, hon. Kaluma?

**Hon. Kaluma:** Hon. Deputy Speaker, I am referring to Chapter 14, from Article 238 to Article 239, which deals with national security.

**Hon. Deputy Speaker:** Hon. Kaluma, cite the exact Article that you think we are contravening by debating this Motion.

**Hon. Kaluma:** Hon. Deputy Speaker, may I refer you to Article 239. We have the national security organs clearly set forth and defined as the Kenya Defence Forces, the



National Intelligence Service and the National Police Service. Of course, Article 240 deals with the National Security Council. Article 241 defines the Defence Forces and the Defence Council as the Kenya Army, the Kenya Air Force and the Kenya Navy. For purpose of intelligence, we have Article 242, which deals with the National Intelligence Service.

For purposes of internal security, we have Article 243 dealing with the National Police Service. We have two levels of the National Police Service. Under Article 243(2), it is stated clearly that the National Police Service consists of the Kenya Police Service and the Administration Police Service, whose command systems are defined. Of course, the Police Service Commission is provided for under Article 246. Where is this misnomer called the “Kenya Police Reservists (KPR)”, which we are discussing and seeking to legitimise by giving it money and facilities?

Hon. Deputy Speaker, as I seek your firm directions on the issue, I take note that we are talking about security. Hon. Members will have chance to contribute.

**Hon. Deputy Speaker:** You have made you point, hon. Kaluma. Let us have some Members’ contributions on it. I have heard that you are waiting for a firm ruling on this.

**Hon. Kaluma:** Hon. Deputy Speaker, speaking on security, I would be remissive if I did not condole with the family. In fact, a person known to me died at the Westgate.

**Hon. Deputy Speaker:** Why do you not take half a minute?

**Hon. Kaluma:** I will take half a minute.

**Hon. Deputy Speaker:** We have given you the microphone.

**Hon. Kaluma:** Hon. Deputy Speaker, I am grateful to the House for the opportunity. In Homa Bay Town Constituency, we have lost a young man, aged 27 years old, who was one of the gallant soldiers seeking to rescue our hostages at Westgate. If you look at the *Standard Newspaper*, there is one Jackton Puodi from my village; he was known to me. We condole with his family as the National Assembly. We wish the widow, who is a young lady and their only child, well.

**Hon. Deputy Speaker:** Thank you, hon. Kaluma. Hon. Shill, you are on a point of order. Address the concern that he has raised.

**Hon. Shill:** Hon. Deputy Speaker, I am just addressing the concern. We are talking about the Kenya Police Reservists. We have military reservists, police reservists; we are not against the Constitution because this exists. Therefore, we are not discussing something which is outside the Constitution.

**Hon. Deputy Speaker:** Hon. Njagagua, are you also on the same matter before we move on?

**Hon. Njagagua:** Hon. Deputy Speaker, I very much appreciate what hon. Kaluma is saying, but we must appreciate that this is the National Assembly and we are here to make regulations. We can even amend the Constitution. The basic thing, or the bottom line is that Kenyans are dying senselessly. There is what I would call insecurity. So, when we say that it is unconstitutional, I do not believe that, that is factual. We are here to safeguard the lives of Kenyans. We can amend that Constitution to fit into what we want. I urge you to rule him out of order.

**Hon. Deputy Speaker:** Hon. Osele, on the same matter?

**Hon. Onyango:** Hon. Deputy Speaker, I am on the same issue. I would like to refer hon. Kaluma to Article 247 of the Constitution, which gives Parliament the power to legislate. It states:

“Parliament may enact legislation establishing other police services under the supervision of the National Police Service and the command of the Inspector General of the Service”.

This Motion is properly before the House, in my opinion.

**Hon. Diriye Mohamed:** Hon. Deputy Speaker, the national police reservists are part of the National Police Service and the Police Service Act gives the Inspector General of Police authority to decide how and when to recruit and deploy them, in consultation with the National Security Council. It gives powers to the Inspector General of Police to decide on how to deploy the national police reservists. So, the national police reservists are part of the National Police Service.

**Hon. F.K. Wanyonyi:** Hon. Deputy Speaker, I want to make a clarification. We are talking about the Kenya Police Reservists; they are recognised as security agents under the Police Act, 2011, Section 110. So, this is actually a Motion which is properly before the House. They are recognised as security agents. So, there is nothing wrong with us discussing this Motion.

**Hon. Deputy Speaker:** Members, all these others are on the same issue. Hon. Oyugi, please let us not go on and on because the point has already been made.

**Hon. Oyugi:** Hon. Deputy Speaker, my intervention is on the same issue. Whereas I appreciate the dilemma of hon. Kaluma because this Motion is very convoluted, the two speakers before me have sufficiently responded to him. The first thing is what the provisions of Article 247 of the Constitution say; also, the clarification hon. F.K. wanyonyi has given can be read as the interpretation of Article 239(4), which gives any person the power to establish a military or para-military or a similar organisation to promote national security in accordance with an Act of Parliament. So, this Motion is in order and should be debated. The only problem is that it is very convoluted, and touches on three big topics, which can be segregated and discussed differently. This Motion is very much in order.

**Hon. Deputy Speaker:** Members, let us leave the matter. You have rightfully stated that this Motion is properly before the House. Members, we can acquaint ourselves with the laws that we have also passed in this House, like the National Police Service Act, and also what has been read to us from the Constitution. We can let the matter rest there. We can seek any further clarifications, if there is any need for it. We can continue with our debate.

Hon. Nkaissery, you were the next one on the line.

**Hon. (Maj-Gen.) Nkaissery:** Thank you, hon. Deputy Speaker for giving me this opportunity. This is a very noble Motion, but it has certain glaring grey areas. In Article 238 of our Constitution, it is the responsibility of the Government to provide security to its citizens and protection for their properties. I would have expected the Chairman of the Committee on Administration and National Security, or even the Mover, to be in the House, so that we may suggest amendments.

There are two areas in this Motion which are very difficult and dangerous. You realise that there are several factors affecting cattle rustling. The first one is the menace of small arms and the other one is cultural. There is, of course, insecurity and

underdevelopment in those areas. Infrastructure is lacking. For example, areas like North Eastern counties, Baragoi and Mandera have lagged behind in development.

This House should do better than this. We are better than this. We should not have allowed this Motion to go the way it is going. I wish my brother, hon. Shill was here because he said that every Kenyan is now fully armed. If that is the case, then we do not need the KPRs or the police. We must amend this Motion to say that the counties which have a problem of cattle rustling should be given more policemen. The Government should clear this menace of cattle rustling.

We have a problem of inter-clan rivalry. The other day, we had a problem in Moyale. Just cast your mind back. If everybody from Burji, Boran and the Gabra clans is fully armed, as suggested by this Motion, and assuming we have about 200 KPRs, for example, in one of these clans, this will be a security front. The Motion is noble and I am so happy that its Secunder is here. I would propose that we move an amendment, that this Government---

**Hon. Deputy Speaker:** Hon. Nkaissery, you know that any Member is free at any time to move an amendment. Whatever amendment you think would improve this Motion you are free to move it. We can debate the amendments and see if we can pass them. We are not going to debate this again. So, if you really feel that an amendment would improve it, then you are free to propose that amendment and then we can discuss it.

**Hon. (Maj-Gen.) Nkaissery:** Then I can move the amendment and my friend, the Secunder, should take note of it.

I beg to move that due to the menace of cattle rustling, this House urges the Government---

**Hon. Member:** Where is a copy of that amendment?

**Hon. (Maj-Gen.) Nkaissery:** You know generals, or big men, do not write. *Hiyo ni kazi ya karani!*

*(Laughter)*

**Hon. Deputy Speaker:** Hon. (Maj-Gen.) Nkaissery, you know the rules of this House. When you start in English, you should end in English. You do not mix languages.

**Hon. (Maj-Gen.) Nkaissery:** Hon. Deputy Speaker, the Secunder of this Motion can act as my---

*(Hon. (Ms.) Chidzuga crossed the Floor  
without bowing to the Chair)*

**Hon. Deputy Speaker:** Hon. Chidzuga, you have crossed the Floor without doing what you know you are supposed to do. Please, go back and observe our tradition. Next time you do that, you will be sent out of the House. Please, let us respect the rules that we set for ourselves.

*(Hon. Chidzuga went to the Bar and bowed  
to the Chair)*

Hon. Nkaiserry, are you moving the amendment? Since you need to prepare it and move it here, you can finish giving your other contribution.

**Hon. (Maj-Gen) Nkaiserry:** Hon. Deputy Speaker, as I was saying, I am happy that my brother, hon. Shill, is here and he will agree with me that--- First of all, I want to tell hon. Shill---

**Hon. Deputy Speaker:** Hon. (Maj-Gen.) Nkaiserry, you will not repeat for the sake of contributing. You can go and sit with hon. Shill if you---

**Hon. (Maj-Gen) Nkaiserry:** But he is a very good friend of mine!

**Hon. Deputy Speaker:** Hon. (Maj-Gen.) Nkaiserry, do not repeat yourself, please.

**Hon. (Maj-Gen) Nkaiserry:** Hon. Deputy Speaker, I want him to understand issues of national security.

**Hon. Deputy Speaker:** But you have told him that---

**Hon. (Maj-Gen) Nkaiserry:** Hon. Deputy Speaker, then let me continue.

We now have the Government in the six counties being prone to--- We need to allow these counties to employ more police officers instead of arming the KPRs. We need to employ more---

**Hon. Shimbwa:** On a point of order, hon. Deputy Speaker.

**Hon. Deputy Speaker:** It should be an intervention. Many of you need to go for the training that will be held tomorrow. You can use the main microphone at the Dispatch Box.

**Hon. Shimbwa:** Thank you, hon. Deputy Speaker. First of all, I bring you a good message from Changamwe Constituency. The son of a fisherman has been cleared---

**Hon. Deputy Speaker:** Hon. Shimbwa, you are really out of order!

**Hon. Shimbwa:** No, it is just a message.

Secondly, hon. (Maj-Gen.) Nkaiserry is a senior Member of this House. He cannot move an amendment without having it in written form. I propose that he be ruled out of order.

Thank you.

**Hon. Deputy Speaker:** I have just told him the same thing. Hon. Nkaiserry, please conclude your contribution.

**Hon. (Maj-Gen.) Nkaiserry:** Hon. Deputy Speaker, Sir, I was concluding by saying that this is a very noble Motion. However, this House cannot pass a Motion to arm civilians. This House must pass a Motion to employ more security personnel to provide security in the cattle rustling prone counties. That is what I am saying.

You will realise that we have a problem of clan wars or misunderstandings. How will you control those people if you give them arms? Instead, we can employ more policemen to provide security in those areas.

**Hon. Shill:** On a point of order, hon. Deputy Speaker. Is it in order for hon. (Maj-Gen.) Nkaiserry to mislead this House? We are not arming civilians; we are arming the KPRs, who are recognised by the Act.

*(Hon. Mohammed Diriye crossed the Floor)*

**Hon. Deputy Speaker:** Hon. Diriye, you cross the Floor at the Bar and not at the middle of it. Hon. Members, since it is his first time, we will not send him out today. Definitely, he will be sent out next time.

**Hon. Shill:** Hon. Deputy Speaker, is it in order for hon. (Maj-Gen.) Nkaissey to mislead this House and the nation at large that is watching live that we are arming civilians? What is he talking about? We are not talking about tribes and clans; we are talking about the KPRs who could be anybody.

**Hon. Deputy Speaker:** Thank you for that clarification.

**Hon. (Maj-Gen.) Nkaissey:** Hon. Deputy Speaker, why should you allow this man to mislead Kenyans? Hon. Shill should know that a KPR is a civilian, because he is not a policeman or an army man. He is a civilian. It is just a title they have been given, "Kenya Police Reservists". I would like us to have a proper terminology in this discussion.

I want the Chair to be serious on this. This House is passing a Motion that proposes giving of automatic weapons to civilians. This is my problem. We can employ more policemen and Administration Police officers to provide security in cattle rustling prone counties.

Hon. Deputy Speaker, with those few remarks, I support the Motion, if it is amended.

**Hon. Mohammed Abass:** On a point of order, hon. Deputy Speaker. I think hon. Nkaissey is misleading the House, although he is a senior Member of it and also a general. The KPRs have existed since time immemorial. We have only 70,000 police officers in this country, which is vast. The KPR is part of the community policing. Therefore, it is not in order for hon. Nkaissey to mislead this House. The KPRs are readily available, and can walk long distances on rough terrain. These people are paid little.

**Hon. Bowen:** Thank you, hon. Deputy Speaker. I think the Motion before this House is very important, especially to areas where there is rampant cattle rustling. Some of us may not appreciate the KPRs until they visit Kerio Valley and understand Suguta Valley, Tana River, Todonyang in Turkana and Garbara in Fafi. These are areas with serious insecurity or cattle rustling. We are talking about a few policemen in Kenya, and we urge the Government to increase them, or seek the services of the KPRs to support the Kenya police.

In Marakwet East, which is my constituency, I want to commend the work done by the KPRs. Since the Murkutwo Massacre of 2001, where I lost 69 constituents one morning, the KPRs have done a commendable job in Kerio Valley. These are people who understand the terrain of the place. These are people who carry G3 guns without being paid a single cent. These are people who carry G3 guns to beef up security in the area, and they walk barefoot. They do not have shoes or uniforms.

The KPRs in this country have done a very commendable job and we want to appeal to the Inspector General of Police to consider providing them with good uniforms and pay them allowances which are enjoyed by the Kenya police.

On intelligence, you will find that these are the people who normally give the police information that there are some cattle rustlers who plan to raid this or that area. They gather intelligence more than the National Intelligence Security (NIS) officers that we have. We are talking about the NIS officers who were employed as graduates with

first degrees. During their first year, they enrol for master's degree programmes. They do Masters in Business Management, yet they are NIS officers. This is the case yet they are supposed to be studying for masters in intelligence or criminology. The KPRs on the ground are able to report to the police that there are some people somewhere who are planning to steal. So, these are very important people and I want to thank the hon. Lentoimaga for bringing this Motion to this House at the right time.

Hon. Deputy Speaker, with regard to KPR, some of us, hon. Members from the cattle rustling prone areas, visited the Attorney-General and raised this issue. Someone was talking about the KPR being civilians, and I think the term is "Kenya Police" and not Marakwet, Pokot or Tana River Police. The Kenya Police Reservists are sometimes called "Sabot Police" or by other term depending on the area of operation. When there is need for an operation, they can be taken from Marakwet to north eastern Kenya, or from Coast Province to Western Province to support the Kenya Police. So, they are not civilians but part of the Kenya Police.

Hon. Deputy Speaker, one of the hon. Members said that when recruiting KPR officers, we need also to exercise a lot of caution so that we get the very good people, so that we do not again end up recruiting cattle rustlers to be KPR officers. Remember these are people with guns, and if we do not do proper vetting, we might recruit criminals. We are talking of ending insecurity and you may find that tomorrow, they are escalating insecurity in their areas. So, what we are seeking is proper payment, proper police uniforms and boots, so that they are in a position to support security officers in the ASAL and cattle rustling prone areas.

With those few remarks, I support the Motion.

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

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

**Hon. F.K. Wanyonyi:** Thank you, hon. Temporary Deputy Speaker. I want to take this opportunity to enlighten those who have no idea about the Kenya Police Reservists. These are unpaid volunteers in the countryside. These are people who have been vetted. For one to become a police reservist, as the previous speaker has just said--- These are people who are actually vetted by the assistant chief and chief and then recommended to the local administration. The local administration then looks at the records; they must have a certificate of good conduct before they are actually enrolled. Thereafter, they are then given arms. We are not talking about a civilian on the street; we are talking about somebody who has been vetted in the village. If somebody is a bad element in the village, he will not be given that opportunity. People do not understand the role of the police reservist.

Hon. Temporary Deputy Speaker, I come from North Rift; we border the Pokots and Turkanas and I have had that kind of problem. They are saying they do not know why we should arm the civilians. I am saying that these are civilians, yes, but these are people, unlike what the previous speaker said, who do not have degrees or master's in criminology and things like those. We are talking about people in the village who have good conduct. These are properly vetted people by headmen, assistant chiefs, chiefs, the

Officer Commanding Station (OCS) and the Officer Commanding Police Division (OCPD), before they are given guns.

Hon. Temporary Deputy Speaker, given that understanding, I want to say that you all know, as Kenyans, that the United Nation's requirement for the police is that you are supposed to have one police man against 450 civilians. In our case here, we have one policeman against over 2000 civilians. That is why we have had problems. You can see what happened at Westgate. You could see some civilians with guns trying to assist, and this is what we are talking about. So, given that background, and the fact that, as stated by hon. Kaluma, we are saying that the police have recognized the KPR as security agents, this is in the Police Act, Section 110.

The learned friend can go and check whether it is like that. But that is how they are; they are actually recognised by the Police Service. We are saying that KPRs are doing a very good job out there. As previously mentioned, they give information because they are people on the ground. They will tell the police: "Yes, we have heard a rumour that there is going to be a raid in this area," and the police can get prepared for that kind of a thing.

Secondly, these people sometimes help in preventing crimes in their areas. Also, they help a lot in areas that are not reachable by the ordinary police. Even if you have four by four vehicles, you may not be able to get to that area. But with the KPR, it is common sense. We read in the newspapers every day that they are able to access some of the areas that the police cannot access. That is why they are very important. Actually, we should be able to recognize and give them what they are looking for. They are able to access areas which ordinarily a policeman, or even a group of policemen, cannot access.

Thirdly, we have had cases of cattle rustling. In fact, in Trans-Nzoia, where I come from, Kwana Constituency, I have had problems. You find that the KPR are able to recover stolen livestock that the police are not able to recover. We are not blaming the policemen, but a policeman who was hired in Makueni and is working in Trans-Nzoia, for example, what will he do? He fears even going to recover the livestock. But the people of the area, particularly the police reservists will be able to regroup and recover some of the livestock. I have seen that personally; I have witnessed it. I have even taken part in patrols with these people and I find them very useful. All we are saying is, with proper vetting of the KPR, and with proper remuneration--- We are asking the House to pass this Motion so as to, one, provide these people with uniform. That is what the Motion is asking for.

Fourthly, we want to be able to give them identification, so that when they move around, as we saw yesterday in news--- There were some Indians and even Africans with short guns trying to help the police at the Westgate Mall. Those were not policemen; they were reservists in Nairobi

Fifthly, the Motion is asking us to give them proper automatic guns, so that they can confront guys who are properly armed.

Lastly and very importantly, we are asking this House to assist us to be able to give some regular allowances. These are volunteers. These are people who have just come out to assist the communities, and we are saying that given their recognition, please let us improve their working conditions by giving them some remuneration. Somebody mentioned a while ago that if you give them firearms, they may misuse them. Yes, they might misuse them but if they are given money, like Kshs10,000 per month plus some

insurance just in case, proper uniform and shoes, I think they will be comfortable enough to be able to assist us.

Hon. Temporary Deputy Speaker, I say this with passion because I do not have any police officer looking after my homestead. I have two of those Kenya Police Reservists keeping watch over my homestead. What am I doing? I am paying them from the CDF for them to keep watch over my homestead. In the absence of that, there will be a break in. In fact, one Member from Trans Nzoia has even said that he goes to the police station in order to be given KPRs to keep watch over his home. This is because we know we do not have enough policemen in this country.

Hon. Temporary Deputy Speaker, I want to ask Members to pass the Motion and we pay these KPRs because they are very important in our society in the absence of enough policemen in this country.

I support the Motion.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu: Okay. Let us have hon. (Ms.) Maison Leshoomo.

**Hon. (Ms.) Leshoomo:** Asante sana Mhe Naibu Spika wa Muda. Mimi pia naunga mkono Hoja hii. Ningesema tu ukweli ni kwamba hawa *home guards* ama *police reservists* ni askari ambao sisi tuko nao. Askari wa Serikali ni wachache. Wengine pia wanachunga maeneo wanakopelekwa, na ndio maana tunamshukuru Mhe Lentoimaga kwa kuleta Hoja hii; kwa kweli eneo lake linahitaji hawa askari wa nyumbani.

Mhe Naibu Spika wa Muda, ningesema hivi, sisi tumeona mengi na washa hii inauliza---

**Hon. Shimbwa:** On a point of order, hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): What is your point of order, hon. Shimbwa?

**Hon. Shimbwa:** Mbunge anayezungumza anatumia Kiswahili vibaya. Hii si washa bali ni Hoja. We are talking about "*Hoja*".

*(Laughter)*

**Hon. (Ms.) Leshoomo:** Mhe. Naibu Spika wa Muda hiyo ni sawa. Ninamshukuru Mhe. Mbunge kwa kunirekebisha, lakini Kiswahili si lugha yangu. Ningemwongelesha kwa Kisamburu ndio angenielewa vizuri.

*(Laughter)*

Ningesema tu kwamba kile Mhe Lentoimaga ameuliza ni hawa askari wa nyumbani wapate pesa kidogo ili waanze kufanya kazi. Kazi ile wanafanya katika maeneo yetu ni kazi ya askari. Kila wakati wako mpakani wakichunga mifugo na wananchi; wanatembea usiku na mchana na hawana chochote. Serikali yetu imekubali kuwapatia bunduki. Kama Serikali imekubali kufanya hivyo ndio wapate kuangalia maeneo yao, tunaomba pia wapate pesa kidogo za kujisaidia.

Mhe Naibu Spika wa Muda, wakati wa Rais wetu Kenyatta aliyefariki zamani---

*(Laughter)*



Niliwaambia Kiswahili si lugha yangu. Wacha tu nikoroge kile naelewa.

(*Laughter*)

Wakati huo Wasamburu, Turkana na Pokot walikuwa wanachunga mpaka bila hata nguo. Hao ndio walikuwa askari wakati huo na ndio unaona Kenya yetu imesimama tangu wakati wa kupata Uhuru mpaka sasa. Hii ni kwa sababu ya hawa watu. Kwa hivyo, hawa ni askari wa nyumbani. Serikali imekubali kuwapatia bunduki kwasababu wanaelewa ni watu ambao wanaweza kuchunga watu wengine. Kwa hivyo, tunaomba wapewe pesa kidogo kwa kufanya hiyo kazi. Pia inafaa wapewe mavazi na magari ndio wakisikia kitu waanze kukimbia wakienda pale.

Mhe Naibu Spika wa Muda, mnajua kama kungekuwa na *home guards* wa kutosha katika maeneo yote ambayo mwenzangu ametaja mauaji yalitokea, hayangetokea. Tunaomba wapewe pesa hizi kwa sababu tunaishi katika maeneo ya milima na mabonde. Askari wa kutoka hapa akipelekwa kuchunga kule hawezi kuchunga huko kwa sababu hajui barabara. Hakuzaliwa huko. Hajui hii milima na pia hajui apitie wapi. Yule anayeishi pale ndiye anajua maeneo yapi ya kupitia au maeneo gani wakora watatokea.

Tunaomba katika mipaka yetu yote askari wapelekwe ambao wanaweza kuchunga, hata kama ni *home guard*, polisi, *Administration Police* na jeshi. Tunaomba hawa watoto waandikwe na mutaona vile Kenya itachungwa kwasababu wanaelewa mipaka yote. Ukiniambia eti nitoe mtoto ambaye amezaliwa Nairobi na nimpeleka Lokichoggio, ataenda kufanya nini? Ataenda lakini atashindwa kufanya kazi kwa sababu ya jua kali. Hakuna maji lakini wenyeji wamejua kuishi huko.

Naibu Spika wa Muda, kwa hivyo ninasema Serikali yetu ijaribu kusaidia hawa askari wa *reserve*. Tunataka wapewe pesa, magari, mavazi na kila kitu ndio wachunge maeneo hayo. Hata wizi wa ng'ombe hautatokea tena wakiandikwa. Ngamia na punda hawataibwa tena wakipewa nafasi hii kwasababu wanaelewa maeneo hayo. Wizi wa mifugo utaisha. Kwa hivyo, Wabunge pia watajua watu wao ni wangapi. Hatutaenda kwa wakubwa wa polisi kama OCPD kuwahoji. Tutaenda kwa hawa askari. Watachunga mipaka na wizi wa mifugo utaisha.

Nasema nashukuru Wabunge wote ambao wamechangia Hoja hii. Nashukuru kwasababu tuna shida kubwa sana katika mpaka. Kwa hivyo, tupitische Hoja hii na tusaidiane. Asante.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Eng. John Kiragu Chege. Hon. Christopher Doye, what is your point of order?

**Hon. Nakuleu:** Hon. Temporary Deputy Speaker, I am seeking your guidance on this issue of the order of contributing to this Motion. There are Members who logged in their cards since this Motion started anticipating to speak. You allowed Members who came thereafter to speak.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Member, thank you for your request. Only two Members have spoken while I am here and again, we are following a list. We have to balance. Again, the Chair has the discretion to give the chance.

**Hon. Wamunyinyi:** We have been waiting here for so long, hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): If you are on the list hon. Wafula you will speak. I can see your name. Please let us respect the Chair.

**Hon. Nakuleu:** Hon. Temporary Deputy Speaker, if the Chair gives the discretion, how sure are we that---

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Members, we have to balance. You have to know we have regional, gender---

**Hon. Nakuleu:** Then there is no reason for logging.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Can we have hon. Ruto contributing? Then let us have Eng. Chege Kiragu and then we get to hon. Ruto.

**Hon. Wamunyinyi:** No. Hon. Temporary Deputy Speaker, I was there. I checked the list and I saw I was number three on the list. There are only two speakers ahead of me and five have spoken. Why do we have to go with the list there? I know I am right.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Wamunyinyi, can we have hon. Kiragu speaking? I will give you permission to speak. Order! Order! The Speaker has discretion to give you permission to speak, hon. Member. Please, let us have sanity in this House. This is not our local space. Can we have hon. Kiragu?

**Hon. Kaluma:** On a point of order, hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): What is your point of order, hon. Kaluma?

**Hon. Kaluma:** Hon. Temporary Deputy Speaker, something is happening in the House which is not right. It appears to me that a particular Member is arguing with the Speaker having ruled on an issue. It is the path to disorder. We cannot proceed that way really. We must have decorum. It is hon. Wafula arguing with you.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Thank you, hon. Kaluma. I have given direction. Be seated. I have given direction that the Speaker has discretion to give and we have so much to balance. We have gender and region and we are not going to be allowing people to come and check the list. If you are number one, two or a lady, you have to speak. Please let us agree. Let us be patient and a bit sober in this House.

**Hon. J.K. Chege:** Thank you hon. Temporary Deputy Speaker. First, I was one of those people who came early and logged in. If Members would allow me to contribute, we are discussing a very serious issue. I support this Motion but I have some very serious issues concerning it.

First, we know that in these lands that we refer to as arid and semi-arid, insecurity faces the people there. We also know that generally in the country we are also having issues with insecurity. The question we should be asking as Kenyans is whether we will be creating special forces to deal with special areas. Referring to what happened at Westgate, the people who were manning the shopping malls may also have a justification to say that the security system cannot guarantee them security and for that reason we need to create special units for them. I think we need to discuss as a nation the general insecurity in this country. I think it is a serious issue to imagine that everywhere where there is insecurity, we ask the ordinary people at home to be armed. I have not heard people say whether they need to go for training, in this discussion on this Motion and yet we are giving them special automatic weapons. I think what we need to discuss is the general insecurity and how we should restructure our security forces so that every area of this country feels secure.

Hon. Temporary Deputy Speaker, I come from Limuru and most people think that Limuru is all green but we have an arid and semi-arid area called Ndeiya. Just three weeks ago, a councillor who has served this nation for 25 years lost 200 goats to a neighbouring community in Naivasha and Narok.

I asked him how he was to handle the issue and he told me that he had talked to the *wazee* on the other side, and that he had gotten back 130 of them. What we need to do in this country is not arming each other. It is to be able to talk to each other. We have come to a point where we think that the only way of ensuring that security prevails in this country is ensuring that each one of us has an automatic weapon or a steel gate and a watchman. I am surprised that an hon. Member on the other side of the House said that he is using CDF money to secure his home. I did not know that I can use public funds for such a purpose.

*(Laughter)*

Hon. Temporary Deputy Speaker, if we restructure our security forces and provide them with resources, we can secure this nation. I can repeat many things on Limuru. We have been given an OCPD in Limuru but he does not have a vehicle. So, even when I asked him whether he could perform, he told me that he could not. We have more serious issues to address. It would be important for us to discuss our performance as a country. We are under attack. As I stand here, I have a very heavy heart. I have lost several people from my constituency and some personal friends. My own niece will be undergoing a third operation tomorrow as a result of what happened at the Westgate Shopping Mall.

So, as much as I would like to be with my brothers and sisters in the areas that are prone to cattle rustling, as leaders, we also need to ask ourselves: “We hear of cattle rustling, but where do the stolen cattle go to? Who makes money in this business?” I am sure that they are not the ordinary people in those areas. They are people stationed in Nairobi, who know where the markets are. They are the ones who can even provide guns and ammunition to cattle rustlers. I have heard that every person in those areas has a firearm and ammunition. We have to deal with organised crime in this country. There are people who make money out of crime in this country, and they get away with it. I know that we can arm all those people, and that we need to secure our people. However, until the day we deal with those people who make a living out of killing other people, we will not get anywhere.

Hon. Temporary Deputy Speaker, I know that even in Nairobi, police reservists have served this nation. They can be used to secure the areas that our mainstream security personnel cannot reach, but I think we have a bigger problem. We have to deal with insecurity in the country. We must look at resource allocation amongst our security forces units and review how some of the units are performing. I have an issue with the performance of the NIS. Even when I was at the university, we used to have students from the defunct Special Branch, who would pass information to their bosses. As a country that has been attacked in the manner that we have witnessed, we have to devise new methods of collecting and disseminating information. Otherwise, all of us, including this House, can be in a lot of trouble.

Thank you, hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Thank you, hon. Chege. Next is Benson Makali Mulu.

**Hon. Mulu:** Thank you, hon. Temporary Deputy Speaker, for giving me the opportunity.

Before I contribute to the Motion, I would like to mention something about the way we are given chances to contribute to debate. I have been sitting here since 9.00 a.m. At some point, the House did not have quorum and the Quorum Bell had to be rung for us to get quorum. In order for us to be fair to all hon. Members, it is fair that we observe regional balancing in terms of allocation of speaking chances. We should also respect the fact that some people come here early, so that they can get chances to speak. If one thinks that a Motion is very important to him, it is important that he comes here early to log into the system, so that he can have a chance at the right time. It is very demoralising to sit here and watch other Members walk into the Chamber and, within an hour, they have been given the Floor at the expense of those of us who have been sitting here since 9.00 a.m. So, with all due respect, this is something that needs to be looked into.

Hon. Temporary Deputy Speaker, having said that, I would like to support the Motion with a lot of reservations. In this Motion, there are good proposals like that of providing uniforms, identification documents and regular allowances to police reservists. Those are good proposals. However, I have a lot of reservations relating to provision of automatic firearms to those civilians. I say so because, to me, cattle rustling is not purely an issue of security. There are lots of socio-cultural issues relating to cattle rustling. I am sure that in some communities, cattle rustling is a highly regarded social-cultural activity. I do not think we can sort out cultural issues using guns.

So, even as we look at the issue of arming police reservists, as a House, we need to think of how to help such communities to do away with some outdated cultural practices.

Hon. Temporary Deputy Speaker, in Kitui County, we do not have serious cattle rustling, but because some of our neighbours have the cattle rustling practice and are armed, they extend the problem to us.

**Hon. Ngikor:** On a point of order, hon. Temporary Deputy Speaker. Is the Member in order to call this crime cultural? This is just a crime like other crimes in this country and we cannot call it cultural.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Member, can you substantiate your remarks?

**Hon. Mulu:** Hon. Temporary Deputy Speaker, it is a known fact that there are communities in this country in which cattle rustling is part of their lives. This is not a secret. It is known.

**Hon. Nanok:** On a point of order, hon. Temporary Deputy Speaker. Once again, is the Member in order to tell this House that this is a known fact? Known by whom and where? Cattle rustling is theft and it is known. These are criminals and are apprehended any time the law catches up with them. How can the Member keep on saying that cattle rustling is a cultural practice? It is not.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Makali, please, substantiate your claim.

**Hon. Mulu:** Hon. Temporary Deputy Speaker, let me withdraw that statement and move on because I can see a lot of heat even though it is a fact. Let us move on.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Makali, be on one side of the bench.

**Hon. Mulu:** Hon. Temporary Deputy Speaker, as I move on, some of the armed police reservists---

**Hon. (Ms.) Kiptui:** On a point of order, hon. Temporary Deputy Speaker. Is the Member in order to say that he is withdrawing and at the same time says that he knows it is a fact? If he is saying that he is withdrawing the comment, then he should withdraw and stop there.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Makali, please, substantiate and have one stand.

**Hon. Mulu:** Hon. Temporary Deputy Speaker, for the purpose of continuing with my contribution, I withdraw.

In Kitui County, we have suffered a lot as a result of some of these police reservists who are not disciplined. The Government has given them arms to protect their people, but they go beyond their boundaries and harass our peaceful people in Kitui South and Kitui East.

While I support this Motion, we need serious vetting of police reservists. They should be vetted by either elders or religious leaders in their areas, so that we can get people who are serious and who adhere to the rule of law. As I said yesterday, in Kitui South we have reports that about 5,000 people are already in the forest neighbouring Tana River and Kitui South. Those people are armed and have now started harassing our people in Kitui South. While I support the Motion, I seriously think that police reservists, in addition to being given arms, need to be given some soft skills, so that they can become more of peace promoters and not people who just harass Kenyans who have no problem with them, and who are not involved in cattle rustling.

With these remarks, I support the Motion, but the amendments which have been proposed by hon. Nkaissero are important and we need to bring them on board.

**Hon. Nakuleu:** Hon. Temporary Deputy Speaker, before I embark on my contribution, I still want to go back and request the presiding officers of this House to, at least, follow the law. In as much as you have the prerogative to pick who speaks first, it is also good to encourage Members to report on time. Members who report on time speak last and those who report late, speak first. The principle is not correctly applied.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Member, can you give your contribution?

**Hon. Nakuleu:** Hon. Temporary Deputy Speaker, I am going to give my contribution, but I found it worthwhile for me to express that point.

This Motion is quite timely and hon. Lentoimaga did well to bring it at the opportune time, when Kenya is in a security crisis.

One reason why I feel that the issue of the KPRs must be expedited in Kenya is the failure of the regular security systems. Looking at the Kenyan borders, very few regular and Administration Police officers have been deployed there. The same forces are not sufficient to contain the influx of outsiders into the country. A case in point is the border between Ethiopia and Kenya, which is in the constituency that I represent. This month alone, Kenya lost 21 persons to the Ethiopian militia. At the same spot where these people were killed, there is a contingent of the GSU, RDU, APs and the regular police officers. Whenever an attack is carried out, they never come out of their station.

It is only with the help of the locals, in the form of the KPRs, that the Kenyan citizens, specifically the Turkanas, can be secure. When you ask why they did not come out of the camp, they say that, “We did not come here to die. We have children and families. We have wives and we are here to earn salaries. How can I miss this month’s salary because of going to fight for the Turkanas?”. Such officers do not have the patriotism to protect their country. Every region has unique circumstances in security matters; why do we not adopt the KPR model, where every community recruits its own people, especially for those communities living along the border? By this I mean Turkana, Marsabit and Mandera counties.

**Hon. Kajwang’:** Hon. Temporary Deputy Speaker. I hope I am not one of those who have just come and I have got the microphone. I am on intervention.

I want to speak on the constitutionality of the subject before the House. I was on the Chair when this Motion was introduced and it is good for the Members to debate things which we can support from the Constitution and the laws that we have passed as a House. I know that Members would wish, particularly those of us who come from the ASAL areas, to see the KPRs in their areas. But the Constitution is what we are here, as a House, to protect. If you look at Article 247 of the Constitution--- I am on a point of order to ask whether this Motion is constitutionally before the House.

*(Loud consultations)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Let the hon. Member finish saying what he is saying and then I can give direction thereafter.

**Hon. Kajwang’:** Hon. Temporary Deputy Speaker, under Article 247, Parliament may enact legislation from other police services under the command of the Inspector General of Police. We had the Police Act under which the KPRs was created but that Act was repealed. For us to bring the KPRs back, we must bring legislation before this House. Before that legislation, a Motion such as the one we have, we are unable to debate it. You know that our basic role in this House is to protect the Constitution which says that we bring a Police Bill. Under that Bill, we will be able to debate every good thing that we have said in this Motion. However, the way it is right now, we will go into a situation where we will vote, and you will vote a Motion which is unconstitutional, which will just be in the books and cannot be enforced. So, the Members who are drawn to this Motion should bring a Bill through the Departmental Committee or a Member can bring a Bill and then all these beautiful things we have said can be implemented. I am just asking whether this Motion which is before us is constitutional. That is all I am asking.

**Hon. (Ms.) Kajuju:** On a point of order, hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Kajwang’, before I give direction, what is your point of order, hon. Kajuju?

**Hon. (Ms.) Kajuju:** Thank you, hon. Temporary Deputy Speaker. With due respect to my learned friend, I do not think that this Motion as tabled before the House is unconstitutional. This is because there is always a way in which legislation is born. This is just one of the ways through which a Bill can be born in this House. I am saying that if the Mover of this Motion has found it fit to bring to this House a Motion of this nature, he is right. He is exercising his legislative powers. However, passing this Motion does not necessarily mean that we will stop any further preparation of a Bill. By all means, we

should encourage Members to bring these kinds of Motions because that is when this House will appreciate the fact that we need a Bill of this nature to be brought before the House for purposes of passing it and protection of Kenyans who are suffering because of cattle rustling.

So, let us encourage this debate and let us move on. In due course, we will find that there is need to bring proper legislation before the House.

Thank you, hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Members, I will now make a ruling on the same. Hon. Kajwang', thank you for your sentiments but we have to debate the Motion. This is an individual Motion that has been passed. It is even a process for a Motion to be brought into this House. It has to pass through the Clerk and other processes. Hon. Members, I am sure that there is a process of coming up with a Bill and I am sure that this could be one of them. If the hon. Member can come up with a Bill, we also encourage him.

On this matter I direct that we continue deliberating on the Motion. Hon. Nakuleu, you have two minutes remaining.

**Hon. Nakuleu:** Hon. Temporary Deputy Speaker, before being interrupted by hon. Kajwang', I was contributing on an incident where Kenya has unique scenario of insecurity. Communities that live along the border experience insecurity. Communities that are cosmopolitan and live in urban areas or cities also experience insecurity. Therefore, each citizen should be allowed to adopt his own security prevention mechanism instead of lumping us together with the police reservists. Some of these people have lost patriotism in their country since they put money first and then security.

We are requesting that the six counties that have unique insecurity incidences be allowed to employ the KPRs and pay them the remuneration they require.

One reason why insecurity thrives in most parts of Kenya is because of the imbalance in development by the Government. The Government should, therefore, make sure that it gives priorities to those areas that were neglected by the Sessional Paper of 1965. That is during the first regime of this country. This will ensure that those counties are at par with their colleagues.

Finally, while I accept the argument raised by the former General, hon. Nkaissery, he seems to have degenerated when it comes to security ideas. Giving weapons to the KPRs is not arming civilians. This is a unique unit of the community that is being put in place to address shortage of regular security forces. Therefore, some of these generals have to take time to refresh themselves so that they can come to terms with the reality. This is because a lot has occurred since he retired.

Hon. Temporary Deputy Speaker, I beg to support.

**Hon. (Ms.) Emanikor:** Thank you, hon. Temporary Deputy Speaker. Before I contribute, I want to sympathise with hon. Kaluma, my friend from Limuru and hon. Kajwang' for being leaders in Kenya and not understanding the security dynamics in this country. The ASAL region forms over 50 per cent of the land mass in Kenya. This even includes the population.

**Hon. Kaluma:** On a point of order, hon. Temporary Deputy Speaker. It is not permissible in this House for the hon. Member to cast aspersions on other hon. Members without due course and substantiation. I am alive to security. In fact, I would like to tell the hon. Member that I studied State Law and Security.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Emanikor, can you substantiate what you have said? Let us use parliamentary language.

**Hon. (Ms.) Emanikor:** Thank you, hon. Temporary Deputy Speaker. I only used the word “sympathised” and I think that is parliamentary language.

*(Applause)*

We are not only talking about cattle rustling here, but we are also talking about cross-border insecurity, militia attacks, invasion of Kenyan land by foreigners and indiscriminate killings.

We have already heard from the Member for Marakwet East talk about the Suguta Valley where we lost over 70 people. We have lost over 40, 50 and 60 people in Todonyang severally not once, not twice. Nadapal at the border between Kenya and Sudan, in Liboi the border between Kenya and Uganda--- These are the dynamics or the scenarios that we are talking about. We have lost lives, property and livestock.

We have redirected our energies as leaders from these regions to security and surveillance. I was in Turkana during the recess. I spent all my time running from one place to another after being told that there is an attack here and there, instead of inspecting development projects.

Hon. Temporary Deputy Speaker, the population of this region that I am specifically talking about is diminishing. It is not because we do not know how to make babies, it is because our men spend all the time outside doing surveillance and security which is supposed to be done by the Government itself. It is because families are always on the run, there is no time to settle and do things that are happening in towns from Kisumu where hon. Kaluma comes from. What we are saying is that we need more KPRs to be recruited, we want them to be remunerated well commensurate with what they are doing to the communities. We want to discourage illegal arms by legalizing the arms they have so that they do not misuse them.

Hon. Temporary Deputy Speaker, Sir, we have heard many cases of policemen, both the AP and the regular police killing each other in their camps over girlfriends and alcohol, but we have not had a single case of a KPR shooting another one. So, there is no misuse. These guys, in any case, have had guns for a long time.

So, I support the Motion.

**Hon. Onyura:** Thank you very much, hon. Temporary Deputy Speaker. May I also just add my voice and concern on the selection to contribute---

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Member, please make your contribution. Let us not go back and forth to discussions that are not going to help us for now. We are discussing the Motion.

**Hon. Onyura:** With due respect, hon. Temporary Deputy Speaker, let it just be first come first served.

Now, with regard to the Motion, I stand to support it. I support it because it has something to do with security. Anything that comes here that is about improving security, I will support fully and I am sure hon. Members will support. Security should be number one concern for any government. In fact, I am not sure, but it should not be this House urging Government to do what it is supposed to do; to carry out its number one mandate of ensuring that its citizens and its population are safe and secure. I think it should be the



Government coming to urge this House to provide the resources that it requires to be able to ensure security for everybody in this country. It should be the Government or the Executive coming here to urge this House to provide the legislation that it needs to be able to ensure that it is able to carry out its number one mandate.

Hon. Members, I think on our part, we should be able to support this Motion and be able to provide or vote for the resources that are needed to ensure that Government carries out its mandate on security. Obviously, when we are looking at a Motion like this, we should be looking at it in a more holistic manner. That is why, perhaps, when legislation comes, it should be able to cover all areas of security; cattle rustling is just one of them. There are many others. I do agree with those who were saying that these are criminals who have gone to steal cattle from other communities or from neighbours; just the same as those criminals who come and invaded our houses to steal money or other valuables. So, when we are dealing with the issue of ensuring that this does not happen, we should approach it in a more holistic manner. It is true that the security sector needs overhaul in some areas so that we can ensure that we have sufficient security.

In relation to this, we should also address the issue of community policing, more or less the same thing in order to enhance security throughout the country and throughout the population. There is no harm in us supporting and ensuring that the KPR have the capacity and the necessary resources to do their work. I am sure they can be effective. Some of the older hon. Members will remember, in the 1970s and perhaps, 1980s when we were in colleges, there used to be a very well known KPR officer called Patrick Shaw. This was a real crime buster. If we got more of Patrick Shaws in our KPR officers, I think they can make more meaningful and effective contributions. So, they need capacity and they need to be properly vetted, recruited and equipped because they can make very useful contribution.

Hon. Temporary Deputy Speaker, some of these cattle rustling activities that we have talked about tend to be cross-border. We have known and we have seen some of the cattle rustlers have actually come across our borders very heavily armed. In my view, maybe some of those may even be trained soldiers. My proposal is that, such cross-country incursions should be dealt with by KDF and not AP or KPR. The KPR should just be somewhere in the background to deal with inter-community cattle rustling.

Hon. Temporary Deputy Speaker, while talking about the security issues, can we also consider people at village level. These people also play an important role in terms of preserving security within the community. They also provide intelligence that can help us in preserving the community. These are the village elders who do a commendable job voluntarily and it is high time we recognized their service and looked for a way of empowering them, training them and also rewarding them.

With those comments, I support this Motion.

**Hon. Elmi:** Thank you, hon. Temporary Deputy Speaker. First, I want to say that I support this Motion. It is a trying time for Kenya because insecurity is all over the country and on behalf of the constituency of Tarbaj, I want to send my condolences to the victims of the Westgate Mall siege.

Hon. Temporary Deputy Speaker, cattle rustling is a crime. It is robbery with violence. Hon. Joyce said that some of the hon. Members do not understand it. Northern Kenya has for a long time not been understood. I support this Motion but I want it to be broadened beyond cattle rustling. It is inter-communal conflicts in those areas. The

number of people who die annually from West Pokot all the way to Lamu from insecurity that is either related to cattle rustling or inter-communal conflicts is shocking. It is hundred times over what has happened in Westgate.

Hon. Temporary Deputy Speaker, so, I underline the words in this Motion that we need to change the strategy of dealing with conflicts in northern Kenya. Small arms have not only penetrated northern Kenya, but now we can see they are everywhere else in the country. Unless we completely change tact and strategy which is one of the things which this Motion is calling for, we shall continue to lose our people and also continue to have areas that are not developed. Vision 2030 is very clear; you cannot have development unless you have security and basic education. They are basic foundations and, therefore, what this Motion is actually calling for shows there is a failure of the regular police. It is an indictment. Why? All the Members who come from these areas are insisting on having KPRs and this means that the other system has failed.

Hon. Temporary Deputy Speaker, in addition to reinforcing this cadre of our police system which is the KPR, we really need to change the mindset of our security system. For the information of hon. Members who do not come from these areas and who have been to these places, is it acceptable that over 100 people meet somewhere, collate themselves, walk over 100 kilometres and decimate whole villages? They collect over 1,000 animals and if they meet police on the way, like they did in Baragoi, they kill them. First, they are not stopped and nobody is aware of this happening. You ask yourselves; if people were invading our country, does it mean we will not even know about it? If 100 to 200 people can organise and arm themselves, go and invade their neighbours and it is not detected and their leaders are not arrested, those who finance them are not arrested and for years nobody is taken to court, then that shows you that in their mindset that is cultural. What is cultural about going to kill children and women? What is cultural about stealing my property, the most prized property that I have? That mindset in this country must change.

Hon. Temporary Deputy Speaker, we have had conflicts all over. Two of my villages were burnt down almost four months ago and until two days ago, no soldier had been there. This is because those are clan conflicts. Those are not security problems. A KPR officer was killed there. I can bet that his name will not be entered in the Occurrence Book (OB). There is no investigation. So, that mindset in this country must change. The approach to security is still very colonial and reactive. We must come up and this House must help to overhaul our security system. Our attitude towards security must change. There is nothing that is cultural about people having arms.

In my view, the idea contained in this Motion of having the KPR should be something temporary. It can run for two, three or four years and then after that we eradicate it once and for all. It is possible to eradicate conflicts in northern Kenya, particularly in the ASALs within a short period, if we start treating crimes as crimes. We can also do this if we apprehend anyone who kills. There is no deterrent at the moment. We saw that there are people we can call human beings but who are not human beings, like the ones who were at Westgate. In my view, those are deranged people. They are beasts and we have them in the society. That is why society comes up together as a nation and comes up with a security system to protect itself from beasts like the ones we saw in Westgate – those crazy people. They are found in some pockets of this country. How comes we are not then putting in the necessary security system? In the short term, the

KPR will help but KPR must also be funded. They must be given money and food to be able to work. We saw in Westgate volunteers fighting but the ones we are talking of in Turkana, Marsabit and other places are poor people looking after their goats. They have volunteered to defend those communities but where are the police and the CID?

Hon. Temporary Deputy Speaker, in my view, this group must be absorbed in the cadre of police even if it means we create that cadre in this Parliament. I want to agree with the hon. Member from Turkana who said that regular police would not want to go after cattle rustlers. In the old days, the people we recruited into the police force had a calling, nowadays they join because they need employment. You have to be a form four leaver to be employed as a police officer. Before we had Administration Police who were under a chief. These were local people who knew the terrain and who could fight. That level or cadre is now missing and that is why people are asking for KPRs. Maybe it is time we created a national cadre of police who are paramilitary to protect our borders.

Thank you, hon. Temporary Deputy Speaker and I support this Motion.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Kipruto Moi.

**Hon. Moi:** Thank you, hon. Temporary Deputy Speaker. First of all, I would like to condole with the families that lost a son from my constituency – Mr. Chrispaul Ng'ang'a. We empathise with them. It is good we are discussing this now because I think this country has over the past, maybe two to three months or so, been embroiled in these security issues.

First, I want to stand to support this Motion. It is very important. The Motion actually seeks to have the KPR well armed with valid documents, uniforms and some salary. I support that because as a colleague has said the police are not willing to engage in these fights. The bravery of the police is low. Even during the horrendous Westgate acts that took place on Saturday, the police that got there were not willing to enter that building. Even members of the Asian community proved that they were more courageous than the police and it took a long time for the police to even report. Those who knew that there was a terrible thing happening at Westgate decided not to go there. It was only after the intervention of the Kenya Defence Force and the General Service Unit that the police began to appear at Westgate.

**Hon. S. S. Ahmed:** Is it in order for the hon. Member to impugn the police and say that they are not committed and are cowards? As a matter of fact, they are not. They are not paid enough and I think it is out of order for us to question the security service of this country, including the police for doing a great job in this country; I think it is out of order.

**Hon. Moi:** I think if he was at Westgate yesterday, he would have a very different view. I am not trying to impugn the police. I am simply trying to state that if the police would be more effective and more courageous in a situation like that, it would not have happened.

*(Loud consultations)*

**Hon. S. S. Ahmed:** No! No! That is wrong.

**Hon. Moi:** Okay, that is your point of view.

**The Temporary Deputy Speaker** (Hon. (Ms) Mbalu): Hon. Member! Hon. Member! You are out of order. Let him finish his sentiments and discussions. This is a Motion that we are supposed to discuss.

**Hon. Moi:** Thank you very much, hon. Temporary Deputy Speaker. As I continue there is need for us to provide the KPR with uniforms, to provide them with proper training and to give them a salary so that they will feel committed.

When you engage or give people arms to pursue rustlers, people who are heavily armed and maybe even these rustlers have had prior trainings in other countries like Somalia or Ethiopia, it would be impractical to engage a citizen of Kenya and tell them to pursue these people. They need training and some form of compensation in order to be effective in what they do.

Most of these cattle rustling activities would occur in areas where infrastructure is terribly poor, that is roads and schools. If we would build more schools and more boarding schools in order to change the value system of these places, I think that will go a long way in mitigating this problem. Also, the issue of roads---

**The Temporary Deputy Speaker** (Hon (Ms) Mbalu): Hon. Member there is a point of order from hon. Osele Onyango.

**Hon. Onyango:** My point of order is in relation to your earlier ruling as the Chair.

*(Hon. S. S. Ahmed shouted at hon. Moi)*

**The Temporary Deputy Speaker** (Hon. (Ms) Mbalu): Hon. Member, you are out of order. I am going to throw you out. Please, hon. Members observe Standing Order No.107 now.

**Hon. Members:** Out! Throw him out!

**The Temporary Deputy Speaker** (Hon. (Ms) Mbalu): Hon. Members Order! Hon. Members, Order! Order! Order! I said let us have respect for the House. This is a House of rules and procedures. Let us respect every other Member in this House.

**Hon. Moi:** Thank you, hon. Temporary Deputy Speaker for your protection. I am simply saying that we need to build more boarding schools and roads in these areas so that these people may have access to the things that we have; more roads and better schools.

**The Temporary Deputy Speaker** (Hon. (Ms) Mbalu): Hon. Member, there was a point of order from hon. Osele Onyango.

**Hon. Onyango:** Thank you, hon. Temporary Deputy Speaker. My point of order was in relation to the earlier ruling of the Chair and we abide by it, that you consider a lot of factors while debating. I have heard from many speakers and I have not seen any falling within the bracket of 30 years and below. Kindly consider that as well.

*(Laughter)*

**The Temporary Deputy Speaker** (Hon. (Ms) Mbalu): Hon. Members, I am telling you he wants to be considered as a youth. He just did not say he is under 35 years, thank you hon. Member. We are going to balance and the Chair is very observant. Be assured you will get time to speak, thank you hon. Member.

**Hon. Moi:** Hon. Temporary Deputy Speaker, may I conclude. I do not want to continue taking up too much time knowing that the others will need to speak. It would be very good if we saw this Motion passed and supported so that tomorrow it comes in as a Bill.

Thank you very much, hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms) Mbalu): Thank you hon. Member. Let us have hon. Peter Opondo Kaluma for your contribution.

**Hon. Kaluma:** Thank you, hon. Temporary Deputy Speaker. This Motion confirms that our State security apparatus are dysfunctional and I think it is an escapist Motion. I am, therefore, standing strictly to oppose it.

Our National Police Service appears not to be working, and what the hon. Member who made the Motion believes is that the way therefore to get security is to empower some civilians called KPR. I have looked at the relevant law, the law creating the KPR. Really, under Section 115 of the relevant Act, there is nothing like allowances contemplated for a police reservist. In fact, it is strictly prohibited. If you look at all that relevant law, it is not contemplated these individuals ought to be armed in the manner we are proposing. To address the issue of constitutionality of this unit, that is a debate for another day.

This is not to say that insecurity is not an issue in these parts of the country. We must be weary of a situation where we are creating sectional forces for sections of this country. That today we have a unit for ASAL areas, tomorrow we have units elsewhere.

The problem with our force, and I wanted to allay the fear of the hon. Member who was sending sympathizes to me, I do not know over what, is laxity and the manner in which we recruit our police officers and, in fact, the entire security apparatus and the facilities we give them. In my constituency, I had a constituent raided by people who did not mind to rob him off anything. He was beaten properly and taken to Homa Bay District Hospital and on the day he returned to his house, and this is a short while ago, hardly a month ago, the same raiders attacked again and ensured they killed him on that day. This is hardly two kilometers from the county police headquarters in my constituency of Homa Bay Town.

A short while sometimes last year, if the nation would remember, we had a situation of the guards guarding supermarkets in Homa Bay Town, up to seven of them being stabbed to death using knives, not a gun or anything else, hardly 100 meters from the police station. When we checked and protested, we found a situation where the police officers essentially had cleared everybody from the streets, 10 minutes to the attack. We see a situation where there is a possibility of complicity and in such situations what we therefore should be talking as Members is how we discipline the police officers. Since we protested---

**The Temporary Deputy Speaker** (Hon. (Ms) Mbalu): A point of intervention from hon. Simba Arati Paul.

**Hon. Simba:** Thank you, hon. Temporary Deputy Speaker. Is it that hon. Kaluma is alluding to the fact that the police, when they cleared the streets, stabbed these people? He has said clearly it is a matter of complicity. Is he alluding that the police are the same people who committed the crime of killing, is that what he is saying?

**The Temporary Deputy Speaker** (Hon. (Ms) Mbalu): Hon. Peter Opondo and let us be relevant please.

**Hon. Kaluma:** The place of attack was hardly 50 meters from the police station. Everybody was cleared from the streets including the *boda boda* operators. What it calls into question is: Where were the police, having cleared people, only for attackers to kill by stabbing people, in fact robbing supermarkets and shops in a short while? I leave it for circumstantial evidence. The fact that the police officers were lethargic is not in doubt. People died.

What I am against is a situation where we run from securing our force. When you look at my constituency for instance, when you go to a police station and imagine for instance where we keep the arms given to the police officers, you see nothing that is secure.

I will be urging my colleagues that we look at the manner in which we recruit. Last time, in fact hardly two week ago, we had cadets being recruited into the forces across the country. These are senior army officers; they go in, get degrees and become captains. Two people were taken as cadets from my constituency, on reporting to KDF they were chased away and unclearly they have been replaced by other people.

The question would therefore be: If you are somewhere in north eastern Kenya, who is this going to secure your people when your people are not being recruited into the force? Can we propose a Motion that is more relevant, a Motion which for instance would compel the police to ensure that at least from every constituency we have people being recruited into the various forces as and when they come? I mentioned earlier that today we lost a gentleman aged 24 years in the operation at the Westgate Shopping Mall.

**Hon. (Ms.) Emanikor:** On a point of order, hon. Temporary Deputy Speaker.

**Hon. Kaluma:** What is out of order?

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): That question should be from the Speaker, hon. Kaluma. What is out of order, hon. Joyce Akai Emanikor?

**Hon. (Ms.) Emanikor:** Hon. Temporary Deputy Speaker, is the hon. Member in order to say that this Motion is not relevant when we know very well that it is relevant to some of us? It may not be relevant to the people of Kisumu, but it is certainly relevant to some of us.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Peter Kaluma Opondo, can you substantiate?

**Hon. Kaluma:** Hon. Temporary Deputy Speaker, at one time, I said that this Motion is illegal because the provisions being sought for the so-called---

*(Loud consultations)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Kaluma, we have already made a decision on the same. Hon. Members are ready to debate the Motion. We are in the process of developing Bills. Hon. Members are being encouraged to come up with Bills on the same matter. That is why we are here, as legislators.

Please, continue with your contribution.

**Hon. Kaluma:** Hon. Temporary Deputy Speaker, the Chair ruled on the constitutionality of the Motion, and not whether the matters being sought for the KPRs are, indeed, matters permitted by the Act. I have just mentioned that things like allowances are expressly prohibited, under Section 115 of the Act. So, I am saying that the Motion is illegal even if it is not unconstitutional.

**Hon. Member:** There was a ruling on the matter!

**Hon. Kaluma:** The ruling was on unconstitutionality.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): The matter was ruled on, hon. Kaluma. Please, make your contribution. You heard the substantive Chair rule on it.

**Hon. Kaluma:** Hon. Temporary Deputy Speaker, I am being interrupted by hon. Members who cannot distinguish between constitutionality and legality. That is the problem we have here. A Motion could be constitutional but illegal, under an Act of Parliament. I am saying that if you look at this Motion, you will see that it is constitutional but it is illegal to the extent that we are seeking to give facilities to police reservists.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): There is a point of order from hon. Fatuma Ibrahim Ali.

**Hon. (Ms.) F.I. Ali:** Thank you, hon. Temporary Deputy Speaker. I would like to respect hon. Kaluma. However, I am compelled to say that he can oppose the Motion if he wants, but he cannot claim that it is illegal. He should respect other people's views. This is not his Motion. It is the Motion of somebody else who feels that we should enhance the work of the KPR. So, hon. Kaluma should respect the people who brought this Motion to this House.

Thank you.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Kaluma, you have now gotten the direction. Let us respect the Motion from the individual hon. Member. We had said that in order for any Motion to come to this House for debate, it goes through a process. It has to be approved by the Clerk of the National Assembly and the Speaker. That is how this Motion landed here. So, you can take your sentiments to the Office of the Speaker.

So, I direct that we continue with the debate.

**Hon. Kaluma:** Hon. Temporary Deputy Speaker, I highly respect hon. Lentoimaga. In fact, he was a District Commissioner in my district before he became a politician. So, I respect him highly. There is no doubt about that, but I do not think we should be curtailing debate when we have a clear issue to raise. What I would propose is that, instead of us passing a Motion calling for the entrenchment of the KPRs, we do the following: One, the recruitment of members of our disciplined forces should be as fair as possible. There are parts of this country which do not have a single soldier. In fact, you may have an entire constituency without a soldier. We have lost a soldier in the Westgate Shopping Mall massacre. He was possibly the only soldier we have had in the entire Homa Bay Town Constituency. So, while recruiting members of the armed forces, let us make sure that we spread the available slots across the country.

Two, we need to deal with the issue of training and discipline. That is what I was emphasising, instead of running away from the core police establishment to empower people outside it. What is this business of giving firearms and other facilities to people who have to be recognised by the Inspector General of Police in order for them to act when substantive police officers, who should be securing us, have no houses to live in; have no sufficient firearms to enable them to do their work effectively and have no allowances? We are dealing with a situation where soldiers and police officers have been killed. What---

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Your time is up, hon. Kaluma. Thank you for your contribution.

Yes, hon. Daniel Epuye Nanok

**Hon. (Ms.) Ghati**: On a point of order, hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): What is it, hon. Ghati?

**Hon. (Ms.) Ghati**: Hon. Temporary Deputy Speaker, I want to urge you to look at the fairer gender because we also want to diffuse this House with our comments on this matter.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Ghati, we have made a ruling to the effect that we are here to balance. Of course, if you have not caught the Chair's eye, make sure that you do so but we are doing the best.

Proceed, hon. Nanok.

**Hon. Shimbwa**: On a point of information, hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Who do you want to inform?

**Hon. Shimbwa**: Bi. Naibu Spika wa Muda, ningependa kulijulisha Bunge kwamba si vizuri kuwaruhusu Wabunge kuvunja nyoyo za maafisa wa usalama. Hapa tunaonekana na Wakenya kote nchini. Haifai mtu kusimama hapa na kusema kwamba maafisa wa usalama ni waoga na walishindwa kuingia kwenye jengo la biashara la Westgate, tukijua kwamba maafisa kutoka Reece Company wa kitengo cha GSU, ambao pia ni maafisa wa polisi, waliingia kwenye jengo hilo; na pia tukifahamu kwamba kuna maafisa wa polisi ambao walipoteza maisha yao kwenye operesheni hiyo. Sisi pia tunalindwa na maafisa wa polisi. Ningependa mtu akizungumzia suala hilo umukemee mara moja ili arekebishe matamshi yake.

Ahsante.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Thank you, hon. Member. You should have raised your intervention point when the hon. Members were speaking, and we would have taken up the matter from there. Nevertheless, thank you for your sentiments.

Let us have hon. Nanok and then we go to hon. Diriye Abdulahi Mohamed.

**Hon. Nanok**: Thank you, hon. Temporary Deputy Speaker, for giving me the opportunity to contribute to this Motion.

I think there is a lot of misunderstanding by some hon. Members on the roles that have been bestowed upon the KPR in this country. The Constitution, in Article 247, allows for the existence of these kinds of officers, the reason being the inadequate deployment of regular security personnel across the country. That is the biggest challenge in the ASAL areas. We are talking about the vastness of those regions and the lack of development that have made the policing of those areas a nightmare for regular security officers. I come from a constituency which covers an area of 15,000 square kilometres, with only two police stations, with a police force of 37 officers, who are supposed to police a population of 245,000 Kenyans bordering the Republic of South Sudan and Uganda. It is a nightmare. From experience, I know that recruiting KPRs in those areas can help. So, this Motion is very timely.

Therefore, I urge the hon. Members of this House to support it. One thing we should note is that KPRs are not only being used to tackle cattle rustling in those regions. They have, in fact, taken up the responsibilities that are carried out by regular police



officers due to inadequate deployment of regular officers. They are charged with the responsibility of getting to terrains where regular security officers in those regions cannot access. As we have said here severally, cattle rustling activities are carried out by criminals, who must be dealt with in accordance with the law of this land. The challenge has been whether cattle rustlers are actually apprehended when they strike. So, if we are going to have teams of reservists that will be helping regular police officers and Administration Police officers in securing the properties and lives of Kenyans in those regions, we should be able to support that kind of initiative.

The other thing that I want to say here is that there is a challenge of the regular police and other security officers manning areas that they do not understand the terrain. So, the KPRs have come handy in helping the regular police and the other forces to pursue cattle rustlers when they strike. There is also a challenge of where livelihoods are got from in these regions, where the regular police cannot be following people to attend to their daily livelihoods. You cannot ask regular police officers to be escorting women and men to herd their cattle five, 10 or 20 kilometres away from their homes. It is a challenge. First, they are not enough, secondly, they do not understand the terrain and thirdly, they cannot understand the lifestyles of the people there.

This is the reason why the KPRs have been found to be effective. This Motion seeks to motivate these people. Whether we want to arm them with automatic firearms or not, they already have them. They are issued with G3 riffles and we are asking whether they can be motivated. Can they be given allowances, uniforms and documents that recognise them as KPRs serving the people of this nation?

I support this Motion wholly.

**Hon. Mohamed Diriye:** Thank you, hon. Temporary Deputy Speaker. I stand to support this Motion. I thank the Mover of the Motion, hon. Lentomaiga for bringing this Motion at this time, which is timely. For most of us who come from the ASAL areas, we acknowledge how important security is. Whereas in many parts of Kenya security is precarious, in the ASAL areas, it is worse. In my constituency which has the longest border with Somalia, we have suffered insecurity-related incidents and *Al Shabaab* attacks where regular police officers and the APs are limited. It is mostly the KPRs who do the work.

In January, 2012, a place called Gerille along the Somalia-Kenya border in my constituency was invaded by *Al Shabaab* and they kidnapped two Kenyan officers, namely, the DO and the local registration officers. It is the KPRs who managed to save the situation. If the KPRs were not present, the situation would have been different and maybe, the number of people kidnapped or killed by the *Al Shabaab* would have been high. I want to ask my fellow Members that in some of the areas where the KPRs are active, we know how much they are doing. We all need to improve their conditions and increase their allowances. At the moment, they work under very bad conditions. If we could only improve their working conditions and their welfare, give them some allowances, uniforms and firearms, I am sure they would do wonders as the regular police officers.

Honestly speaking, the ratio of the police to citizens in Kenya is way below the UN standards. I was in Australia last week and when you go out at night in the major cities, after five minutes, you will see a police patrol car. In those developed countries, when we talk of the ratio of the citizens to the police, it is very different from ours. For us

to meet this shortfall of citizens to police ratio, one way in which we can bridge this gap is by having the KPRs. They will do wonders and they will meet the deficit and the shortfall we are having in terms of the police officers.

In July, there was an attack in a place called Damajale in Dadaab Constituency and the officers present were few, so they were overpowered by the *Al Shabaab* militia. After that, the police collapsed every six officers into one unit. If they were less than 10 or 15, they were collapsed into one unit. That made many of our villages vulnerable. As I speak, there are many villages and big settlements where people fight over petty things like water points. There are no police officers to keep law and order. If we have the KPRs, they will perform this function.

Normally, in remote villages in far-flung areas along the border, if you have about five KPRs who are trained, have uniforms, firearms and work in better conditions, they will keep law and order in those villages. But when there is no presence of the Government in these villages, there will be no law and order. You can imagine a village where there is not a chief or other Government officers particularly security officers, people will do anything. Criminals will even hide there. This is a way of improving not only security and order, but also protecting the citizens and making sure that the militias do not hide there. It is a way of making sure that Government's presence is felt all the way to the ground.

Hon. Temporary Deputy Speaker, cattle rustling is a form of insecurity. Insecurity has many manifestations. In Pokot or Samburu it might be cattle rustling and in my place it might be rogue militias who are highway robbers in the villages. The few KPRs who we already have on the ground, even under the very bad conditions that they work in, without any allowances and uniforms, are doing a good job. They lack the basic things that they need to perform their duties, for example, some of them do not get the rounds of ammunition when they get depleted. They are the keepers of law and order in those remote areas. The only thing is that we should get proper guidance on how to recruit and remunerate them. I know that if that is done, they will do wonders in my area.

I also wish to point out the issue of corruption among the County Police Commanders, particularly along the borders.

**Hon. (Ms.) Kipchoim:** On a point of order, hon. Temporary Deputy Speaker. I wish to request that the speakers take two minutes each, so that for the remaining minutes, four Members can have a chance to speak?

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): After he completes. Hon. Members, please, think about that and after he completes, we can think about it.

**Hon. Mohammed Diriye:** Thank you, hon. Temporary Deputy Speaker. I had mentioned about corruption in the National Police Service particularly among those working along the border areas. These are areas where contraband goods, which might even include weapons can be smuggled into the country. I am talking about the counties of Garissa, Wajir, Mandera and even those along the borders between Kenya and Uganda and Kenya and Tanzania.

As leaders, we feel that the County Police Commanders along the border areas are sleeping on their job. They are co-opted into corrupt practices by corrupt individuals. The people who attacked Westgate Mall sometimes enter this country through the borders. We are wondering why the County Police Commanders are not working. We have clear examples of this in our counties. We would like this matter to be taken into consideration.

In the ASAL areas, we used to have various ways in which the police worked during the colonial era. Police used to ride on a camel because we did not have access roads in some of the areas. Therefore, camel could be used to transport guns so that every corner of the village was visited.

Right now, we have the National Police Service officers who are stationed in major towns, cities and settlements. This will be a remedy because police reservists will be recruited from the villages where there are no roads and vehicles cannot go.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Members, there is a request that we reduce the contribution time to two minutes. Are we in agreement?

**Hon. Members:** Yes.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Ghati, you have two minutes.

**Hon. (Ms.) Ghati:** Thank you, hon. Temporary Deputy Speaker. Allow me to convey my condolences and those of the people of Migori County whom I represent to the victims of Westgate Mall attacks. This clearly shows the magnitude of insecurity in this country. That is why I want to say that unless people really come from areas where cattle rustling is a problem, they will never understand the magnitude of this problem.

I come from a constituency and a community that has been having the problem of cattle rustling. That is the Kuria community. Even getting the police to come on time and address the issue of cattle rustling is a problem where I come from. That is why I support this Motion.

This Motion is basically seeking to substitute the work of the police so that we have other hands that are helping the police to respond to issues of insecurity. We have the problem of small firearms that is finding its way into communities. Unless we use the community policing policy or the people who understand the terrain of the areas where this is a problem, we will not have it easy. Every time you call the police, they ask for fuel and money. That is why I have a problem sometimes dealing with the police. That is why we need to strengthen, train and recognize the other extra hands that are willing to help in terms of beefing up our security. That is why I support this Motion that seeks to recognize these people that are trying to restore security in our communities.

Thank you very much, hon. Temporary Deputy Speaker, Sir.

**Hon. Langat:** Thank you very much, hon. Temporary Deputy Speaker. First of all, I want to speak about cattle rustling and so forth.

Hon. Temporary Deputy Speaker, I have been to Turkana, Pokot, northern Kenya and the issue of security is really a serious problem. Therefore, I would want to request hon. Members to be sensitive to regions of this country.

I support this Motion and I want to say that, in fact, we need to modernize the KPR. There is no harm in somebody becoming a teacher and at the same time a police reservist and that can really save this country. In fact, if we had all teachers in Turkana and Pokot being trained at the same time as policemen, then they can assist this country in terms of security.

I want to give an example. If we had police volunteers at Westgate Mall the other day--- If we had bankers inside Westgate Mall, trained as policemen at the same time, I believe the damage could have been less. Therefore, I strongly support that these reservists should be modernized and properly remunerated as the hon. Member has said. Let us not start saying that they will start killing others. How many people have *pangas*

and they do not cut each other every day? Everyone here has a *panga* in the house and they do not cut each other every day.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Protus Akujah, take two minutes. You are the next. Take two minutes so that the rest of the hon. Members can have time to say a word also.

**Hon. Akujah:** Thank you, hon. Temporary Deputy Speaker. I also want to take this opportunity to thank hon. Wanyonyi for actually clarifying the mandate and the responsibility of KPR. There was a perception from a section of the hon. Members that we are debating to arm civilians. The title reads: “Kenya Police Reserve (KPR)”. This is a unit of the police, just like the Anti-stock Theft Unit (ASTU) and the Anti-Terrorist Unit (ATU). So, it should not be perceived that we are arming civilians.

Hon. Temporary Deputy Speaker, cattle rustling or insecurity in ASAL areas has actually persisted for so long and I think we cannot continue like this. This is happening because there are no enough police officers in these particular areas. The reason is that not many policemen are ready to work in these particular areas because they are perceived to be hardship areas.

It has also been alluded to that these areas have poor terrain and, therefore, if you look at the police posts which are there, they do not have even a single vehicle. For example, in my constituency, there are four police posts and none of them has a vehicle. Even if there was a raid 200 meters from the post, they cannot respond because they take that as an excuse for failing to do their work.

Therefore, I beg that we motivate KPR to be able to serve these particular communities. As you might see in the Westgate Mall attack, the first people who arrived at the scene were the KPRs.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Members I have many requests. Currently I have 16 requests. The next in order is Abbas Sheikh Mohammed.

Take two minutes to speak.

**Hon. Mohamed Abbas:** Thank you, hon. Temporary Deputy Speaker. First of all, I want to send condolences on behalf of my constituency, Wajir East, to the bereaved families of Westgate Mall incident.

I stand to support the Motion. Actually, KPR is a necessity given that we do not have enough policemen to serve all the borders. We do not have enough men and women to take care of our security and KPR is not a force that we are creating now. It used to exist even during pre-independence time. I want to inform the House that KPR is actually under the regular police.

Hon. Temporary Deputy Speaker, as it has been said, because of the academic requirements of our policemen and policewomen, most of police officers are becoming metropolitan police. Most of them are not willing to serve in most arid areas. Those few who are there are not able to take care of those areas because of the demand for security. Due to that, we need to help KPR, we need to support them, give them uniform and motivate them. As one hon. Member said, all of us can be trained as KPR so that when need arises, we can support ourselves where we are. If we have been watching what has been happening in Nakumatt, those young men who were not in uniform were also saving most of the people. They served the purpose. So, KPR will serve the purpose when need arises.

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): Hon. Members, as I said, I have 16 requests.

**Hon. Member:** It is a very important Motion!

### **ADJOURNMENT**

**The Temporary Deputy Speaker** (Hon. (Ms.) Mbalu): This is a very important Motion, thank you. I can see hon. Members from the pastoralist areas and others have very great interest in this Motion. As you know, this is a House of rules and procedures.

Hon. Members, it is now time to adjourn the business of the House. Therefore, this House stands adjourned until this afternoon at 2.30 p.m.

House rose at 12.30 p.m.