

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 22<sup>nd</sup> August 2018

The House met at 2.30 p.m.

*[The Deputy Speaker (Hon. Moses Cheboi) in the Chair]*

### PRAYERS

**Hon. Deputy Speaker:** Let us proceed.

### PETITIONS

#### MITIGATION OF HUMAN WILDLIFE CONFLICT IN KIBWEZI EAST CONSTITUENCY

**Hon. (Ms.) Jessica Mbalu** (Kibwezi East, WDM-K): Thank you, Hon. Deputy Speaker. I have a public Petition No.91 of 2018 on mitigation of human-wildlife conflict in Kibwezi East Constituency, to the National Assembly.

I, the undersigned, on behalf of the residents of Kibwezi East Constituency, draw the attention of the House to the following:

THAT, the Fourth Schedule of the Constitution assigns the responsibility of protection of the environment and natural resources to the national Government;

THAT, in the recent past, residents of Masongaleni, Thange, Mtito Andei and Ivingoni-Nzambani wards of Kibwezi East Constituency have experienced increased cases of attacks by elephants resulting in loss of lives and livestock and destruction of crops and property in these areas;

THAT, the numerous cases of human-wildlife conflict have been reported to the relevant authorities for the purpose of compensation but, in spite of this, the victims are yet to be compensated;

THAT, most parts of Kibwezi East Constituency, bordering Tsavo East National Park, Tsavo West National Park, Kyulu Hills National Park, including schools, remain unfenced hence making it easier for the animals to stray more often;

THAT, learning in several schools in Kibwezi East Constituency that borders the aforementioned parks has been paralysed – at times for several days – due to invasion by wild animals especially elephants;

THAT, residents of Kibwezi East Constituency have demonstrated against inaction by the Kenya Wildlife Service;

THAT, the Kenya Wildlife Service wardens are evidently overwhelmed by the situation resulting in delay in responding to distress calls from the residents;

THAT, efforts to resolve the matter have been futile; and,

THAT, the matter in respect of which this Petition is made is not pending before any court of law or constitutional body.

Therefore, your humble petitioners pray that the National Assembly, through the Departmental Committee on Environment and Natural Resources:

- (i) causes the Kenya Wildlife Service to expeditiously compensate victims and affected families for loss of lives and destruction of property;
- (ii) recommends that the Kenya Wildlife Service erects an electric fence at all schools in Masongaleni, Mtito Andei, Thange and Ivingoni-Nzambani wards of Kibwezi East Constituency bordering Tsavo East National Park, Tsavo West National Park and Kyulu Hills National Park, as mitigation to the conflict;
- (iii) the KWS intervenes to ensure that the relevant Government agencies expeditiously erect perimeter fences along the unfenced parts of Tsavo East National Park that border Kibwezi East Constituency and Kyulu Hills National Park, to keep off the elephants and other wild animals from straying to human settlements; and,
- (iv) the Kenya Wildlife Service increases the number of posts or camps in the area for efficient surveillance and quick response to distress calls whenever elephants stray to human settlements.

Your humble petitioners will ever pray.

Thank you.

**Hon. Deputy Speaker:** Order, Members. Of course, we will be forced to use the Dispatch Box. I will give the first opportunity to Hon. Rachael Nyamai. You will use the Dispatch Box. I am not so sure if you were here early enough.

**Hon. (Ms.) Rachael Nyamai** (Kitui South, JP): Thank you very much, Hon. Temporary Deputy Speaker. I rise to support the Petition that has been brought by Hon. Jessica Mbalu. I thank her for bringing it.

This matter which affects Kibwezi East, also affects my constituency, Kitui South. Both of us are neighbouring Tsavo East Game Park. Some of our children have left school because the routes they used to go to school are not safe. There are elephants and other animals on the way. So, I would like to ask that this matter be taken seriously by the Departmental Committee on Environment and Natural Resources and that this matter be resolved as fast as possible. Compensation for those who have been affected is a matter that has been raised severally by other Members. We have many people who have been affected by elephants and hyenas because of our proximity to the game park. I would like to support and thank Hon. Jessica Mbalu for bringing this Petition.

I would like to ask the committee to handle it as fast as possible and ask the House to ensure that our people and farms are protected. Whenever we have destruction by animals from the game parks, there should be compensation as per the law that has been passed by this House.

**Hon. Deputy Speaker:** What is agitating you?

**Hon. Andrew Mwadime** (Mwatate, ODM): Thank you, Hon. Deputy Speaker. I rise to support this Petition. I also neighbour Tsavo East and Tsavo West. As we speak, the former man-eater lions have come up to the hills. They have murdered very many dairy cattle and this has never happened before. The elephants are making some of the students in my constituency not to go to school. This has really affected my constituency. As we speak, one of the areas is hit by hunger simply because lions, buffaloes and elephants are in my constituency. We are urging the Ministry in charge to consider compensating our constituents. At the moment, if you look at the figures countrywide, 70 per cent of those affected are from Taita Taveta County and

we are really suffering. Therefore, we are requesting the Ministry concerned to move faster so that they compensate the people of Kenya who are affected. I do not need to talk much but thank you for giving me this opportunity.

**Hon. Deputy Speaker:** Hon. Soipan Tuya.

**Hon. Danson Mwashako** (Wundanyi, WDM-K): Thank you, Hon. Temporary Deputy Speaker.

**Hon. Deputy Speaker:** You are not Hon. Soipan Tuya. The last time I checked, she was of a different gender. Members who want to speak will have to press their intervention slots. That is how I can discover their interest.

Proceed, Hon. Member.

**Hon. Danson Mwashako** (Wundanyi, WDM- K): Asante sana Naibu Spika wa Muda. Hili swala ambalo limeletwa na Mhe. Jessica Mbalu limenifurahisha kwa sababu limekuja kwa wakati mzuri. Hili swala la wanyama wa pori kuvamia binadamu, mifugo na wanaopakana na Hifadhi ya Tsavo Mashariki na Tsavo Magharibi ni swala nyeti.

Juzi nilimsikia Katibu Mkuu wa Wizara husika akisema wanahitaji Ksh15 billion ili waweze kufidia wale wote ambao wana malalamishi kuhusu kuvamiwa na wanyama pori. Swala hili ni nzito sana. Kule Taita Taveta, Wundanyi ninakotoka na kule mwenzangu wa Mwatate anakotoka, umasikini umechangiwa na kuvamiwa na wanyama pori. Hadi leo, ni miaka karibu minne au mitano tangu tuahidiwe kulipwa fidia kwa wale waliovamiwa na wanyama pori na kuawa au mali yao kuharibiwa.

Mwezi hata haujaisha, simba wamevamia watu kwa milima. Babu zetu wanatuambia tangu walipozaliwa, hawajawahi kuona simba wakifika kule Wundanyi kwa milima na kule Mwatate Chawia. Leo hii, simba wako kule juu. Hili ni swala ambalo Bunge lazima litilie maanani sana na Kamati ya Mazingira haina budi ila kuleta Ripoti ya kueleweka Bungeni.

**Hon. Deputy Speaker:** Hon. Iringo Kubai.

**Hon. Kubai Iringo** (Igembe Central, JP): Thank you, Hon. Deputy Speaker for giving me this opportunity to support the Petition from the Member for Kibwezi East. Human-wildlife conflict is becoming a problem within our society. Those communities which live next to the national parks or game reserves are perennially at war with animals.

The issue of compensation from KWS is a thorn in flesh. I do not know why they do not give a budget for the same. The Cabinet Secretary in charge of the Ministry of Tourism and Wildlife should budget some money to compensate those people who have been affected by wildlife, in their records. I say this because they keep on accumulating the figures and when asked they say there is no money. They should use part of their budget to reduce this burden because there is no time they will get full allocation to compensate the affected people.

In my constituency, Igembe Central, which borders Meru National Park, people are attacked by animals every other day. Properties are destroyed and the list is endless, but there is nothing which has been done since 2013 when I started following these claims. It is high time KWS and their leadership put in funds so that they can compensate the people who have been aggrieved.

**Hon. Deputy Speaker:** Hon. Members, let it not be debate. Once you get an opportunity just make a comment. If you want to debate strongly you can go to the committees and argue your case once it is committed.

Let us listen to Hon. Leshoomo.

**Hon. (Ms.) Maison Leshoomo** (Samburu CWR, KANU): Asante sana Naibu Spika. Ngingependa kuunga mkono swala hii. Kwa kweli mambo ya wanyama na wananchi imekuwa

kali kwa muda mrefu. Bado haijulikana sababu ya wanyama wa msituni kuua watu na bado kuna shida ya malipo.

Kule ninakotoka, watu wanaoishi karibu na wanyama wanateseka sana haswa wakati wa ukame. Wakati huo, utapata wanyama wa msituni wanang'ang'ania maji, ng'ombe na wanaua watu na bado walioathirika hawajalipwa hadi sasa. Ningeomba ijulikane kuwa kuna shida katika Wizara hiyo na Serikali inafaa kutatua shida hiyo.

**Hon. Deputy Speaker:** Lastly on this, Hon. Waititu.

**Hon. Francis Waititu** (Juja, JP): Thank you, Hon. Deputy Speaker. This issue also affects Juja Constituency. Juja Constituency goes down to Athi River. Of late, about two weeks ago, we lost two school children who were attacked by a lion. That place is not built like upper Juja. The area around Jomo Kenyatta University of Agriculture and Technology is densely populated, but down there, we do not have people. Even cheetahs are there and they are attacking people. Those cases are common and we have been calling people to come and assist us but they leave at night when animals come to attack. So, I join my colleagues to say that animals attack people in our country.

Therefore, we need assistance. Thank you Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Let us go to the next Petition by Hon. Danson Mwashako, Member for Wundanyi.

#### NON-PAYMENT OF HARDSHIP ALLOWANCE TO TEACHERS IN TAITA-TAVETA COUNTY

**Hon. Danson Mwashako** (Wundanyi, WDM-K): Thank you, Hon. Deputy Speaker. My public Petition regards non-payment of hardship allowance to teachers in Taita Taveta County.

I, on behalf of the teachers of Taita Taveta County, draw the attention of the House to the following:

THAT, Article 41(2) (a) of the Constitution stipulates that every worker has a right to fair remuneration;

THAT, further, the Public Service Policy provides that public servants working in hardship areas are entitled to hardship allowances;

THAT, vide Legal Notice No.534 of 1997, read together with Section 7 of the Teachers Service Commission Act (Cap 212) provides that teachers in hardship areas shall be paid hardship allowance at the rate of 30 per cent of their basic salary;

THAT, most areas in Taita Taveta County, for instance Kishushe, Mwanda and Wumingu, among others, have not been gazetted as hardship areas yet they are hardship areas because of deplorable road networks, harsh climatic conditions, water scarcity, human-wildlife conflicts, lack of mobile/telephone network coverage and social amenities, among other prevalent problems;

THAT, the Ministry has been discriminative in paying hardship allowances, for instance teachers in Voi Sub-County and some parts of Mwatate Sub-County get hardship allowance while those in Taveta and Taita Sub-Counties are not entitled to the same;

THAT, there has been growing discontent among teachers teaching in various schools because of the disparities in payment of hardship allowances;

THAT, teachers have been reluctant to take up teaching positions in the areas that are not entitled to hardship allowance, hence this has adversely affected school performances in the aforementioned sub-counties and general development in the area;

THAT, efforts to resolve this matter with Teachers Service Commission and the Salaries and Remuneration Commission have been futile; and,

THAT, none of the issues raised in this Petition are pending in any court of law, constitutional or legal body.

Therefore, your humble Petitioners pray that the National Assembly, through the Departmental Committee on Education and Research:

(i) investigates the circumstances under which there are disparities in payment of hardship allowances to teachers in Taita Taveta County;

(ii) causes the Salaries and Remuneration Commission to harmonise payment of hardship allowances for teachers in the county;

(ii) causes the Cabinet Secretary for Education to gazette Rong'e Zone, Taita and Taveta sub-counties as hardship areas;

(iii) recommends that the Teachers Service Commission effects payment of hardship allowance for teachers in the said sub-counties who were entitled to hardship allowance but were never paid; and,

(iv) makes any other direction it deems fit in the circumstance of this matter.

And your petitioners will ever pray.

Thank you.

**Hon. Deputy Speaker:** Maybe, a few Members can comment on it. We will start with Hon. Ogolla Ochanda.

**Hon. Gideon Ochanda** (Bondo, ODM): Hon. Deputy Speaker, I support the Petition. I wanted to bring one or two things that need to be looked at as the committee considers this Petition. One is the whole issue of how to delineate which places are hardship and which ones are not. I am raising this in view of the fact that in my constituency, for example, I have almost nine schools that are completely off the grid in terms of transport. They are in islands. These are the islands where we are constantly in problems with our neighbour, Uganda. As at now, this area is not demarcated as a hardship area. So, as the committee looks at this Petition, what are the real issues that make an area to be categorised as hardship?

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Let us have Hon. Ong'era.

**Hon. (Ms.) Janet Ong'era** (Kisii CWR, ODM): Thank you, Hon. Deputy Speaker, for giving me the opportunity. First of all, let me thank the Member for bringing this Petition. Teachers are a very important segment of our society.

Like Hon. Ochanda, I am also wondering how we can tell that a place is a hardship area. I have places in Kisii County that are, in my opinion, hardship areas and yet the teachers are never considered for payment of hardship allowance. Therefore, I appeal to the committee to further come up with criteria of what should be considered hardship areas.

Gone are the days, as the Leader of the Majority Party thinks, that a hardship area is a place that is dry and does not have sufficient rainfall. Hardship areas can also be places like where I come from. We need to come up with new criteria that define hardship areas.

I thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Let us have Hon. Manje.

**Hon. Joseph Manje** (Kajiado North, JP): Thank you, Hon. Deputy Speaker, for giving me this chance to contribute to this Petition. I underscore the importance of paying hardship allowance to deserving public servants. I remember last week there was a Petition on a similar Motion by another Member, meaning this is an issue which we need to tackle as a country.

The country cannot grow if some people are left behind. If we do not consider giving this area hardship allowance, then teachers are likely to keep moving to greener areas. That is why you see some teachers coming out of the hardship areas. The conditions in some hardship areas are very tough. There was a time I went to the North Eastern Region when I was a commissioner of TSC, to check the kind of hardship that people in that area were going through. We found a very unique hardship. We found lady teachers from outside that area who told us that they could not get people from that area to marry them. Therefore, we should devise a method whereby if they stayed in that area for about five or six years, they are given a chance to come down country to get married. We should consider that.

I support.

**Hon. Kathuri Murungi** (South Imenti, Independent): Thank you, Hon. Deputy Speaker, for this chance.

Petitions of this nature have come since the 11<sup>th</sup> Parliament. This is the time when the Committee on Education and Research headed by Hon. Melly, should make sure that TSC streamlines hardship allowances. My constituency and Tharaka Constituency are separated by a road. Teachers in Tharaka Constituency benefit from hardship allowance while those in my constituency do not. I hope the committee will be able to make sure that this disparity is dealt with once and for all.

Thank you.

**Hon. Deputy Speaker:** Let us have Hon. Omboko Milemba, or can we postpone yours?

**Hon. Omboko Milemba** (Emuhaya, ANC): No, no. I am very okay. Thank you, Hon. Deputy Speaker, for this opportunity.

At the outset, I support the Petition that teachers in Taita Taveta be considered for hardship allowance. This should extend to teachers in other areas like Suba and Budalangi, among other areas.

Whereas this Petition is directed at the education committee, I think it should go to a joint committee of the education committee and the committee that deals with boundaries. Boundaries of where it is hardship and where it is not hardship should be drawn so that we know once and for all the areas that are hardship and those that are not. Many teachers now tend to not accept being in hardship areas which have not been gazetted as such. The commission itself has a problem having teachers in those areas given that we have a shortage of teachers in this country.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** We have heard from the wearer of the shoe. Let us have two quick ones, if Members can speak briefly. Hon Kipruto Moi, Member for Rongai.

**Hon. Kipruto Moi** (Rongai, KANU): Thank you very much, Hon. Deputy Speaker. I would like to thank the Member for this Petition.

As in his constituency, my constituency of Rongai is also subdivided into areas where teachers do receive hardship allowances and other areas where they do not. He has talked about harmonisation. I think that is where they need to focus on so that we have harmony within one sub-county. Re-zoning should be done as quickly as possible.

I thank him for the Petition and we pray that it goes through.

**Hon. Deputy Speaker:** Hon. Tonui Kiprotich.

**Hon. Ronald Tonui** (Bomet Central, JP): Thank you Hon. Deputy Speaker. I also want to support that Petition from Taita Taveta.

I believe we need to review the areas that benefit from the hardship allowance to include all those arid and semi-arid areas, inclusive of the lower side of Bomet which is also dry. The very cold places such as where the Hon. Speaker comes from is quiet uncomfortable. We need to re-look at it and those areas which are inaccessible.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Okay. Lastly on this, let us have Hon. Abdullahi Sheikh.

**Hon. Mohamed Mohamud** (Wajir South, JP): Thank you, Hon. Speaker. The Petition by the Hon. Member is quite in order. The conditions in Taita Taveta are similar to those of North Eastern. However, I feel that Members want to crowd the little resources that the Ministry of Education, Science and Technology has to expand this facility to most parts of the country. Areas of hardship are gazetted and they undergo due diligence. There are certain set parameters that you must meet. So, let us not just insist to have all teachers in several places being paid hardship allowances because that will beat the logic of designating which areas are hardship and which ones are not.

So, as I support the Petition.

**Hon. Deputy Speaker:** Order Members. There is quite some heavy business that would require your presence. Therefore, I am making a request, even if you have some committee meetings, give us some 20 minutes for us to dispose of the very urgent matters.

**Hon. Mohamed Mohamud** (Wajir South, JP): Thank you. So, as I support this, let us be wary of the fact that the Departmental Committee on Education and Research should not be used as a blanket to rubber stamp issues of wanting to pay teachers hardship allowances. Hardship is specific for certain areas and there are conditions and parameters to be met. So, let us not burden taxpayers by saying that several places which are not gazetted as hardship areas be paid this allowance. However, as I said, Taita Taveta has similar conditions with those of North Eastern.

I support. Thank you.

**Hon. Deputy Speaker:** Okay. That marks the end of the issues dealing with petitions. They are committed to the relevant committees, one to the Departmental Committee on Environment and Natural Resources and the other one to the Departmental Committee on Education and Research.

Next Order.

## PAPERS LAID

**Hon. Aden Duale** (Garissa Township, JP): Hon. Deputy Speaker, you can use Standing Order No. 1 to ask Hon. Chepkut who has now left... I inform Members that we have some orders that we need to put Question to. Hon. Mbadi will agree with me, I have never seen this trend in the 10<sup>th</sup> and 11<sup>th</sup> Parliament where Members move out of the House barely 20 minutes after the House begins. Hon. Rozaah Buyu should stay for another five minutes.

*(Applause)*

People do not want to speak on the Floor of the House, but want to speak in funerals. There is a problem.

Hon. Deputy Speaker, I beg to lay the following Papers on the Table of the House:

Report of the Board of the National Government Constituencies Development Fund (NG-CDF) on Project Proposals Approvals, Disbursement Status and Restrictions imposed on Constituency Account for the Fourth Quarter of 2017/18 Financial Year for the period 1<sup>st</sup> April 2018 to 30<sup>th</sup> June 2018.

Hon. Deputy Speaker, I want you to direct the Chair of the NG-CDF - Hon. Maore and his Vice Chair are here – that they need to urgently look at this Report and bring a report to the House. It is a very important Report from the Board.

**Hon. Deputy Speaker:** Actually, Hon. Maore is seated very close to you.

**Hon. Aden Duale** (Garissa Township, JP): I have seen him. He normally sits behind me, but I am sure he is consulting. I have missed him in his usual seat.

The Annual Report and Financial Statements of the Kenya Nuclear Electricity Board for the year ended 30<sup>th</sup> June, 2017.

Annual Report and Financial Statements of Kibabii University for the year ended 30<sup>th</sup> June 2016.

The Reports of the Auditor-General and Financial Statements in respect of the following institutions for the year ended 30<sup>th</sup> June 2017 and the certificates therein:

- (a) Kirinyaga University;
- (b) Dedan Kimathi University of Technology;
- (c) Bomas of Kenya;
- (d) New Kenya Co-operative Creameries Limited;
- (e) Kenyatta International Convention Centre;
- (f) Tourism Fund; and,
- (g) Ministry of Foreign Affairs.

The Reports of the Auditor-General and Financial Statements in respect of the following constituencies for the year ended 30<sup>th</sup> June 2017 and the certificates therein:

- (a) Baringo North Constituency;
- (b) Saboti Constituency;
- (c) Emgwen Constituency; and,
- (d) Nakuru Town West Constituency.

Thank you.

**Hon. Deputy Speaker:** Can we have the Chairperson of the Departmental Committee on Finance and National Planning. Hon. Limo?

**Hon. Joseph Limo** (Kipkelion East, JP): Hon. Deputy Speaker, I beg to lay the following Paper on the Table of the House:

Report on the Departmental Committee on Finance and National Planning on its consideration of the Finance Bill, 2018.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Okay. I expect Hon. Limo to table the Report.

Next Order.

## NOTICE OF MOTION

### ESTABLISHMENT OF TRAINING CENTRES TO ACCESS EXPERIENCE AND COMPETENCE OF APPRENTICE WORKERS

**Hon. Charles Njagua** (Starehe, JP): Thank you, Hon. Deputy Speaker. I beg to give notice of the following Motion:

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THAT, aware that the informal sector constitutes an important component of the economic activities and development process in Kenya representing about 82.7 per cent of the employment in the country; further aware that the workers in the informal sector engage in commercial activities outside the realm of the formerly established mechanism since there is no clear policy framework in workplace to regulate their operations by the Government; noting that most workers in the informal sector acquire skills and knowledge mainly through apprenticeship that has no access to technical skills upgrading as they may lack requisite academic certificates, recognising that apprenticeship in the informal economy represents the main road map to skills development in most developing countries and appreciating that the National Industrial Training Authority (NITA) through its training centres in Nairobi, Mombasa, Kisumu and Athi River plays an important role in industrial training, targeting workers in the informal sector; this House urges the Government to establish suitably located and facilitated training and testing centres in every constituency to access the experience and competence of the apprentice workers, particularly in the informal sector and consider putting in place mechanism to have them awarded certificates based on their competencies and acquired skills.

Hon. Deputy Speaker, to conclude, I want to move a Motion for Adjournment; that this House should suspend normal business...

**Hon. Deputy Speaker:** Hon. Njagua, I have lost you somewhere. You were giving a Notice of Motion.

**Hon. Charles Njagua** (Starehe, JP): Yes and I finished.

**Hon. Deputy Speaker:** Just a minute. Let me consult on this one. I think there is something that is not adding up.

*(Hon. Deputy Speaker consulted with the Clerks-at-the-Table)*

You have moved one Motion and you have finalised it.

**Hon. Charles Njagua** (Starehe, JP): I wanted this House to discuss what is happening in Uganda.

**Hon. Deputy Speaker:** Did you say in Uganda? This is the Kenyan National Assembly. If you want to have anything else discussed...

**Hon. Charles Njagua** (Starehe, JP): My colleague MP, Bobi Wine has been arrested, tortured and...

**Hon. Deputy Speaker:** On that particular one, you are definitely out of order, for two reasons.

**Hon. Charles Njagua** (Starehe, JP): He is an MP in the Ugandan Parliament, a very good friend of mine and a youth like me and he is KJ's friend as well.

**Hon. Deputy Speaker:** I understand that you are trying to deepen and widen the relationship among the East African nations.

On that particular one, you have not notified the Speaker. That is for starters. Then, even if you did, there is a possibility that it was not going to be allowed at all because it would, probably, amount to discussing a friendly nation. So, it will be against the Standing Orders. I understand, of course, you are an artist in your other life. So, let us leave it at that. You have

given the Notice of Motion for the particular Motion that you intended to move. The other one, you will not be able to do it, Hon. Jaguar.

**Hon. Charles Njagua** (Starehe, JP): Thank you.

## MOTIONS

### PROVISION OF FINANCIAL SUPPORT TO COCONUT FARMERS IN KILIFI COUNTY

THAT, aware that agriculture is the mainstay of the Kenyan economy, contributing to food security and employment of rural households; further aware that the recurrent drought being experienced in many parts of the country has adversely affected this sector leading to a worrying drop in production particularly among the coconut farmers in Kilifi County; noting that farmers in Kilifi have not only suffered losses of income for their livelihood due to the drought but are also faced with huge debts resulting from high interest levied for default on loans advanced to them for coconut production; recognising that the Government of Kenya in 2016 launched the Kenya National Agricultural Insurance Programme, which is designed to among other things, address the challenges that agricultural producers face when there are large production shocks, such as droughts and floods with focus on livestock insurance, and maize and wheat insurance; this House urges the Government to provide financial support as disaster relief to the affected coconut farmers in Kilifi County and put in place sustainable measures to mitigate future drought related losses through inclusion of coconut insurance under the National Agricultural Insurance Programme.

*(Hon. Owen Baya on 15.8.2018)*

*(Debate concluded on 22.8.2018 – Morning Sitting)*

**Hon. Deputy Speaker:** Hon. Members, you will notice that we will be putting the Question of the Motion as amended. So, I put the Question, of course having satisfied myself that we have the required quorum.

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

*Resolved accordingly:*

THAT, aware that Agriculture is the mainstay of the Kenyan economy, contributing to food security and employment of rural households; further aware that the recurrent drought being experienced in many parts of the country has adversely affected this sector leading to a worrying drop in production, particularly among the coconut farmers in the Coast region, particularly in Kilifi County; noting that farmers in Kilifi have not only suffered losses of income for their livelihood due to drought, but are also faced with huge debts resulting from high interest levied for default on loans advanced to them for coconut production;

recognising that the Government of Kenya in 2016 launched the Kenya National Agricultural Insurance Programme, which is designed to, among other things, address the challenges that agricultural producers face when there are large production shocks, such as droughts and floods with focus on livestock insurance, and maize and wheat insurance; this House urges the Government to provide financial support as disaster relief to the affected coconut farmers in counties in the Coast region and put in place sustainable measures to mitigate future drought related losses through inclusion of coconut insurance under the National Agricultural Insurance Programme.

PROVISION OF SPECIALISED TRAINING AND  
SUBSIDISED FISTULA SURGERY

THAT, aware that Article 43 of the Constitution provides that every person has the right to the highest attainable standard of health, which includes the right to health care services, including reproductive health care; further aware that Obstetric or Vesical Vaginal Fistula (VVF) is a devastating condition that affects women and girls across the country and which has seen many of the patients victimised, abandoned and ostracised by their communities; deeply concerned that it is estimated that more than two million women and girls live with Obstetric Fistula, and that four out of every 1,000 deliveries in Kenya result in fistula which results in between 50,000 to 100,000 new fistula cases every year; alarmed that according to available reports, though Obstetric Fistula is treatable with proper medical attention, only 7.5 per cent of patients with fistula are able to access medical care for the condition mainly due to the related costs and lack of suitably trained surgeons; this House urges the Government to provide specialised training for fistula surgeons and subsidises costs for fistula surgery in all health facilities in order to make treatment accessible and affordable.

*(Hon. (Ms.) Janet Nangabo on 22.8.2018)*

*(Debate concluded on 22.8.2018 – Morning Sitting)*

**Hon. Deputy Speaker:** Those Members making their way in, please, take your seats because it is also a fairly long Motion.

*(Hon. Members walked into the Chamber)*

Order, Hon. Members. Order!

*(Hon. Joshua Kutuny spoke off record)*

**Hon. Deputy Speaker:** Order, Hon. Kutuny! That is not parliamentary language. What remained on this one was also for the Question to be put. I have also certified that there is required numbers. I, therefore, proceed to put the Question.

*(Question put and agreed to)*

**Hon. Aden Duale** (Garissa Township, JP): On a point of order, Hon. Speaker.

**Hon. Deputy Speaker:** What is the point of order, Leader of Majority Party?

**Hon. Aden Duale** (Garissa Township, JP): Hon. Deputy Speaker, I have said that this House cannot act in vain. We are wasting public resources. We cannot be urging. This House must deal with Motions that say “the House resolves” so that the Committee on Implementation can follow up on that matter. Now, this is a very important Motion which we have passed but on the face of it, we have only urged and that is the end of the story.

Hon. Deputy Speaker, I think you will need to talk to our Members that the Motions that the House Business Committee (HBC) will deal with should either be Motions that ask the House to resolve or we go back to those existing principal Acts and bring amendments to the existing legislation. The whole morning we dealt with two Motions. At the end of it, I can tell you I am a pastoralist and so I count my investment. If there are 10 camels there are 10 camels. If there are 20 there are 20, but this House cannot just be urging and urging and urging. This is a matter we raised earlier and I think the Clerk’s Office should tell Members that every Motion that will come to the House must be one that in the end will resolve and then the Committee on Implementation can go and follow up on the relevant Government institutions.

**Hon. Deputy Speaker:** Of course, that is one way of approaching it, Leader of Majority Party, but the other way is also for the Members to now graduate the Motions that are brought to the House into Bills. Sometimes Members have different intentions and I believe, as I agree with you that this is a very important one, the Member can proceed and create a Bill out of it and the House will make a resolution on that basis.

**Hon. Maoka Maore** (Igembe North, JP): On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** What is it again, the leader from Ntonyiri. I know it changed.

**Hon. Maoka Maore** (Igembe North, JP): Hon. Deputy Speaker, if you follow that route, it will delay a lot of Motions from coming before the Floor of the House, given that when you are approving a Motion to come before the House, you must make sure it does not have financial implications. So, to avoid that, urging should also be taken as resolving.

The Committee on Implementation should not take the issue of resolving and urging together, when it has financial implications. This Motion has financial implications. By the time you bring it, you must ensure relevant consultations are done with the National Treasury. That is what I meant, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** I think both you and the Leader of the Majority Party are saying the same thing. The Leader of the Majority Party says he wants to see the “camel” giving birth and you are saying you want to see as many “camels” as possible coming on the Floor. Now, you have made a very good point. It makes sense that it will delay, but what the Leader of the Majority Party is saying is, probably, you need to delay and get tangible results. You are saying that you can still achieve the same by tabling those Motions and referring them to the Committee on Implementation. You are saying the same result will be acquired. Let Members choose the routes and avenues they think are comfortable and will achieve something for them.

Before we proceed to the next Order, let me recognise in the Speaker’s Gallery, pupils from Oucho Primary School, Masaba South Constituency of Kisii County and Nyache Primary School from Wundanyi, Taita Taveta County.

## CONSIDERATION OF REPORT AND THIRD READING

## THE BUILDING SURVEYORS BILL

**Hon. Deputy Speaker:** Order, Hon. Members. I am going to put the Question.

*(Question put and agreed to)*

What is your point of order? I wanted to call the Mover to move for Third Reading.

*(Hon. Shakeel Shabbir sat in the gangways)*

**Hon. Aden Duale** (Garissa Township, JP): Hon. Deputy Speaker, have you seen where Hon. Shabbir is sitting? The Chairman of the Orange Democratic Movement (ODM) cannot intimidate his Members to the point of making them sit on the floor. The Leader of the Minority Party and the Chair of ODM is forcing Members to sit on the floor. How is that possible?

**Hon. Deputy Speaker:** Order, Hon. Duale. How did you expect me to see where Hon. Shabbir was sitting?

**Hon. Aden Duale** (Garissa Township, JP): He is sitting on the floor. This is an honourable House. We are not in a market. The Leader can ask him to sit next to him but he was sitting on the floor of the gangway.

**Hon. Deputy Speaker:** I obviously did not see.

**Hon. Shakeel Shabbir** (Kisumu East, Independent): On a point of order.

**Hon. Deputy Speaker:** What is it, Hon. Shabbir? What is the point of order Hon. Shabbir?

**Hon. Shakeel Shabbir** (Kisumu East, Independent): The Leader of the Majority Party has misled the House. I am an Independent Member of Parliament and not an ODM Member. I am not being subjugated by anybody. I was even coming to see you immediately after this and sit exactly where I want.

**Hon. Deputy Speaker:** I want you to move for Third Reading now, Leader of the Majority Party. We do not need to get into this. Hon. Shabbir has assumed a seat next to the Chair of the ODM party. That should put that matter to rest.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Deputy Speaker, he is an Independent Member. He is an Independent Member courtesy of *Baba*. *Baba* went to the last rally before the election and said that despite not being in ODM, Shakeel Shabbir should be elected. That is the information we have. Without *Baba* you would not be in this House. *Baba* is the leader of ODM.

**Hon. Deputy Speaker:** Let us get back to legislating. Let us leave the political matters aside. You cannot exchange words.

**Hon. Shakeel Shabbir** (Kisumu East, Independent): On a point of order.

**Hon. Deputy Speaker:** Hon. Shabbir, I know you have been mentioned. Were you mentioned adversely or in the course of praise? Let us put it to rest. Since you have confirmed beyond doubt that after you sit with the Chair of ODM, you will be crossing over to sit with the Leader of the Majority Party, you might discuss that with him. What is it?

**Hon. Shakeel Shabbir** (Kisumu East, Independent): Hon. Deputy Speaker, I was elected as an Independent Member of Parliament by the constituents of Kisumu East. Imputing that I am

a Member of ODM gives the wrong impression. However, I work with ODM as much as I work with the Government in the interests of Kisumu East. I do not think that the Leader of the Majority Party has the right information.

**Hon. Deputy Speaker:** I would have considered what you have just said out of order but you have made your point. You have given a speech that ordinarily would be given by a person who is speaking after the elections. The true position is as you have said. You were elected as an Independent Member of this House and that is a fact. You can consult with everybody including the leader of ODM and the leader of the Jubilee Party. Members should be free to discuss things with each other. There should be no problem. You are perfectly in order. Leader of the Majority Party, let us proceed to the more substantive matter.

*(Hon. Joshua Kutuny stood in the gangways)*

Who is this again? Order Hon. Kutuny.

Proceed, Leader of the Majority Party.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Deputy Speaker, I beg to move that the Building Surveyors Bill (National Assembly Bill No.35 of 2017) be now read the Third Time. I do not see the Chair of the Departmental Committee on Transport, Public Works and Housing but I will ask the Whip of the Majority Party, Hon. Washiali, to second.

**Hon. Benjamin Washiali** (Mumias East, JP): Thank you, Hon. Deputy Speaker. I wish to second.

**Hon. Deputy Speaker:** There is a Member who is standing between the Members who are speaking, proposing and seconding and the Speaker. Who is this Member? There is an interruption in that direction.

*(Question proposed)*

Any Member who wants to speak to this particular one should press the intervention button. I see none and having satisfied that we have the required number, I will put the Question.

*(Question put and agreed to)*

*(The Bill was accordingly read the Third Time and passed)*

## MOTIONS

### REPORT OF THE DELEGATION TO THE 62<sup>ND</sup> SESSION OF THE COMMISSION ON STATUS OF WOMEN

THAT, this House notes the Report of the Delegation to the 62<sup>nd</sup> Session of the Commission on Status of Women (CSW62) held in New York, United States of America (USA) from 12<sup>th</sup> to 23<sup>rd</sup> March 2018, laid on the Table of the House on Tuesday, 19<sup>th</sup> June 2018.

*(Hon. (Ms.) Alice Wahome on 16.8.2018)*

*(Debate concluded on 16.8.2018)*

**Hon. Deputy Speaker:** With regard to this one also, what remained was for the Question to be put.

*(Question put and agreed to)*

REPORT ON EAST AFRICAN COMMUNITY BILLS  
AND RATIFICATION OF PROTOCOL

THAT, this House adopts the Report of the Select Committee on Regional Integration on Consideration of the East African Community Counter-Trafficking in Persons Bill, 2016; the East African Community Cross Border Trade in Professional Services Bill, 2017; the East African Community Prohibition of Female Genital Mutilation Bill, 2016; the East African Community Retirement Benefits for Specified Heads of Organs Bill, 2015; and the East African Community Youth Council Bill, 2017, and the Protocol on Cooperation of Meteorological Services, laid on the Table of the House on Thursday, 14<sup>th</sup> June 2018 and pursuant to the provisions of section 8 of the Treaty Making and Ratification Act, 2012, approves the ratification of the East African Community Protocol on Cooperation of Meteorological Services.

*(Hon. (Ms.) Naisula Lesuuda on 16.8.2018)*

*(Debate concluded on 16.8.2018)*

**Hon. Deputy Speaker:** Order, Hon. Members! I will put the Question to this particular one having noted that we have the required numbers.

*(Hon. Shakeel Shabbir stood on his feet)*

Order, Hon. Shabbir. I know you want to see the Leader of the Majority Party but you will have to freeze.

*(Question put and agreed to)*

**Hon. Daniel Maanzo** (Makueni, WDM-K): Is it in order for Hon. Sabina Chege and Hon. Millie Odhiambo to dress in that manner? It is a very important day for Hon. Sabina Chege. It is her birthday today. Is that the dressing code of Parliament?

**Hon. Deputy Speaker:** What is out of order, Hon. Maanzo?

**Hon. Daniel Maanzo** (Makueni, WDM-K): The dress code of Parliament.

**Hon. Deputy Speaker:** What is it about the dress code?

**Hon. Daniel Maanzo** (Makueni, WDM-K): Is it parliamentary dress code?

**Hon. Deputy Speaker:** You have spoken about Hon. Sabina Chege.

**Hon. Daniel Maanzo** (Makueni, WDM-K): It is a very important day for Hon. Sabina Chege. It is her birthday but is her dress code parliamentary?

**Hon. Deputy Speaker:** I really want to confirm beyond doubt. What is the problem with what Hon. Sabina is wearing?

**Hon. Daniel Maanzo** (Makueni, WDM-K): She does not have a blazer. She is wearing a short-sleeved blouse, which is very casual.

**Hon. (Ms.) Sabina Chege** (Murang'a CWR, JP): On a point of order, Hon. Temporary Deputy Speaker.

**Hon. Deputy Speaker:** What is it, Hon. Sabina Chege? Do you want to say something?

**Hon. (Ms.) Sabina Chege** (Murang'a CWR, JP): Thank you, Hon. Temporary Deputy Speaker. I do not know what is wrong with Hon. Maanzo.

**Hon. Deputy Speaker:** Neither do I, tell me.

**Hon. (Ms.) Sabina Chege** (Murang'a CWR, JP): It is my birthday today. If he wanted to wish me a happy birthday, he should just have stood up and sang a happy birthday song for me. I got his attention, and that is what he wanted.

Thank you very much, Hon. Maanzo.

**Hon. Deputy Speaker:** You are completely out of order. We do not recognise birthdays in the Chamber. That one can be handled elsewhere.

We will first go to Order No.14, Hon. Member.

## COMMUNICATION FROM THE CHAIR

### DEFERMENT OF CONSIDERATION OF THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL IN COMMITTEE OF THE WHOLE HOUSE

Hon. Members, before we proceed to the next Order, I wish to give some guidance relating to the Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No.12 of 2018), listed as Order No.14, which is scheduled to be considered in the Committee of the whole House this afternoon.

Hon. Members, as you are aware, the Bill seeks to make various wide-ranging amendments to various statutes. I want to take this opportunity to thank all the respective departmental committees for considering the various statutes under them and even proposing amendments on the same as indicated in the Order Paper. Nevertheless, I have since received requests from, among others, the Leader of the Majority Party and a number of Chairpersons of various departmental committees, to stay the Bill until 28<sup>th</sup> August 2018.

I, therefore, wish to direct that the consideration of the Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No.12 of 2018) be stayed until 28<sup>th</sup> August 2018.

I thank you.

**Hon. (Ms.) Odhiambo-Mabona** (Suba North, ODM): On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** What is out of order, Hon. Millie?

**Hon. (Ms.) Odhiambo-Mabona** (Suba North, ODM): Thank you, Hon. Deputy Speaker, for giving me this opportunity. I thank you for that direction. Part of the reason why I am wearing an African wear - my honourable friend is not aware of it - is that I have just come from



Suba North, specifically in relation to that Bill. So, I am very encouraged because you have deferred it. I wanted to make that request.

Because you have given Hon. Sabina Chege an opportunity to defend her dressing, I want to also indicate that my brother is not aware that the dress I am wearing was bought in Mauritius. It is very African.

*(Applause)*

He needs to know people and understand dressing.

*(Laughter)*

**Hon. Deputy Speaker:** Let me start with the Leader of the Minority Party and then come to the Leader of the Majority Party.

**Hon. John Mbadia** (Suba South, ODM): Hon. Deputy Speaker, I appreciate the birthdays and dresses, especially those imported from Mauritius. I do not doubt that because it comes from a Suba girl. Chances are that it is true and real. However, there is a standard way of dressing. We need to be very clear on it. This House has a tradition.

An Hon. Member cannot expose his or her body, especially the way Hon. Sabina Chege is dressed. I urge you to rule that she is dressed inappropriately for the House. She is properly dressed for the birthday party but not properly dressed for the Chamber because she has exposed her arms. This is a matter that came before this House before. We must be clear and candid about it. If I come in a short-sleeved shirt with a tie tomorrow, will I be allowed to enter the House? We need to take the business of the House seriously. I urge Hon. Sabina Chege to be allowed to go and dress appropriately for the House.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** I will give the opportunity to the Leader of the Majority Party and then I will make some ruling on this particular matter.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Deputy Speaker, I was waiting for Hon. Millie to tell us what is out of order. In the end, you have only heard that the dress which she is wearing is from Mauritius. The only question is whether it is counterfeit. There are a lot of contraband and counterfeit goods right now.

In support of what the Leader of the Minority Party has said, the dress code of a Member of Parliament in the Chamber is in the Standing Orders. Men wear suits and ties. Women must dress in a modest way. I am not referring to Hon. Sabina. I agree that the dress code of birthday parties, and when you want to go home and have fun with your family, is different from the one in the Chamber. Imagine the men coming to the Chamber without ties and wearing kaunda suits. I have a nice long Kaunda suit but I do not wear it. This matter is not light. The way our sisters, who are women leaders, dress is important. You need to guide the House. Hon. Wamunyinyi can tell you that we allowed lady Members to come into the Chamber with bags in the 11<sup>th</sup> Parliament. They used to leave their handbags outside. The size of the bag that our female colleagues carry these days must be decided as per the Standing Orders. The size of the bag is in the Standing Orders.

*(Loud consultations)*

**Hon. Deputy Speaker:** Order, hon. Members. We should not spend so much time on this particular matter. I want to refer you to the Speaker's Rules on the dress code for Members, media representatives and guests within the precincts of Parliament and then the Members will judge the rest.

It says that members of the Press and guests shall not enter the Chamber, lounge, dining room or committee room without being dressed properly. For the purpose of these Rules, proper dress code means that the men should wear a coat, collar, tie, long-sleeved shirt, long trousers, socks and shoes or service uniform like, obviously, the one for Hon. 001. Our lady colleagues should wear decent business wear.

Hon. Members, I have looked at Hon. Sabina Chege, and true, she has exposed her arms as the Leader of the Minority Party has said, but she seems to have dressed in a formal and business manner. It depends on how specific ....

*(Loud consultations)*

Order, Hon. Members. It depends on probably the persons looking at her. From where I sit, I find that Hon. Sabina Chege, of course, can dress better but she is okay.

*(Applause)*

For Hon. Millie Odhiambo, it would not matter where the clothes come from, as long as she is dressed in a decent, formal business wear and that would be fine. Believe me Hon. Members that henceforth, we will be looking at all Members very keenly to see that they are properly and decently dressed. Keep yourself to the confines of the Speaker's Rules and you will be okay.

*(Applause)*

Whether Hon. Sabina Chege would want to do her birthday outside the Chamber or in the dining hall of this place, she must dress the same: formal business wear. So, Hon. Members, let us forget about that matter. Let Hon. Sabina Chege proceed and enjoy her birthday party.

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

**Hon. Deputy Speaker:** What is your point of order? I am sure it is not on the dressing.

**Hon. (Dr.) Otiende Amollo** (Rarieda, ODM): Thank you Hon. Deputy Speaker. Mine does not relate to dressing. You have just made a decision and a communication and I am well aware that we cannot continue that debate.

Mine is on your earlier direction on the Statute Law (Miscellaneous Amendments) Bill. My point of order is on the constitutionality of consideration of the entire Bill. Now that you have directed conversion to a Committee of the whole House is itself postponed, I need your direction whether I could be allowed to prosecute the point of order in terms of its constitutionality now or I do it at the time it is on the Floor of the House. I want you to know that and so that the Leader of the Majority Party may prepare on this. It touches on two fundamental things. I have found a practice in this House where the Leader of the Majority Party moves all the Public Bills including the one that will be considered. I believe it is not well grounded, it is unconstitutional and it is unlawful under the Standing Orders.

Secondly, this year in February, the High Court pronounced itself on the issue of introducing substantive amendments in a Miscellaneous Amendment Bill. There are two

substantive decisions. Now that the Deputy Speaker and the substantive Speaker have already clearly directed us that on issues of interpretation, we refer them to the High Court and it has pronounced itself, this amendment Bill introduces amendments to 60 different statutes. I wanted to prosecute that so that we determine its constitutionality before we go to the Committee of the whole House.

So, I seek your direction whether I will be allowed to prosecute it now or I hold my horses until the date it substantively comes up.

Thank you.

**Hon. Deputy Speaker:** I must commend you Hon. Member because you have chosen not to ambush the Speaker. You have actually put a notice formally. I would rather you prosecute what you have on Tuesday. In the meantime, Hon. Leader of the Majority Party and every relevant person will look at what you have stated. I will also make sure that we look into what you have raised.

So, prosecute it on Tuesday when the matter is brought before the House again.

**Hon. Junet Nuh** (Suna East, ODM): On a point of order, Hon. Deputy Speaker.

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

**Hon. Junet Nuh** (Suna East, ODM): Hon. Deputy Speaker, I want to add my voice to what the Hon. Member has raised. He has raised very fundamental issues touching on the Statute Law (Miscellaneous Amendments) Bill. Now that it has been returned for it to appear on Tuesday in the Committee of the whole House, can the Bill be taken back to the Committee? The issues the Hon. Member has raised are of importance. Amending 60 Acts using a Statute Law (Miscellaneous Amendments) Bill is an issue that has to be pronounced as the senior counsel has said in the High Court. This is an issue that ....

**Hon. Deputy Speaker:** Hon. Junet, let me get you clear as you proceed. Is the problem with amending the many Acts in one Statute Law (Miscellaneous Amendments) Bill or is it the substance or the issue of public participation? I want you to address yourself to that but you might need to be there to support him on Tuesday as he prosecutes his issue. What is the real problem with the 60 amendments?

**Hon. Junet Nuh** (Suna East, ODM): Hon. Deputy Speaker, I stand guided. Those amendments are substantive enough that we should amend the substantive Acts instead of using an omnibus of a miscellaneous Bill.

**Hon. Deputy Speaker:** I am following what you are saying very keenly. What I have not heard you and the previous speaker say is you have not given a specific example of an amendment to a specific Bill so that it is useful to the House. Do you have a specific one you can give as an example?

**Hon. Junet Nuh** (Suna East, ODM): Hon. Deputy Speaker, this is a matter I discussed with the Hon. Member before he raised it. He has enough issues when he is given an opportunity to raise the matter to confirm to the House that some of these issues require amendments to the Acts themselves and not through the Statute Law (Miscellaneous Amendments) Bill.

**Hon. Deputy Speaker:** I have heard you. I only wish you could be specific because I do not want the entire Statute Law (Miscellaneous Amendments) Bill to be thrown away. We have been doing miscellaneous Bills year in, year out.

**Hon. Junet Nuh** (Suna East, ODM): Hon. Deputy Speaker, it is true we have been doing amendment through miscellaneous Bill.

*(Hon. Members consulted loudly)*

Hon. Deputy Speaker, there are two Somalis fighting here. I do not know whether they have lost their camels or something. There are two Members here ... I withdraw.

**Hon. Deputy Speaker:** You are completely out of order, Hon. Junet. I see many Members want to speak.

**Hon. Mohamed Mohamud** (Wajir South, JP): On a point of order, Hon. Deputy Speaker.

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

**Hon. Mohamed Mohamud** (Wajir South, JP): Hon. Deputy Speaker, is the Hon. Member for Suna East in order to mention that there are two Somalis in this House instead of referring to them to as Hon. Members of Parliament?

**Hon. Deputy Speaker:** Of course, you know you are out of order.

**Hon. Abdi Shurie** (Balambala, JP): On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** What is it Hon. Member for Balambala. I can see you are also agitated about this?

**Hon. Abdi Shurie** (Balambala, JP): Thank you, Hon. Deputy Speaker. I just wanted to ask the same thing that Hon. Member for Mandera North asked. Thank you.

**Hon. Deputy Speaker:** Well, Hon. Junet, you were out of order because it is more respectable to refer to your colleagues in an honourable manner with their names. We do not have communities in the House. We have constituency representatives. What is it Member for Wajir East?

**Hon. Rashid Kassim** (Wajir East, WDM-K): Hon. Deputy Speaker, is it in order for an honourable Member who is in House leadership to refer us as “two Somalis” when we are not sure whether the person is from western Kenya or northern part of Kenya?

**Hon. Deputy Speaker:** You have waded into the same murky waters. He represents a specific constituency just like you do. That is why I was asking him not to proceed in that direction because there are only Members of particular constituencies or nominated Members in this House.

**Hon. Rashid Kassim** (Wajir East, WDM-K): Hon. Deputy Speaker, we are very familiar that Somali is not a language of transaction in this House. We want him to withdraw.

**Hon. Deputy Speaker:** Order, Hon. Member! Resume your seat. You have made your point. Hon. Junet has also heard it. Hon. Junet had finalised his submission. That matter should rest.

Before we go to the next Order, let me recognise in the Speaker’s Gallery, KK Baithai Primary School from Igembe Constituency, Meru County and Lelmokwo Boys High School, Chesumei Constituency of Nandi County.

Let us proceed to the next Order.

## SPECIAL MOTION

### APPROVAL OF NOMINEES FOR APPOINTMENT AS CHAIRPERSON AND MEMBERS OF INDEPENDENT POLICING OVERSIGHT AUTHORITY

**Hon. Jared Okelo** (Nyando, ODM): On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Odoyo, what is it?

**Hon. Jared Okelo** (Nyando, ODM): Thank you, Hon. Deputy Speaker. Allow me to delve into what my brother, Hon. Otiende Amollo has come up with.

**Hon. Deputy Speaker:** No. That is water under the bridge now.

**Hon. Jared Okelo** (Nyando, ODM): What I am saying touches on legality. That is why I am on a point of order.

**Hon. Deputy Speaker:** You will prosecute that on Tuesday.

**Hon. Jared Okelo** (Nyando, ODM): You may also want to...

**Hon. Deputy Speaker:** No. I am not going to allow you to do that. You are going to be out of order. This is a matter that we have already canvassed and finalised. On Tuesday, you will have an opportunity to bring all the issues that you might have to either support or oppose whatever the hon. Member will be bringing to the House.

The Chair, Departmental Committee on Administration and National Security, are you moving this particular one?

**Hon. Paul Koinange** (Kiambaa JP): Yes.

**Hon. Deputy Speaker:** Proceed.

**Hon. Paul Koinange** (Kiambaa, JP): Hon. Deputy Speaker, I beg to move...

**Hon. Deputy Speaker:** Order! Just a minute, Hon. Koinange. Let me finalise something here then I give you the opportunity to start.

There are other schools which were not recognised. Therefore, I wish to recognise pupils and students from Joel Omino Primary School, Kisumu Central, Kisumu County; Kabitungu Secondary School, Bureti Constituency, Kericho County; Father Nyache School, Wundanyi Constituency, Taita Taveta Constituency; Cheimen Primary School, Belgut Constituency, Kericho County; MCS Kiago Primary School, Tharaka, Tharaka Nithi County; and lastly in the Speaker's Gallery, Nyakwerema Primary School, Borabu Constituency, Nyamira County.

**Hon. Paul Koinange** (Kiambaa, JP): Hon. Deputy Speaker, I beg to move the following Special Motion:

THAT, this House approves the appointment of the chairperson and the board Members of the Independent Policing Oversight Authority (IPOA) Board as contained in the Departmental Committee on Administration and National Security Report, laid before this House on Wednesday, 22<sup>nd</sup> August 2018.

Pursuant to the provisions of Article 250(2)(b) of the Constitution and Section 11(6) of the Independent Policing Oversight Authority Act No. 35 of 2011 and Sections 3 and 5 of the Parliamentary Appointments (Parliamentary Approval) Act No. 33 of 2011, His Excellency the President nominated the Chairperson and the Members of the IPOA.

Pursuant to Standing Order 42(2) of the National Assembly, in your Communication...

**Hon. Deputy Speaker:** Hon. Koinange, you are doing very well. All I required you to do is to formally move. The best way is to go through the record as it is and formally move and then you go to the meat of it. It is very well stated in the Order Paper.

**Hon. Paul Koinange** (Kiambaa, JP): Hon. Deputy Speaker, I beg to move the following Motion:

THAT, taking into consideration the findings of the Departmental Committee on Administration and National Security in the Report on the Vetting of the Nominees for appointment as Chairperson and Members of the Independent Policing Oversight Authority, laid on the Table of the House on Wednesday, 22<sup>nd</sup> August 2018, and pursuant to the provisions of Article 250(2)(b) of the Constitution and Section 11(6) of the Independent Policing Oversight Authority

Act, this House approves the appointment of the following persons to the Independent Policing Oversight Authority:

- (i) Ms. Anne Wacheke Makori - Chairperson
- (ii) Ms. Doreen Nkatha Muthaura - Member
- (iii) Ms. Fatuma Mohamud Mohamed - Member
- (iv) Dr. Walter Owen Owour Ogony - Member
- (v) Mr. Jonathan Ltipalei Lodompui - Member
- (vi) Hon. Waiganjo John Muriithi - Member
- (vii) Ms. Praxedes Chepkoech Tororey - Member
- (viii) Dr. Jimmy Mutuku Mwithi – Member

*[The Deputy Speaker (Hon. Moses Cheboi) left the Chair]*

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

Pursuant to Standing Order 42(2) of the National Assembly, in your Communication on Tuesday, 7<sup>th</sup> August 2018, you informed the House that His Excellency the President has nominated the Chairperson and the Members of the Independent Policing Oversight Authority subject to the approval by the National Assembly pursuant to Article 250(2)(b) of the Constitution.

You subsequently referred the Message from His Excellency the President containing the names of the nominees together with their curriculum vitae to the Departmental Committee on Administration and National Security to conduct the vetting of the nominees and table a report in the House.

On Wednesday, 15<sup>th</sup> August 2018, the Committee carried out the vetting exercise. The Committee was guided by the Constitution, the Public Appointments (Parliamentary Approval) Act No.33 of 2011, the Independent Policing Oversight Authority Act and the National Assembly Standing Orders.

Hon. Temporary Deputy Speaker, the Committee, having considered the curriculum vitae of the nominees and having heard their oral submissions during the vetting exercise at the sitting held on Wednesday, 15<sup>th</sup> August 2018, made the following observations:

i) That, the nominees had the requisite qualifications and experience pursuant to Section 9(a)(b) of the Independent Policing Oversight Authority Act No.35 of 2011 on the criteria for the appointment of Chairperson and members of the board;

ii) That, all nominees satisfied the statutory requirements on leadership and integrity having been cleared by the Directorate of Criminal Investigation (DCI), the Kenya Revenue Authority (KRA) on tax compliance and the Higher Education Loans Board;

iii) That, the Committee did not receive any adverse information on any of the nominees from the Ethics and Anti-Corruption Commission (EACC), which is the constitutional body mandated to ensure compliance with and enforcement of the provisions of Chapter Six of the Constitution;

iv) That, none of the nominees has been convicted in a court of law for a criminal offence in the last three years;

v) That, as stipulated in Article 75(1) of the Constitution, all the nominees indicated that they have no potential conflict of interest;

vi) That, all the nominees do not hold office in any political party, hence satisfy the provisions of Article 77(2) of the Constitution;

vii) That, the Board's composition will comprise of four lawyers, a medical practitioner, a gender expert, a criminologist and a political scientist; and,

viii) That, the composition of the board meets the Constitution's principle on gender rule with four males and four females, respectively.

Having considered the suitability, capacity, qualifications and integrity of the nominees and pursuant to Article 250(2)(b) of the Constitution and Section 11(5) of the Independent Policing Oversight Authority Act No.35 of 2011 and Public Appointments (Parliamentary Approval) Act No.33 of 2011, the Committee, therefore, recommends that this House approves the nomination and subsequent appointment of the following as Chairperson and Members of the Independent Policing Oversight Authority (IPOA):

The Chairperson will be Mrs. Anne Wacheke Makori while Board Members will be Mrs. Doreen Nkatha Muthaura; Mrs. Fatuma Mohamud Mohamed; Dr. Walter Owen Owuor Ogony; Mr. Jonathan Ltipalei Lodompu; Ms. Praxedes Chepkoech Tororey; Dr. Jimmy Mutuku Mwithi; and, Hon. John Murithi Waiganjo.

I beg to move. I call upon Hon. Masara to second.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Hon. Peter Masara to second.

**Hon. Peter Masara** (Suna West, Independent): Thank you, Hon. Temporary Deputy Speaker. Allow me to second the Motion as a member of the same Committee. Having gone through all the processes laid down by the Standing Orders of this House, we realised that academic qualifications, work experience, gender balance and regional balance of all the members proposed by the President were in concurrence with the said Standing Orders and the requirements of the Constitution.

Since I started vetting people who have been proposed by the President, this is the first time the President has done a lot for this country. There is regional balance. A majority of those who belong to this country feel somebody was appointed for them. The gender issue was also considered.

The Authority has placed Kenya on the international radar because IPOA has really assisted junior police officers to get better instructions from their senior members. Even members of the public who have been getting a raw deal from police officers have an Authority where they can raise their issues and expect to be defended.

Hon. Temporary Deputy Speaker, in the spirit of the East African Community (EAC), fellow parliamentarians from our neighbour country of Uganda need to borrow a leaf from us. Whatever is happening in Uganda concerning the Member of Parliament, Hon. Bobi Wine, would not have happened if they had such an Authority in their country. I believe the MPs from that country are watching. They need to borrow a lot so that they can appoint people with the requisite qualifications to enable them to manage their disciplined forces well to enhance democracy in that country.

Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Thank you, Hon. Peter Masara for rightly seconding.

*(Hon. Jimmy Angwenyi stood in the aisle)*

There is this Member who is standing. Hon. Member, can I give you a minute to settle down? Let me give you a minute to resume your seat. Of course, we need a House that has decorum.

*(Question proposed)*

We have a great number of requests. I am sure they are to speak to this Special Motion on approval of nominees to IPOA. The first one whom I do not know how he always comes top of the list is Member No.001, Hon. ole Sankok David. I congratulate him. I do not know why he is called 001.

**Hon. David ole Sankok** (Nominated, JP): Thank you very much Hon. Temporary Deputy Speaker, I wanted to contribute to the next Motion.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Hon. Leader of the of the Minority Party.

**Hon. John Mbadi** (Suba South, ODM): Thank you, Hon. Temporary Deputy Speaker. I was surprised that the nominated Member is not speaking to the President's nominees and he is likely to face the consequences. He is supposed to contribute to any Motion that has come from the President.

Hon. Temporary Deputy Speaker, allow me to support this Motion which requires us to approve the nomination of the following Members to the Independent Policing Oversight Authority (IPOA), pursuant to the Constitution. First I want to start by saying that the people of Kenya created organs that would help improve governance in this country. One of the organs, apart from the Kenya National Police Commission, was the IPOA. The main responsibility of this oversight authority was to review the conduct and performance of police officers and even to look at the complaints that the people of Kenya register against the police officers. The outgoing commission has had some successes and also some failures.

I want to speak first to the nominees. Much as I may admit that I do not know a number of them, there are a few whom I have interacted with and I think are a good pick. Those of us who served with Hon. John Waiganjo in this Parliament, will agree with me that he was a sober, well balanced and a gentleman so to speak. He is not divisive at all and not a hardliner. If there is any good pick that the President has succeeded for the IPOA, it is this nominee. Hon. Waiganjo will not disappoint.

I also know of Dr. Walter Owen Owour Ogony, whom I know is a very competent Kenyan. He has no issues around him in terms of integrity and therefore I expect that he will deliver to the people of Kenya and more particularly this important oversight authority that the people of Kenya are looking forward to, to ensure that we have a functioning police service. As a House what we are required to look into is, apart from the qualification in terms of academic, professional and the constitutional requirements such as the integrity, there is also the element of regional balance. On this one, the President has tried. In future we need to be looking at the regional balance, the ethnic discrimination that has been happening in terms of public appointments that those ethnic communities which are usually overlooked are also considered. I would like to see the Subas also finding themselves in such appointments as a minority community which constitutes about 0.3 per cent of this country. I would like to see other smaller communities also finding themselves into these appointments. I do not fault this list in terms of regional spread although there is the question of, if you are a lady and you are married in another region, it is bringing a lot of complications, because it is not clear where we place you. At times



people complain that someone has joined us and has become part of us, but we look at ladies who will be more representative of the places where they were born as opposed to where they were married. That is something that we need to weigh and see where to place ladies. They are a bit disadvantaged especially those who have been married outside their communities or their counties of origin.

I had an issue with Tororey Praxedes. She had issues when she was serving at the Independent Electoral and Boundaries Commission (IEBC). These are things we need to mention because as a House we have a responsibility to talk about. If we had issues of performance in a particular area with a member and that person has been given another appointment, we should not keep quiet even if they are going to give her the job. She should know that Kenyans are aware that we have questions to ask when she was serving in IEBC. She is yet to answer questions Kenyans raised. Before action was taken against her, she had reached her retirement age, and now she has been given another appointment. It is fine, I may not object because it will be very unfair to single out one individual especially if it is a lady, it will appear like I have a gender issue. I just want to flag it out that we need to be watchful that people who have had issues of concern registered previously need to clarify. Maybe the Chair, my good friend, Hon. Koinange in responding will tell me if they asked Ms. Praxedes these tough questions regarding her performance at the IEBC.

As I wind up, there is still a problem with our police service which IPOA must act very fast to help correct. There are question marks about the police. I watched in the media when it was being asked whether Parliament is the weak link in the fight against corruption. As I agree that Parliament is the weakest link, there is also a weak link in the police force. Just the other day in my county the DPP did the right thing to order for the arrest of seven officials of that county, who are accused of embezzling a lot of money from the county assembly. The biggest culprit who is the clerk and the head of finance decided to disappear from Thursday. By Sunday we were aware that they were going to be presented today and taken to court when the others are just about to be given bond. Others have been denied bond from Thursday to today. True to that, today they were found which means someone knew where these people were. These are the serious culprits. In fact the public who were watching them being brought to court thought they were dignitaries or VIP, yet the others were properly handled. That is one thing that makes people lose confidence in the police service. If someone is accused of serious crime like that... by the way this is someone we started talking about long time ago. When you are stealing, people will see it. Nobody was taking action.

Now that action is supposed to be taken against those gentlemen, they are being treated with kid gloves. The police officers are bringing him to court like he is a very important person. These are the things that we expect the IPOA to look at. The public is complaining, they call some of us and tell us to look at the way the police in Homa Bay are behaving. So, the head of police service in Homa Bay needs to understand that the people they are serving there are not very happy with the way they handle some of these things. That is the work of the IPOA.

As I conclude, the police service has been accused of a lot of crimes against the citizen of this country in terms of handling demonstrations, picketing and public in general. It is high time the police service gets to the reform agenda. If the commission is not going to help, the IPOA needs to tell Kenyans what to do. We need to reform the police service to be a service. The IPOA continues to be an authority yet we reformed it and we wanted it to be a service.

With those many remarks, I support the approval of these nominees. Thank you.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): I now give the Floor to the Member for Mandera West Constituency. Before you proceed, there is a point of order by Hon. Otiende.

**Hon. Otiende Amollo** (Rarieda, ODM): Hon. Temporary Deputy Speaker, I need your direction in terms of Standing Order 45 and a practice that we have adopted. I listened to the mover and the seconder of the Motion and they have presented a total of eight names. The point of order is that are we considering the names as a collegiate whole or individually, one by one? It is quite important that I get your direction on this because it can be contemplated that either now or in future, a Member may have an issue with one nominee but not with the others. It would be wrong to either oppose the entire Motion on account of one or two names or to support it despite one or two names. So, I need your direction on whether we are considering the Motion as entirety or whether we can isolate some of the individuals and either oppose or support them.

Thank you.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Member for Suba South, I can see you are on intervention.

**Hon. John Mbadi** (Suba South, ODM): Thank you, Hon. Temporary Deputy Speaker. I think the point of order that my good friend, Otiende Amollo, has raised makes a lot of sense. When it comes to appointment to an office, you are appointed as an individual; you cannot be appointed collectively. The fact that I do not qualify does not make Hon. Otiende Amollo to also fail to qualify. So, when it comes to voting on the names, it would be important to vote for them one by one.

This is something that needs to be looked at in future. How do we prepare the Motion? Are we going to have eight different Motions to vote on or we vote on the names one by one? I remember the Speaker had made some ruling when we wanted to make some appointment to the Parliamentary Service Commission (PSC). He was very clear that when it comes to those appointments, we vote one by one. So, I would agree that to approve these people to IPOA, we need to vote on their names, one by one.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Before I make a communication, let us hear from the Member from Kibwezi West, Hon. Musimba Patrick.

**Hon. (Dr.) Patrick Musimba** (Kibwezi West, Independent): I thank you, Hon. Temporary Deputy Speaker, for this opportunity. The intervention by Hon. Otiende is interesting but the guiding principle...

*(An Hon. Member remained standing)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Order! Who is this? You are completely out of order. You cannot be upstanding and exchanging and pointing a finger at Members. I do not want to call you those names as they were mentioned by Hon. Junet. Let us have decorum.

Hon. Musimba, carry on.

**Hon. (Dr.) Patrick Musimba** (Kibwezi West, Independent): When these names are forwarded to the House, they come in form of a presidential communiqué. When they are in respect of one body, we treat them as one. In the case of ambassadorial appointments and PS appointments, that is when they are sent individually to the line departmental committees. When it comes to a particular body, you treat the names as one because the communiqué comes from the President. Otherwise, you would be second-guessing his wisdom in forwarding the names to

the House. It has been the practice even in the last House. We have been considering all the names together, unless we want to change the way we approach this kind of business.

I remain guided as to how you will rule.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Members, this is a House of procedure and HANSARD. We have approved nominees in different ways. The House has procedures of doing its business. Let me hear from the Member for Samburu then I make a communication.

**Hon. (Ms.) Maison Leshoomo** (Samburu CWR, KANU): Asante sana, Mhe. Naibu Spika wa Muda. Naunga hii...

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): No, I just wanted to hear your view on the issue that has been raised.

**Hon. (Ms.) Maison Leshoomo** (Samburu, KANU): Mhe. Naibu Spika wa Muda, kawaida huwa tunapitisha majina yakiwa pamoja, sio moja moja vile Mhe. Mbadi amesema. Kwa hivyo, naunga tupitisha wote pamoja.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Hon. Members, before I make a ruling on this matter, I will allow Members to debate the Motion. A ruling will be made before the Question is put.

Let me now go to the Member for Mandera West. He is the one who had the Floor. I can see him consulting on the same.

Member for Funyula, Hon. Oundo Ojiambo.

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Thank you, Hon. Temporary Deputy Speaker. First of all, I must admit that I do not know many of these individuals but substantively I stand here to support the Motion. Probably, based on the guidance you will issue, we could be making some amendments.

First of all, I want to deal with the functions of IPOA. Those of us who can remember by going down memory lane we have had a police force that has generally been a law unto itself. We have had a police force that has literally trampled on human rights and rights of accused persons. We have had a police force that has treated a suspect as guilty even before being taken before a court of law. I remember the issues leading to the constitutional review of 2010. The independence and impartiality of the police force became central to the discourse leading to the new Constitution. Therefore, the formation of IPOA is a welcome change to the way the police service is handled in this country.

Many of us who have watched the work of IPOA want to comment that the performance of the team, whose term has ended has, to the best of my knowledge, been below average. Police brutality, misuse of power and abuse of human rights still remain rampant. Many members of the society have not felt the presence of IPOA. I want to urge the new team; that once they take office, they need to make their presence felt. They need to make the general *mwananchi* know that they exist. Their role is to protect the rights of *mwananchi* in view of police harassment.

We have so many pending cases arising from the elections of last year. Up to now, very many complaints that were raised, and many issues that were presented before IPOA, have never been investigated and appropriate action taken. We have had so many cases where the National Police Service has actually impeded the work of IPOA and yet we have done nothing other than to watch in dismay and complain. I sincerely urge the team that is taking over to be assertive, take recourse in the law and generally police, so to speak, and oversee the work of the police. For example, in my constituency, cases of harassment are rampant yet as much as we complain very little is ever done. Cases of illegal roadblocks are all over yet nothing is ever done. Complaints

have been raised yet nothing has been done. There are cases of police officers absconding duty. Instead of providing adequate security, police officers seek to arrest people having their normal drink after work, and leave thieves to roam all over. They let Ugandan soldiers invade our waters and arrest our people. They do completely nothing. So, we urge that IPOA comes to the rescue of the ordinary *mwananchi* in Kenya to enable them get adequate protection and service from the National Police Service.

As I conclude, many of us have reservations about one member No. 7, Mrs. Praxedes Chepkoech Tororey. Her performance at the IEBC left a lot to be desired. She left the IEBC not on a very good note, basically indicating that her ability to serve the people of Kenya is in question. That is why my colleagues are asking if we can isolate one Member and deal with her adequately.

Honestly speaking, if you cannot preside over a credible election where even your fellow commissioners and colleagues feel you are incompetent, how can you be allowed to assume a position of protecting the general interests of the people of Kenya? It means she is there to serve the interest of the establishment and she will not serve the interest of Kenyans. She is not the people's keeper but is basically going there to preside over the continued misuse of police power in this country. So, subject to the direction we will be given on Tuesday, is it possible to amend the Motion, pass the other members and request the President to resubmit another name to replace her?

Thank you.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Very well, let us have the Member for Kisumu East, Hon. Ahmed Shabbir.

**Hon. Shakeel Shabbir** (Kisumu East, Independent): Thank you. As I refer to this particular list, I have some misgivings. I have not been part and parcel of this particular vetting exercise, but I would like to say one thing; IPOA is exactly that, an oversight authority.

The outgoing authority has not performed. They became politicised and started getting involved with the administrative work of the police. They should not have allowed themselves to get involved. I speak as somebody who has been quite close to the police service. I was a reservist some time ago. The situation is very clear; you cannot have two centres of authority. In the police service, the Inspector General is concerned with all matters of discipline with respect to the police. The IPOA's role is that of oversight, to oversee and check whether there are issues that need to be looked at which relate to the operations of the police service and not to run the police service. Once this is well understood, then they can look at all the complaints that have been brought forward.

However, you cannot allow an oversight authority to run the police service the way they have tried. If you have no confidence in the IG and the system, correct it but do not use an oversight authority to do the job that they are not meant to do.

I do not know much about the nominees. I only know one but I am not here to say whether I like that person or not, whether that person has any integrity challenges or not. I am only concerned about integrity, ethics and whether they can serve at the IPOA and give the sort of credence that we need to the public and the people so that we can say the police force is being polished and the items that relate to police are being sorted out.

Everybody here including me attack policemen saying how they are corrupt and how they take Kshs50 for a bribe, yet the moment our security is threatened we go running to the police. How are we going to get those police officers whom we have been accusing and calling names that they are corrupt? How do we think they feel when we come to them for matters security and

we have been calling them all sorts of names? I have many friends in the police service and they ask me: “*Mheshimiwa* my son is in school, he came to me and said that he was told that we are the most corrupt people in Kenya, now what will I tell my son?” The situation is that one of the jobs of the IPOA is to ensure that some of these false and incorrect implications are sorted out. Yes, the police are corrupt and so are we.

Fingers are not the same. If you go to countries such as Uganda and others, you will come back and appreciate that we have a police service which is professional. Yes, there are a number who are not, but they are the same people who are protecting us. What we need to do is help them along the line. I sometimes go to see how the police in my constituency live. We are trying our level best. You cannot expect a police officer who stays in a house made of tin, which they share with somebody else and their families, to get up in the morning and do his duty as is required.

I sat in some of the meetings and I kept wondering whether the Chairman of the IPOA was a commissioner. This is because there were contradictions which could have been sorted out in a meeting quietly and not publicised.

I am hoping that once the proposed list is approved they will begin to take lessons so as to know what to do and what not to do. At the same time, I urge my colleagues, if you continue attacking somebody and calling them corrupt, they are going to become exactly what you want.

I am the Chair of the African Parliamentarians Network Against Corruption (APNAC) and we hear this so many times wherever we go. I heard it in Panama, where somebody showed us how some policemen had taken people in Eastleigh and put them in places. That was one or two policemen. There is corruption of survival versus grand corruption. The latter is the one we need to deal with. Corruption of survival is there and can be easily sorted out. Improve the conditions of the police and give each one a house as that is what they do all over the world. Get them a decent house. Get them a decent salary and everything that they can use to manage their decency so that they do not have to steal. I put it on record that if my children have not been fed for three days, I will steal and corrupt. I will go and rob. And if it goes to the end of the mind we will even murder. We are human beings. We have a stomach and so do the police officers. So, I urge the oversight authority to realise what it is meant to do and do it in a manner that does not destroy or in any way affect the police service in its structure. It is one of the best police services in Africa. It really is. You should go and see the others on the continent to understand that fact. Yes, there are problems but I have not heard of an oversight authority of the Defence Forces of Kenya. Why do I not hear of that? This is because they are self-regulating. They have a good system. I have never heard anybody telling me that our armed forces are corrupt. We give them respect and likewise they give us respect. They respect their position and that is what we want IPOA to do.

If members of IPOA have not read the terms of their engagement, they need to read and understand them. This time do not play politics. Do not be a commissioner when you are not meant to be and do not travel on first class all over the country and the world and pretend that you do not know the problems that the police officers are going through.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Next is the Vice-Chairperson of the Public Investments Committee (PIC).

**Hon. Ibrahim Ahmed** (Wajir North, ODM): Thank you, Hon. Temporary Deputy Speaker. I also rise to add my voice in supporting the approval of the appointments to this Commission. However, I am for the idea that we should vet individuals because they were

interviewed individually. There is need to vet them individually so that we have the correct individuals for the oversight authority.

I think we have a lot of challenges in the appointment of board members in this country and there is need for us to review the same so that regional balance is upheld at all levels. If you look at the formation of the current board, indeed there is need to carry out an audit of the current board in this country so as to ensure that regional and ethnic balance is upheld. The north eastern, eastern and coastal regions happen to be the worst affected in terms of board appointments in this country. In some countries like India, what they have done is that they have formed permanent structures that deal with appointment of board members. Inclusivity is highly upheld. In our case, political patronage and friendship are the factors that guide us in appointment of individuals and hence poor performance in parastatals. If you want to inculcate good performance culture in our parastatals, then we must ensure that the right approach is used in upholding the identification of board members.

Now we are talking of appointment of IPOA. When you look at the mandate of IPOA, which is investigating police conduct, reviewing the function of internal disciplinary actions and issues of police and then you identify an individual who is not conversant in this field, it becomes a problem. Look at the aspect of regional inclusivity. You find that those identified to represent you in IPOA are people, probably, from similar regions or neighbouring regions. Then the aspect of inculcating ownership in other Kenyans will not exist. That is why we need to come up with a permanent structure that deals with formation of board members. The structure must ensure the right qualification for the right parastatal. The structure must ensure that regional inclusivity is upheld and hence confidence inculcated in Kenyans.

That said, when you look at the functions of these board members and even the parastatals and, of course, authorities, you will also find that there are a lot of similarities in their functions. There is a lot of duplication of their functions to an extent that instead of delivering better services, they create confusion. There is waste of resources. If we need to uphold cost effectiveness in the meagre resources we have, then we must ensure that parastatals as well as board members with similar functions are merged. Review of performance must be upheld all the times. You will find board members serving parastatals for more than two terms and yet their performance is extremely dismal. That is why, again, we will be obliged to look at the structure that deals with formation of the parastatals. We will request His Excellency the President to look into this issue so that regional diversity is upheld and the right people are identified for the right job.

Hon. Temporary Deputy Speaker, the current IPOA was formed through an Act of Parliament in November 2011. I think the migration was done in June 2012. Review of their performance will definitely show you that it has been dismal. If you look at the level of awareness of IPOA, most Kenyans are not aware of its work. You will find that there is a big gap. A huge amount of funds is spent in this area but the performance is dismal. There is need for Parliament to strongly review this issue and consider that authorities and parastatals with similar functions are merged to ensure we have optimum use of resource.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Next is the Member for Mosop.

**Hon. Vincent Tuwei** (Mosop, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute to this very important Motion of approving the members to IPOA. The Constitution and our Standing Orders provide for the procedure of coming up with

a petition for or against any Member nominated by the President. It is stipulated very clearly and it is a practice that we have all followed. For one to be vetted, he or she must have been cleared by the relevant authorities. Parliament put up an advert last week calling for anyone with any petition against the nominees before us to submit it. According to what I hear from the Chairman, no adverse memoranda on the eight nominees were presented. It will be unfair to single out a single member on some belief that someone never performed well in an office where he or she was before this appointment. Even us Members of Parliament, the world outside there says that we are not able to perform our duties. We are being condemned everyday outside there by all and sundry. There is a blanket condemnation upon us. One cannot judge this House based on what is being said outside there, rather what is important is an individual Member's performance.

Let me take the example of Praxedes Chepkoech Tororey. She previously worked at the IEBC. Now, where she worked before cannot be the basis for our rejection of her name or even us mentioning her adversely. What took place at the IEBC was not attributable to her directly. It was a collective duty. I remember when we approved the nomination of Sarah Serem, we agreed that in execution of her duties at the Salaries and Remuneration Commission (SRC), she was not doing it on her own. It was done as a Commission. Praxedes cannot be held responsible whatsoever on matters of the IEBC or whatever one believes went wrong at that time. To me, that is mere perception. If anything, we were given the opportunity to present an adverse report against her but the Chairman of the Committee never got any. For anyone to impute improper motives on her that she was the cause of the problem at the IEBC is totally unfair to her. Let us give this lady an opportunity to serve.

The matter before us is to approve the eight members to oversee the IPOA on how they perform to the satisfaction of Kenyans. A commission is not an individual. It is a collective decision. There are eight members. It would be impossible for each community to have representation in every office. The Constitution limited the Commission to eight or nine members. There are 43 tribes in Kenya. How do we go about this? This Commission constitutionally passes the merit because there are four ladies and four men. The President has tried on this one because the constitutional provision is one-third. Ladies have been given the opportunity to serve. As it is said, ladies are not as corrupt as men. I do not know whether it is true or not. Let them serve on the Commission to prove us right or wrong.

The outgoing Commission left a lot to be desired as far as matters of oversight of human rights are concerned. We have brothers, sisters and our sons in the police force. I have relatives and friends in the police force. When a Member or a Kenyan sees the whole police force to be corrupt, I look at that as an abuse. Who can protect our lives and property for 24 hours with the kind of salaries and environment they work in? How many of us know the salaries our police officers earn? It is really low. They have families. The environment they work in is not conducive. I sympathise with them. I urge the new members of IPOA who are now coming in to take over from those who are outgoing to seriously consider the welfare of the police *vis à vis* their environment and human rights. They also need to be protected from both civilians and human rights activists in this country.

Lastly, to be a police officer you have to sacrifice your own life. Being a police officer is a calling. There are communities which if they are put on the front line on some issues, they cannot take it. I come from a community where security is our pride. When some of us were going through the initiation ceremony, the process was similar to the training of policemen. We feel proud of where we are. I urge the police officers who are doing a good job to continue doing

so. It must be supported by all of us. Let us support them by giving them good housing, good vehicles and a conducive environment for them to perform. I urge my fellow Members that you may not like some individuals but this is Kenya. Let us appreciate diversity. Let us approve those eight nominees of the President who have been vetted by the able Committee of this House in totality so that the Commission can be properly constituted to start work immediately.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Let us have the Member for South Mugirango, Hon. Osoro.

**Hon. Silvanus Onyiego** (South Mugirango, KNC): Thank you, Hon. Temporary Deputy Speaker. I equally rise to contribute.

From the outset, I wish that the House in its entirety supports or approves the nominees as presented before us. This is an independent body whose basic role is to oversee the police service and to look at the plight of our good police officers in this country. Having those officers or able men and women in this Commission to exercise their duties and empowering them will help us improve our police service.

You will notice that we have come of age. There is a colleague of mine who talked about a police force. It is unfortunate he is not in the House. I wanted to remind him that we do not have a police force; we have a police service. As it is enshrined in Articles 239 and 245 of the Constitution, this is a police service. There is need for us to have an active independent body to oversee the work of the police. I say this as a person who is involved in so many activities with police officers. It is important for us to notice that in as much as the Constitution provides for the National Police Service, we still have some police officers who still think that we have a national police force. At times they do things which are not very good or enshrined in the law. If they do not have an oversight body to supervise their work and see whether what they do is right or wrong, we will be wrong.

I will cite a scenario that happened over the weekend where an advocate of the High Court of Kenya was detained at Karura Police Station in Banana for going to check on the plight of his client who had been detained there. During the questioning which was a normal interrogation by the Officer Commanding Police Station (OCS), the OCS felt that the advocate - an officer of the court - was rude. He instead released his client and detained the advocate, Mr. Moses, since Friday. It took the intervention of the president of the Law Society of Kenya (LSK) to have the advocate released. We need to empower IPOA officers to go to the ground and see what some police officers are doing. In as much as we keep saying that police officers work in hard conditions, that does not give them leeway or *locus standi* to work against the Constitution. Just because they are paid peanuts and we call it a sacrifice does not mean that they should go to the streets every Friday, arrest all the people they see at the bus stop, put them in one vehicle, detain them at the station and the following day ask each detainee for Kshs2,000 to have them released. Police officers keep on reviewing those terms. A detainee spends one night in a cell and is told to pay Kshs2000. It reduces to Kshs1000 after another night. After another one day, it reduces to Kshs500. On Monday, they release the detainees or charge them and say that they were disorderly, even if they were not drunk.

We support what police officers are doing. However, at times, we also need to look at the way they operate. It is very important to have the IPOA. I can see that the membership is okay and it cuts across the board. I agree with the Member who said that the composition is clear. Every tribe cannot be represented here. We need to look at competence but not look at tribe only. I come from Kisii County. I do not need to look at the name of a person who comes from Kisii because it does not matter. If a person who is working there is able to do the work, we do not



need to look at whether he comes from a certain tribe. We have very big people in our Government structure who do not help us individually. They serve this country. When filling up some of these positions, which are not political or elective, we should consider competence.

Even as we talk about the operations of the police, we also need to empower the IPOA to look at the plight of police officers. It is indeed true that some police officers are suffering. You can understand this by looking at some police officers' lines, like Administration Police (AP) lines. I look at police officers in my constituency. You may need some AP officers to man a certain area but you cannot provide for them. You cannot pay their rent. You have not built houses for them. There is no recurrent expenditure that is so frequent. You tell police officers to go and man a certain area. The IPOA should equally look at the plight of police officers. Some of them are really suffering. How do you place a police officer who has a family in one room? A police officer has a family with two children and then he is given a bachelor to stay with. The two officers partition that room using a curtain. We are killing family values. We kill the morale of police officers and that of their families. Some of these things occur because of transfers. In as much as it is a disciplined force, we equally need to be human. A senior officer disagrees with a junior officer today and he decides to write a letter immediately to transfer this officer to a far-flung place because, perhaps, the senior officer has interest in the junior officer's wife or husband.

The IPOA should go an extra mile, as the law says, but not just to look at the plight of *mwananchi*. They should equally look at the plight of police officers, who are suffering across the board. Some of them are frustrated by their bosses. An officer is assigned night vigil everyday because the boss has interest in his wife. These things are real. Some of them end up killing each other because they do not have a channel through which to report their plight. Their interior disciplinary mechanism is also manned by their very own seniors. Some of them schooled together and went through the same training. We need to move with speed and approve these names, so that these guys can go to the office and look at all the issues of the *mwananchi*, who is suffering. Police officers arrest young men for lack of an identification card. I do not know what kind of law they apply. There is also rudeness in the police service. A police officer cannot stop you and ask you good questions. He cannot tell you what you have done and explain the procedure to you. He stops you and starts harassing you. We need to stop police officers from using force unnecessarily. They should understand that this is a service. On the other side, the State should also know that these are our service men. The State should provide them with the right infrastructure and working environment, so that they can serve their country diligently.

Hon. Temporary Deputy Speaker, Hon. Charles is telling me that I need to proceed because I am making a lot of sense. He is a son of a former policeman, and he feels that this is right. I can see that my time is over.

With those few remarks, I support and pray that we approve these nominees.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): He is saying that because he is a son of a former police officer. He must also have suffered in the manner that has been described by Hon. Osoro.

Member for Migori.

**Hon. (Ms.) Pamela Ochieng** (Migori CWR, ODM): Thank you, Hon. Temporary Deputy Speaker. I cannot agree more with my colleague, Hon. Osoro.

*(An Hon. Member raised his hand)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Hon. Member, you cannot raise your hands in the Chamber as if you are praying.

**Hon. (Ms.) Pamela Ochieng** (Migori CWR, ODM): Thank you, Hon. Temporary Deputy Speaker, for giving me this chance to contribute to this debate. I was in the process of saying that all the sentiments we have heard are touching. I rise to support the approval of the nominees whose names are before us today.

I want to bring to the attention of the House the fact that between 2011 and 2013, when we were preparing for the election under the Constitution of Kenya 2010, I undertook a programme with police officers during which we talked about police reforms. At that point in time, we were talking about the concept of a police officer on one side being a citizen and on the other side being a service provider to protect the rights of *wananchi* and enforce the laws of Kenya. Something stood out that I would like to allude to as we continue to participate and discuss this Motion. There is a misunderstanding of the role of the police by police officers themselves and *wananchi*. Look at this list, as much as I do not know many of the nominees at a personal level, it looks like it is a team that can perform. They are up to the task of being the body that will be looking into the conduct and performance of police officers and the entire National Police Service.

I would like to urge this team to approach the work from a reformist position. We talk about police officers on our roads or in the market. It is not right for us to wait for somebody to make mistakes all the time and then they are arrested. I wish IPOA could be proactive in terms of closely interacting with police officers in their daily operations, so that they understand their work deeply and appreciate the conditions in which they operate. That way, IPOA will be able to guide police officers to deliver the desired service of protecting *wananchi* and their property. I would like to see a more organised and proactive National Police Service, courtesy of IPOA. This Authority should be able to articulate to police officers what exactly they are supposed to do and how to do it. The Authority will also be communicating the same to the public. That way, we will have a serious watchdog that will not be waiting for police officers to land in indiscipline problems only for the Authority to reprimand them. The Authority will not be helping Kenyans if it operates that way. Today, we are promoting the sort of leadership that is collaborative, that seeks partnerships and that comes up with ways and means of solving all the problems that face our community.

In Kenya, most of the time, our police have never acted in a manner to avoid or prevent crime. They wait for a crime to occur then they follow it up or try to pursue it. I listened to Hon. Mbadi who is not here now when he was talking about what happened in the recent past in Homa Bay County. One wonders if it is possible through this Authority and other police organs to come up with ways and means of doing things in order to avert crime and reduce the number of crimes that we witness in our communities, homes, and schools.

I propose that even as we support these nominees to be appointed, it is also in order to think about them as individuals. I agree with what my colleague, Hon. Osoro, said that sometimes we go overboard as Kenyans and even as Members of this House when we look at an appointment list and are so much concerned about regions, ethnicity and communities where these people come from. As Kenyans, what we should look for is whether we have a Kenyan somewhere who can deliver competently the services that the rest of Kenyans are looking for. This is something we need to promote. We need to kill tribalism, we need to kill nepotism and we need to kill any fraudulent behaviour from any corner of this society. If we look at it that

way, then it would not matter who is doing what so long as they are doing the right thing that can make all Kenyans happy, they should also be happy with them.

It is my prayer that even as these nominees will be moving to take their position, we will see a different operation, an all-inclusive approach, we will see a scenario where communities partner with the police service members and even their leader to give Kenya the transparency we are looking for. When we talk about people who have committed a crime and for some reason or another they disappear and cannot be found yet they are within us, it tells us that there is some mistrust between the public and the police force and whoever else who enforces. If we can find a way and this Authority can help us to create that corroborative scenario where members of the public can trust and give information to the police, it can be good.

I know it has been said and we can say it again, to be honest the police operate under very hard circumstances. They have a challenge in housing, transport even equipment most of the time especially those that operate in rural areas. I come from Migori County and a sample of constituencies like Kuria East, Kuria West, Suna West and Nyatike are purely rural settings with very poor road conditions. Police have no vehicles. In a constituency, they have only one car and we expect them to maintain law and order everywhere.

This Authority together with all the other relevant Government wings need to look seriously at the plight of the police. Before we come to a point of seeing whether they are behaving properly or not, we may need to pull together all concerted efforts to make sure that they have the relevant infrastructure to do their work properly.

With those remarks, I beg to support.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Member for Balambala. I also understand you are a Member of the Committee. In future, it is also good to allow other Members time to contribute. I cannot deny you a chance. The Chairman moved the Motion well on behalf of the Committee. It does not however mean I deny Members of the Committee a chance to speak since the Motion is an asset of the House. It is also good for other Members to get a chance to contribute and negate or approve your recommendations.

Carry on.

**Hon. Abdi Shurie** (Balambala, JP): Thank you, Hon. Temporary Deputy Speaker. I wish to support the Motion for the approval of nominees for appointment to the Chairperson and members of IPOA.

When the President nominated the nominees, he looked at every profession and, as a member of the Departmental Committee on Administration and National Security, and having had the privilege of vetting the individuals named here, their different professions and disciplines complement each other and I believe it will be in order for this House to approve the nominees as they have been listed so that they can complement each other and serve this nation in their capacities in IPOA.

The list clearly shows the face of Kenya. The President did well in terms of gender, regional balance and in terms of professions. I believe they are best placed to serve Kenyans in their capacity as IPOA commissioners.

If the House approves the individuals, I urge them to try and to win the hearts of the Police Service. The Police Service sometimes feels that IPOA is there to police them and make their work difficult. I want them to win the hearts of the Police Service so that they know they are there to protect their interests.

I support the approval of the nominees. Thank you.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Join me in welcoming pupils from Kakawet Primary School and Kaptumoi Primary School both from Chepalungu Constituency, Bomet County. They are in the Public Gallery. They are welcome to observe the proceedings of the House. Thank you.

Member for Teso North, Hon. Kaunya Oku.

**Hon. Oku Kaunya** (Teso North, ANC): Thank you, Hon. Temporary Deputy Speaker. I rise to support this Report and its adoption on the vetting of the Chairperson and members of IPOA. I would like to talk about three key areas.

*(Hon. Gideon Koske pressed the intervention button)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Order Member. He has removed his card. I am sure you are on intervention. You intended to say that, as the Member for Chepalungu, you are in the House. I see you are present on intervention. Thank you.

Carry on.

**Hon. Oku Kaunya** (Teso North, ANC): There are three areas I want to put my voice on. One is on the vetting process and how it happens. I am a member of the Departmental Committee on Administration and National Security. The vetting process, as has been clearly explained by the Chair of the Committee, the members who are listed fulfilled both constitutional and professional requirements. On their achievement, it is important to point out here that the first board of IPOA did some good work.

Indeed, the impression that has been created by a few Members who have talked is that they did not perform. One important thing that I would like to point out here is that IPOA is an oversight institution. Within the policing fraternity, we have three important institutions: The Inspector-General who does the operational work of the police; the National Police Service Commission which is concerned with the recruitment, promotions and discipline especially at the policy level and IPOA. IPOA is a civilian authority. It received about 9,000 complaints. From those complaints, about 4,000 were not related to IPOA's mandate. It has been pointed out clearly that one of the key mandates of IPOA was to investigate the deaths and serious injuries that are caused by the police.

Secondly, it was supposed to investigate police misconduct. It was also supposed to inspect police premises and conditions of the police cells. When it comes to police welfare, I agree that it is key in terms of performance. This is an aspect that NPS and the IG squarely deal with as part of their mandate. The IPOA is supposed to be the police of the police in terms of seeing to it that the police fulfill the expectations of the public. Given that, IPOA may blame the board for not performing because of other institutions which, perhaps, we need to direct the complaint to, especially on issues to do with welfare and performance of the police.

IPOA, in the Report it submitted, pointed out that it operates on the best international practice. They cited examples. They said that no institution in the world has, in six years, achieved what it has achieved. They cited examples of New Zealand and South Africa where similar institutions took more than 10 years to put structures in place. For Members, it would be fair to understand that the expectations were high but, at the same time, we should be grateful for what they have achieved so far. They have been able to put up nine regional offices with a staff of 140. If they receive 9,000 complaints in this period, the staff level and finances are not adequate.

So, I urge that we approve this new board and give it a chance to perform. It should be able to operationalise and be felt on the ground. I also urge the House to consider the budget of IPOA to make sure that we strengthen and give it the teeth to perform.

With that, I support the approval of these nominees.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): The Hon. Member for Embakasi South.

**Hon. Julius Mawathe** (Embakasi South, ODM): Thank you, Hon. Temporary Deputy Speaker. I rise to support the approval of these nominees. I believe one of the responsibilities of IPOA is the improvement of service provision since we moved from a police force to a police service. In order to continue improving the service of our forces, they need to also consider the training that officers get, so that they are able to provide good quality service.

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

*[The Temporary Deputy Speaker (Hon. Christopher Omulele) took the Chair]*

As we discuss about IPOA, we cannot refrain ourselves from talking about some of the poor conditions that our police officers live in. It is very sad that in this time, a police constable's starting salary is Kshs17,900. There is nothing you can do with Kshs17,900 as an employee. It is very sad that a Sergeant earns Kshs28,000. That is very sad. An Inspector of Police earns a paltry Kshs31,000 and yet, he is supposed to command a police post.

We must point out that our police officers' housing conditions are very poor. Most of our officers still live in *mabati* houses. During the day, at 3.00 p.m., we refer to them as microwave. During the night, at 3.00 a.m., we refer to them as freezers because that is how cold they can get. We need to improve the living conditions and welfare of our officers. We need to provide additional vehicles for our police officers so that they are able to perform their duties. We need to also increase the number of police stations. In Embakasi South Constituency, with a population of more than 400,000 people, we do not have a police station. We only have two police posts.

Previously, we used to have education-based promotions. Nowadays, the NPS has stopped promoting them based on their education. We need to bring that back. We also need to pay our National Police Reservists (NPR) regularly and on time. The uniforms of most of the officers also leave a lot to be desired.

With those many remarks, I support.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Kolosh.

**Hon. Ahmed Kolosh** (Wajir West, ODM): Thank you, Hon. Temporary Deputy Speaker. I rise to support the approval of the nominees in this list. Most of us who come from areas where the police are seen as enemies of the people know what it is to have an oversight authority that one can complain to.

I remember one time when I was still at the university, I was caught by a police officer and I thought it was done wrongly. I said: 'We are the taxpayers. Why should this happen to us?' He told me: "Please, do not pay me this month". That is how these people were. Some police officers were talking to some *boda bodas* operators on Thika Road this morning when this Motion was tabled in this House. They were taking money and a lady was taking photographs of the same. The same lady was mishandled and thrown to the back of a police car in full view of the cameras for taking their photographs. This is what we are dealing with.

Of course, the issues of underfunding and housing are serious matters. Budgets are made by this House. Instead of talking about it every time, this House must rise up and allocate enough funds, whatever is possible, to the police force so that they can be housed, motivated and their salaries increased. They should enjoy the job of providing security that they do. We do not know what happens to all of us at some point in our lives. I interacted with a former member of IPOA and I was told that one of the biggest clients that they have is a former Permanent Secretary (PS) in the Ministry of Interior and Coordination of National Government who, at the inception of the IPOA, saw an oversight authority of the police as interference with the enforcement of law. It is only when you realise that you need someone to complain to or seek assistance from, especially the enforcers of the rule of law, that you understand the importance of having such an Authority.

It is important to know that the budget has been allocated. They are opening nine new offices all over the country so that their presence can be felt. We cannot just condemn them. We must allow this organisation to grow and be nurtured so that their results can be seen with time. You cannot expect people to bear results in the course of five years when systems are under establishment. So, it is important that this institution is manned and resources are allocated to it. For the individuals who are on this list, the members in particular, character is in a person, but education is seen on paper. The eight of them have impressive CVs and track records, and we must approve their nominations.

On the issue of whether a commissioner or nominee can be separated from the rest, I know the ruling that is going to be made is going to be very important and will set precedent on how this House will in future not victimise an entire list because of one person. It is not necessarily on this one. I have no problem with all the members in this list. But that decision is going to have impact when we have an individual on a list in future. The whole House has a concern. The decision made today will not curtail this House. It will tackle individuals rather than entire lists.

I support this Motion and request the House to approve it. Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Leshoomo Maison, Member for Samburu.

**Hon. (Ms.) Maison Leshoomo** (Samburu CWR, KANU): Asante sana, Mhe. Naibu Spika wa Muda.

Naunga mkono Ripoti hii kuhusu IPOA kwa sababu tunaelewa hili ni shirika la kuchunguza maafisa wa polisi wakati wananyanyasa wananchi. Tumepata shida nyingi katika Kaunti ya Samburu mahali ninatoka kwa sababu ya shida ya polisi na wananchi. Tulipopeleka kesi kwa IPOA, ninaamini waliifanya hiyo kesi na kuthibitisha ni nini kilikuwa kimefanyika. Hiyo IPOA iliweka kila kitu wazi. Ninaunga mkono uteuzi wa hawa watu kwa shirika hili kwa sababu tumeona ile kazi linafanya katika Kenya yetu.

Hii IPOA haina bajeti ya kufanyia kazi. Naomba kamati husika na Serikali waipe hela kwa sababu mambo mengi yanayofanyika kwa polisi yataisha wakiwa na bajeti. Polisi wanauliwa wakifuatilia mambo ya uhalifu. Sio wananchi peke yao wanauawa. Hata maafisa wa polisi wanapata shida na wanahitaji usaidizi. Hawana magari ya kutosha wala pesa za mafuta. Saa ingine wanashindwa kufanya kazi kwa sababu hawana rasilimali.

Kwa kweli, kama wenzangu walivyosema kuhusu polisi, wana shida kubwa sana. Ukiangalia makazi ya Administration Police na General Service Unit, ni duni sana. Ni pahali kama kiwanja ambapo kila mtu anaweza kuingia kupitia kokote. Hawana makao. Familia zao zinaumia. Ndio maana unaona wakati mwingine askari akichukua bunduki na kujiua, ni kwa

sababu hana raha kwa kazi yake. Kwa hivyo, hili shirika likibuniwa vizuri, litasaidia maafisa wake kufanya kazi na inafaa kuchunguza pande zote. Wanafaa kuangalia maafisa wa polisi na yale makosa ambao wamefanya. Kuna pande mbili.

Wananchi walioteuliwa kuingia katika shirika hili wameorodhesha akina mama. Uteuzi huu umeangalia maeneo kadhaa. Lazima uteuzi huu umeangalia karatasi zao na masomo yao. Wamesoma na hii inaonyeshwa na makaratasi yao. Badala ya kumwangaalia mama ambaye anatajwa kwamba alikuwa kwa *Independent Electoral and Boundaries Commission (IEBC)*, naomba tusiangalie mtu mmoja na hatujui alichofanya. Pengine kamati husika iliangaalia vizuri na ikapitisha kwa njia inayotakikana. Naomba tuwapitishie wote wanane bila kuwekelea wengine mambo fulani bila uthibitisho.

Naunga mkono. Asante.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): The Hon. Okuome Adipo, Member for Karachuonyo.

**Hon. Adipo Okuome** (Karachuonyo, ODM): Thank you Hon. Temporary Deputy Speaker, for giving me this opportunity. I would like to contribute to this Motion because it is very important.

The police force is one of the most important departments of the Government of Kenya. They are responsible for our security. If somebody has a problem, the first person he begins to think of is the police. He begins to wonder how he can be rescued. He calls somebody, if he cannot do it himself, to tell the police to come to his rescue. But one thing I must admit is that the police is very much disadvantaged. I will take an example of my place in Karachuonyo, Kendu Bay. I went to their station and what you see as their residential house is laughable. You will not even think a human being can be sleeping in that makeshift. In fact, I even offered to contribute some money from the National Government-Constituencies Development Fund (NG-CDF). I will see the head of the police force, so that we can share the cost to build some houses for the officers to live in.

Some of my colleagues have already mentioned what I do not want to repeat. If you share a makeshift house and you are a bachelor and the other person is married, I do not need to explain further, but this is what we are subjecting them to. It is time we gave police officers what they need, so that they can give us what we need from them. If somebody is frustrated, that person can get out of his way, like another speaker said, to look for money using any method possible including bribery and stealing. Let us not subject our important people like the police to that kind of thing. We will demand from them that they give us the service that we need. Give it without reproach. This can only be possible if they are well remunerated. They have a salary you cannot talk of. It is almost nothing. They are working for almost nothing yet they are the people who stay under the sun without sitting down. They stand throughout the day, yet they do not have enough money and are hungry. Those who are bold enough will tell you that they are hungry and ask if you can give them something to eat. If you are kind hearted, you will do that, but if they do not get kind hearted people, they will use any other method which is corruptive to get what they need for survival. This is what we are subjecting them to.

I have spoken in their favour. Let me turn against them a little and say that they are also having their excesses. When there is a problem, they treat Kenyans as though they are not human beings. They should not do this. They are the protectors of people's rights and interests. If you have done something wrong, that does not remove your humanity. Let them treat you as a human being and in accordance with the great Constitution of this country so that if you were arrested, you are punished. You accept that you made a mistake. This does not mean that when

you are arrested, you get a number of kicks and beatings at the maximum of their strength. That must stop. I am pleading with them and I am asking IPOA to inform them that they must treat Kenyans as human beings. This is when we can have a Kenya that we are proud of and we can enjoy our rights.

I was somewhat surprised when some of my colleagues were saying that nobody should ask where police officers come from and their ethnic background. What does the Constitution say? Is it not talking of any employment in the Government to reflect the face of Kenya? This ensures that all regions of Kenya can manage to get a share of the cake. I emphasise that the police force is a very important institution. It must reflect the face of Kenya. All regions of Kenya should have a share. I support this list because it has taken into account the face of Kenya. Those who are saying that we should not think of the ethnic origins of police officers are not right because they are stating what the Constitution does not support. I do not agree with them.

The other thing is that our police are not well equipped. Some of them go to risky places with just *rungus*. If they find the culprit has a gun or a pistol, they will run away. This must stop. The IPOA should ensure that we do not expose our police officers to risky places when they are not armed. I will take the example of Migingo. The fishermen in Migingo are left alone at the mercy of foreign policemen coming for them and doing whatever they like with them because the Kenyan policemen can only take to the heels when they see those from Uganda. The officers from Uganda are well equipped when those from Kenya are not. Therefore, it becomes difficult to box the Ugandan police officers when they come to attack. I earnestly ask that we fully equip our police officers so that we can have police that can protect our citizens. I know the response of our police has been too slow. Sometimes they are called when something has happened and they take long as the victims wait. They then arrive hours after what attackers wanted to do has been done. They need to change this. We are going to have a new team which should address these issues because they are important to Kenyans. Kenyans need peace, protection and they love their country. They need to enjoy being Kenyans by getting what Kenya can offer.

I support the Motion. Thank you, very much.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. David Sankok.

**Hon. David ole Sankok** (Nominated, JP): Thank you very much, Hon. Temporary Deputy Speaker. I support these nominees because they are very important part of our society. The importance of IPOA cannot be overstated because they solve a few issues here and there. When I was the Chairman of Students Organisation of Nairobi University (SONU), I was arrested 11 times within a duration of seven months. At that time, there was no IPOA. So, there was nowhere I could have gone to report. To be sincere, the work of IPOA is well spelt out. It is very important that they solve issues. For the past six years, IPOA has been led by Kavulundi and has been solving issues that affect the common citizens.

However, IPOA did not try to go a step further to dig out the problem that faces our officers. Our officers are not well remunerated. They do not earn well yet they are human beings, just like us. They have children in schools, wives and husbands and they face the normal standard of living that we face. They purchase their daily commodities that we purchase and their salary is low. Their living condition is pathetic. Every Member in this House has a bodyguard or bodyguards who are police officers. Not once or twice have we heard these police officers taking bullets on our behalf and sometimes putting their lives at risk on our behalf and on behalf of Kenyans. When they live in those tiny houses, which are made of iron sheets, they



are bound not to give their optimum. It is pathetic to live in such a tiny house and you are married with children. You even live with another family and divide the house using a curtain.

Most of the times, our officers are on night duty. For a long time, we have left issues of police officers in the hands of the Inspector-General (IG). When there is one centre of power, and you have nowhere to run to, there is bound to be discrimination. Probably, you are not in good books with your supervisor and you have nowhere to complain. Such officers are put on night duty or on call. Sometimes they are transferred to the so-called risky regions. That is why IPOA is very important. This time round, it should also focus on the plight of police officers.

This list of nominees represents the face of Kenya. It also obeys the two-thirds gender rule. In fact, there are four women and four men. It is well balanced. The Head of State has tried as much as possible, with all nominees that have come to this House, to balance in terms of regions, gender and persons with disabilities. I would have complained if these nominees were the first to be brought to this House. Luckily, the Commission on Administrative Justice has a person with visual impairment. Also, the National Gender and Equality Commission (NGEC) had a deaf person. The National Land Commission (NLC) also has somebody with disabilities. The Head of State has tried to balance and bring on board the so-called marginalised groups. He has even gone a step further to try to balance the different categories of persons with disabilities. In the Office of the Ombudsman, we have a visually impaired person. In the NGEC, we have a deaf person. Here I am, with physical disability. Hon. Mwaura, who is a person with albinism, is in the Senate.

The President has tried as much as possible to make sure that Kenya moves together and no one is left behind. That is why we support such nominees by him. He means well for this country and for the so-called marginalised. I can see the name of a Maasai, Kikuyu, Kalenjin and Meru. The list is regionally balanced. Given the fact that we have only eight nominees, we cannot include all the 44 tribes that are in Kenya. At least, in terms of regional balance, the Head of State has really tried. That is why I urge this House to approve the nominees.

Hon. Temporary Deputy Speaker, thank you very much for giving me this opportunity. I support the nominees. I congratulate the Committee for doing a good job in terms of vetting. I was a friend of the Committee, and I saw their intelligence and diligence in doing their work.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Member for Siaya, Hon. (Dr.) Ombaka.

**Hon. (Dr.) Christine Ombaka** (Siaya CWR, ODM): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. I want to support this, but with apprehension. It is true that when vetting takes place, we look at certain things. We look at the education of the individual. We look at age, gender and regional balance. Those are basically the factors that we consider when vetting nominees that the President has forwarded to the House. Even though the nominees are eight, and a majority of us support them, we still have to recognise the fact that the list is not regionally balanced. Gender-wise, everything is okay. We have four women and four men. That is fantastic. The President has done a great thing on that front by considering women for these positions. But when it comes to regional balance, there are eight names which if you look at clearly - I could be wrong, but I have tried to check so that I am fair in my comment - there are three nominees who come from one community and the other five are spread out. So, regional balance is not taken care of very well. We are supposed to help the President de-tribalise this country and ensure that every tribe is represented and not repeated. If they are eight, we are not asking that two or three members of the same community be nominated and that is fine. We still need to point out those weaknesses so that in the next appointment, the President does not

make those mistakes. We also do not want committees to be rubberstamps. Just because the President has come up with a list of his nominees and he has included more names from one community it does not mean that he is right. It is our responsibility to point out that, that is not correct and if there is an opportunity for him to change names, it should be allowed. So, the committees should point this out to the President so that he does not make the mistake again and again.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Kwenya, Member for Kinangop, what is out of order?

**Hon. Zachary Thuku** (Kinangop, JP): Thank you, Hon. Temporary Deputy Speaker. We cannot judge the Report by the fact that the names do not seem to be from certain regions. Therefore, I want you to declare the Member for Siaya out of order for trying to insinuate that the President did not consider regional balance.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Thuku, I do not think you are on a proper point of order.

**Hon. (Dr.) Christine Ombaka** (Siaya CWR, ODM): Thank you. I do not think you heard me right. I said I have looked around, but maybe, I could be wrong. I said that.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Member for Siaya, proceed. I did not hear any plausible point of order.

**Hon. (Dr.) Christine Ombaka** (Siaya CWR, ODM): I was saying that maybe, in future, we need to point out that to the President, so that there is no repetition of certain communities being appointed all the time.

Secondly, I have observed that even though we may support this, in the subsequent appointments, let us document and ensure that all the names that will pass through this House from now to 2022, when Parliament's term ends, are from the 45 communities. We should ensure that no community will outshine others. If we can document every appointment that passes through Parliament, then we can be sure that we shall control the appointments in a fair manner, so that no community complains about the appointments. The purpose is to help us de-ethnicise appointments so that ministries are well represented and everybody will be happy.

**Hon. Onyango Oyoo** (Muhoroni, ODM): On a point of information, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Onyango Oyoo, Member for Muhoroni, you want to inform the Member for Siaya?

**Hon. Onyango Oyoo** (Muhoroni, ODM): With your permission, Hon. Temporary Deputy Speaker, I wish to inform my good colleague from Siaya that this appointment, for the first time, is very balanced. Even her interest is well taken care of. Walter Ogonny comes from Siaya. She has nothing to grumble over.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): That is a point of argument. You are out of order.

**Hon. (Dr.) Christine Ombaka** (Siaya CWR, ODM): That is why I keep telling you to listen first. I said, 'Please listen. I could be wrong'. I said that at the beginning. Let me continue. Do not interrupt unnecessarily.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Members, you must remember that the Constitution actually speaks to what the Member for Siaya is speaking to, which is that appointments must take cognisance of the regions of this country. So, there cannot be anything out of order in her making that contribution.

Proceed, Member for Siaya.

**Hon. (Dr.) Christine Ombaka** (Siaya CWR, ODM): Thank you for your defence. I still want to highlight the fact that by the end of this Parliament, the appointments that will have gone through here should show that all the 42 communities are represented, be it to commissions, or as ambassadors or permanent secretaries. We ought to have a database as to which communities have already been appointed and which ones are pending. So, in the next five years, let us try to correct by balancing, so that we can acknowledge ourselves and appreciate our role in Parliament as an oversight body.

Finally, it has been highlighted a lot about the role of IPOA and the fact that many policemen have suffered in terms of having no houses and poor salaries. This is the role that they should play as a commission to ensure that they also work together with the Salaries and Remuneration Commission (SRC). They should send those messages to that commission and ensure that the salaries of policemen are reviewed and improved. Police reforms are necessary. We have seen the tragedies that go on. Families are being killed, but policemen cannot reach at the site because they have no vehicles and petrol. So, we may be blaming the policemen for not doing their work perfectly, but we must understand that they are working under difficult circumstances. They do not have vehicles or petrol and they are completely powerless.

Sometimes they want you, as an individual, to give them a lift. I do not know if it is fine to give a policeman a lift to go and arrest somebody. I do not know if that is allowed. They are going through hard times. We see a lot of policemen killing themselves and families. There is a lot of crime that is committed by policemen. These are part and parcel of the frustrations that they go through and they can be minimised if we took care of them. I believe the newly appointed members to IPOA will live to our expectations and ensure that the job is well done.

Otherwise, thank you for giving me this opportunity. I support it, but with that reservation.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Very well. We shall have Hon. Koyi Waluke. I hear people saying that Hon. Waluke is a Member of the Committee, but I have not seen anywhere in the rules where you have, as a House, resolved that Members of a particular committee should not contribute in the House.

However, it is only fair that if you are Members of the Committee, you should allow Members who have not participated in the committees a fair chance to comment on your reports but since I have already given him the opportunity, let him prosecute his contribution.

**Hon. John Waluke** (Sirisia, JP): Thank you, Hon. Temporary Deputy Speaker. You know, my friend Hon. Gikaria is always controversial in everything.

I support this Report and request my colleagues to approve the list of nominees. Hon. Temporary Deputy Speaker, we went through the application of every nominee who appeared before us and they satisfied us during the interview. The President tried because he could not nominate 42 commissioners. He only wanted eight. We are Members of the National Assembly and should not be tribal. I heard some talk about a nominee's integrity while she worked with the Independent Electoral and Boundaries Commission (IEBC) and let us not go that route. When commissioners are appointed, they are Kenyans and deserve it. So, I support.

As a Member for Sirisia, I am going to miss the former IPOA because it was doing a very good job. I like somebody who can stand by his word. During the 11<sup>th</sup> Parliament, the former IPOA rejected the recruitment of police officers. I was in the same committee then. We summoned them to appear before us and I asked its Chairman who had appointed him to that position. He answered that the President. I asked him why he was rescinding and he said that the

recruitment was flawed. They stood by their word and even when it came to the House, they did not change their stand and that was an authority that would take this country forward.

We appreciate what they have been doing. I think the next Authority will also follow suit. I am sure the President has appointed people of integrity. When we interviewed them, we tried to interrogate them whether they will also follow suit as the former Authority and they said yes. They said they will not give room for manipulation even from the Committee's Chairman. So, this country needs IPOA as it was before.

Let Members not blame the police. Police officers are our brothers and sisters. We come from same localities and they are human beings like you and any other Member. So, mistakes can be committed by anyone, but this is a very able Committee. We are doing many things to ensure that we rectify what Members are raising here. This year, we gave the Ministry for Interior and Coordination of National Government a lot of money to ensure that police get houses and other allowances.

We want to ensure that our police officers are comfortable. We have planned to visit prisons. We want to rectify problems that are ongoing. We want this House and the Kenyan people to know that there is a Committee on Administration and National Security that is very able. We will do our part. We are happy that the President is supporting us. I would like to tell my colleagues in this House that all is well. We will ensure that we reform the police service and meet their needs such as vehicles.

So, I support this Report. Thank you.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Very good contribution. We shall have the Member for Bomet Central, Hon. Tonui. Hon. Member, Dagoretti is much lower. You pressed your button for attention much later than the Member for Bomet Central, so you may have to wait a little, but we have time and you will speak.

Proceed Member for Bomet.

**Hon. Ronald Tonui** (Bomet Central, JP): Thank you, Hon. Temporary Deputy Speaker. The Member needs to be assured that patience pays. Kindly be patient.

I support this Report by the Committee because we have trusted them that whatever they have written in it is factual and true. So, if they have established that issues of integrity, fairness and academic qualifications are sorted out in all these appointments and well taken care of, then, I have no otherwise, but to support the appointment of these people. We need IPOA to protect the rights of the members of the public so that they are not harassed unnecessarily by the police as they perform their duties, the way we see people in Uganda being harassed. I believe the same should not be extended to this country. We need to ensure that IPOA performs its mandate.

I have heard a lot about the previous IPOA commissioners. I do not believe they made so much impact. The last time when they were reporting their performance, I heard something to the effect that they were only able to prosecute one case successfully. Possibly, it is that one on police recruitment. They were not able to prosecute the rest. That means they were toothless. They performed below par and below expectation. We do expect the incoming commissioners to perform better. From the list, I know one person, Hon. Waiganjo. We served together in this Parliament in the 11<sup>th</sup> Parliament and he is a very good legal mind. He is a very sharp person. He is also a very humble person and a great debater. I believe his presence in the Authority will add value. That is why I support the list.

The issue of gender is well addressed here. There is gender balance. Possibly, even in the next Parliament, we may need to have it balanced. Possibly, we may need to have every constituency having ladies competing on their own and men on their own so that we can have

50:50 ratio in this House. We do need to support that because those are our daughters, sisters and mothers. We need to have a ratio of 50:50 by having a lady and a man in each constituency in this country. Apart from that, I believe IPOA needs to also address issues of working conditions of policemen. They are also not enjoying the environment in which they operate. Possibly, that is why they are stressed up and they harass members of the public. Imagine policemen sharing houses. I once visited my brother working somewhere in Embu. Although they had beautiful houses in the AP camp, every room in each of the houses was occupied by an officer with their families. Each bedroom was being occupied by a family. The sitting room was also being occupied by a family. With such kind of an environment where there is no privacy and nowhere for the officers to relax, how do we expect police officers to perform? The IPOA should act as a trade union for the police officers because they are not allowed to join trade unions. The IPOA should articulate the issues of police officers to ensure that their working environment is improved so that they can concentrate on their work of providing security in this country.

Even the issues of salaries need to be looked into. When we hear that the starting salary of a police officer is Kshs17,000, we know that it is really unfair. I understand even the gardener for the Chief Justice earns a minimum of Kshs75,000. Surely, a policeman needs to be around that range and not very far. Of course, the teachers of this country, who are underpaid, also need to be somewhere there. That needs to be harmonised. I do not understand why we have the SRC which is unable to harmonise salaries in this country. That needs to be looked into to ensure that our officers serve when they are well motivated.

They also need to look at the issue of fairness. There is a tradition and habit which has started of policemen arresting people - both the mighty and the lowly in the society - on Fridays, so that they can ensure that they spend the weekend in police cells from Friday up to Monday. The arrest should not be used as a way of punishment. Why not arrest them on a Monday and sort them on Tuesday in the courts? I believe that can serve the issue of justice but not to imprison people on Friday and then avail them on Monday. That can be seen as a bad intention. In fact, it is malicious.

With those few remarks, I wish to support and donate my time to my colleague from Bomet, who is my county Member of Parliament, because I still have some few minutes.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Tonui, you have no capacity to donate any time. We shall have Hon. Waweru Kiarie now.

**Hon. John Kiarie** (Dagoretti South, JP): Thank you very much, Hon. Temporary Deputy Speaker. I do not take it for granted that I have this opportunity to actually support the approval of the nominees for appointment as the Chairperson and members of IPOA.

It is not lost to us that IPOA is a constitutional authority. It comes fully loaded with its mandate as provided for by the Constitution. A lot has been said here this afternoon about some of the duties that IPOA needs to perform. I would like to add that at a time such as this, the second dispensation at IPOA will also have to conduct some very special roles. Key among them is, of course, to restore the lost glory of the policing service. A long time back, we all knew the police force as one of the most prestigious places to work at. This is a lost glory that we need to bring back to this amazing service of this country. Beyond that, looking forward, we are realising that even as we develop as a country, our security agencies are not developing as fast as criminals are innovating. So, IPOA will need to preside over and oversee a dispensation that will keep up with the new forms of crime that are coming up, most of which are being catalysed by development in technology. As such, IPOA will have to play a very special role as they oversee the police service.

The plight of the police has been spoken about this afternoon and we all understand the conditions under which some of our brothers and sisters who are serving in the police service are working under. Members of Parliament will also have their own pivotal role to play noting that the NG-CDF has a role to play in security and we are mandated to look into the plight of our police officers who are serving in our constituencies.

Hon. Temporary Deputy Speaker, I took time to peruse through the Report and I have to say that the Chairman and his Committee have done an amazing job perusing through the CVs of the people who have been proposed for appointment by the President. Some of these people are bringing on board amazing work experience. They are bringing illustrious careers to this Authority. They are bringing amazing academic credentials. It is not lost to me that this is a list that we need to pass collectively. Issues have been raised here about individual appointees. I would like to declare that none of these appointees is personally known to me. However, I hear some of them being mentioned in bad light, but this is connected to jobs that they were doing previously. I want to single out an appointee by the name of Ms. Praxedes Chepkoech Tororey. This House has been told that this appointee served as a legal officer at the IEBC.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): It is nominee. She is not yet appointed.

**Hon. John Kiarie** (Dagoretti South, JP): This nominee because she is not yet appointed. Thank you very much, Hon. Temporary Deputy Speaker, for correcting me. This nominee served previously at the IEBC. On that account, some Members want to paint this nominee in bad light because of duties that she performed as a legal officer at the IEBC. This House should not be reduced to a House of mob justice where nominees are presented to this House and we condemn them because of duties that they performed while they were representing corporate entities that are legal entities in themselves. The IEBC at the time had serving commissioners. If the matter that was in court was an electoral issue, the IEBC also had a returning officer. As such, this individual was not appearing in her personal capacity, but as a legal officer of the legal entity called the IEBC. If there had been a legal conflict as singled out by a Member here, this conflict was not personal to Ms. Praxedes Chepkoech Tororey. That cannot be used to demean her personality or even single her out as a person not fit for appointment to this Authority.

The IEBC as a Commission also had a secretariat that had its own head. Before we go for the person who was just a mere legal officer, we can see the pecking order in this organisation. This nominee cannot be condemned for a role that she played while representing this organisation.

Collectively, the nominees - if appointed - will have a momentous task on their shoulders. The issue of extrajudicial killings comes to mind. In Dagoretti South Constituency, we have been unfortunate to suffer repeated cases of extrajudicial killings that have made it to the national headlines. In such instances, one wonders where they would report the police to because you cannot report an offender to themselves. As such, IPOA will be a critical body in policing the police. The nominees - if appointed - will be serving at a time when Kenya will be looking up to them after the first dispensation of the first nominees to the Authority. Kenyans will be looking up to them with such high hopes that they will restore the glory of the police force. We would like to get into a dispensation where our young people, when asked what they want to be when they grow up, will say that they would love to serve in the police force.

I support the approval of the nominees for appointment as Chairperson and members of IPOA. His Excellency, the President, was wise in the way he appointed the nominees considering regional representation and gender balance. Added to that, there is some good work

that has gone into this process, not forgetting the good work put in by the Committee under the able chairmanship of Hon. Koinange.

I support the Motion.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Very well. Those were good contributions. Emanating from the contributions by Hon. Kiarie, I would like Members to take into account the confidentiality of the advocate-client relationship as you consider this. It is important. It is a point that we need to consider. When advocates are acting on behalf of a client, that relationship needs to be confidential and protected.

Hon. Gikaria, you are very far. I will give you a chance. This chance must now go to Hon. Obara Akinyi, the Member for Kabondo Kasipul. You are my friend, Hon. Gikaria, but your friendship with me must also obey the House rules similar to the advocate-client relationship that I have just mentioned.

Hon. Obara, proceed.

**Hon. (Ms.) Eve Obara** (Kabondo Kasipul, ODM): Thank you very much, Hon. Temporary Deputy Speaker. I too rise to support the approval of names as presented to this House today.

As my colleagues have said, I also note that there is a 50-50 gender balance in the names as presented. I hope and believe that in future, all other appointments will follow the trend.

Secondly, I wish to note that there are pending reforms. I believe that once in office, the members of IPOA will expedite all the reforms not only for the sake of services to the people of Kenya, but also to improve on the many teething problems that the police force has experienced over the years, notably, housing, which has been mentioned by many of my colleagues. I do not have to go through that again. There is also the issue of outstanding promotions that have been a problem and caused a lot of discontent amongst the police force. Thirdly, there are issues of salaries and their working tools.

Not to belabour the points that have been mentioned and also not to take too much time seeing it is already 6.30 p.m., I support the Motion.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Finally, let us have Hon. Gikaria.

**Hon. David Gikaria** (Nakuru Town East, JP): Thank you, Hon. Temporary Deputy Speaker. Despite our friendship, I salute you. I did not vote for you. Next time in the 13<sup>th</sup> Parliament, I know you will be the Speaker of this National Assembly. We will vote for you. That is with a lot of respect to my brother, Hon. Muturi.

I rise to support the Report. I would like to thank the President. For the first time, the President has balanced nominees in his capacity. This handshake is a good thing. It is now bringing in a lot of fruits. I hope this handshake will bring us...

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Gikaria, do I hear you saying 'for the first time'?

**Hon. David Gikaria** (Nakuru Town East, JP): Completely. It is very fantastic.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): So, you maintain that?

**Hon. David Gikaria** (Nakuru Town East, JP): Yes. I just wish that in future, nominees will come like that. It is a good thing. I agree with the Chair. I do not know whether Members know Hon. Koinange. Hon. Koinange, the Chair of the Committee, is a very senior person in terms of homeland security. Hon. Koinange has been a Chief Advisor to the President for almost 20 years running in terms of homeland security. He will do a good job. Hon. Waluke, his Vice-Chair, is a very senior person. I appreciate the Members and what they did. I want to say that the

former commissioners of IPOA did a fantastic job. However, they missed out on some critical issues. I have no problem with the nominees.

Hon. Temporary Deputy Speaker, there is a hunger strike currently in one of the prisons. Why are they complaining? The prisoners are complaining of mistreatment by service personnel. How true is it? That is the work of IPOA. We need to have this Authority in place as soon as possible, so that they can address these issues. It has been alleged that two prisoners died in that prison in mysterious circumstances after being beaten up by prison wardens. These are some of the issues that IPOA needs to handle. Prisoners do not have any other right. They died in the prison. A finger was pointed at an individual and no action was taken.

During the electioneering period, many issues were raised about the police. I want to tell my colleagues that IPOA has nothing to do with the welfare of police officers. It is supposed to oversee them. The National Police Service Commission, which Mr. Kavuludi heads, is the one that is supposed to do that work. The IPOA is supposed to be vicious against policemen for their work. If they have gone against the law, then that is why we need IPOA. I was harassed by police officers. I went to a police station and recorded a statement. To date, almost five years down the line, I still have all the six Occurrence Book (OB) numbers in my pocket. Despite writing letters to IPOA, nothing was done. It is very sad because a very young child, Baby Pendo, died from police clobbering.

Look at what happened to our brother, Hon. Kibunguchy, the other day. Some thugs shot his driver thinking it was him. They went to look for the Member of Parliament. During the burial of the driver, the same police officers used the same firearm with intention to cause another death. A police officer has been given power to carry a firearm for purposes of protecting lives and property. They are the same people who attacked people who had gone to mourn somebody who died from a bullet. I hope that once the nominees are approved by the House and appointed, they will take up that matter.

Funding IPOA has always been a problem. I had an opportunity to be in the Budget and Appropriations Committee in the last Parliament. This Parliament needs to increase IPOA's budgetary allocation. I hope this time round, the Chair bargained for appropriate budgetary provisions to the Authority.

When they appeared before the Committee during the recruitment of police officers, they said that it was not procedural and that there was a lot of corruption. They went to court and succeeded. We give them credit for that. We asked them how many stations they carried out their investigations and they told us that they just did two in Nairobi, one in Kisumu, one in Nakuru and another one in Mombasa. We told them that five out of 47 counties are very few. They said that they could have done better than that if they had some resources.

I was looking at the powers of the Authority. Article 7(3) is very clear on the powers of IPOA. It says that the Authority may, in exercise of its powers under this Act, request and receive assistance from any other Government or international body. That is what they need to do. As much as they do not have enough funding, they can use the provisions of the Act to get funding. That is a very critical component. If they do not have enough funding, they can source it from elsewhere.

If this House approves these nominees and they are appointed, they need to look at the functions of this Authority. The IPOA Act stipulates its functions. That is what they need to read. They need to get copies of the Act, read it, and particularly the functions under Article 6. The first Authority failed to execute the functions provided which say that IPOA should conduct inspections of police premises, including detention facilities. I know that you have visited some



police cells, but you have never been an inmate. I have been one, but not as a criminal. I was arrested while fighting for the rights of my people. I have been placed in those cells several times. If you go to the cells, you will be surprised. We are happy because the Chairman has brought some changes. There is some progress. They also want to have toilets facilities within the cells. About 100 prisoners use a bucket the whole day. That is why IPOA needs to visit some of the cells. I am saying this because I have been in that place. If you stay in a police cell for 10 minutes, when you get out, you will need a lot of things to clean yourself and get rid of the smell. It is part of the things that they are supposed to be doing. Some of the issues most suspects have always been complaining about are that when they are arrested, and there are no charges, a police officer says that they had rolls of *bhang*. Some rolls of *bhang* are placed in the pockets of the suspect by rogue police officers. So, it becomes very difficult for suspects. If you look at the membership of the Authority, you will realise that it has a chair, who has qualifications to be appointed as a Judge of the High Court. There are other issues which are so important for this Authority.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Gikaria, you have raised very important points. The IPOA should benchmark in police cells rather than visit other countries. The commissioners should spend a night or two in police cells, so that they can understand what they are supposed to do. Your contribution is well noted.

We shall have Hon. Emanikor Akai, Member for Turkana.

**Hon. (Ms.) Joyce Emanikor** (Turkana CWR, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me this chance to contribute.

I rise to support this Special Motion of approving the nominees for appointment as Chairperson and members of IPOA. I can see Hon. Waiganjo, whom I know to be a level-headed, astute and very resourceful man. He will help the Authority. I also want to single out Ms. Praxedes Chepkoech, so that we exempt her from the blanket vilification or castigation that we sometimes tend to do in this House. I want to note the gender balance and other diversities. I appreciate the consideration of our President. Article 244 of the Constitution calls for the highest level of discipline, professionalism, transparency and accountability in the police service. That is why IPOA was established through an Act of Parliament in 2011, Act No.35 of 2011 to provide a civilian oversight over police work. It was established with the expectation that a civilian oversight Authority will promote public trust and confidence in the National Police Service Commission.

Hon. Temporary Deputy Speaker, we know very well the conditions the police live in. It should be part of the mandate of IPOA particularly looking at the welfare of the police. I know one of the items they are supposed to do is inspect police premises, their work stations and their residential areas just to see if they meet the required standards.

One of the concerns Kenyans have is the rise of cases of homicide, suicides and killings among the police and their families some of them caused by love triangles and some occasioned by the state of affairs in which they live in the camps. Many of them live in the same house and many conflicts arise from that. I hope the new Authority will look at that and at the extrajudicial killings. It is shameful that in 2016, the police in Kenya killed more people than those killed in England and Wales combined for 10 years. That was a big shame.

**Hon Aden Duale** (Garissa Township, JP): On a point of order, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Leader of the Majority Party, what is out of order?

**Hon. Aden Duale** (Garissa Township, JP): Hon. Temporary Deputy Speaker, I do not want to interrupt Hon. Emanikor. I have said many times that this is a House of records and facts. Hon. Emanikor has made a serious allegation that the police force in Kenya killed more people than in the United Kingdom. Unless she has the statistics and tables them, she needs to withdraw and apologise to the police.

**Hon. (Ms.) Joyce Emanikor** (Turkana CWR, JP): Hon. Temporary Deputy Speaker, I will not withdraw because I have the facts which I can table in the House. There was a report and it was even in the media in 2016.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Emanikor, the Leader of the Majority Party has made a valid point. This is an entire force that you say has killed. This is a serious allegation. It is a felony to kill citizens. If you are saying that they have killed, it is also proper to lay a basis for it.

**Hon. (Ms.) Joyce Emanikor** (Turkana CWR, JP): I got it from a research and also from the Kenyan media.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Then Hon. Emanikor, you may have to withdraw because that is not the way we substantiate things.

**Hon. (Ms.) Joyce Emanikor** (Turkana CWR, JP): Hon. Temporary Deputy Speaker, I stand guided and I withdraw.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Very well. Proceed.

**Hon. (Ms.) Joyce Emanikor** (Turkana CWR, JP): Hon. Temporary Deputy Speaker, part of the mandate of this Authority is to monitor disciplinary processes among police officers in the force and look at the use of excessive force, which we have all witnessed. They should also look at the various issues including deaths and injuries that arise from police action.

I support the Report.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Leader of the Majority Party.

**Hon. Aden Duale** (Garissa Township, JP): Thank you, Hon. Temporary Deputy Speaker. I support the Motion. As I rise to support the Report of the Committee on the vetting of the chairperson and members of IPOA, the names of the nominees have been submitted to the House in accordance with the Constitution. Article 250(2)(b) of the Constitution and Section 11(5) of the IPOA Act, No.35 of 2011 and Sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act No.33 of 2011 provide for this.

I thank the Chair and his Committee Members for doing diligent work. Hon. Washiali, Hon. Kioni and I played a big role when these institutions were being born in the 10<sup>th</sup> Parliament. The role of IPOA is to do a civilian overseeing of the police and to see whether there are excesses. The police force is a huge force so individual excesses is what IPOA is supposed to deal with. If this House approves these men and women, their first task is to find out what happened at the burial of Hon. Kibunguchy's driver over the weekend. What happened is unacceptable. We need to know if there were hired thugs who wanted to kill people or if it was an act of the police.

The police internal division and IPOA must get to the bottom of things and know what happened at that burial ceremony. We cannot allow people to shoot at leaders and injure more than five people. That is a serious thing and I am sure the Inspector-General of Police has given directives that the men and women in the police force who were on duty on that day and everybody else must undergo investigation to find out what happened. Even the various

bodyguards who were in that funeral must also be put into account to determine whether they used their weapons in an excessive way or not.

The current Minister of Interior and Coordination of National Government, Hon. Matiang'i, men and women in the National Police Service Commission and the commanders should now develop good rapport with the men and women we are going to approve here. If you look at the CVs of all these people, they are all qualified to hold the positions. So, IPOA should not be a rubber stamp. It must do what it is supposed to do in accordance with their mandate as provided for in the Constitution and in the IPOA Act of 2011. I am sure in remote parts of the country police engage in some excesses which they must individually be culpable of. That is why I raised a point of order when Hon. Emanikor used the privilege of the House to inform us what is in the media. As leaders, we must protect the police. The police force is part and parcel of the Kenyan society. They are our sons and daughters. When they commit an offence outside their jurisdiction, they must be held accountable individually and not as the police force.

At this juncture, I want to thank the National Police Service Commission, the Inspector-General of Police, his two deputies and the Directorate of Criminal Investigation (DCI). Under their leadership, Kenya is a safe place to live in compared to previous years. I am sure working with other multi-sectoral agencies like the Kenya Intelligence Service and the Kenya Defence Forces they have secured our country both internally and externally. Our forces are in Somalia. That is why all of us, as a House, should give these agencies the relevant legislation and resources. The ultimate goal of every Government and every country is to make sure that the lives and property of its citizens are protected. I am sure the men and women this House will ultimately approve are up to the task. I am sure where the Chairman, Mr. Njeru Macharia, left, they will do it far much better. I thank Mr. Njeru Macharia the former Chair of IPOA and his commissioners for a job well done. I am sure when the history of IPOA is written, Chairman Njeru and the rest will be remembered for their immense contribution in making sure that they fulfilled their mandate.

With those remarks, I support.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Jomo Washiali, what is out of order?

**Hon. Benjamin Washiali** (Mumias East, JP): Hon. Temporary Deputy Speaker, I have been sitting here patiently and at one point I had requested to speak. I have been following my colleagues' contributions and I find that there is a bit of repetition that is now taking place. I now wish that we call upon the Mover to reply, so that we can end this Special Motion.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Is that the mood of the House?

**Hon. Members:** Yes!

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): If that is the mood of the House, then it is in order. Also, looking at the time that had been allotted to this Order, we have literally used it up. So, it was actually time for the Mover to reply. It is in order for the Mover to reply. However, the Mover has an opportunity to allow some of the Members who have not spoken, to speak, for example, Hon. Oyoo, who has been sitting here patiently. When it was his time to contribute, I decided to give information which was not available to him. You can now give him a minute or so to contribute so that his voice is also heard on this.

**Hon. Paul Koinange** (Kiambaa, JP): Thank you, Hon. Temporary Deputy Speaker. I will give one minute to Hon. Oyoo, one minute to Hon. Kioni, one minute to Hon. Arbellle and a minute to the Member for Bomet.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Oyoo, you can start.

**Hon. Onyango Oyoo** (Muhoroni, ODM): Thank you, Hon. Temporary Deputy Speaker. This is the time you know your friends and adversaries. I thank the Chair although I did not have the benefit of sitting here to influence him like my friend, Hon. Gikaria, did. This is something I wanted to contribute. The IPOA is one of the constitutional bodies that were formed and a lot of money has been expended on it by the Government, but people think it is Parliament that is gobbling it.

The last body of my good friend, Macharia Njeru, did not live up to expectations of this country. Its purpose was to regulate excesses of the police and also to ensure that the police were taken care of, namely, they were helped to go about their duties without interference. A few months after inception, the police forgot and went back to the old habits of harassing the public.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Oyoo, it is just a minute, it is not the 10 minutes that everybody else had.

**Hon. Onyango Oyoo** (Muhoroni, ODM): We hope this new team will ensure that this is something of the past and the police force observes the law.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Oyoo, your time is over. Member for Ndaragwa.

**Hon. Jeremiah Kioni** (Ndaragwa, JP): Thank you, Hon. Temporary Deputy Speaker. I have two things. One is that this institution is a product of the 2010 Constitution. Listening to the very many contributions that were made by Members on the Floor, it is clear that many of us do not understand the role of IPOA. The new commissioners must undertake civic education so that people can understand what they have been put in office to do.

Secondly, Section 4 requires that they conduct their work impartially. Even as they take on the police, they should not intimidate them. They must be impartial.

Thank you.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Straight to the point, Hon. Member for Ndaragwa. Hon. Arbelle Malimo.

**Hon. Marselino Arbelle** (Laisamis, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. I rise to support the approval of the nominees. The NPSC and the IPOA were created following the outcry of the public for reforms in the police force due to many allegations that the police were mistreating members of the public. I wanted to talk more, but because of time factor, I am constrained.

I support the Motion.

Thank you.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Member for Bomet.

**Hon. (Ms.) Joyce Korir** (Bomet CWR, JP): Thank you, Hon. Temporary Deputy Speaker. I congratulate the Committee for the wonderful job it has done on the vetting of the nominees. I am lucky to have been married by a police officer and we have stayed together for almost 20 years. A number of issues that have been raised by Members in this House are true, for example, sharing of rooms. One major issue that I want to raise is the one touching on the review and the functioning of internal disciplinary process where a police officer undergoes vigorous training, but after the training, they are chased away when they do a small mistake. That is why we have a lot of thugs in the country. This is because of the harsh disciplinary actions that are taken against them.

Thank you.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Very well. Mover!

**Hon. Paul Koinange** (Kiambaa, JP): Thank you, Hon. Temporary Deputy Speaker. I thank Members for the way they have supported this matter of IPOA. My Committee is confident that these nominees, if approved, are going to deliver and do good things for this country. Many things have been mentioned about the situation of our police officers. It is true. The Committee is also addressing the issues of reforms and this will be going on until we make sure that things change for the better.

On the performance of IPOA, it is only the other day that we increased their budget because we saw that they needed more money to perform their mandate.

I beg to reply. Thank you.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Very well. Hon. Washiali.

**Hon. Benjamin Washiali** (Mumias East, JP): Thank you, Hon. Temporary Deputy Speaker. Looking around, I realise that we may have a problem. I, therefore, stand under Standing Order 53(3) and request that you put the Question during the next sitting.

Thank you.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Members, I accept the proposal by Hon. Washiali. Therefore, I direct that the next necessary steps in this Order be taken when the matter is set down again next time.

*(Putting of the Question deferred)*

#### ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Members, the time being 6.59 p.m., this House stands adjourned until tomorrow, Thursday, 23<sup>rd</sup> August 2018, at 2.30 p.m.

The House rose at 6.59 p.m.