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## THE HANSARD

Wednesday, 18<sup>th</sup> September 2024

The House met at 9.30 a.m.

*[The Deputy Speaker (Hon. Gladys Boss) in the Chair]*

### PRAYERS

### QUORUM

**Hon. Deputy Speaker:** Hon. Members, there is no quorum. Serjeant-at-Arms, you can ring the Quorum Bell for 10 minutes.

*(The Quorum Bell was rung)*

You may start. First Order.

### PAPERS

The first Paper is by the Deputy Whip of the Majority Party.

**Hon. Owen Baya** (Kilifi North, UDA): I can do it since he is not here.

**Hon. Deputy Speaker:** This is the Deputy Leader of the Majority Party though it says Deputy Whip of the Majority Party on the Order Paper. Proceed.

**Hon. Owen Baya** (Kilifi North, UDA): Hon. Deputy Speaker, I beg to lay the following Papers on the Table of the House.

1. Annual National Government Budget Implementation Report for the FY 2023/2024 from the Office of the Controller of Budget;
2. Annual County Government Budget Implementation Review Report for the FY 2023/2024 from the Office of the Controller of Budget;
3. Annual Report of the Capital Markets Authority for the FY 2022/2023 from the Capital Markets Authority;
4. Reports of the Auditor-General and Financial Statements for the year ended 30<sup>th</sup> June 2023, and the certificates therein in respect of:
  - (a) NARC Kenya;
  - (b) National Agenda Party of Kenya;
  - (c) Justice and Freedom Party;
  - (d) United Progressive Alliance;
  - (e) United Democratic Party;
  - (f) Green Thinking Action Party;
  - (g) Kenya Union Party;
  - (h) Grand Dream Development Party;
  - (i) Chama Cha Kazi;
  - (j) Kenya African Democratic Union – Asili (KADU-ASILI);
  - (k) Mabandiliko Party of Kenya;
  - (l) National Reconstruction Alliance;
  - (m) Safina Party;
  - (n) United Party of Independent Alliance (UPIA);

- (o) Peoples' Trust Party;
- (p) Wiper Democratic Movement;
- (q) Democratic Party of Kenya;
- (r) Ubuntu Peoples Forum Party;
- (s) Tujibebe Wakenya Party;
- (t) Amani National Congress;
- (u) Kenya African National Union;
- (v) Chama Cha Uzalendo Party;
- (w) Peoples' Democratic Party; and,
- (x) Federal Party of Kenya.

Hon. Deputy Speaker, this is a new dawn of democracy in Kenya such that we have accounts for parties being tabled in Parliament. We should congratulate Kenya's democracy for its growth.

**Hon. Deputy Speaker:** Vice-Chairperson of the Departmental Committee on Labour. I am told the Vice-Chairperson will table the Paper. Hon. Members, the Vice-Chairperson of the Departmental Committee on Labour is not here. We will move to the next Order.

## QUESTIONS AND STATEMENTS

### REQUEST FOR STATEMENT

**Hon. Deputy Speaker:** Hon. Keynan, you may proceed.

#### DISAPPEARANCE OF HON. YUSSUF HUSSEIN

**Hon. Adan Keynan** (Eldas, JP): Hon. Deputy Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a statement from the Chairman of the Departmental Committee on Administration and Internal Security regarding the mysterious disappearance and abduction of Hon. Yussuf Hussein alias "Tolfiyow", Member of the County Assembly (MCA) for Della Ward in Eldas Constituency, which is my constituency. The constituency of the "father of Parliament" in Wajir County.

On Friday 13<sup>th</sup> September 2024 at around 9.00 p.m., Hon. Yussuf of ID No.32026720, who is the MCA for Della Ward, was reportedly intercepted and abducted by people in two unmarked vehicles near Enterprise Road in Nairobi. Since his disappearance and alleged abduction was reported at Makadara Police Station under Occurrence Book Number (OB No.) 86-13-09-2024, efforts to establish his whereabouts through the Directorate of Criminal Investigations (DCI) and other investigating agencies have not borne any fruit.

The disappearance and abduction of Hon. Yussuf is worrying and alarming and is causing pain and anguish not only to the people of Della, but also to his family - all of whom continue to live in a state of fear and uncertainty. The safety and security of every citizen is guaranteed under the Constitution and is one of the roles of the Government. It is, therefore, the duty of responsible Government agencies to make every possible effort to establish and inform the family of the whereabouts of Hon. Yussuf.

Hon. Deputy Speaker, such brazen attacks are not only unconstitutional, but you as a lawyer know that they are oppressive, malicious, ill advised and untimely. It is inhuman to abduct an elected leader and nobody is bothered to talk about it. The leader has been missing from Friday to date. Other than the ordinary police OB Report, no other official statement has been issued by the concerned agencies.

Hon. Deputy Speaker, it is against this background that I seek a statement from the Chairman of the Departmental Committee on Administration and Internal Affairs on the following matters:

1. The circumstances under which Hon. Yussuf Hussein was abducted and the status of investigation into that mysterious abduction which was reported at Makadara Police Station.
2. The steps the relevant Government security agencies have taken to ensure the missing MCA is expeditiously traced and reunited with his people.
3. The security measures the Government has taken to guarantee the safety of all leaders and Kenyans in order to protect them from potential incidences of kidnapping and other forms of violence.

We are all in this country. We all understand this. All of us jealously fought for the promulgation of the current Constitution. The civil rights of every Kenyan are guaranteed under the Constitution. I want the Chairman to assure this House, as he brings the statement, that Hon. Yussuf Hussein is safe and alive. That is the responsibility of the Government of Kenya. This is an issue which the people of Eldas, Della Ward, Wajir and other Kenyans are not taking lightly. I want to put it on record that whoever thinks that kidnapping Hon. Yussuf and putting him in wherever he is will assist him should remember we are watching.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Chairperson of the Departmental Committee on Administration and Internal Affairs, Hon. Tongoyo, how long will you take to respond?

**Hon. Gabriel Tongoyo** (Narok West, UDA): Hon. Deputy Speaker, Tuesday next week. I suggest that the Member should consider it an abduction or a missing person, and be on record and classified as that.

**Hon. Deputy Speaker:** Hon. Chairman, that is not your place to say. You will get the answers from the concerned institution and then we will respond to you. Hon. Keynan, Hon. Tongoyo will bring a statement on Tuesday.

**Hon. Adan Keynan** (Eldas, JP): Hon. Deputy Speaker, those are semantics. The bottom line is that an elected leader is missing. Whether it is abduction or disappearance, it is a brazen attack on the rights of an individual, a citizen and an elected leader. I plead with the Chairman that Tuesday is too far. This is an emergency. An elected leader has been missing for five days. This should be a national crisis. I ask the Chairman to respond not later than this afternoon or at worst tomorrow afternoon, but not Tuesday next week. You can have the answer either this afternoon or tomorrow in the afternoon.

**Hon. Owen Baya** (Kilifi North, UDA): On a point of order, Hon. Deputy Speaker.

*(Applause)*

**Hon. Deputy Speaker:** Hon. Chairman, try to respond as soon as possible. Deputy Leader of the Majority Party, what is your point of order?

**Hon. Owen Baya** (Kilifi North, UDA): Thank you, Hon. Deputy Speaker. It is the Government policy that abductions and such things do not drive us. Because of the gravity of this matter, apart from requesting for a statement, I would like to request the Cabinet Secretary for Interior and National Administration to come to this House. He should explain where that elected leader is, instead of waiting for a statement from a Member. This will give it the weight that it deserves.

It also pains me, although I have never met that man. I do not know him, but he is a leader in this country. He needs to be treated at that level. If we do not take this matter seriously, it will happen to one of us from this House. This Government must take it very seriously, regardless of whatever constituency or ward he comes from. We need to invite the Cabinet

Secretary for Interior and National Administration to this House under the prevailing Standing Order to give us the full report about the MCA.

I submit, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Deputy Leader of the Majority Party, you know very well that the Cabinet Secretary can only appear before the House pursuant to a Question placed before the Speaker upon which he will be summoned to appear before the House on specified days, as per the Standing Orders. To ask that Hon. Speaker summons him now just from your submission on the Floor of the House is misleading the public.

Hon. Keynan, you also have the option to ask a Question for the Cabinet Secretary to come and answer it here on the Floor of the House. As it stands now, what you have put before the House is that Hon. Tongoyo, Chairman of the Departmental Committee on Administration and Internal Affairs, can ensure that the request for a statement goes out immediately to the Cabinet Secretary. We can proceed to the next request for statement.

**Hon. Adan Keynan** (Eldas, JP): Hon. Deputy Speaker, we need to get a commitment from the Chairman. He has talked about Tuesday which I totally disagree with. It is very far. We want the Chairman to bring a statement this afternoon. He is capable of doing that. We need to empathise that an elected leader is missing. It is not a laughing matter. You can bring an answer. I am persuaded by the statement that has been made by the Deputy Leader of the Majority Party. We will do that. As we do so, my friend, Hon. Gabriel Tongoyo, the Chairman of the Departmental Committee on Administration and Internal Affairs, can bring a statement this afternoon. This is an emergency.

**Hon. Deputy Speaker:** Hon. Tongoyo.

**Hon. Gabriel Tongoyo** (Narok West, UDA): Hon. Deputy Speaker, as much as I appreciate and I am equally concerned by the disappearance of our colleague, I also want to be considerate and practical. This afternoon may not be practical. In the bare minimum, kindly let me bring the statement tomorrow in the afternoon.

**Hon. Adan Keynan** (Eldas, JP): Hon. Deputy Speaker, as you do that, can you assure this House, in the interim, that all evidence on Hon. Yussuf Hussein that is being held by...

*(Inaudible)*

I hope nobody is tampering with the ICT system here. All evidence points that Hon. Yussuf is being held by our security agencies. Can you assure this House that we will find Hon. Yussuf alive as you bring that statement?

**Hon. Deputy Speaker:** Hon. Keynan, you have made your point. Let us not go further and begin to make statements that we cannot substantiate at the moment. We already have an assurance from the Chairman of the Departmental Committee on Administration and Internal Affairs.

Let us move to the next question.

**Hon. (Dr) Otiende Amollo** (Rarieda, ODM): On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** What is your point of order, Hon. (Dr) Otiende?

**Hon. (Dr) Otiende Amollo** (Rarieda, ODM): Hon. Deputy Speaker, I appreciate the issue raised by Hon. Keynan and the commitment to respond by the Chairman of the Departmental Committee on Administration and Internal Affairs. I crave your indulgence and beg that you direct the Chairman to be broader than that specific instance.

As we speak, it is sad that an elected leader is missing. It is in the public domain that there are about six other Kenyans who are also missing, in respect of whom there has been a court order for production and even summoning of the Acting Inspector-General of Police. Yet he has not appeared in court. Their whereabouts are still unknown. As we are worrying about

the one elected leader who is missing, let it not look like we only rise to action when an elected leader is missing. Let it be clear that no Kenyan should go missing, so that the statement in response should cover not only one missing elected leader, but also others who have been missing for the last four weeks.

I crave your indulgence, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Tongoyo stands advised. Hon. Osoro.

**Hon. Silvanus Osoro** (South Mugirango, UDA): Hon. Deputy Speaker, this is in line with what Hon. Keynan has brought before this House. About four weeks ago, my driver had a very chilling experience with his first-born daughter. She got lost and has not been traced for the past four weeks. She was picked by some people in a street in Kisii Town and to date, even as we speak, we cannot tell where the young girl is. She is 19 years old.

The license plates captured by eyewitnesses are not registered at the National Transport and Safety Authority (NTSA) offices. This is a serious issue. The Directorate of Criminal Investigations (DCI) should invest in such matters, considering the substantial budget allocation they receive. This should not be happening. The DCI should explain to us why it takes too long to trace a person, especially with the modern technologies that are available today, as Hon. Keynan has said. If this can happen to an elected leader, what will happen to an ordinary Kenyan? It is high time that we invite the Cabinet Secretary for Interior and National Administration to explain the efforts that are being made to trace those people. Families are going through a lot of traumas.

Thank you very much, Hon. Deputy Speaker.

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

**Hon. Gabriel Tongoyo** (Narok West, UDA): Hon. Deputy Speaker, Hon. Keynan's question was very specific. I seek your indulgence that the other issues be addressed by the Cabinet Secretary during Question Time. We should take that approach.

**Hon. Deputy Speaker:** Get the answers for the specific request, but the Cabinet Secretary can be summoned to explain the broader issues.

The next Statement is by the Member for Igembe Central, Hon. Daniel Karitho. He is not present. Let us move to the next request for statement by the Member for Kinango, Hon. Gonzi Rai.

#### DETERIORATION OF MARERE BRIDGE IN KWALE COUNTY

**Hon. Gonzi Rai** (Kinango, PAA): Thank you, Hon. Deputy Speaker. Pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a statement from the Chairperson of the Departmental Committee on Transport and Infrastructure regarding the deterioration of the Marere Bridge in Kwale County.

The Marere Bridge serves as the sole transportation link between Mombasa Town and Kinango Sub-county by facilitating the movement of essential goods and services. However, over the years, the bridge has experienced significant deterioration due to recurrent flooding and inadequate maintenance. The condition of the bridge poses significant risks to public safety and impedes the economic activities in the region. Farmers face challenges in transporting their produce to markets while emergency services are forced to use longer and less efficient routes.

It is against this background that I request for a statement from the Chairperson of the Departmental Committee on Transport and Infrastructure on the following:

1. The current status of Marere Bridge, which is a critical infrastructure for residents in Kinango Sub-County;
2. The specific measures being put in place by the Government to reconstruct the Marere Bridge, including a detailed timeline of completion; and,

3. The immediate interventions being taken by the Ministry of Roads and Transport to ensure public safety and further ensure the maintenance of the bridge upon its reconstruction.

I thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** The Chairperson of the Departmental Committee on Transport and Infrastructure. Is he here? Are you representing him?

**Hon. Kibet Komingoi** (Bureti, UDA): Yes. I am a member of the Committee and on behalf of the Chairperson, we ask for two weeks to get the response from the Ministry and respond to the Member.

**Hon. Deputy Speaker:** Thank you. I am now informed that the Member for Igembe Central is here. Hon. Daniel Karitho, kindly request for your statement.

#### COMPENSATION CLAIMS FOR DESTRUCTION OF CROPS BY WILDLIFE

**Hon. Daniel Karitho** (Igembe Central, JP): Thank you, Hon. Deputy Speaker. Pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a statement from the Chairperson of the Departmental Committee on Tourism and Wildlife regarding the compensation for the destruction of crops in Igembe Central Constituency that is caused by wildlife.

We have had cases where elephants have destroyed crops and even killed people. Hon. Deputy Speaker, Mr. Jeremiah Gitonga Luruti of Identification Number 9294171 owns a farm, Plot No.4044A/ Kongo, situated in Baibariu Sub-location in Igembe Central Constituency. In 2022, Mr. Jeremiah had planted crops, including green grams, in the farm measuring approximately 60 acres. Sadly, elephants trespassed his property, damaging crops worth an estimated amount of Ksh5,000,292. The damage was reported to the police under OB No.02/10/02/2022.

It is unfortunate that Mr. Jeremiah Luruti has since been following up with the relevant agencies seeking compensation for the damaged crops. The inordinate delay in remittance of the compensation has caused anguish and financial distress to the victim.

Hon. Deputy Speaker, it is against this background that I request for a statement from the Chairperson of the Departmental Committee on Tourism and Wildlife on the following:

1. Detailed status of remittance of the compensation to Mr. Jeremiah Gitonga Luruti;
2. Provide a status report on the action being taken to remedy the situation; and,
3. Measures being taken to prevent trespass of wildlife animals to private property.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Thank you. Next, let us have the responses to questions that had been asked previously.

Before that, is the Chairperson of the Departmental Committee on Tourism and Wildlife here? He is not here. Any Member of that Committee? We will leave that to the Leader of the Majority Party to relay the request for statement to the Committee.

Let us now move to response to statements. We will begin with the Chairperson of the Departmental Committee on Agriculture and Livestock. Kindly respond to the question by the Member for Lurambi, Hon. Titus Khamala. Hon. (Dr) Mutunga, are you ready?

#### RESPONSE TO STATEMENT

INTERIM CANE PRICE FOR AUGUST 2024 AS SET  
BY AGRICULTURE AND FOOD AUTHORITY

**Hon. (Dr) John K. Mutunga** (Tigania West, UDA): Thank you, Hon. Deputy Speaker. I stand to respond to a statement requested by Hon. Elsie Muhanda and Hon. Titus Kamala.

Pursuant to Standing Order No.44(2)(c), Hon. Elsie Muhanda and Hon. Titus Kamala requested for a statement on 14<sup>th</sup> August 2024 on the interim cane price for the month of August as set by the Agriculture and Food Authority (AFA) and the reduction of sugar-cane prices by AFA, respectively. The Ministry of Agriculture and Livestock Development responded as follows to the issues raised in the request for statement.

The statement was requested by Hon. Elsie Muhanda regarding the interim cane price for the month of August 2024 as set by AFA. The Member wanted a comprehensive report on the rationale used by AFA to set the interim cane price for August 2024 at Ksh4,950 per tonne, including the criteria used to determine that price. There is a cane price-setting committee within AFA. This committee uses the following formula to set the price. Sugar-cane prices are determined by a formula where the price of the cane per tonne is equal to the net sugar per tonne multiplied by the farmers' sharing ratio over the ratio of the tonnes of cane used to produce one tonne of sugar. The farmers' sharing ratio is adopted at 50 per cent and the ratio of the tonnes of cane used to produce a tonne of sugar is adopted at 10 per cent. Therefore, 10 tonnes of cane produce one tonne of sugar. The net price is, therefore, equal to the average extraction price of sugar in the preceding month, excluding VAT.

The interim cane price for August 2024 was set by the AFA using that particular formula at Ksh4,950 per tonne. The pricing formula used gives the minimum recommended cane price to be paid to the farmers based on the preceding three months average of ex-factory price. This is the price that factories use to bring in competition to attract cane suppliers.

The second question that the Member asked was the effective date of the interim cane price and the reasons why the circular issued by AFA on 7<sup>th</sup> August 2024 did not clearly specify the start date leading to confusion and retroactive adjustment by the millers. The response is as follows:

Sugar-cane prices are reviewed and the new prices determined on a monthly basis. Millers and farmers are notified within the first week of every month and the prices are effective from the date of the letter to the millers notifying them of the new prices of the cane.

The third issue that the Member sought clarification on was an update on the measures being taken by the Ministry of Agriculture and Livestock Development to control the influx of cheap sugar into the country, which has contributed to price fluctuations, thereby undermining the development of sugar-cane farming in Kenya. The response is as follows:

Over the past three years, domestic consumption of sugar has outpaced the production and hence, the need for importation to cover the deficit. The Ministry of Agriculture and Livestock Development is doing the following to achieve self-sufficiency.

**Hon. Deputy Speaker:** Hon. Chairperson, just give me a minute to recognise some schools before they leave, and then you will continue. Give me a minute to recognise some schools while they are still here before they leave. Hon. Members, I wish to recognise the presence of Royal Brains School from Kiambaa Constituency, Kiambu County; the Academy of Maisha Mazuri School from Matungulu Constituency, Machakos County and Mutomo Girls' Secondary School from Kitui South Constituency, Kitui County, seated in the Public Gallery. I also wish to recognise the presence of Bonanza School Embu from Manyatta Constituency, Embu County. We welcome them to Parliament. Thank you.

You may proceed, Hon. Mutunga.

**Hon. (Dr) John K. Mutunga** (Tigania West, UDA) Thank you, Hon. Deputy Speaker. The third issue that the Member sought clarification on was the influx of cheap sugar which is affecting the pricing of the commodity at the national level, and what the Ministry is doing to ensure sustainable production of cane. Over the years, domestic consumption of sugar has outpaced the production, hence the need for importation of sugar to cover up the deficit. The



Ministry of Agriculture and Livestock Development is doing the following to achieve self-sufficiency in sugar.

First, is improving sugar-cane production. For the first time in years, the average monthly sugar production has hit 84,000 metric tonnes against a demand of 80,000 metric tonnes, which is attributed to improved yields as a result of provision of subsidised fertilisers to farmers.

Secondly, it is improving the operational efficiency of factories. The Government has put in place measures to inject private capital and operational expertise in Government-owned factories through proposed leasing of the five factories to private sector investors.

Third, is the introduction of Excise Duty on imported sugar. All imported brown table sugar is charged Excise Duty at the rate of Ksh5 per kilogramme to cushion local sugar production from exploitative cheap imported sugars.

The fourth issue that the Member needed clarification on is the details on the consultations, if any, that were undertaken with sugar-cane farmers and other stakeholders before the interim cane price was set, and whether the concerns of farmers regarding the production costs were considered. The response is as follows:

The Sugar Pricing Committee meetings are usually held on a quarterly basis and the farmers are often represented in those meetings. The Second Interim Sugar Pricing Committee was appointed in November 2023 for a period of six months. The Committee held its last meeting in May 2024. Since the Sugar Pricing Committee was not in place, the AFA Sugar Directorate issued an advisory setting the price per tonne of sugar at Ksh4,950 in August. So, the simplified cane pricing formula placed the theoretical price of sugar at Ksh4,828 per tonne, but this was adjusted to Ksh4,950 per tonne after consultations with the stakeholders.

Fifth, Hon. Elsie Muhanda needed detailed information on the composition and status of the reconstitution of the Sugar Pricing Committee, including whether there is representation from sugar-cane farmers in the current structure. The response is that AFA requests the nomination of representatives from the umbrella out-grower institutions, miller associations and the Council of Governors. The current members were nominated by their respective organisations, and the current membership of the Committee is drawn from the Ministry of Agriculture and Livestock Development, AFA, Kenyan National Federation of Sugar-cane Farmers, the Kenya Sugar-cane Millers Association and the Council of Governors. Those are the five members.

Hon. Titus Khamala sought a statement requesting the Ministry to present a report on the factors and indicators that AFA used to determine the new sugar-cane prices. The response is exactly the same as the response given to Hon. Elsie Muhanda, which is the formula that is used in pricing the cane.

The other issue that Hon. Khamala needed clarification on is the mechanisms in place to ensure price regulations are made with adequate input from relevant stakeholders, particularly farmers and millers. The response is that sugar prices are reviewed and determined by the Sugar-cane Pricing Committee, which comprises of members from different institutions as follows:

The chairperson is appointed by the Cabinet Secretary (CS) from amongst the members of the Sugar-cane Pricing Committee. One person is nominated by the Ministry responsible for matters relating to agriculture and appointed by the CS. Two persons are nominated by AFA and appointed by the CS. Two persons are nominated by the registered umbrella out-grower institutions and appointed by the CS. Two persons are also nominated by the registered umbrella miller associations and appointed by the CS. Finally, three persons are nominated by the Council of Governors from the county governments in sugar-cane growing areas and appointed by the CS. Meetings of the Sugar-cane Pricing Committee are held quarterly during

which millers and farmers make submissions touching on cane production and sugar-cane processing costs. The submissions are considered while determining the price of sugar-cane.

The other issue that the Member needed clarification on was plans to review and potentially reverse that price reduction in light of its negative impact on the livelihoods of farmers. The response is that the Cabinet Secretary for Agriculture and Livestock Development appointed the Third Interim Sugar Pricing Committee on 16<sup>th</sup> August 2024 and the Committee held its first meeting on 21<sup>st</sup> August 2024 where sugar-cane prices were reviewed to Ksh5,000 per tonne.

The final request from the Member was on the long-term strategies to stabilise sugar-cane prices and ensure fair compensation to farmers. These are the responses in terms of the strategies. First, is to conclude the review and gazettment of the Crops (Sugar) (General) Regulations, 2020 to provide for the setting up of the Sugar-cane Pricing Committee. The Regulations were rejected by Parliament because of inadequate public participation. The review process of the Regulations is ongoing and it will be gazetted once public participation is completed.

The second response is in view of the operationalisation of cane testing units which make it possible for payment to cane farmers to be made based on sucrose content. The Agriculture Food Authority (AFA) is undertaking public participation on a quality-based cane payment system which is QB-CPS Regulations of 2020. Once the regulations are gazetted, the Sugar Directorate in collaboration with the cane testing services will work to ensure reliability and consistency of sucrose content measurement; thereby, contributing to transparent and cane pricing mechanisms.

Third response is development of a mechanism for sharing proceeds. The Sugar Pricing Committee is supposed to work on a mechanism of equitable share of proceeds from disposable sugar by-products between millers and growers. This will create a collaborative and sustainable relationship in the sugar-cane industry and will be achieved through the operationalisation of cane testing units.

The final response is that seed cane multiplication and distribution will take place at the Sugar Cane Research Institute which has 27 new cane varieties. The Government is working on a mechanism to undertake multiplication and distribution of early-maturing, high-yielding, pest and disease resistant, and high-sucrose content cane seed varieties. May I also add that provision of farm inputs like subsidised fertilisers to improve yields and earnings to farmers is also in the package?

Thank you.

**Hon. Deputy Speaker:** Okay. Hon. Elsie has the response. Hon. Elsie is not here. Sorry, she is back. Hon. Elsie, you were not present when they started answering. That is why I was going to skip you. Hon. Muhanda, proceed,

**Hon. Elsie Muhanda** (Kakamega County, ODM): Thank you for giving me this chance. I wish to be on record that the response is not satisfactory. The ratio of setting the price has still not taken the price of the fertiliser and the cost of production into account. Going back to my people in Western with this kind of response is not going to help the farmer and cane production because, as of now, the farmers are frustrated. They are putting in more than they are getting.

Thank you.

**Hon. Deputy Speaker:** Hon. (Dr) Mutunga.

**Hon. (Dr) John K. Mutunga** (Tigania West, UDA): Hon. Deputy Speaker, the response I have just read indicates certain items clearly. Farmers are producing much cheaper. There is increased productivity after the provision of subsidised fertilisers. I do not know what the Member really alludes to when she says that farmers are suffering.

**Hon. Deputy Speaker:** Maybe, the Member would be more satisfied with actual figures. You can still raise the issue with actual figures or what do you think? Then we can get a better response.

The Member for Lurambi, Hon. Khamala.

**Hon. Titus Khamala** (Lurambi, ODM): Thank you, Hon. Deputy Speaker.

I appreciate the Chairman and the response he has given. I appreciate the revision of price patterns by Ksh50 upwards. That is just paltry. For us to resolve all the questions we have around sugar-cane farming and the trade at large, I strongly believe that the Sugar Bill with us should provide a solution. The problems we have are as a result of AFA. AFA has not been generous with sugar-cane farming. I believe we will bring back the Kenya Sugar Board when the Sugar Bill comes and we all give it the support it needs to pass. The Kenya Sugar Board will bring back directors who are elected by farmers. We will have so many of these things resolved. I do not want to open it up. But I pray and hope that the Cabinet Secretary for Trade, Investments and Industry and the Cabinet Secretary for Agriculture and Livestock will resolve the importation of sugar.

Hon. Chairperson, thank you for the response. We are people of faith. We look forward with hope. Thank you.

**Hon. Deputy Speaker:** The next response is from the Chairperson of the Departmental Committee on Administration and Internal Security. He will respond to a request for statement by Hon. Marianne Kitany, Member for Aldai. Member of Aldai, your answer is here.

**Hon. Gabriel Tongoyo** (Narok West, UDA): I think they are quite a number.

**Hon. Deputy Speaker:** Actually, the remaining six requests are all addressed to your Committee. Which one do you want to start with? Is it the one by the Member for Aldai?

**Hon. Gabriel Tongoyo** (Narok West, UDA): They are six. I can start with Hon. Marianne's Request. Do we have to go in a particular order?

**Hon. Deputy Speaker:** Let us first make sure that Members who asked questions are already here. Is the Member of Alego Usonga, Hon. Atandi, here? No. We can start with the questions asked by Members who are present. The Member for Embakasi West is present. You can move to number seven. You may move to Embakasi West Member after the one by the Member for Aldai.

**Hon. Gabriel Tongoyo** (Narok West, UDA): And Hon. Makilap.

*(Hon. Gabriel Tongoyo consulted with Hon. Joseph Makilap)*

**Hon. Deputy Speaker:** Hon. Tongoyo, desist from consulting with a Member. It is me who will give you permission. I am just explaining what you should do. You can ignore Hon. Makilap.

**Hon. Gabriel Tongoyo** (Narok West, UDA): Okay. Well guided.

**Hon. Deputy Speaker:** You will move to number seven because the Member for Embakasi, Hon. Mark Mwenje, is here. The Member of Konoin, Hon. Brighton Yegon, is also here. Answer questions three, seven and eight. In that order.

**Hon. Gabriel Tongoyo** (Narok West, UDA): Thank you. The Member for Aldai Constituency, Hon. Marianne Kitany, had requested for a statement regarding the *Maendeleo ya Wanawake* election. In specific, the Member particularly sought to be informed on certain things. One, the plan *Maendeleo ya Wanawake* has to call for elections at the earliest possible date. That is because the effects of COVID-19 pandemic are now under control. Additionally, the mechanism in place to ensure that the Non-Governmental Organisation (NGO) adheres to the existing Act?

The *Maendeleo ya Wanawake* Organisation, famously known as MYWO, was registered in 2004 as an NGO. It has now transited to a public benefit organisation under the

new Act. The mandate is to empower women and families through various capacity building interventions that promote social, economic and technological status of Kenyan women. The *Maendeleo ya Wanawake* elections are governed by Regulation 3 of the MYWO Regulations that are attached to its constitution. Of specific interest to the matter at hand is Regulation 3 that provides that the MYWO elections shall be held after every five years. That is unless an Annual General Meeting (AGM) advises otherwise, in accordance with those rules, depending on prevailing circumstances.

In an attempt to comply with the foregoing regulation, the MYWO held a National Executive Committee (NEC) meeting as evidenced by the minutes dated 26<sup>th</sup> to 27<sup>th</sup> January 2023. Elections were extensively discussed with attempts to set an election date. That proved futile, with the matter referred to the organisation's AGM which was to be held in August of the same year.

However, MYWO held another NEC meeting on 11<sup>th</sup> August where the opinion of all MYWO leaders - from the grassroots to national officials - was sought. It was eventually agreed that elections be held in 2026. As all members claim, there are areas that were not ready to carry out elections in 2024 as had earlier on been proposed.

However, on 9<sup>th</sup> December 2023, the organisation held its AGM. All the resolutions of the NEC were deliberated, considered and either amended or upheld. On matters concerning election, the following unanimous decisions were made by the delegates at the AGM:

1. Elections scheduled for 19<sup>th</sup> March 2024 be postponed, owing to technical, administrative or inertial difficulties.
2. The years 2024 to 2027 be used for massive and intensive recruitment drives and cleaning of the membership register at various levels of the organisation.
3. Establish a detailed calendar for the elections.
4. Election to be held in the year 2028 after the establishment of an authentic register of members.

On the mechanism put in place by the NGO to ensure adherence to the existing Act, the Public Benefit Organisations Regulatory Authority is established under Section 34 of the Public Benefit Organisations Act of 2023. The mandate of the Authority is to register and regulate NGOs and PBOs operating in Kenya. Despite operationalisation of the Act, regulations under the Act are yet to be published, thus the Authority is still operating under the purview of the NGO Coordination Regulations of 1992.

On the last question, there are requirements for NGOs to comply with the terms and conditions of the registrar, file annual returns and audited accounts for review at the closure of each financial year, comply with the provisions of their respective constitutions and develop and publish the annual NGO sector report to advise the Government on the role of NGOs in the national development plan and to provide information on their compliance level. There is also a requirement to map NGOs and PBOs to ascertain that their operations are in accordance with the Act and the Regulations.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Member for Aldai.

**Hon. Marianne Kitany** (Aldai, UDA): Thank you, Hon. Deputy Speaker. Thanks for the response to my request for statement. However, the issue that was raised has not been addressed because the Act is very clear on the management of those particular bodies. They have given an excuse for non-compliance, being that they are going to mobilise members. Those are members of MYWO who have been in existence forever. It is not a new entity. Members exist, and they have been there. To talk about COVID-19 and all those other pandemics are just excuses. It is like telling us that we cannot conduct an election because there is COVID-19.

So, my issue is that the Committee has still not addressed the issues that I raised. In terms of compliance, what is required of the NGO to comply? As we speak, they have not complied. Women in my constituency and many parts of this country, who are members of the organisation, are crying because they need an election. The people who met were members of NEC and not the members themselves to be asked. Therefore, I still feel that issue has not been addressed.

Secondly, the issue of the organisation complying in terms of reporting on their accounts and all the other statements has not been addressed. So, I still stand to be guided on that statement.

**Hon. Deputy Speaker:** Yes, Member for Kisumu.

**Hon. Rozaah Buyu** (Kisumu West, ODM): Thank you, Hon. Deputy Speaker. I am the Member for Kisumu West Constituency. I belong to the Departmental Committee on Administration and Internal Affairs.

First and foremost, I want to speak as a woman who is also a member of MYWO. This is the largest women grouping right from the grassroots. It cannot be said that elections cannot be held for over five years so that the women can get an opportunity to put in new leadership or to confirm the leadership that they have. MYWO deals with all aspects of women issues right at the grassroots. Why is it that it is always so difficult for the leadership to let women go through elections so that women can affirm them or have a say as to who should lead them? If you look at it now, MYWO is not as strong as it used to be, because when leaders stay in power for too long, they become lethargic. They become used to what they are doing and deny the organisation an opportunity to invigorate leadership and to allow new young leadership to take over. Yet, we know that the world is changing and the needs of women, like everybody else, are also changing. As much as I belong to that Committee, MYWO needs to have an election. The reasons for them not having an election are not well explained by my Chairperson in that response.

Hon. Deputy Speaker, I thank you.

**The Deputy Speaker:** Thank you. Hon. Tongoyo, I hope you have taken note of that.

We can move to the next statement that was asked by Hon. Mark Mwenje, Member for Embakasi West.

#### REPORT ON INVESTIGATIONS INTO FIRE INCIDENTS IN MARKETS IN NAIROBI

**Hon. Gabriel Tongoyo** (Narok West, UDA): Thank you, Hon. Deputy Speaker. This is the response to the question that was asked by the Member for Embakasi West, Hon. Mark Mwenje, who had sought a statement regarding the fire incident in Nairobi County. He stated that on the 2<sup>nd</sup> August 2024, the market adjacent to Thika Road Mall was destroyed by fire. On the following day, Toi, Umoja II, Mathare 4A, Kayole, Kibondeni in Kawangware and Bondeni in Kibra markets were also destroyed by fire. The Member sought in particular a detailed report on the investigation conducted by the Ministry to determine the cause, and the relief measures that the Government is putting in place to ensure the traders who lost their livelihood are compensated. Third, the long-term plans being implemented to protect markets in the Nairobi region.

Hon. Deputy Speaker, on 2<sup>nd</sup> August 2024, a fire broke out at Wetemera slum, near Vulcan House, just a few meters from the Thika Road Mall, along the Roysambu Roundabout, opposite Shell Petrol Station. The affected area was not a market but a structure used by traders as a store for merchandise. That hired space belonged to Uwai Ngoi, was completely destroyed in the blaze. Nairobi City County fire-fighters responded promptly and managed to extinguish the fire. Affected individuals are 25 traders who lost their stock and 10 tenants who were

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affected. Twelve *mabati* structures and one permanent house were burned down. The cause of the fire was not immediately determined. Crime scene investigators documented the scene and collected exhibits for forensic analysis. Kenya Power experts were also invited, and a comprehensive report will be issued upon completion of the investigation, which is still ongoing.

On the Toi market incident, on 3<sup>rd</sup> August 2024 at around 5.30 p.m., a devastating fire swept through the market, destroying 1,253 stalls and causing extensive damage to property of unknown value. Four individuals were burned beyond recognition: Kevin Ochieng', who was aged 35 years and Janet Kweyu Ochieng', aged 20 years, while the other victims remain unidentified. The fire was reported to Kibra Police Station and the scene was visited by police officers and various officials. Samples and debris were sent to the Government Chemist for analysis, while the bodies were taken to Nairobi Funeral Home for post-mortem and identification. The cause of the fire is still under investigation.

On the Umoja II market incident, a fire burned down 10 *mabati* structures on 3<sup>rd</sup> August 2024 at around 5.00 a.m., affecting 20 people. The fire was controlled by police officers, members of the public and Nairobi fire-fighters. The cause of the fire is currently under investigations by the Directorate of Criminal Investigations (DCI), Kayole Police Division in Embakasi Sub-County. This was the information at the time this Report was written.

About Mathare area, a fierce inferno burnt down Bagdad Village, a slum located in Mathare North area 4A in Utalii Location. The fire destroyed all the 85 *mabati* structures and household goods. Nairobi fire fighters responded and managed to put off the fire. The cause of the fire is suspected to be an electric fault. The crime scene investigators personnel documented the scene. The debris were collected and taken for analysis at the Government Chemist to confirm the cause, but the report is not yet ready. Equally, the Kenya Power Company Limited experts were also invited to the scene.

There is also the issue of the Kayole Market, next to Naivas Supermarket. There is no report on the fire incident at the Kayole Market. On the Kibondeni Market, our investigations have established that Kibondeni Market does not exist in Kawangware but, rather, there exists Kibondeni College which is in Westlands Sub-County. Additionally, no fire incident has been reported at the college.

On the Bondeni Market in Kibra, investigations have established that Kibra Constituency has no market by that name. Equally, no recent fire has been reported in Kibra other than the Toi Market incident which occurred on 3<sup>rd</sup> as earlier stated.

On the question of the relief measures that the Government is putting in place, the measures indicated below were taken to support the affected families and persons. There was the provision of both food and non-food items which were distributed on 5<sup>th</sup> August by the national and county governments and well-wishers to the Toi market traders. A total of 7,200 iron sheets, nails and poles were given to the victims. The continuous *barazas* and public engagements to educate the traders on the fire provision and control measures, including educating the public on the safe electrical connection while emphasising on the danger of illegal connectivity. However, the Ministry has no vote head to compensate the traders.

*[The Deputy Speaker (Hon. Gladys Boss) left the Chair]*

*[The Temporary Speaker (Hon. Omboko Milemba) took the Chair]*

On the issue of long-term measures, plans are underway to build modern markets with fire hydrant extinguishers, modern stores lighting systems, accessible roads, ample space and security communication network across the country. There are plans to ensure the fire departments are well equipped and staffed for prompt response. There is also need to upgrade

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existing markets, including proper planning for accessibility of fire engines. We will also ensure that traders conduct regular elections to resolve leadership issues.

Lastly, the recent fire incidents in Nairobi have highlighted the urgent need for improved fire safety measures and infrastructure. Future strategies will focus on modernising market infrastructure, improving emergency response capabilities and ongoing public education to mitigate the risk of fire incidences. There is also need for close working and partnerships between both the national Government and the Nairobi City County Government.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Omboko Milemba): Very well. Hon. Mwenje.

**Hon. Mark Mwenje** (Embakasi West, JP): Thank you, Hon. Temporary Speaker. I thank the Chairman of the Committee for his response. I can confirm some of the details because since I raised the question, there has been relief to those members and, more specifically, to Umoja II residents. They were compensated both financially and non-food items by the county so that they can rebuild their businesses and get back on their feet. The only issue I would like to add to some of those issues he has mentioned, is the issue of the modern markets. As he has proposed, I hope the Chairman of the Committee will engage the Department of Planning so that when we do those modern markets, they are done in a constructive manner to ensure that they are accessible. This is because some of those places where those modern markets are, are not accessible. Additionally, some of the modern markets can be done using containers or materials such as metal and *mabatis*. This can happen if there is consultation and given guidelines that would help us.

I would also like to bring to the attention of the Chairman of the Committee that we also had another fire just yesterday. One of the issues that I raised, even with the President recently, is that the Nairobi City County constituencies are not sub-counties and so, they have less deputy county commissioners (DCCs). On Monday, the President sat down with the entire administration and agreed that every constituency should be a sub-county. If the Chairman of the Committee can ensure that, that happens in Nairobi, it will ensure that we have 17 DCCs in relation to the 17 constituencies. That way, we can ensure that those areas have hydrants where water can be collected. In most cases, there can be a fire in Mukuru or Umoja II but the fire truck has to go somewhere else to get water and then come back to the scene. By the time it comes back, the fire has already spread. If we can ensure that the directive by the President is followed, then I can assure the Chairman that we will respond faster to those incidences within Nairobi and ensure that that we change the face of Nairobi. It will also ensure that services and the relief efforts reach the ground. There will also be compliance in those areas where roads have been blocked for accessibility for fire engines and relief measures. If you can have those DCCs resident in their various constituencies, that will assist.

I thank the Chairman because I know the personal efforts that he took to make those phone calls. They reacted even before he brought the statement. Relief went to some of those areas. I thank him for the good job that he has done.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Omboko Milemba): Very well, Hon. Mwenje. Let us have the Deputy Speaker, Hon. Boss.

**Hon. Gladys Boss** (Uasin Gishu County, UDA): Hon. Temporary Speaker, allow me to say something about the fires that have been very prevalent in our country. First of all, it is not enough to constantly try and compensate the victims or ask the Government to help once the fires have happened. We have a responsibility as the citizenry, to confirm that the environment within which we operate business can withstand a fire tragedy, should it happen.

For example, Hon. Mwenje, you should tell your traders not to agree to pay the county the levies and fees that they pay at the markets if there are no fire extinguishers in the premises. That is because you have to be responsible. You cannot say '*Serikali saidia*' each time. You

must ask yourself that suppose there is a fire in the market place, are there fire hydrants nearby? If not, they must not pay any fees until those things are put in place because that is the responsibility of the citizenry. We cannot be people who complain all the time.

Similarly, with the schools. I have been telling parents that when they drop their child to a certain school, it is their responsibility to ask whether when the children are asleep in the dormitory, there is a matron inside the dormitory. If the door is locked from outside, is there escape routes for the children should there be a fire tragedy. This is because the Government has said all dormitories should not have grills and that they should be spacious enough for an adult child to get out of the window if necessary, but that is not being implemented. You cannot expect the Government to police every place. Each parent must have that responsibility to ensure that their child is in a safe place. I have encouraged parents to form small associations. They can form a group of ten parents to go and inspect the schools and make impromptu stops at night to see where those children sleep. So, it is very important that we begin to talk to the *wananchi* to ask them to be their own police officers because ultimately, it is us who suffer and, at the end of the day, the Government cannot compensate lives. It can only compensate property. When it is a market, it is easy. But what about children like the recent tragedy that we had at a school? We must begin to change the conversation around this.

As Members of Parliament, we should be asking ourselves the number of fire extinguishers we have at various points. How many times in this Parliament have we had a fire drill? Not the time I have been in Parliament. Nobody has prepared us on how to escape.

The other day when we had a breach of Parliament and people came in, nobody had trained us on getting out, where exactly to go, the exit points, the places to take cover and so on. We must become the owners of our own security. I hope the Chairman, Departmental Committee on Administration and Internal Affairs will summon the various institutions to ensure that this is done. It is not enough for a county to have a fire brigade truck sitting at a certain place. It is better to have more fire extinguishers than a truck in any specific place.

Thank you for giving me the opportunity.

**The Temporary Speaker** (Hon. Omboko Milemba): Very well. Maybe, this should be the last interest. Yes, Hon. Rozaah Buyu.

**Hon. Rozaah Buyu** (Kisumu West, ODM): Thank you, Hon. Temporary Speaker. I do not pretend to speak for the Government, but I am speaking as a Member of the Orange Democratic Movement (ODM) who sits in the Departmental Committee on Administration and Internal Affairs.

I have just listened to the solutions that the Member has put through. One of those solutions is that we make each constituency a sub-county. We have been talking and seeking authority in the Committee so that we can have each constituency as a sub-county. However, you know that once that is done, it has a lot of implications on budgets. We know where we are coming from and the Gen Zs have confirmed it to us that we do not have extra money to spend and we must be vigilant on how we spend the little that we have.

The truth of the matter is that it is not possible to have every constituency as a sub-county. Therefore, in whatever solutions that we are seeking, they must be solutions that are workable within the budget that we currently have. As much as it might look glossy and is what we are looking for and want, we know that we are facing real budget constraints and it would not be possible to make every constituency a sub-county. Thank you.

**Hon. Joseph Makilap** (Baringo North, UDA): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Omboko Milemba): What is your point of order?

**Hon. Joseph Makilap** (Baringo North, UDA): I rise under Standing Order No.1. Hon. Temporary Speaker, the last three weeks before we went to recess, I had a request for a statement. I was called by the clerks yesterday to tell me that my statement will be read during



this morning's Session, and that the Chairman of Departmental Committee on Administration and Internal Affairs has the answer. The only problem is that the Order Paper does not contain that. I am asking you to use Standing Order No.1 and ask the Chairman to give me the answer because he is here.

**The Temporary Speaker** (Hon. Omboko Milemba): Very well. I have heard you, but I would advise that you talk to the Clerks-at-the-Table. We shall allocate your statement possibly this afternoon or as soon as it is possible.

Let us have the last person speaking on this, then we will move to the next Order. Hon. Wanyonyi.

**Hon. Ferdinand Wanyonyi** (Kwanza, FORD-K): Thank you, Hon. Temporary Speaker for giving me the chance to talk about the problem of fire in this country. It is not only in Nairobi, but all over the country.

We are losing innocent lives because of not being prepared or even thinking of tomorrow. As a House, we should pass a resolution as to what we should do to, at least, assist those innocent souls of this country that have gone missing. You know the case of Nyeri. I also had a problem in my constituency where we lost almost four innocent students because of fire. On going to inspect the dormitory where the children were, we found that it was carelessness of the school management.

First and foremost, we should look at it and see what we should do. As somebody was saying, you can imagine a fire in the dormitory and the doors are closed inward rather than outward. Secondly, there were no fire extinguishers in the school. Thirdly, there was no administrator or somebody in-charge in that dormitory.

I want to take this opportunity to ask this House that we should have a resolution about the fire problems in all the places, particularly concerning the innocent souls in schools. Therefore, I support that Statement and I have made my point.

Before you cut me short, I also want to ask the National Government Constituencies Development Fund (NG-CDF) offices in our respective constituencies to go around and check on schools, particularly dormitories where innocent children sleep in and make corrections accordingly, so as to avoid further calamities in our schools.

Thank you very much.

**The Temporary Speaker** (Hon. Omboko Milemba): Very well. I am not sure that question was dealing with schools or Toi market, but I think there is a lot of juiciness on the matter affecting schools. One of the Members could bring a substantive Motion or petition on the issue of schools.

There is one more Statement.

**Hon. Gabriel Tongoyo** (Narok West, UDA): I still had one Statement, but if you allow me, I do not want to go back to what Members have said. But the issue of fire is not just the mandate of national Government. It is cross-cutting. It needs collaboration between all the players and sectors, including county governments, who are supposed to have fire engines to help put out fires whenever such incidents happen.

However, it is very unfortunate that even in my own county, for the last one week or month, we have been having many cases of fire outbreaks, and a county like Narok, with a lot of money, does not have even the simplest equipment like fire engines. I support the Members' sentiments.

#### DISAPPEARANCE OF MS. FRENDA CHEPNG'ENO

The Member for Konoin Constituency, my friend Hon. Brighton Yegon, had sought a statement regarding the disappearance of one Frenda Chepng'eno, a student of the Catholic University of East Africa. The Member particularly sought the following:

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1. The status of the investigation into the mysterious disappearance of the said person, which was reported at Ongata Rongai Police Station under OB 72/28/11/23, and whether the family has been informed of the circumstances surrounding her disappearance and whereabouts;
2. The step that the Ministry has taken to ensure the missing student is expeditiously traced; and,
3. The security measures that the Government has taken to guarantee the safety of all students and school-going children in order to protect them from potential incidences.

Hon. Temporary Speaker, on 28<sup>th</sup> November, one Frenda Chepng'eno, a student at Catholic University of East Africa, was reported missing vide the OB number that I had stated at Ongata Rongai Police Station. A circulation of the missing person to all police station in Kenya was made via Ongata Rongai Police Station signal.

Preliminary investigation revealed that on 22<sup>nd</sup> November 2023, Frenda Chepng'eno and her friend Yvonne Wambui went to Legend Club within Ongata Rongai Township. They were in the company of their respective boyfriends, Mr. George Osawe and Edwin. They took drinks up to around 2.00 a.m. before Frenda left with George to his residence at Laiser Hills. Likewise, Yvonne accompanied Edwin to his residence. Frenda left her boyfriend's residence the following day at around 8.00 a.m. for an interview at Siron Hotel within Rongai. She never attended the alleged interview and has never been seen since then.

An analysis of her call data and International Mobile Equipment Identity (IMEI) history revealed that on 23<sup>rd</sup> November same year, at around 6.00 p.m., a different mobile line was activated in Frenda's handset, and deactivated on 26<sup>th</sup> November around 7.00 a.m. The owner of the said phone number, Mr. Paul Momanyi, was arrested at Quarry area within Ongata Rongai Township and interrogated. He agreed to having used the mobile phone make Samsung A13 on the above dates. The description of the said phone fitted the one belonging to the missing Frenda. Mr. Paul Momanyi stated that the said mobile phone had been brought to him on 23<sup>rd</sup> November at around 9.00 a.m. by Mr Cyrus Onger, a *boda* rider and a friend, as security for a loan of Ksh1,200. Mr. Momanyi inserted his SIM card into the cell phone and used it up to 26<sup>th</sup> November when Cyrus Onger paid back his money.

From the above findings, Cyrus Onger became the person of interest in this matter. All efforts to trace him have been on course and still being made by the time of writing this Statement. The investigating officers are in constant liaison with the Criminal Research and Intelligence Bureau personnel from the DCI Headquarters, for phone data analysis and any technical assistance.

The Government has taken the following measures to ensure the security of all students and school-going children:

1. The stakeholders' engagement with learning institutions on enhancing security of students.
2. Carrying out security sensitisation and awareness to students in learning institutions.
3. Carrying out constant patrol to deter and control criminal activities.
4. Enhancing gathering of intelligence to enhance apprehension and prosecution of criminals.
5. Arresting and prosecution of persons who have established bars and illicit brew dens close to learning institutions, which are hideouts for criminals in some instances.
6. Parents and guardians are urged to escort young learners to and from school to ensure their safety.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Omboko Milemba): Very well. Is the Member for Konoin in the House?

**Hon. Brighton Yegon** (Konoin UDA): Yes, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Omboko Milemba): Proceed.

**Hon. Brighton Yegon** (Konoin UDA): I am not satisfied with the answer because Frenda Chepng'eno disappeared in November last year. On the circumstances that the Chairman has given, there was a lot of laxity and dalliance by the Directorate of Criminal Investigations (DCI) with regards to following up on Mr. Ongeru Cyrus, who is the person of interest in this matter, and even took her phone. You cannot disappear in this country without trace. We need the DCI to move with speed to find Frenda Chepng'eno so as to enable her to reunite with her family. I am not satisfied with the answer.

**The Temporary Speaker** (Hon. Omboko Milemba): Chairman.

**Hon. Gabriel Tongoyo** (Narok West, UDA): Hon. Temporary Speaker, as I agree with the Member, we all know the issue of investigation. At times, you cannot predict the timelines.

I, however, want to commit to the Member, Kenyans and this House, that the DCI Department will do anything humanly possible to provide justice to Frenda and make sure that those responsible are prosecuted.

Thank you.

**The Temporary Speaker** (Hon. Omboko Milemba): Very well. Do you have another statement? In fact, you have two more statements.

**Hon. Gabriel Tongoyo** (Narok West, UDA): I have quite a number, but the Deputy Speaker had ruled that I respond to the ones whose Members are in the House, and then the rest in the afternoon.

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Samuel Atandi and Hon. Samuel Arama are not in the House, and they had each sought a statement from you. I, therefore, propose that you table those Statements for record purposes.

*(Hon. Gabriel Tongoyo laid the Statements on the Table)*

Next Order.

## PROCEDURAL MOTION

### EXEMPTION OF SPECIFIED BUSINESS FROM STANDING ORDER 40(3)

**The Temporary Speaker** (Hon. Omboko Milemba): Mover.

**Hon. Owen Baya** (Kilifi North UDA): Hon. Temporary Speaker, I beg to move the following Procedural Motion:

THAT, this House resolves to exempt the business appearing as Order No.11 in today's Order Paper from the provisions of Standing Order 40(3), being a Wednesday morning, a day allocated for business not sponsored by the Majority or Minority Party, or business sponsored by a Committee.

As I move this Motion, we have a very important business especially in Order No.11, notwithstanding the fact that the other Orders are also very important. This is a very special Order and comes as a Special Motion that seeks to ensure that this country has a substantive Inspector-General of the Police.

I would like to request for your indulgence and that of the Members to allow us today, Wednesday, 18<sup>th</sup> September, to debate this particular Motion which is not sponsored by the Leader of the Majority or Minority Party, so that we can expedite the installation of a new Inspector-General of Police in this country.

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I beg to move and request Hon. Naomi Waqo, the Deputy Majority Whip, who is now the acting Deputy Leader of the Majority Party, to second.

**Hon. Naomi Waqo** (Marsabit County UDA): Thank you, Hon. Temporary Speaker. I rise to second this Motion. It is important that all the Members create time so that we can contribute to this Motion because it is a national matter that concerns us all. The earlier we do this, the better.

I second. Thank you.

**The Temporary Speaker** (Hon. Omboko Milemba): Order, Hon. Members.

*(Question proposed)*

Do I put the question?

**Hon. Members:** Yes.

*(Question put and agreed to)*

**The Temporary Speaker** (Hon. Omboko Milemba): Next Order.

## BILLS

### *First Readings*

THE ENVIRONMENTAL PROFESSIONALS INSTITUTE OF KENYA BILL  
(National Assembly Bill No. 36 of 2024)

THE BIRTH AND DEATH REGISTRATION AMENDMENT BILL  
(National Assembly Bill No. 37 of 2024)

*(The Bills were read a First Time  
and referred to relevant Committees)*

**The Temporary Speaker** (Hon. Omboko Milemba): Next Order.

## SPECIAL MOTION

APPROVAL OF MR DOUGLAS KANJA KIROCHO FOR  
APPOINTMENT AS INSPECTOR-GENERAL OF THE  
NATIONAL POLICE SERVICE

**The Temporary Speaker** (Hon. Omboko Milemba): The Deputy Leader of the Majority Party.

**Hon. Owen Baya** (Kilifi North, UDA): Thank you, Hon. Temporary Speaker. With your indulgence, I want to request the Chairperson of the Committee, Hon. Tongoyo, to move the Motion and appoint a person to second him. Then, I will debate later.

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Tongoyo.

**Hon. Gabriel Tongoyo** (Narok West, UDA): Hon. Temporary Speaker, I beg to move the following Motion:

THAT, this House adopts the Report of the National Assembly Departmental Committee on Administration and Internal Affairs and the Senate Standing Committee on National Security, Defence and Foreign Relations on the

approval hearings of Mr. Douglas Kanja Kirocho, nominee for appointment to the position of the Inspector-General of the National Police Service.

**The Temporary Speaker** (Hon. Omboko Milemba): Order, Hon. Tongoyo! Move the Motion as it is on the Order Paper. Read it as it is. You can pass the Order Paper to him.

**Hon. Gabriel Tongoyo** (Narok West, UDA): Hon. Temporary Speaker, I beg to move the following Motion:

THAT, taking into consideration the findings of the Joint Committee of the National Assembly Departmental Committee on Administration and Internal Affairs and the Senate Standing Committee on National Security, Defence and Foreign Relations in its Report on the vetting of Mr. Douglas Kanja Kirocho for approval as the Inspector-General of the National Police Service, laid on the Table of the House on Tuesday, 17th September 2024, and pursuant to the provisions of Article 245(2)(a) of the Constitution, section 12(1) of the National Police Service Act, CAP 84 and section 8 of the Public Appointments (Parliamentary Approval) Act, CAP 7F, this House approves the appointment of Mr. Douglas Kanja Kirocho as the Inspector-General of the National Police Service.

Hon. Temporary Speaker, as earlier stated, pursuant to Article 245(2)(a) of the Constitution, Section 12(1) of the National Police Service Act and Section 8 of the Public Appointments (Parliamentary Approval) Act, (CAP 7F), His Excellency the President submitted the name of Mr. Douglas Kanja Kirocho, CBS, OGW, as the nominee for appointment to the position of Inspector-General of the National Police Service. The Speakers of the National Assembly and Senate *vide* a Communication made on 1<sup>st</sup> August 2024, conveyed to the National Assembly and the Senate respectively, the Message from His Excellency the President nominating Mr. Douglas Kanja as the nominee for appointment to the position of Inspector-General of the National Police Service.

Consequently, the Speakers of the National Assembly and the Senate referred the matter to the relevant committees in the National Assembly and the Senate. According to section 6(9) of the Public Appointment (Parliamentary Approval) Act (Cap.7F), the Clerk of the National Assembly and the Clerk of the Senate invited interested members of the public to submit any representations by written statements on oath, with supporting evidence, on the suitability of the nominee for the appointment to the position of Inspector-General.

Invitations were made *vide* an advertisement that appeared in the *Daily Nation* and *The Standard* Newspaper on Saturday, 3<sup>rd</sup> August 2024. A total of 30 memoranda were received regarding the suitability of the said nominee. Only two out of the 30 met the requirements of the law. One memorandum was from Mr. Eliud Karanja Matindi who contested the approval of the nominee's appointment based on lack of fair competition and merit. After consideration of the memorandum, the Committee observed that under Article 245 of the Constitution and Section 12(1) of the National Police Service Act, (Cap 84), the Inspector-General of the National Police Service is nominated by the President with the approval of Parliament thus not submitting into a competitive process. We found that, that memorandum did not meet the threshold.

The other memorandum we received was from Eng. Mathenge who contested the suitability of the nominee, citing some conflict of interest on an issue they had over land. After the committee interrogated the matter, the nominee responded satisfactorily on the issue raised during the approval hearing. That notification was followed up with a letter to the nominee inviting him to attend the approval hearing which was done by the Joint Committee. As a procedure, during the approval hearing, we had a questionnaire to be filled by the nominee. As a requirement of Chapter 6 of the Constitution, the Committee received responses from Office of the Director of Public Prosecution (ODPP), Ethics and Anti-Corruption Commission (EACC), Kenya Revenue Authority (KRA), Higher Education Loans Board (HELB),

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Directorate of Criminal Investigation (DCI), Office of the Registrar of Political Parties (ORPP) and the Credit Reference Bureau (CRB). All of them cleared the nominee.

Hon. Temporary Speaker, pursuant to the provisions of Article 118 of the Constitution, section 6(3) of the Public Appointment (Parliamentary Approval) Act (CAP.7F), the Standing Order 45 (3) of the National Assembly and Standing Order 77(2) of the Senate Standing Orders, the Clerk of the National Assembly and the Clerk of the Senate by way of advertisement in the print media, notified the general public of the intention of the Committee to conduct the approval hearing. For the record, we had a handful number of Kenyans in the room during that process.

On 13<sup>th</sup> August 2024, the Committee undertook approval pre-hearing and on 15<sup>th</sup> August 2024, the Joint Committee of both Houses conducted the approval hearing. They were guided by the provisions of the Constitution, the Public Appointment (Parliamentary Approval) Act, (Cap.7F) and the National Police Service Act, (Cap.84). During the approval hearing, the Committee considered the nominee's duly filled questionnaire, curriculum vitae, academic credentials, professional training, experience, personal integrity and background to assess the suitability of the candidate for the said position.

The Committee made several observations. Until his nomination, the nominee was Acting Inspector-General of Police. He had served this Republic in the service for a record 39 years. He started working as a constable in 1985 and rose through the ranks to the position of Deputy Inspector-General (DIG) before he was made the Acting Inspector-General. From being a police constable, the nominee worked almost in every part of this country, including the remotest part and more importantly, the North Rift and North Eastern areas, which are considered the most insecure in this country.

On the issue of academic qualifications, which is a requirement of the law, the nominee holds a Bachelor's Degree in Commerce, Finance Option, from Indore University awarded in 2014 and a Diploma in Business Management acquired in 2009.

It is important to note the issue of the degree because it is one that some Members raised. The nominee's degree from Indore University was validated and authenticated by the Commission for University Education (CUE), following a request by the nominee to the Commission. The same letter is in the Report and signed by one Gilbert Opanga.

During his tenure in the police service, the nominee led critical security operations, notably the swift coordination and response during the Dusit Hotel terrorist attack in 2009. We all remember that sad day. The nominee was the person coordinating the very successful operation. Besides that, the nominee led several operations including Operation Fagia Msitu in Boni Forest in Lamu County, which tremendously reduced terrorist activities in the region. The kind of tranquillity and peace we have in that region, to a big extent, is attributed to the efforts of the nominee before this House today.

The nominee holds several awards in recognition of his outstanding and distinguished service to this nation in various capacities and responsibilities. I had earlier mentioned that he has worked virtually in every corner of this country. He is a man who knows every corner of this country like the palm of his hand. While serving as the Acting Inspector-General of the Police Service, the nominee demonstrated strong leadership abilities and managerial skills. When we were doing the Supplementary Estimates, because he was acting then, we saw in him a man who is a team player, which is a critical leadership skill for a person in that position.

During the approval hearings, the nominee was able, to the satisfaction of the Committee, to exhibit knowledge in matters relating to security, law, management and leadership. All those are qualities that are necessary to administer and manage the command of the National Police Service, as a disciplined service prescribed under Section 11 of the National Police Service Act.

I had mentioned that we canvassed and looked critically into the background and the record of the officer. It was very impressive to note that even after working for 39 years, that officer has never been implicated in any issues of corruption, indiscipline, or any wrongdoing. He is an officer whose level of discipline is excellent. He is a very patriotic officer. Given his experience spanning almost 40 years, we were convinced that the nominee has the requisite experience and qualifications to hold the Office of the Inspector-General, National Police Service.

There are very critical issues that I want to discuss. We all know the current issues that are going on in the country and the very needed reforms in the police service which are well enumerated in the Maraga Taskforce Report. This morning, His Excellency the President launched the strategic plan to see the implementation of the police reforms that were stipulated in the Maraga Report. The Committee interrogated the nominee to determine his suitability for the said position. We were convinced that, that man is the best fit to implement and oversee the police reforms.

We took the nominee through several critical issues that include insecurity in the North Rift and the Eastern part of the country and he convinced the Committee that he is best fit for the job. Having served as the General Service Unit (GSU) Commandant, he attended several trainings during his years in service. He has also been in the training colleges. More critically, we all know that one of the critical issues in the police service is public trust and corruption. The Committee was convinced beyond any reasonable doubt that Mr. Douglas Kanja would handle corruption in the police service.

We were very much impressed, and to the disbelief of many, that Mr Kanja's net worth is Ksh46 million. It was hard for Members to believe knowing how corruption is rampant in the police service where he has been serving in high ranks. That demonstrates that the nominee has the ability to handle the ghost of corruption in the police service and bring dignity to our service.

Without taking much time, I want to prove to this House that the man before you today is the man that Kenyans need; he is the man that the police service needs to bring about the change that we have been looking for, for many years. He will help to stamp out corruption and take this country forward in matters of security.

Based on the observations made, I recommend that this House approves the nomination of Mr. Douglas Kirocho CBC, OGW for appointment as the Inspector-General of the Kenya Police Service.

I beg to move.

I now request my very able Vice-Chairman, Hon. (Rtd) Colonel Dido Raso, to second this Motion.

Thank you.

**The Temporary Speaker** (Hon. Omboko Milemba): For record purposes, you pronounced yourself on Article 247. It is Article 245 (2)(a) of the Constitution. Proceed, Hon. Raso.

**Hon. Ali Raso** (Saku, UDA): Hon. Temporary Speaker, I beg to second. At the outset, I associate myself fully with the statement made by my Chairman, that Mr. Kanja has been found suitable by the Joint Committee of the Senate and that of the National Assembly. Mr. Kanja started as a police constable and rose through the ranks. He actually went through 13 stages to be the nominee and contestant for the position of Inspector-General of the National Police Service. He waited for his time. He waited on the line. For that reason, those are the sort of people who, when they appear before Parliament or any bodies that determine their suitability, it is evident that they have qualified to be where they are, irrespective of tribe or regions that they come from. He is on a professional line. We can all agree that he waited for his time and he has done due diligence for the work he has been given.

Mr. Kanja is not new to this House. He is the immediate former Deputy Inspector-General of the National Police Service. He is situated at Vigilance House. He has the ability to communicate with Members of Parliament. When a Member has issues concerning his or her constituents, he has been very diligent to attend to them without discrimination or feigning that Members of Parliament are actually disturbing him. These, among many other things, are the reasons we, as a Committee, have said that Mr. Kanja is suitable. We ask the House to join us in approving his nomination.

There were memoranda presented about that particular nominee. Out of those 23 memoranda, it is actually mind-boggling to find that for the first time for a policeman at that level, majority of them were positive. They were in his favour. We note a memorandum that talked about his action during the Dusit D2 attack. The infamous terrorist attack took so many lives. His heroic actions and those of the other policemen who were with him are what saved so many lives on that fateful day.

As the Chairman has already said, many questions were raised with regard to that nominee, particularly on the issues of corruption in the police force which is a teething thing. Many of us sitting in this House will turn around and say that the police service is the most corrupt institution. One of the questions that this nominee explained in very fine detail is that corruption is not only akin to the police force, but also it is a societal problem. We must begin to tie it down from the early age, in primary and secondary school, so that the society is fully aware about the pain of corruption in our society.

On the invasion of Parliament, the nominee said with frankness that, indeed, that was a breach and there was omission or commission on the part of the police service. They should have done better on that particular instance. As a Committee, we have confidence that the nominee will bring together the National Police Service (NPS), Independent Policing Oversight Authority (IPOA) which is the oversight body of the NPS, and also the National Police Service Commission. Over the years, those three institutions that look at policy, oversight and the functioning of the police have not been working together. This has been a concern to the Committee. We have asked him that in case the House approves his nomination, he must be prepared to walk the talk to make sure that those three bodies work hand in glove.

Finally, it is the issue of the police officers. In the recent months, they have been at the centre of debate both in the national media and among us, as politicians and leaders. We must ask ourselves whether Kenya needs a police force. What type of police force do we need? Police officers generally reflect the character of the nation. We cannot say that we have good people but bad police force. It does not really add up. The police force is a constitutional body. They must act within the Constitution. But equally, the Kenyan citizenry must also begin to identify with the police. We, citizens, must act within the law. The police officers are there under the Constitution to safeguard lives and properties. As we sleep in our homes, there are policemen on the beat in the night to make this country secure. For that reason, we must look beyond small or petty issues with the police force. It is important to actually identify that today, our police officers are doing a very good job in the Caribbean to restore normalcy to a country that had just gone to the dogs. That is how professional the police force is.

Finally, I join my Chairman to request the House to approve this nominee. Thank you.

**The Temporary Speaker** (Hon. Omboko Milemba): Order, Hon. Members. Before I propose the Question, let me first acknowledge the presence of students from Nduundune Secondary School, Kibwezi Constituency, Makueni County, in the Public Gallery this morning.

*(Question proposed)*

**Hon. Members:** Put the Question!



**The Temporary Speaker** (Hon. Omboko Milemba): The interest in this Motion is overwhelming and, therefore, I will not put the Question. Hon. Otiende Amollo.

**Hon. (Dr) Otiende Amollo** (Rarieda, ODM): Thank you, Hon. Temporary Speaker. I want to thank the Committee for the Report. At the outset, I confirm that I have read the Report. I have read their recommendations for approval of the nominee and I support that proposal.

However, at the outset, I would like to point out two things. First, the Chairperson of the Committee has said that in their opinion, it is not open to subject such matters to merit and fair competition. That is against the Constitution. Every provision should be subjected to merit and fair competition, but that is not an indictment of the nominee. That is an issue of the nominating authority and so, it cannot be held against the nominee.

Secondly, in seconding the Motion, the Vice-Chairperson used the term “police force”. We no longer have a police force. We have a police service and that is where our problems begin. As nominees are subjected to this House's approval, they must understand that they will be running a police service and not a police force.

I support that nominee's appointment because he will be the 6<sup>th</sup> Inspector-General since 2012, but if you start from 1964, he would be the 16<sup>th</sup> because there were 10 other Inspector-Generals before that.

I have looked keenly at the curriculum vitae (CV) of the nominee. The nominee is being appointed as the Inspector-General at a very difficult time when the police service is under a microscope for various reasons. One reason is because of impunity. It is a time when the Acting Inspector-General is demonstrating absolute impunity against the courts. The acting Inspector-General is demonstrating impunity by withdrawing the bodyguards of a judge because of orders that they perceive to be adverse. That is absolute impunity.

Hon. Chairman, it is also at a time when there are unexplained disappearances and abductions. Just this morning, the Chairperson of the Committee committed to issue a statement tomorrow. There are many instances of unexplained disappearances and abductions.

Hon. Chairman, his appointment is also coming at a time when there have been questions of how the police handle lawful...

**The Temporary Speaker** (Hon. Omboko Milemba): Order, Hon. Otiende Amollo. I am now the Temporary Speaker, not the Chairman. Proceed.

**Hon. (Dr) Otiende Amollo** (Rarieda, ODM): Thank you, Hon. Temporary Speaker. You are my Chairman in other areas.

His appointment is also coming at a time when there have been questions of the police handling of lawful demonstrations and picketing in terms of use of excessive force. I have examined the Report of the Committee and looked at the curriculum vitae of the nominee and I am impressed, first, because from all the reports, the nominee is without blemish in his 39 years of service. That is not easy for a policeman. That is not easy for a person who has even been a Deputy Inspector-General and a Commandant of the General Service Unit (GSU). That is rare. I am also impressed because that is a person who you would say has risen from humble beginnings in the service. He started at the lowest possible level as a constable to come up to this high level. It is not easy. We are used to getting CVs of people who have come in at a very high level.

I am also impressed because the nominee has shown resilience. If you look at his CV, the nominee is not a genius. However, you are not required to be a genius to be the Inspector-General. You are only required to have a degree. This is a man who has gone through what we call *elimu ya ngumbaru*. He has educated himself from the lowest level. I see that he only got a diploma in 2009, and a degree in 2014. This is a self-made man. He is resilient, and that is actually a good sign.

I have also carefully looked at the Report. There has not been any demonstration of impunity. For me, that is critical. We need an Inspector-General who understands that one must

operate within the law. Some things must be said. As the Inspector-General of the Police, you must have the humility that Nelson Mandela had when he was the President. When Nelson Mandela was confronted with a court order that was adverse to the government and he was asked to defy it, he said that he did not agree with the court, but in the interest of the country, he would comply with those court orders. That is what an Inspector-General must do. As the foremost enforcer of the law, you must be seen to respect the law. If you do not, then those to whom you enforce the law will not respect the law.

I fault the Acting Inspector-General for showing impunity. When the courts require you to appear before them, all you need to do is to appear before them. You do not need to defy court orders and then issue a press conference explaining the functional and operational independence of the police service. There is no independence from the authority of the courts. There is no independence from the authority of Parliament. Your independence is within what is defined. When you are summoned by Parliament, you must come. When you are summoned by the courts, you must come. That kind of impunity is unacceptable.

Indeed, the Acting Inspector-General should know that he is walking on thin ice. First of all, strictly speaking, there is no provision to appoint an Acting Inspector-General. I dare the Committee to re-consider this matter. Section 16 of the National Police Service Act allows the President to appoint an acting Inspector-General in the event of a temporary absence of the Inspector-General, which means that there must be a substantive Inspector-General who is absent. Where there is no Inspector-General, you cannot appoint someone in an acting capacity. So, when by the generosity of happenstance, you have been appointed as an acting Inspector-General, you cannot then demonstrate such absolute impunity. You should be humble because that happenstance can be withdrawn any time.

I support this appointment. As Mr. Kanja comes in as the Inspector-General, let him demonstrate why we changed from a police force to a police service. Let him demonstrate the ability and confidence of what President Ruto promised that there will be no unexplained disappearances. Let us have an era where we do not have that kind of thing. Let us have an era where everybody respects the law, everybody is below the law, and everyone is held accountable.

I support the Motion.

**The Temporary Speaker** (Hon. Omboko Milemba): Deputy Leader of the Majority Party.

**Hon. Owen Baya** (Kilifi North, UDA): Thank you very much, Hon. Temporary Speaker. I rise to support this Report, and also to support the appointment of Douglas Kanja Kirocho as the Inspector-General of the Police.

This country and the Constitution transformed the police from a force to a service. Douglas Kanja is a man who can provide service in the police service. He will not turn it from a service into a force. He is a humble man who respects both the mighty and the lowly. He is destined to ensure that human rights are respected in this country.

I know Douglas Kanja. I worked with him when he was the County Commander in Kilifi. He was the boss of the county, but he worked with even the lowest of the people. Today, if Kanja steps in Kilifi, everybody respects him. Everybody says that he lived his time in Kilifi well. I am sure that when he takes the seat at Vigilance House, people will be happy that we have that kind of an Inspector-General. He has his job cut out for him. He is the best Inspector-General we can have at this particular time when the people at Vigilance House are trying to turn back the clock on the gains that we have made in the police service. Issues of human rights and respect for law are being clawed back by the people who are currently serving in Vigilance House. I strongly believe that Douglas Kanja will take us to the time that Kenya should be.

The President has been very clear. He does not want to see forced abductions. He does not want to see extrajudicial killings. He does not want to see impunity. However, you can see

that there are people who are letting him down. I believe that one Douglas Kanja will stand for the principles that the President upholds and ensure that forced disappearances in this country do not recur. Our Chairman of the Departmental Committee on Administration and Internal Affairs is asked to explain disappearances every day. For instance, the case of the MCA of Wajir or Mandera. This is a simple case but you can see the back and forth. The current Inspector-General of Police has been asked to explain certain things in court. However, he does not want to appear in court because he feels that he is above the law. I tell him that this Government does not entertain impunity. That Masengeli man must go to court and answer the charges that are put there. That is being a servant. You cannot be above the law. I think one Douglas Kanja will not at any one time purport to be above the law or exercise the impunity that we are seeing.

Hon. Members, Kanja listened to all of us even when he served as the Deputy Inspector-General (DI-G). If you wanted something done, the only person you needed to talk to was Douglas Kanja Kirocho. You could call him at whatever time and he would pick your call. He would actually act on your request. That is one Douglas Kanja. I do not think he only did it for Members of Parliament. He also did it for other people without ranks in this country. Even the officers in the police service respect him. We need an officer who can be respected by his colleagues in the police service. One Douglas Kanja will bring honour, trust and respect to the police force.

He also has one job he must do, which is to get rid of corruption at Vigilance House, the police force, and the National Police Service. He has that job cut out for him. I strongly believe that he will actually do it. Probably, the National Police Service will no longer be ranked the highest temple of corruption in this country. I believe and know that Douglas Kanja fears God. He is a religious man who is properly schooled in Christianity. He is properly grounded. I know that. I have seen him practice it and I know that we have a person that will transform the National Police Service.

I have heard what the senior counsel, Hon. Otiende Amollo, has said. I have not heard him in this Parliament say the kind of platitudes he has said about an officer. In fact, I was surprised that one, Otiende Amollo, actually said such things today. It means we have the right man for this service. I do not think it is broad-based. It is because it has come from his heart and his experience with Douglas Kanja. I know Hon. Rozaah Buyu really wants to speak on this. However, I want to tell her that we have a good man we have to approve for this job. I urge all Members of Parliament to come here in numbers and vote for the right man for the job. I mean a man who will not perpetuate impunity or do things that an Inspector-General should not do. We have one man who is Douglas Kanja Kirocho for the job.

I support and request all other Hon. Members to support. Thank you very much.

**The Temporary Speaker** (Hon. Omboko Milemba): Next is Hon. Shadrack Mwiti. He is first on the list. Proceed.

**Hon. (Dr) Shadrack Mwiti** (South Imenti, JP): Thank you for giving me this opportunity to contribute to this noble Motion.

I support or I concur with the findings of the Joint Committee. Douglas Kanja Kirocho has proved to be a great leader. The leadership he has shown to his colleagues and fellow Kenyans makes him a very good Inspector-General when he is approved. His track record is crystal clear. His leadership in the various operations that he has done or led proves that he is going to make an excellent Inspector-General when he is confirmed by my fellow Hon. Members. The almost four decades he has served in the police service shows that he has the experience to be given this opportunity. I am very sure you have given him the position. I am confident that his experience is going to give his colleagues a great leadership direction.

Douglas Kanja exhibited leadership and improved criminal identifications when he was a director in the Directorate of Criminal Investigations (DCI). He proved that he is able to lead.

Douglas Kanja gave direction on policing and community engagements when he was in Eastern Province. He has shown great effort in ethics and integrity. He has not been implicated in any unethical activity during the nine years he has worked. His integrity is very clear. The findings of the Joint Committee are elaborate. I am confident that the infrastructure of various police stations will improve when Mr. Kanja is confirmed. I concur with the Joint Committee and associate myself with the Report.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Omboko Milemba): Next is Hon. Farah Maalim.

**Hon. Farah Maalim** (Daadab, WDM): Hon. Temporary Speaker, I also want to render my voice to the very important matter before us. I have known Kanja for a few years. I can tell you that I am usually, ordinarily and normally not too generous with compliments. However, that one man has earned my respect in the criminal justice system. He is an impeccable down-to-earth good human being. He cares about this country the way a member of a security establishment in the country should be worried.

I come from an area with security issues. One of the things that will impress you when you look at his CV is that he started service in the Lokichoggio area. Essentially, that area has the same security situation with my area. It does not matter what time you call him when you talk to him whenever there is an emergency. He is for sure going to call you back and personally attend to the problem. Every time I went to his office to raise challenges, he got back to me after doing a serious job. Invariably, he does something patriotic.

That is exactly how somebody in that position should conduct himself and maintain patriotism to this country. There is nothing like a problem with the law and order. The moment you have a breakdown of law and order in a country, then you do not have a country. I want him to continue with the good job in this new position. He has our support. I can see the mood of the House is in his support. I can attest to it. In my many years of being in politics and being a Member of Parliament, he has absolutely no equal.

I support the Report of the Joint Committee and also implore upon other Members of Parliament in the National Assembly to support the appointment of Mr. Kanja as the new Inspector-General for our country.

Thank you.

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Lydia Haika.

**Mhe. Haika Mizighi** (Taita Taveta Kaunti, UDA): Ahsante sana, Mhe. Spika wa Muda, kwa kunipatia fursa hii ili niweze kuchangia mjadala huu ambao unamjadili mteule wa kuwa Inspekta Mkuu wa Polisi. Naanza kwa kuipongeza Kamati ambayo imeandika Ripoti hii na kutuletea hapa. Nimeona Ripoti ni nzuri sana. Wamemchunguza vyema na kutuletea Ripoti nzuri.

Huyu Bwana Douglas Kanja Kirocho ni mzoefu kwa kazi yake. Alianza kazi hii kwenye daraja dogo; amepanda madaraka mpaka akafikia mahali amefika. Hivyo ndivyo tunataka kuona watu wakipanda vyeo kama hivyo na kuungwa mkono wakiwa wamefanya vyema. Tulimjua kwa ubora wake sana akiwa katika oparesheni ya janga la bomu pale Dusit D2. Kwa kweli alifanya kazi nzuri na vyema kabisa.

Lingine ni kwamba hatujamsikia akitajwa katika mambo ya ufisadi. Tumejua shirika la polisi limekuwa likitajwatajwa na kuhusishwa sana na mambo mengi ya ufisadi. Kwa miaka yote hiyo amekuwa katika shirika hilo, hajahusishwa. Hilo pia ni jambo jema na la kupigiwa upato. Kwa hivyo, naungana na wenzangu kuunga Ripoti hii mkono na kumtakia kila la heri atakapopata fursa ya kuwa Inspekta Mkuu katika taifa letu la Kenya.

Ahsante sana, Mhe. Spika wa Muda, kwa kunipatia fursa.

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Sarah Korere.

**Mhe. Sarah Korere** (Laikipia North, JP): Shukran, Mhe. Spika wa Muda. Naungana na wenzangu kuunga mkono Ripoti ya Kamati ambayo imewasilishwa mbele yetu. Nikiwa

mwanakamati wa Kamati hii, tulimhoji Inspekta Mkuu wa awali. Ukweli ni kwamba, umahiri na ukakamavu aliyonao bwana huyu katika kuyatekeleza majukumu yake ni wa hali ya juu sana. Aliitikia wito wake, maanake kuwa askari pia ni wito, kwa umri mchanga. Alifanya kazi katika sehemu kama Lokichogio, Kapedo na kwingineko. Hamna anayeelewa vizuri zaidi hali ya usalama kaskazini mwa nchi yetu na pale ambapo hali ya usalama imetukera sana sisi wenyeji kama Bw. Kanja. Alipokuwa Naibu Inspekta Mkuu, ilikuwa rahisi mno kumfikia kuliko kumfikia kamanda wa polisi katika kaunti yako. Kwa hivyo, anastahili na anaweza kazi. Sio kwa sababu anatoka mahali fulani au kwa sababu ako na jina fulani, ni kwa sababu ni Mkenya ambaye anapenda nchi yake na amehudumia kwa ukakamavu na unyenyekevu.

Kwenye masuala ya elimu, kosi ambayo huyu bwana amehitimu ikilinganishwa na shahada anaweza kuwa pia na shahada ya uzamifu (PhD) kwa masomo yake kama polisi. Nchi hii inahitaji polisi watakaohudumia wananchi. Polisi ni huduma. Ninaamini huyu bwana atayatekeleza hayo. Kando na hayo, mara nyingi tunajipata sisi viongozi na wananchi tukiwalimbikizia polisi lawama chungu nzima kwa sababu ya kutotekeleza majukumu yao. Lakini tunakosa kufahamu kuwa mara nyingi hata kwenye Bunge, tunapotengenza Bajeti, pesa wanazotengewa polisi ni kidogo sana. Ndio maana kama mwanakamati wa Kamati hii, tunapokuwa na matarajio chungu nzima, lazima polisi wapewe zile fedha zitakazowawezesha kutekeleza majukumu yao.

Mara nyingi usalama ukiharibika, kila mtu anahukumumu polisi, haswa kwenye masuala ya haki za kibinadamu. Mimi huwa nauliza swali moja: Polisi siyo binadamu na hana haki? Unatuma polisi kutekeleza wajibu wake lakini hana nguo rasmi ya kumkinga dhidi ya kurushiwa mawe na hana vifaa vya kutosha anavyohitaji. Unataka afanye aje? Tunapongelea haki za kibinadamu, lazima tuelewe kwamba polisi wana haki. Hao polisi siyo polisi tu bali ni binadamu. Hamna kiwanda cha kutengeneza polisi ila sisi tunaooa watoto ndiyo viwanda. Ni watoto wetu na ndugu zetu. Kwa hivyo, lazima tuwachunge vizuri ili wawe na motisha ya kulinda haki na usalama wa Kenya vizuri. Usipompatia mtu haki yake, hamna yeyote atakayepeana asicho nacho. Ukimpa haki, atakupa haki. Ukimnyima haki yake, nawe usitarajie kupata haki kutoka kwake. Naunga mkono haya mapendekezo.

Nawaeleza viongozi wa Kenya kuwa tuna shida nyingi ila kujua nani anatawala mlima siyo moja wapo. Viongozi wa nchi hii lazima waiunganishe. Iwapo yale tunaona, kwamba watu fulani wamekuwa viongozi wa sehemu fulani yataendelea, basi hatuna budi kubadilisha Katiba ili kila jimbo kati ya yale majimbo yaliyokuwa nane liwe na Naibu wa Rais, ndio tupate watu wa kuzungumzia Kenya nzima. Sio mtu anayezungumzia mlima kila siku kuanzia asubuhi hadi jioni. Kenya iko na mlima, Bonde la Ufa, Pwani na kadhalika.

*(Loud consultations and laughter)*

**The Temporary Speaker** (Hon. Omboko Milemba): Order, Hon. Sarah Korere. You must be relevant. Order, Members. Hon. Joseph Kahangara, Member for Lari.

**Hon. Kahangara Mburu** (Lari, UDA): Thank you, Hon. Temporary Speaker. I happen to come from the *mlima* that is being referred to. At the outset, let me say that I am a member of the Departmental Committee on Administration and Internal Affairs. I sat through the approval hearing process and I stand to support the Committee Report and also urge my colleagues to approve the candidate, Mr. Kanja, for the position of I-G.

From the hearing, you realise that Mr. Kanja was employed in his early 20s in the police force, which means that he has worked in the Police Service for over 30 years. He has risen through the ranks, starting from the position of a constable all the way to Acting Inspector-General of Police. This, in a way, will boost the morale of other police officers; reasons being that he has risen through the ranks to become the Inspector-General of Police. One of the problems we have in the police force is that there are people who are employed as constables

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and they stay in that position forever, probably until they retire. Mr. Kanja is the man to bring the change to officers as they serve. He is going to eliminate discrimination because we are aware that transfers and promotions of police officers have not been on merit in most cases. It has been on who knows who and I think Mr. Kanja, having gone through the ranks, is somebody who is going to help us in this particular matter by boosting the morale of the police officers.

Mr. Kanja, from the hearing, understands the challenges that are faced by police officers. We have been talking about police reforms and issues of corruption, welfare of police officers and all those have not been achieved. But Mr. Kanja is the right person to do this because he understands, for example, the deplorable conditions that police live in. He understands the issues I have mentioned on promotion, transfers and also the issue of corruption that is a big problem in this country. He is one man - during the hearing - who told us that if he is appointed as the Inspector-General, one of the things he is going to do and especially in the traffic department is to ensure that police officers have traffic body cameras so that they can be able to be traced where they are. You can also see the actions they are taking on the roads and this is one way of assuring Kenyans that with Mr. Kanja at the helm of the police service, we are going to see some very tremendous changes.

Hon. Temporary Speaker, Mr. Kanja has also worked in very many parts of this country as Members have mentioned. He has worked in areas where we have had issues of cattle rustling. That means he is one person who will be able to organise the police force so that they can tackle the issues on the ground and Kenyans will live in peace. So, I believe Mr. Kanja is the most suitable person to hold this particular position. I congratulate him as we move to approve the position. I also urge him that he should serve Kenyans from all corners of this country and, of course, without discrimination. He showed us when he acted as Inspector-General that he was able to handle issues raised by members of the public.

With that I support and thank you.

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Rindikiri Mugambi.

**Hon. Rindikiri Mugambi** (Buuri, UDA): Thank you Hon. Temporary Speaker. At the outset, I identify myself with the Report of the Committee and ask this House to approve the candidature of Mr. Douglas Kanja Kirocho. I have looked at the Report and its structure or presentation has captured all the details of the Constitution by law. I do not need to belabour so much on what really the Report has brought out because it has been very positive right from the word go. However, we must understand the structure of security in this country because that is where the importance of the Inspector-General comes in. The end of security in this country is none other than the President of the Republic of Kenya, who heads the Security Council of this nation and where the Inspector-General and the Cabinet Secretary sit in order to advise the President on security matters.

It is, therefore, very important that we recommend and approve a person who will be able to address the issues of security at the Security Council of this nation. We must understand as a House that the only organ of security that reports directly to the President is the National Intelligence Service. The other one reports directly to the Inspector-General, who is in charge of operations of the security situation in the country. The Cabinet Secretary in charge of security is only in charge of policy but, what we have witnessed in the past is that the Cabinet Secretary is now being reduced into handling operation matters. I think and want to believe that with the incoming of Douglas Kanja as the Inspector-General, he will take up the responsibility of operations of the security organs in this country. The Inspector-General is in charge of three large departments; that is the Inspector-General of Police, the Inspector-General of Administration Police or what they call Critical Infrastructure Police Unit (CIPU) and also now the traffic and the Criminal Investigations Department (CID). That person's character and experience must be of high standards and that is what we are seeing from the Report that has been presented by the Committee. I thank the Committee for that.

The job specifications and descriptions have been given and I have no doubt in my mind that Douglas Kanja fits in that by character, experience and identification. We have witnessed a lot of security issues in this nation. We need somebody who is really empathetic in character, a listener, somebody who is able to identify himself with the people that he is leading. One of the greatest problems that we have in the police leadership in this country is to have somebody at the top who has no clue of what the constables are going through out there. The security organs led from the police force have no infrastructure. Some of them have very funny looking uniforms. Some of them do not even have weapons and are supposed to be police officers. I believe that rising from a police constable in 1985 to date, 39 years, that person can very easily identify himself with the personnel that he is leading. The way some of the staff operate is because somebody who is on top there has no empathy. He does not think about those people. I believe that, that person has a lot of discipline. He has manifested himself, shown leadership and shown that he can see what other people are seeing.

More so, we need somebody who is able to listen to the members of the public, and that is Douglas Kanja. Personally, I have had a work experience with Douglas Kanja. You know I border Isiolo and Laikipia where cattle rustling is rampant, but I have seen Mr. Douglas Kanja in action in uniform himself. So, I join my colleagues by saying that, that is the only person I have seen in the recent past... I have my experience with the three former Inspector-Generals and I do not want to repeat that. But I believe the best man is now about to be confirmed as the Inspector- General of Police. I thank you.

**The Temporary Speaker** (Hon. Omboko Milemba): Very well. Hon. Hussein Weytan.

**Hon. Hussein Weytan** (Mandera East, ODM): Thank you, Hon. Temporary Speaker. Being a Member of the Departmental Committee on Administration and Internal Affairs, I can assure you that we have taken this nominee very seriously. We have taken him through very rigorous vetting and we have seen that this is one person we can recommend for Kenyans. This is one person who can take this country to a higher level. He can see the interest of this country more than any other person. Douglas Kanja has served in this service for 39 years from a constable when I was not even there, when I was maybe around two or three years old. You can imagine serving from Lokichogio, Kilifi, North Eastern, Isiolo, and everywhere, all the harsh areas as are popularly known by Kenyans. He has served well and performed. I can assure you, when he served as the Deputy Inspector -General (DIG), most of the Members visited his office. The way he received them, the way he has taken action against the issues they raised, they can all be witnesses to what we have really forwarded to the National Assembly.

We have vetted that man and checked on all the necessary requirements and that is one person whom we are sure will perform and change the attitude of the police officers, their living standards and housing. The police in this country are undergoing very serious challenges, especially in our areas in North-Eastern. Police officers spend nights in the cold. Some do not have vehicles. An Officer Commanding Police Division (OCPD) and an Officer Commanding Station (OCS) travel by public means with all those security challenges. This is one person we expect to change those kinds of lifestyles and challenges.

I want to request my colleagues to support us because we have not approved that person just for the sake of who Kanja is or where he comes from. But we have approved him following his academic qualifications and experience from the lowest levels. We request you to approve him so that he can start his duties as quickly as possible and change this country for the better.

Thank you very much.

**Hon. Temporary Speaker** (Hon. Omboko Milemba): Very well. Before the next speaker, let me allow Hon. Mutuse to just welcome the school from Makueni. I give you one minute.

**Hon. Mwengi Mutuse** (Kibwezi West, MCCP): Hon. Temporary Speaker, if you allow, I will welcome the school and make my contribution so that we are timeous.

**Hon. Temporary Speaker** (Hon. Omboko Milemba): Order, Hon. Mutuse. I have given you straight instructions. Proceed.

**Hon. Mwengi Mutuse** (Kibwezi West, MCCC): Thank you, Hon. Temporary Speaker. Please allow me to welcome Ndundune Secondary School. Ndundune Secondary School is a school within my constituency, particularly in the Mali-Mulala Ward. Ndundune in Kikamba means a red squirrel and, for sure, the place has very fertile red soil. For the students and your teachers, this is the National Assembly of the Republic of Kenya, that is created by the Constitution to debate issues that are of concern to you, particularly education, and we will be working together to ensure that you get the best education and also to create the necessary environment so that when you get out of secondary school, you can go for higher education and as well get jobs in the labour markets.

With those remarks, Hon. Temporary Speaker, we welcome Ndundune Secondary School graciously to the House, and also we support the appointment of Mr. Kanja for several reasons that I will be stating, if you allow me. Hon. Temporary Speaker, one minute.

**Hon. Temporary Speaker** (Hon. Omboko Milemba): Order. Take your seat. You have done the business that I gave you to do. Hon. Mutuse, you must be very aware that this is a House of rules and order.

*(Laughter)*

Let us have the next speaker making his comments on this, and these are people who have been waiting. I want to tell the House that we have actually opened this debate and so, we shall continue in the afternoon. So, take your place and relax. Let us have Hon. John Waweru.

**Hon. John Kiarie** (Dagoretti South, UDA): Hon. Temporary Speaker, it would be sacrilegious of me to start without thanking the Committee. The work that has been done by the Committee led by Hon. Tongoyo and the Committee in the Senate is thorough. We agree that this Joint Committee was the gatekeeper for this plenary as they were preparing this Report. The Report has been prepared so well and so professionally that, even as we are debating it, we are debating a complete Report. I thank and congratulate the Joint Committee of Senate and National Assembly. The National Assembly team was led by Hon. Tongoyo. This Report is covering all the important bases, and I would not want to belabor points that have been made here by Members. If we are seeking professionalism, we have been given proof of how professional that gentleman is. If we are looking for integrity, they have gone to the lengths to ensure that, that man is untainted, fresh, and ready to serve the Republic as an officer of the law. If we are looking for experience, that is a gentleman who joined the force four decades ago, and has had an experience of a lifetime in the force. So, we are not placing an individual from outside to the top of the police ranks; an individual who does not understand how the police service operates.

As Mr. Kanja comes to office, his work is cut out for him. There are a lot of issues that need to be addressed in the police service. We are in a new world. We are talking about being in the fourth industrial revolution. We are talking at a time when things like artificial intelligence, robotics, the internet of things, data and analytics are the norm. The point I am making here is that even criminals have improved their techniques of crime. The people who do not mean well for this country have also improved their techniques of crime. We are talking about new avenues of crime. We are talking about cyber crime and cyber attacks. The point I am making here is that the old techniques of policing will not hack it in this day and age. We are in an era where technology becomes an important component of policing.

As I say that, Mr. Kanja's work is cut out for him, I mean that we might need to professionalise the police force by introducing new techniques, using available technology — the technology of today — to make sure that we incorporate it in policing. The President of

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this Republic made a pledge to the nation before he was elected. He said that the moment he is sworn in, that the moment he puts down the Bible, he shall disengage the police force from the Office of the President. He even freed up the resources of the police so that the police are independent in their operations. As Mr. Kanja comes to office, he might need to come with innovative ways of mobilising resources to ensure that the police force is able to mobilise resources beyond what they are getting today so that they can do what is necessary.

Hon. Temporary Speaker, when I say that Mr. Kanja's work is cut out for him, we also need to relook at past laws, decrees and regulations that have been made. The Hon. Members that you see in this House have their hands tied. These Members know that the police are living in very bad conditions in their constituencies. But there was a decree that was made that the National Government - Constituencies Development Fund (NG-CDF) cannot construct police houses or police lines in police stations. We need to relook at some of those decrees. There was an arm of the police called the Administration Police. The police were able to assist the national Government officers in their work. The moment the Administration Police were withdrawn from Chiefs, Assistant County Commissioners (ACCs), Deputy County Commissioners (DCCs), our National Government Administrative Officers (NGAO) officers were left exposed. So when I say that Mr. Kanja's work is cut out, some of the work he has to do is to look at some of the existing policies, legislations, decrees and regulations that have been made so that we can reverse them for the good of our Republic and to improve the plight of our officers.

Finally, that new man at the helm has his work cut out in terms of stakeholder engagement. We are told that the police is one of the bogeymen in this country, that it is a punching bag. The police must find a new way of engaging the different publics. The publics includes the citizens, Parliament and the Executive. So, Mr. Kanja will also have to be a diplomat as he does a diplomatic roadshow to be able to showcase a new face of the police to the different stakeholders.

It has been mentioned here that Mr. Kanja comes from a certain region, and that is true. We can never run away from that. But this cannot be taken to be a charge on an individual. Everybody comes from a region. It is said that you either come to Nairobi by bus or by birth. Some of us came to Nairobi by birth. We belong in Nairobi. We may have traditional or heritage areas that we came from, but we cannot fit there if we were all told to go back. As we have this regional conversation, we need to understand that even in your region, you have very many people who live in the diaspora. When you heighten up the discussion about where each and every person comes from, where will the diaspora people run to? We do not know any other home. Mr. Kanja is not presented to this House as a man from the “*Murima*” but as a professional with integrity, experience, and an officer who is able to serve as the Inspector-General of the National Police Service.

Thank you very much, Hon. Temporary Speaker. I submit.

**The Temporary Speaker** (Hon. Omboko Milemba): *Daktari* Nyikal.

**Hon. (Dr) James Nyikal** (Seme, ODM): Thank you, Hon. Temporary Speaker, for giving me this opportunity. I rise to support the Report of the Joint Committee. I must commend the Joint Committee for the work they have done. They have looked at all the relevant areas and the processes that need to be taken into consideration, and they have found that those are correct. They have also looked at the constitutional requirements.

On the issue of experience and the other characters of Mr. Kanja, I do concur with what is in the Report. I have interacted with that gentleman and I think the Committee has stated what is correct about him.

The Committee has also addressed an issue that we have to look at in the future, but I do not think it affects him. It is the issue of the retirement age of the Inspector-General of Police. As it is now, the law is silent on that issue. The Committee says it is exempt but that is

not really the case. Instead, it states that a police officer below the rank of Deputy Inspector-General should retire at 60. It does not speak to the retirement age of the officers above that rank. That is a lacuna in the law that we should look into in the future. Other than that, from the Committee's Report, the work he has done and what Members have said here, he fits the bill.

The Police Service is the most important unit in terms of internal security. You can have a strong army, but that does not secure internal security. It is the interaction between the civil society and the people that really secures internal security. The Police Service is extremely important in the criminal justice system. If they do not conduct investigations and collate evidence properly, the criminal justice system will not work.

We also know that Mr. Kanja will face challenges, including that of the welfare of police officers. We all know that even their accommodation is not right. We are also aware that there is a lot of homicide and suicide amongst police officers. This is a challenge that indicates that there is some distress in their areas of work. He will have to address that challenge.

There is also the challenge of perception that police officers are corrupt. He will have to address that aspect as well. There may be some reality in it but that will have to be addressed administratively and legally as required. We know that he is capable of doing so.

Another issue that he has to change is the conduct of the police in relation to upholding the constitutional rights of citizens during civil strife. The way they have dealt with people during demonstrations that are legal has not come out well. I am talking about the use of what I call lethal force and the abductions that we have seen. We cannot blame one man on this but it is in the Police Service. When he takes up this job, he should address that issue.

Additionally, he should address the general conduct of police officers and their attitudes towards the law. The Police should see themselves as a service and friends of the people. If you are walking on the street and you see a policeman, the correct attitude should be: "That is somebody I can go to for safety, and not somebody that is likely to harm me." I know that he has been in the Service for a long time. He has done well as a person but he must address those challenges.

With those remarks, I support the Report of the Committee.

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Osoro, you have been waiting.

**Hon. Silvanus Osoro** (South Mugirango, UDA): Thank you very much, Hon. Temporary Speaker. I join my colleagues in supporting the Committee's Report on the nomination of Mr. Douglas Kanja Kirocho. This is a rare occasion where a career officer is being supported across the political divide. It is quite shocking that a police officer is receiving overwhelming support by Members of this House from both sides of the aisle.

There is one issue that people raised upon the nomination of Mr. Kanja for appointment as the Inspector-General of Police. That is the issue of age. Before we get to the issue of age, I do not think the National Police Service Commission and, indeed, the appointing authority, could get a better person to serve in this capacity. Mr. Kanja is a career police officer who has risen through the ranks from a police constable. He has actually done nothing else in his life other than police work. This is a person who has served this country with no single disciplinary case. That is quite uncommon for a police officer.

You will agree with me that Mr. Kanja joined the Service at a time when we had a Police Force, and not the Police Service. During that time, police officers had the temptation to use force. They had power to arrest and put you in remand for merely having a black or big nose. They would ask for an Identification Card (ID) and when you provide it, they would again ask for a *kitambulisho*. This was because of the old culture of the Police Force. That police officer has been in service without a single complaint from any member of the public in

regard to his conduct. I do not think the appointing authority could have picked a better person to serve as the Inspector-General of the Police.

Mr. Kanja's personality and demeanour also stands out. He has appeared in the media to address several issues of national interest and has done it with a lot of composure, extreme maturity and commitment to his work. This is the best person for this job.

We will eventually do the easier job of approving his nomination in this House but much will be expected of him going forward. He has a lot on his table, including dealing with the issue of police brutality and how police officers conduct themselves. I want to speak from the other side. Mr. Kanja has a higher responsibility of taking care of his officers. The morale in the Police Service is going down. Some senior police officers like inspectors and chief inspectors still harass junior officers. Their living condition is deplorable.

Mr. Kanja has a responsibility to defend them before the National Police Service Commission. I am sure that is what some Members want to raise an objection over, but everything rises and falls on leadership. He has a responsibility to reinstate the morale of the junior police officers. At least, much of the work, in terms of salary review has been done by this House and the President. However, still much needs to be done in as far as their morale is concerned. More importantly, Article 49 of the Constitution is not being well executed by police officers. It provides the rights of arrested persons. When you arrest persons, you need to tell them why you have arrested them, listen to them and allow them to exercise the right to call any person they deem fit.

To date, when young jobless people are arrested in the streets, they are told: '*Utaongea mbele.*' Those are the disciplinary issues that Mr. Kanja needs to address. He should teach his junior officers that they should not just be moving around since the police force is now a police service. It does not cost much for a police officer to talk to fellow Kenyans in a polite language. Why arrest a person and tell him: '*Utaongea mbele?*' Those issues need to be reviewed going forward.

Regarding his age, as I said earlier, Article 245 of the Constitution and Section 11 of the National Police Service Act provides the qualifications for appointment of the Inspector-General, but they are silent on the age limit. He is 61 years old but the law is silent. Of course, people will challenge us that there is Rule 70 of the Public Service Regulations which states that the mandatory retirement age for public servants is 60 years. This applies to a public servant and does not apply to the Inspector-General. This is because there is definition of who a public servant is in that provision. Article 234 of the Constitution defines who a state officer is.

Hon. Speaker, with those many remarks, I implore upon this House to expedite this process and approve the nomination of Mr. Kanja for appointment as the substantive Inspector-General of Police. There is debate about the court orders being defied by the incoming Inspector-General. I want to advise the Police Service and the Judiciary to maintain their independence. The Police Service is independent in terms of operations, just like the Judiciary. There is a delicate balance because at one point, I heard a judge complain about withdrawal of security officers and yet, the Judiciary is independent. However, when the Inspector-General says that the National Police Service is independent, it raises issues. In our Constitution, the independent offices have their own rights. Let me speak as a court officer because I am an Advocate of the High Court. It is important for people to obey court orders.

Again, we do not need to personalise matters but judicial activism must stop. If the Inspector-General sends the Deputy Inspector General (DIG) to represent him in court, such decision should be respected. You cannot say that you simply want the Inspector-General to appear in person. What work will the Deputy Inspector-General do? We have the Deputy Inspector-General in-charge of the Administration Police Service and the Deputy Inspector-General in-charge of the Kenya Police Service. I do not understand how a judicial officer can

say that he is not okay with the Deputy Inspector-General being sent to appear in court on behalf of the Inspector-General.

**Hon. Martin Owino** (Ndhiwa, ODM): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Omboko Milemba): Order, Hon. Sylvanus. You have deviated from the debate and thus attracted a point of order. What is your point of order, Hon. Martin?

**Hon. Martin Owino** (Ndhiwa, ODM): Thank you, Hon. Temporary Speaker. I respect Hon. Osoro but when a mistake is done, it is wrong for this House to defend it. The judge had the platform of stating who he wanted to appear before him. You are out of order because of saying the alternative was okay. I think that is wrong.

**Hon. Sylvanus Osoro** (South Mugirango, UDA): Thank you, Hon. Temporary Speaker. I do not understand the validity of that point of order. I was simply making my case to the effect that in the Public Service, if I am called upon by any senior officer in Government to attend a meeting and I opt to send Hon. Naomi to represent me, I would be right to send her because that is allowed.

**The Temporary Speaker** (Hon. Omboko Milemba): Order, Hon. Osoro. Please conclude.

**Hon. Sylvanus Osoro** (South Mugirango, UDA): In conclusion, the acting Inspector-General still has a window. He was given seven days and we ought not to delve into this because the seven days window has not lapsed. Nobody should blow an unnecessary trumpet as far as these wars are concerned.

With those very many remarks, I support the Report of the Committee.

**The Temporary Speaker** (Hon. Omboko Milemba): Next is the Leader of the Minority Party, who is a ranking Member. Proceed.

**Hon. Junet Mohamed** (Suna East, ODM): Thank you, Hon. Temporary Speaker. I will be very brief.

This is one of the approvals or appointments which we say should be given a chance. Why do I say so? Since the new Constitution came into place, I do not think this country has gotten the appointment of an Inspector-General right. As you are aware, when the Constitution was enacted, it was very clear on how...

*(Loud consultations)*

Hon. Temporary Speaker, there is a market *baraza* going on here.

**The Temporary Speaker** (Hon. Omboko Milemba): Order, Hon. Elachi! I know that the matter of court orders is juicy.

Proceed, Hon. Junet.

**Hon. Junet Mohamed** (Suna East, ODM): Thank you, Hon. Temporary Speaker. When the new Constitution came into place, the criterion of getting a new Inspector-General was very clear. That office was made a constitutional office, but what happened? Through legislation, this House changed the method of appointing a new Inspector-General. The Constitution emphasises that the National Police Service Commission (NPSC), which is also an independent commission, was supposed to advertise in the local dailies and media for people who want to become the Inspector-General of Police to apply.

After that, the NPSC was supposed to shortlist the candidates and come up with a few people to be interviewed and then recommend their names to the President. We sat in this House one afternoon and changed this process. So, we went back to the old way of doing things where the President nominates someone, the name is taken to the Commission and then brought to this House for approval.

We went down to the Deputy Inspector-Generals, who are appointed directly by the President and not vetted by anybody. Insecurity is one of the biggest problems this country is facing. If we do not get it right, we shall continue to have problems day-in, day-out. Investing in this country is a problem because of lack of security. The new Constitution changed our police force to a police service; the reason being that people wanted an institution that would provide services and not one that lords over them. Every government that comes into place talks about police reforms, but nothing happens. It is just a statement which ends there. Every new regime talks of reforming the police service so as to have responsive police officers, but we still see police officers carrying *rungus* in town to beat up the citizens. How can that happen in this era? It is a shame.

The new Inspector-General of Police must address the issue of welfare of policemen in this country. No one can agree to live in the houses our policemen and their families live in; not even Members of this House. This issue must be addressed conclusively if the new Inspector-General wants to leave a legacy. I want to warn him directly from the Floor of this House that, if he is going into that office to be used politically to fight certain political groupings in the way they fought Azimio when we were doing *maandamano*, he is going for the wrong job. They are now calling the government 'broad-based.' He should, therefore, ensure that the rights of the citizens are upheld. The police should enforce the law, but they should be impartial while doing so. If the Inspector General will be used to enforce certain sectarian orders, we are going to take action against him in this House.

I want to conclude by saying that Mr. Kanja has been a career policeman. He has served for 35 years in the National Police Service.

*(An Hon. Member spoke off-record)*

I am told he has served for 39 years. I hope and pray that he will do things differently to ensure that we have a police service that is responsive. It is for that reason that I am proposing his approval to be supported based on what is called "let us give it a chance." I am not saying that I am fully satisfied. Let us give him a chance and see how he performs.

Thank you very much.

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Jane Kagiri.

**Hon. Jane Kagiri** (Laikipia County UDA): Thank you, Hon. Speaker, for giving me this opportunity to support the appointment of Mr. Douglas Kanja.

Many times, in this House, when a committee presents a report, you find yourself disagreeing with some of the findings that are documented in the report. On this occasion, I agree with everything that has been said about Mr. Douglas Kanja. I first got to know Mr. Douglas Kanja through a phone call when he was the GSU Commandant. We never got to meet in person but he assisted me over the phone with a request I had to him. From the credentials of Mr. Kanja, he is a great man we can learn a lot from. Mr. Kanja, the former GSU Commandant, still remained the same man as Deputy Inspector General (DIG). I believe he will continue to be the same man as Inspector-General of Police.

There are four areas I want to speak about on Mr. Kanja. Firstly, looking at his career progression, it is my hope and prayer that he will stand up and assist his junior officers in terms of their welfare and growth in the National Police Service, having had the experience of going through the system. Secondly, during the demonstrations, we witnessed a lot of miscommunication from the police service. It is my hope and prayer that with Mr. Kanja as the Inspector-General, he will have more communication with fellow Kenyans by explaining to them what is required in demonstrations and what is not allowed so that, eventually, nobody finds themselves on the wrong side of the law as they exercise their rights.

Thirdly, I want to remind Mr. Kanja that Laikipia still remains a very sensitive area in terms of security. We are very grateful that we now have National Police Reservists. It is my hope and prayer, again, that he will remember the young men and women who spend their nights protecting others by ensuring that they get their medical cover back and have their allowances enhanced.

With his great personality, I hope that Mr. Kanja is going to have good collaboration with other agencies like the Independent Police Oversight Authority (IPOA) – an Authority which believes that it is okay for a police officer to be injured, but it is not okay for a police officer to protect himself. That is one area I hope he is going to build collaboration on.

I conclude by saying that here comes a great man as the Inspector-General of the National Police Service. I wish Mr. Kanja all the best. I know he is going to do a good job for Kenya.

Thank you.

**The Temporary Speaker** (Hon. Omboko Milemba): Is Hon. Charles Ngusia in the House? In his absence, we shall have Hon. Caroli Omondi.

**Hon. Caroli Omondi** (Suba North, ODM): Thank you, Hon. Temporary Speaker. I do not know how many minutes I have. Maybe, seven. I will try to be brief. People are asking me to donate to them some of my minutes, but I am not sure if I have the power to do so. Nevertheless, I will try to do my best.

My contribution will not be so much on the qualifications of the candidate. I just want to talk about the process of vetting and how we could improve it so that this House may be better enabled to discharge its functions more effectively. Under Standing Orders 195 and 204, any Member is entitled to participate in any vetting committee and raise questions. However, I do not think most of the Members are aware of that provision. I would like to suggest that when we deal with vetting processes, the leadership of the House, through the Speaker, should communicate to Members and invite them to participate in the process if they have any issues they would want addressed.

I would also like to note that this Report does not address certain important issues. The way the integrity question has been addressed is not exhaustive. We need to have a deep dive into the working business and history of nominees. I am taken aback a little with what the House has been doing. It has just been looking at the letters from certain Government agencies like the Ethics and Anti-Corruption Commission (EACC) and the Criminal Investigations Department (CID). We do not exercise our powers under Article 125 of the Constitution to ask for more information by accessing public records or private records dealing with business and work tenure of most of those nominees. Relying on letters from the EACC to say that we have no question on the integrity of a candidate is not good enough. We should go deeper and invoke Article 125 of the Constitution by truly interrogating the issue of integrity of most of the nominees that are brought to this House.

Secondly, if you look at this Report, questions on domain knowledge are not very exhaustively discussed. Again, as a House, we need to do much better than this and interrogate every candidate on their domain knowledge on the sectors that they are being tasked to manage. There is no reference to transnational crimes in this Report and the capability of the candidate to deal with issues to do with counter-terrorism and corruption. Those matters have just been mentioned. So, it is not a very exhaustive Report, in my view. You cannot just look at a candidate and say that you have got the right person for the position of Inspector-General of Police to deal with the current challenges in our criminal sector.

Finally, because I want to save time, there is nothing in the Report that tells us about the nominee's planned policy initiatives to deal with fundamental issues in that sector. What kind of reforms does he intend to undertake? We do not have a flavour of what his views or what his philosophy on crime and crime prevention are, including his views about the welfare

of police officers, issues to do with value for money as an administrator, rationalisation of public expenditure, suppression of corruption, and how he intends to actualise Article 10 and Chapter 6 of the Constitution to ensure that the National Police Service is corruption-free.

Hon. Temporary Speaker, there are so many issues that are missing in the Report. I urge the House and its leadership to look at the question of how we vet nominees in an interrogative and productive process so that we do not undertake perfunctory functions, bring reports to this House and endorse them. Nonetheless, I do not know that gentleman. I have no views on him. I do not have a report that can enable me to make an informed decision about him. I leave the matter at that.

Thank you very much.

**The Temporary Speaker** (Hon. Omboko Milemba): Minority Whip, just take a bite of the cherry in the two remaining minutes.

*(Loud consultations)*

Order, Hon. Members!

**Hon. Naomi Waqo** (Marsabit County, UDA): Thank you, Hon. Temporary Speaker, for allowing me to add my voice to this very important Report. I congratulate the Committee for doing a great work in analysis and giving us this good Report that will guide the House in making an important decision.

Douglas Kanja is somebody I have interacted with. He is a humble person who listens to people and acts on time. Because of time, I may not say all that I wanted to say. However, he needs to pay attention to the areas of the fight against corruption, abduction of people and homicide. The situation is getting worse in those areas. The police fraternity needs to pay a lot of attention on their welfare. Many police officers have committed suicide and some have killed and done a lot of harm to their families. The nominee for the Inspector-General of the National Police Service needs to give a lot of attention to proper counselling of police officers. He should consider prioritizing welfare issues so that we have police officers who can guard the nation and serve the people diligently. The people will be happy to be served by motivated police officers. We have a lot of hope in him. We pray that he takes over the office soon.

Thank you.

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Alice Ng'ang'a.

**Hon. Alice Ng'ang'a** (Thika Town, UDA): Thank you, Hon. Temporary Speaker for giving me this opportunity to add my voice to this important Report.

First, I thank the Departmental Committee on Administration and Internal Affairs as well as the relevant Committee in the Senate for coming up with this Report. Looking at this Report, I can tell that, that gentleman is qualified to lead this nation as Inspector General of the National Police Service. He is capable. He is very experienced. He is up to the task. He is very dedicated.

As far as public relations are concerned, I did not know Mr. Kanja until when there was a situation in my constituency. A pastor told me that he had Mr. Kanja's number. He advised me to call him because he would pick up. Believe me, when I called, he picked up the phone even though he did not know who was calling. So, I can say that his public relations are good. He will be able to do this work.

When it comes to matters to do with integrity, our Constitution stipulates that one is supposed to get clearance from various departments of this nation. We have seen from this Report that the Kenya Revenue Authority (KRA), the Ethics and Anti-Corruption Commission (EACC), the Directorate of Public Prosecutions (DPP), and the Directorate of Criminal Investigations (DCI) have cleared him.

This is a man who has been in the Police Service from the time he was 20 years old – that is, for the last 30 years – and we have not heard of any adverse incidences that involved him while he was serving. He has risen through the ranks from low cadre to where he is today. We see from the Report that he did not have a god-father or god-mother to push him through the ranks. It is him, his work and his God that have brought him this far. We can only wish him well. Kenyans are waiting for him. His in-tray is full. We need to see what he is going to do with the 30 years' experience. I know that he is very sagacious. He can take this country to the next level. We wish him.

Thank you very much, Hon. Temporary Speaker.

### ADJOURNMENT

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Members, the time being 1.00 p.m., the House stands adjourned until 2.30 p.m.

The House rose at 1.00 p.m.



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