

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 12th July, 2007

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:-

Annual Report and Accounts of National Environment Management Authority (NEMA) for the year ended 30th June, 2006, and the certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister for Health
(Dr. Machage) on behalf of the Minister
for Environment and Natural Resources)*

Annual Report and Accounts of the Kenya Dairy Board for the year ended 30th June, 2006, and the certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister for Health
(Dr. Machage) On behalf of the
Minister for Agriculture)*

Annual Report and Accounts of Jomo Kenyatta University of Agriculture and Technology (JKUAT) Enterprises Limited for the 14 months ended 30th June, 2006, and the certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts of Higher Education Loans Board for the year ended 30th June, 2006, and the certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts of Western University College of Science and Technology for the year ended 30th June, 2005, and the certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts of Western University College of Science and Technology for the year ended 30th June, 2004, and the certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister for Health
(Dr. Machage) on behalf of the
Minister for Education)*

Annual Report and Accounts of the Municipal Council of Maua for the year ended 30th June, 2005, and the certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts of the County Council of Mwingi for the year ended 30th June, 2006, and the certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts of the Town Council of Kikuyu for the year ended 30th June, 2004, and the certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister for Health
(Dr. Machage) on behalf of the
Minister for Local Government)*

QUESTION BY PRIVATE NOTICE

DISAPPEARANCE OF RHINO HORN TROPHIES FROM MERU NATIONAL PARK

Mr. Maore: Mr. Speaker, Sir, I beg to ask the Minister for Tourism and Wildlife the following Question by Private Notice.

(a) Under what circumstances did seven rhino horn trophies disappear at the Meru National Park on the 17th February, 2007, seven days after the inventory was taken?

(b) What action has been taken to recover the trophies given that the security department facilitated the smuggling and cover-up?

The Assistant Minister for Tourism and Wildlife (Mr. Muriungi): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that the rhino horn trophies disappeared from Meru National Park on 17th February, 2007. The State has charged two Kenya Wildlife Service (KWS) staff with theft under Section 281 of the Penal Code, Cap.63, Laws of Kenya. The case No.C/R 471/185/07-CF 259/07 was heard in Meru Court on 4th July, 2007. The prosecutor applied for an adjournment and the case is listed for hearing again on 1st August, 2007.

(b) The two officers who are currently on suspension were released on a cash bail of Kshs50,000 each. Investigations are still going on.

Mr. Maore: Mr. Speaker, Sir, the issue that should concern the Government and the KWS is part "b" of the Question. When the disappearance of the rhino horn trophies was discovered they never invited the police to investigate the issue. Secondly, they sent a team from Nairobi to go and investigate quietly to check whether there had been a leakage of the transaction that happened. This idea of charging people is an afterthought. Could the Assistant Minister state how concerned they are and where those trophies are because they are not like liquid which you can pour on the ground then it just sinks?

Mr. Muriungi: Mr. Speaker, Sir, I appreciate the seriousness of this incident. Incidentally, this area where the Meru National Park is found, is shared by Mr. Maore and I although, this is a national issue. I tried to call the senior warden this afternoon. Unfortunately, he could not give me more information than there is on this written answer. So, I think the hon. Member will have to bear with us as investigations continue. We will also wait for the outcome of the hearing on 1st August which is less than three weeks away.

Capt. Nakitare: Mr. Speaker, Sir, game trophies were banned from being put up for sale or for export by this Government. There are so many piles of game trophies including rhino horns under the care of the KWS. What is the Ministry doing about those piles of trophies that could have generated good revenue for this country?

Mr. Muriungi: Mr. Speaker, Sir, I think Capt. Nakitare is very aware of the role that Kenya is playing towards eradication of hunting of animals like rhinos. Recently, we led the world

in condemning these incidents at the Hague. The Wildlife Act, which is being prepared, is addressing these issues on how we shall dispose of the game trophies and other proceeds from our heritage in our game parks. This issue will be addressed in the law which is under preparation.

Mr. Mukiri: Mr. Speaker, Sir, I do not know the value of these trophies. If you listen to the answer that has been given by the Assistant Minister, it seems like the trophies are already lost. The theft took place sometimes in February. We are now in July and the Government is still talking about investigations. The Assistant Minister talked about punishment. Could he enlighten us on whether there is hope of recovering these trophies because almost five months have passed. They are now talking about punishment instead of recovery.

Mr. Muriungi: Mr. Speaker, Sir, I agree that punishing these KWS staff is not enough because the value of the trophies in question is very high. I tried to call the senior warden personally this afternoon. Unfortunately, he could not tell me whether the trophies have been recovered or not because he insisted that this matter is before court. I will pursue the case further to ensure that these trophies are recovered.

Mr. Maore: Mr. Speaker, Sir, when the theft was reported, it was an operation done from the headquarters. I want to state here categorically that there is no case before any court in this country. Secondly, these are police file records. The case has never been taken to court. If the Assistant Minister is saying that the matter is before court, where do we go from here? The reference numbers given here are for police file records. Could we be told which police station these files are? Why not Maua? Why go to Meru Town which is 70 kilometres away?

Mr. Speaker: I think we have been at this for too long. I believe that what the Assistant Minister has read is believable to be a court record. The hon. Member can also help the House and the country by establishing that it is not the fact then come back to me.

Proceed, Mr. Assistant Minister.

Mr. Muriungi: Mr. Speaker, Sir, I believe that prosecutors serve through courts. Since the prosecutor was asking even for another day for the listing of this case, definitely this case is in the Meru Court. I undertake to pursue this case personally by visiting this warden and get further information.

ORAL ANSWERS TO QUESTIONS

Question No.312

HARASSMENT OF KENYAN SOMALIS BY TANZANIAN IMMIGRATION OFFICERS

Mr. M.Y. Haji asked the Minister for Immigration and Registration of Persons:-

(a) whether he is aware that Kenyans of Somali descent visiting Tanzania are frequently subjected to arrest and detention particularly over the past six months;

(b) whether he is further aware that the Immigration Department in Tanzania imposes the words "*persona non grata*" on the passports of the arrested Kenyans making it impossible for such person(s) to travel with the same passport; and,

(c) what steps he is taking to stop these arrests.

The Assistant Minister for Immigration and Registration of Persons (Mr. Mwaboza):
Mr. Speaker, Sir, I beg to reply.

(a) I am aware that several Kenyans, including three of Somali origin, namely: Goh Derrow Ibrahim; Muhammed Adeb Kulmiye and Gure Hassan Mursal, mentioned by the hon. Member were expelled by Tanzania authorities after being declared prohibited immigrants.

(b) I am aware that passports belonging to a number of Kenyans were endorsed with the words "*persona non grata*" by Tanzanian authorities. The decision to grant right of admission and stay of foreigners in a sovereign state is the preserve of that particular state. The Republic of Tanzania is a sovereign state and Kenya cannot prevail upon her to admit persons it considers and declares prohibited immigrants.

(c) My Ministry has, however, met with the Ministry of Foreign Affairs and six such cases have already been forwarded to the Tanzanian authorities for intervention. The cases tabled by the hon. Member have also been forwarded to the Ministry of Foreign Affairs for further action.

Mr. M.Y. Haji: Mr. Speaker, Sir, it is interesting that today we are being told that they are aware. Nonetheless, I feel the answer is negative and collaborative with the authorities in Tanzania. We are not asking the powers and authorities of a sovereign state this Question. In the spirit of the East African Community (EAC), is it in order to defile the passports of these gentlemen? Since the words "*persona non grata*" have been stamped on their passports, they cannot travel anywhere else in this region. Is the Assistant Minister in order?

Mr. Mwaboza: Mr. Speaker, Sir, ordinarily, when people travel to other foreign states and the authorities there, stamp the words "*persona non grata*" on their passports, normally, there is a notice of seven days given to them to regularise whatever they have been asked by that Government. In the event they do not fulfil these orders, that is when now their passports are confiscated and stamped "*persona non grata*". However, we had a high-level delegates meeting with our Permanent Secretary, the Chief Immigration Officer and His Excellency the Ambassador to Kenya, Mr. Mbaya, on 20th December, 2006, to discuss this matter, among others.

Mr. Maore: Mr. Speaker, Sir, could the Assistant Minister clarify between the two issues? This is because if you have the words "*persona non grata*" inscribed on a passport, it means that the person has been in Tanzania and he has been caught in some serious crime or implicated in investigations and then they exclude him from being a resident there. But, if we are having people who are just crossing the border and their passports are stamped "*persona non grata*", it is very serious and irregular. So, could he clarify between the two positions?

Mr. Mwaboza: Mr. Speaker, Sir, on perusal of the documents that were tabled here by the hon. Member and those in the file, it is indicated that they had already crossed to Tanzania. Maybe when they were detected that is when the words "*persona non grata*" were stamped on their passports.

Mr. M.Y. Haji: Mr. Speaker, Sir, could the Assistant Minister clarify whether the Kenya Government is taking care of the interests of its own citizens because these people did not commit any crime? Apart from being expelled from Tanzania, their money was even taken away. Could he tell us what this Government is doing to ensure that Kenyans are not mistreated in Tanzania and other East African countries?

Mr. Mwaboza: Mr. Speaker, Sir, as I have said, we had a meeting with Tanzanian authorities through their embassy here. It shows that we are actually safeguarding the interests of our citizens abroad. Secondly, in the spirit of the East African co-operation, we believe that we will harmoniously resolve these issues. So, it is within the Ministry of East African Community (EAC) as well, to follow up this matter. On the issue of money that is alleged to have been confiscated by the Tanzanian authorities, that is a criminal act and ought to have been reported to the relevant authorities.

Mr. M.Y. Haji: On a point of order, Mr. Speaker, Sir. I am sorry my brother is making the same mistake. In my letters, I reported that money was taken away from them. Where else can I go to report again? Is he in order to say that I report this theft to the relevant authorities?

Mr. Mwaboza: Mr. Speaker, Sir, it is that person who makes that allegation to report it within the jurisdiction of that state, if the money was confiscated by the Tanzanian police.

Mr. Speaker: Next Question by Mr. Ochilo-Ayacko!

SUPPLY OF CLEAN WATER TO
AWENDO TOWNSHIP RESIDENTS

Mr. Ochilo-Ayacko asked the Minister for Water and Irrigation:-

- (a) what the Ministry is doing to supply residents of Awendo Township with clean water; and,
- (b) how much money the Government has set aside for the exercise.

The Minister for Water and Irrigation (Mr. Katuku): Mr. Speaker, Sir, I beg to reply.

(a) My Ministry is undertaking a detailed design of an expanded Awendo Town Water Supply. The existing water supply, which is partially completed, gets water from a borehole source that does not have adequate yield to meet the increased water demand for the town. River Sare has been identified as a reliable and adequate water source for the expanded system. However, my Ministry will drill and equip one borehole in this Financial Year 2007/2008.

(b) Once the detailed design is completed and the cost estimate established, my Ministry will include the project in its forward budget for Financial Year 2008/2009. In the meantime, Kshs3 million has been set aside for drilling and equipping of one borehole.

Mr. Ochilo-Ayacko: Mr. Speaker, Sir, I am sure the Minister is aware that we have been talking about this matter for the last three years. My Constituency Development Fund (CDF) Committee has given this town council Kshs4 million. Could he inform the House when the drilling of this borehole will commence? Will it commence after the general elections?

Mr. Katuku: Mr. Speaker, Sir, I want to appreciate what the hon. Member and his CDF Committee have done on allocating Kshs4 million to this project. However, I want to assure him that if he wants us to drill the borehole after the general elections, we will do it. However, I want to do it immediately.

(Laughter)

Mr. Ochilo-Ayacko: Mr. Speaker, Sir, now that the Minister has agreed to drill this borehole immediately, could he start next week?

Mr. Katuku: Mr. Speaker, Sir, I want to confirm to the hon. Member that I have the money in my books and I will drill the borehole immediately.

Mr. Speaker: Next Question by Mr. C. Kilonzo!

Question No.131

COMPENSATION FOR MAN
KILLED BY CROCODILE

Mr. C. Kilonzo asked the Minister for Tourism and Wildlife:-

- (a) whether he is aware that Mr. Athanus Simeon Kivuva was mauled and killed by a crocodile in 1996;
- (b) whether he is further aware that to date no compensation has been made to his next of kin; and,
- (c) what he is doing to ensure the bereaved family is compensated without further delay.

The Assistant Minister for Tourism and Wildlife (Mr. Muriungi): Mr. Speaker, Sir, I beg to reply.

(a) Yes, I am aware that Mr. Athanus Kivuva was mauled and killed by a crocodile in 1996. The next of kin were traced by the Chief Warden at Ol Donyo Sabuk National Park. The compensation claim forms were filled and deliberated by the District Wildlife Compensation

Committee on 19th December, 2006.

(b) The claim was approved for payment by the Ministerial Compensation Committee on 28th February this year.

(c) The claim will be paid this financial year to his wife, Angelina Kivuva.

Mr. C. Kilonzo: Mr. Speaker, Sir, could the Assistant Minister inform the House how much money his wife, Mrs. Angelina Kivuva, will be paid?

Mr. Muriungi: Mr. Speaker, Sir, for the time being, the compensation is Kshs200,000. That is the current compensation rate.

Mr. Mwandawiro: Bw. Spika, tatizo la watu kujeruhiwa hata kuuawa na wanyama wa porini kama vile nyoka, ndovu, simba na fisi ni halisi na linaendelea sana, hasa katika Wilaya ya Taita-Taveta. Je, Wizara ina mipango gani halisi ya kuwafidia watu mara moja wakati wamekumbwa na tatizo kama hilo? Hesabu ya Kshs200,000 hazitoshi kumfidia binadamu ambaye amejeruhiwa na mnyama ama kuuawa?

Mr. Muriungi: Mr. Speaker, Sir, the new wildlife policy is taking into consideration the value of human life. Therefore, the issues of sufficient and timely compensation have been addressed in the new policy. This new policy will be brought to this House later.

Mr. Mwandawiro: Jambo la nidhamu, Bw. Spika. Tangu jana tumekuwa tukipelekwa kizungumkuti na Wizara hii ikisema kuhusu sera au Mswada ambao utaletwa mbele ya Bunge hili. Swali langu lilikuwa halisi. Hivi sasa Wizara ina mipango gani ya kufidia wale watu ambao wamejeruhiwa au kuuawa hata kabla ya sisi kuijadili sera anayoizungumzia?

Mr. Muriungi: Mr. Speaker, Sir, just like the compensation claim that hon. C. Kilonzo asked about, this one will be processed as soon as possible. The money is available. So, we are not wasting any time. We are doing it as soon as we have the claim processed.

Mr. M.Y. Haji: Mr. Speaker, Sir, this compensation has taken 11 years. Eleven years is a very long time. Could the Assistant Minister inform the House within what maximum or minimum period his Ministry intends to disburse these funds, in future?

Mr. Muriungi: Mr. Speaker, Sir, you will realise that the wildlife docket has been changing from Ministry to Ministry. There was a time it was under the Office of the President and another time under the Ministry of Tourism and Information. There has been a lot of changes. So, we hope that with the stability which we have now, I can assure the hon. Member that any compensation will be processed very fast because we have procedures. There will be no delay.

Mr. Kombe: Mr. Speaker, Sir, could the Assistant Minister inform this House what plans his Ministry has to immediately pay for crops that have been damaged by wild animals?

Mr. Muriungi: Mr. Speaker, Sir, as of now, there is no payment for crops that have been damaged by wild animals. However, in the proposed policy, all these things will be addressed. Currently, we are not paying for damaged crops.

Mr. C. Kilonzo: Mr. Speaker, Sir, it took my own intervention to ensure that something is done. Nevertheless, the amount being paid to the family is Kshs200,000. I understand that this amount is based on the value of life. Is the Assistant Minister satisfied that the value of the life of the late Mr. Kivuva, who was married with children going to schools, was only Kshs200,000?

Mr. Muriungi: Mr. Speaker, Sir, until we reviewed this amount, it was even lower than this early this year. However, I would like to assure the hon. Member that in the new policy which we will bring to this House very soon, the human value will be taken into account. Therefore, compensation will be commensurate to the value of a human being just like insurance companies do.

Mr. Speaker: Next Question by Mr. Kimeto!

Question No.293

COMPENSATION FOR MAN KILLED
BY STRAY LEOPARD

Mr. Kimeto asked the Minister for Tourism and Wildlife:-

(a) whether he is aware that Mr. Robert Cheruiyot Langat (ID No.3879339/66) was attacked and injured by a stray leopard on 19th June, 1995, and eventually, died on 20.6.95 in Sigorian Sub-location of Kapkelei Location;

(b) whether he is further aware that the next of kin have not been compensated despite an assurance to the Eighth Parliament that they would be paid; and,

(c) when the family of the deceased will be paid.

The Assistant Minister for Wildlife and Tourism (Mr. Muriungi): Mr. Speaker, Sir, I beg to reply.

(a) Yes, I am aware that Mr. Robert Cheruiyot Langat was attacked and injured by a stray leopard on 19th and died on 20th June, 1995. The wildlife docket has moved from the Office of the President to two other Ministries since then, including the Ministry of Environment, Natural Resources and Wildlife and the Ministry of Tourism and Information before settling now as the Ministry of Tourism and Wildlife.

During the transfer, movement of files and other documents has been very difficult to trace as most of them were either left to the parent Ministry or moved to other Ministries.

However, we have attached a letter from the Office of the President, Ref.OP.218/024/1, dated 26th July, 2000, addressed to the Director of Kenya Wildlife Service (KWS) informing him of the approval of payment to the late Mr. Robert Cheruiyot Langat once funds are released by Treasury. I kindly ask the hon. Member to ask the next of kin of the late Langat to submit documents afresh to the District Wildlife Committee. The payment will be processed as soon as we get those documents.

Mr. Kimeto: Mr. Speaker, Sir, you have heard the Assistant Minister telling us how he got confused after the file was transferred from where it was to this Ministry. He has said that some payment was made as shown in File Ref.OP.218/024/1 dated 26th July, 2000. No payment has been made. The Assistant Minister is saying that some payment has already been made. Between me and the Assistant Minister, who can investigate to find out who took the money? He is the one who made the payment. Whom did he pay the money? He should give us the name of the person he paid.

Mr. Muriungi: Mr. Speaker, Sir, I did not say that the payment was made. The approval for payment was given in 2000, but apparently, the money was never paid. I am asking the hon. Member to contact the next of kin to give us a claim and then it will be paid. So, it is upon the hon. Member to contact the next of kin, furnish us with the necessary information and then the payment will be made.

Mr. Salat: Mr. Speaker, Sir, the Assistant Minister has said that the letter that was dispatched was dated July, 2000. We are in 2007. Is there no other mechanism that the Assistant Minister can use to contact the next of kin instead of asking Mr. Kimeto to contact them? We do not have to wait this long.

Mr. Muriungi: Mr. Speaker, Sir, you will realise that the letter which was written in 2000 stated that the payment would be done after funds were released from the Treasury. These were the kind of answers that were given those days.

However, we are willing and ready to make these payments. The best person to contact the next of kin is the hon. Member. We do not have this information due to the movement which I have talked about. The hon. Member should be kind enough to his constituents and get this information for us and we shall act immediately.

Mr. Kimeto: Mr. Speaker, Sir, I would like to thank the Assistant Minister for that answer. He has requested me to contact the next of kin of this person. How much money is the Assistant Minister ready to pay to the next of kin of this man who died about ten years ago? Will he pay the money with interest? When a person kills an animal in the game park, he is jailed for seven years.

Could the Assistant Minister compensate this family and pay the money with interest? He should compensate for the suffering of this family.

Mr. Muriungi: Mr. Speaker, Sir, there is no accumulation involved. However, the figure which I mentioned to Mr. C. Kilonzo applies in this case. It is Kshs200,000.

Question No.392

UPGRADING OF GONGONI DISPENSARY

Mr. Kombe asked the Minister for Health when Gongoni Dispensary will be upgraded to a health centre.

The Assistant Minister for Health (Dr. Kibunguchy): Mr. Speaker, Sir, I beg to reply.

I am aware that Gongoni Dispensary offers services as a health centre at the moment. Funding for its renovation received for the Financial Year July, 2006 to June 2007 was that of a health centre, hence it is only remaining to be officially gazetted as a health centre and more staff deployed. This issue is already being addressed.

Let me reiterate that what is left is a mere formality. Otherwise, the facility, to all intents and purposes, is operating as a health centre.

Mr. Kombe: Mr. Speaker, Sir, the Assistant Minister is talking about funding for the Financial Year 2006/2007. No renovation has been done in that dispensary.

Could he be specific and say exactly how that money was used? He should tell us for what purpose the money for the Financial Year 2006/2007 was used.

Dr. Kibunguchy: Mr. Speaker, Sir, in 2006/2007, my Ministry released Kshs180,000 to every dispensary and Kshs240,000 to every health centre. In this case, Gongoni Dispensary received Kshs240,000.

Mr. Sambu: Mr. Speaker, Sir, I concur with the Assistant Minister that Kshs240,000 was sent to each health centre and Kshs180,000 to each dispensary for construction. When buildings are ready at health centres, for example, maternity wards and other facilities, will the Assistant Minister consider getting equipment for them from the Kenya Medical Supplies Agency (KEMSA)?

I have been to KEMSA and a lot of equipment, particularly maternity and laboratory equipment, is lying idle. Could he direct KEMSA to supply equipment to all health centres and dispensaries whose buildings are ready and which have been gazetted?

Dr. Kibunguchy: Mr. Speaker, Sir, that is something that we do. Unless there is a specific case that we need to look at, I would like to ask Mr. Sambu to give me the details. Otherwise, as a formality, as soon as a health centre is gazetted, it gets facilities, drugs, equipment and personnel.

Mr. Weya: Mr. Speaker, Sir, could the Assistant Minister tell the House what the Government's policy on the upgrading of dispensaries to health centres is? What are the requirements for a dispensary to be upgraded to a health centre? We also have the CDF money which we can put into some of these dispensaries.

Could he give us the policy and the guidelines that are required?

Dr. Kibunguchy: Mr. Speaker, Sir, in very simple terms, a dispensary offers out-patient services. A health centre offers in-patient services, namely, admission and maternity. Once we have a dispensary that has built additional rooms for in-patient services, we ask the District Medical Officer of Health to furnish us with that information. Then we gazette it as a health centre and it will start receiving drugs, equipment and personnel as a health centre.

Mr. Kombe: Mr. Speaker, Sir, the Assistant Minister has said that the health centre is only awaiting gazettement. Could he undertake to have this health centre gazetted next week?

Dr. Kibunguchy: Mr. Speaker, Sir, I do not know what the hurry is for, when the facility is working as a health centre to all intents and purposes. However, the process for gazettement is on and maybe in another three weeks, it will be officially gazetted as a health centre.

*Question No. 357*AMOUNT OF FUEL CONCESSION
RECEIVED FROM NIGERIAN GOVERNMENT

Mr. Weya asked the Minister for Energy:-

(a) how much in fuel concession the Government of Kenya receives from the Nigerian Government; and,

(b) which companies have been awarded lifting contracts of fuel in the past three years and how much revenue has been received on behalf of the Kenya Government.

The Assistant Minister for Energy (Mr. Kiunjuri): Mr. Speaker, Sir, I beg to reply.

(a) The Government of Kenya has an allocation of 30,000 barrels of Nigerian crude oil per day, pursuant to an arrangement dated 1st October, 2006, which is due to expire on 1st October, 2007, and is subject to renewal. The actual oil barrels received under this arrangement are, however, dependent on availability, and always subject to monthly nominations by the Nigerian National Petroleum Corporation.

(b) Lifting contracts were awarded to two companies in the last three years and the total commission revenues from each of these companies during the financial years are as follows:-

(i) In 2004/2005, Arcadia, Kshs41,681,000.

(ii) In 2005/2006, Vital, (SA), Geneva, Kshs50,350,000.

(iii) In 2006/2007, Vital, (SA), Geneva, Kshs40,030,000.

This gives a total of Kshs132,061,000.

Mr. Weya: Mr. Speaker, Sir, I would like to thank the Assistant Minister for his answer. What concessions is the Nigerian Government giving the Kenyan Government as a rate? How is that concession being shared between the Kenyan Government and the multi-nationals that are supplying it with oil?

Mr. Kiunjuri: Mr. Speaker, Sir, the question of concession will not arise at this particular moment. The answer I have given gives the actual amounts. However, the arrangement between Kenya and Nigeria is such that there is always a middle person who conducts this business on behalf of the Kenyan Government.

Mr. Weya: Mr. Speaker, Sir, the Assistant Minister has not answered my question. Concession means that there is a particular price which the Nigerian Government is willing to supply crude oil to the Kenyan Government. The Kenyan Government will forward this concession to a company that is going to lift the oil on its behalf. What is that rate? If you look at the commissions that are being paid, you will find that it is not worth for the Kenyan Government to get into this kind of business which is only giving it Kshs40 million a year.

Mr. Speaker: What is happening? Just a moment! Is the Government of Kenya trading with Nigerian oil, so that it does not bring it to Kenya, but sells it elsewhere? Has the Kenyan Government become a broker?

Mr. Kiunjuri: Mr. Speaker, Sir, what happens is that we are given 30,000 barrels per day. If Kenya can lift that oil and refine it in our refineries for our use, then we can go ahead and do that. However, our refineries cannot meet the requirements for processing the Nigerian crude oil.

So, instead of the Kenyan Government losing that facility, it calls for tenders and tenders the facility to agents to lift the oil on its behalf. Then we get a commission, as a Government, from whoever wins the tender.

Mr. Sambu: Mr. Speaker, Sir, it is obvious that the Kenya Government gets crude oil from Nigeria, then sells it and pockets some money. If our own refineries cannot handle the crude oil, why can we not get refineries to refine it and pay for the refining, then we can sell the refined product at a lower price to our people?

Mr. Kiunjuri: Mr. Speaker, Sir, the refinery was almost closing down, and I remember that two years ago hon. Members were up in arms asking the Government not to close it down, because people would lose their employment. What the Government is doing is rehabilitating the refinery. The reconstruction is under-way and we are in the process of tendering out to the relevant, for example, consultants. We shall then tender it out for actual rehabilitation. We are hoping that in the next few years, the refinery will be able to refine crude oil from Nigeria and Sudan.

Mr. M'Mukindia: Mr. Speaker, Sir, 30,000 barrels per day of Nigerian crude oil at US\$70 a barrel translates to about US\$2.1 million per day. This means that Nigeria is donating to Kenya US\$2.1 million per day. Could the Assistant Minister tell this House how this money is used? That is a huge amount of money in a year.

Mr. Speaker: You are saying it is how much per day? It is US\$70 per barrel.

Mr. M'Mukindia: Mr. Speaker, Sir, it is 30,000 barrels per day, and each barrel at the moment, on average, is US\$70. That translates to US\$2.1 million per day. That is the amount of money that Nigeria is giving Kenya on a daily basis. Could the Assistant Minister tell this House how the Government uses this money? It is of interest!

Mr. Speaker: They said it is only US\$40 million.

Mr. M'Mukindia: How is that possible, Mr. Speaker, Sir? How could that be possible since, as we know, in fact---

(Loud consultations)

Mr. Speaker: Order, hon. Members!

Mr. M'Mukindia: Mr. Speaker, Sir, that is why I cannot understand the mathematics, because US\$70 a barrel, in fact, is for what we might call "normal crude oil". However, the Nigerian crude oil is a premium crude oil, which means it is priced even higher than US\$70. At the price of US\$70 a barrel today at 30,000

barrels per day, that is US\$2.1 million a day, if my arithmetic is correct. This translates to almost over US\$1 billion a year; it is US\$700 million a year. The question is: Where does the Government spend this money and how?

(Applause)

Mr. Kiunjuri: Mr. Speaker, Sir, from the shouting there--- From the response coming from the other side of the House, you can know that there is an intention---

Mr. Speaker: Order, Mr. Kiunjuri! This is a very serious issue. What we are talking about is US\$21 million a day and, ultimately, the Government accounts for only US\$40 million a year. It is a serious issue and he does not shout.

Hon. Members: Out!

Mr. Speaker: Order! Order, all of you! He is not shouting! He is talking for the people of Kenya!

(Applause)

Proceed, Mr. Kiunjuri!

*(Mr. Kiunjuri moved to
the Dispatch Box)*

(Dr. Machage stood up in his place)

What is it? Can I take his point of order?

The Assistant Minister for Health (Dr. Machage): On a point of order, Mr. Speaker, Sir. I think it would be prudent for Mr. M'Mukindia to declare his interest in this subject.

Hon. Members: No!

Mr. Speaker: Order, hon. Members! There is no hon. Member who has an interest in mathematics.

Proceed, Mr. Kiunjuri!

(Mr. M'Mukindia stood up in his place)

What is it, Mr. M'Mukindia?

Mr. M'Mukindia: Mr. Speaker, Sir, I am quite willing to declare my interest. I am an expert in petroleum.

(Applause)

Mr. Kiunjuri: Mr. Speaker, Sir, first of all, I note that hon. Members do not shout and that is why I corrected myself very fast.

However, I want to explain as follows: The calculations given by Mr. M'Mukindia are correct, but they are based on the premise that Kenya gets the 30,000 barrels for free. What Kenya is supposed to do is enjoy a special rate, not even US\$70 per barrel as it is in the market today. We are given a special rate, so that we can lift---

Hon. Members: What rate?

Mr. Kiunjuri: Wait for the explanation!

Mr. Speaker, Sir, we are given a special rate. For example, we are given US\$69 to lift crude oil. Then we can sell it for US\$69.10 or US\$70; so, that is the difference we make. We are given at a lower rate, so that we lift. So, if, for example, we are able to lift 30,000 barrels, we will make, at least, US\$1 from the barrel. Out of that, we tender to agents to go and lift on our behalf. What they make out of that US\$1 is what we also charge them. We ask them to tell us how much they will give us. If four companies go and tender and tell us: "We are going to give you 20 cents out of the US\$1", we take the highest. That is why you see the discrepancy between the billions that we expect and the millions we are getting.

Mr. Raila: Mr. Speaker, Sir, I want to declare interest here because I was involved in the negotiations of this deal.

Mr. Speaker: That was official, Mr. Raila! It was not personal! It was official; so, you are right.

Mr. Raila: Mr. Speaker, Sir, the facts here are that we are given to lift at a lower rate than the market rate. But if you look at 2004/2005, 2005/2006 and 2006/2007, you can see that in 2006/2007, the commission is lower than in 2004/2005, yet the quantities which were lifted were higher than in 2004/2005. Also, the price of crude oil was also higher in 2006/2007, yet the commission is lower. So, the Assistant Minister should explain.

Secondly, could he confirm or deny that he has offered the tenders to a company which was offering a lower price than the highest bidder? Could he also undertake to come and table before this House the details of the tender analysis as they were? I know that there were a lot of shady deals in this thing.

Mr. Kiunjuri: Mr. Speaker, Sir, first of all, it is only honourable for the hon. Member to disclose to the House those shady deals that he thinks are there, because that would help. It will also help us fight corruption. It is only good, him having been one of the Ministers in the Ministry, if he tabled the proof, it would be authority and we will know that there is something sinister in it.

However, the difference in prices on the percentages over how much we have obtained is properly explained in the answer, where I said the amount we get depends on the availability of the crude oil. It does not mean that because we are offered 30,000 barrels per day, we receive it every

day. Sometimes, we can go for a month without receiving the crude oil. Also, the answer is very clear that this one depends on the availability, and is subject to monthly nominations by the Nigerian National Petroleum Corporation.

Mr. Raila: Mr. Speaker, Sir, the point I have raised here is that I know for a fact that in 2006/2007, they lifted more crude oil than they lifted in 2004/2005, and the price of crude oil was also higher. How come that in this same year they got less commission than they got in 2004/2005?

Mr. Kiunjuri: Mr. Speaker, Sir, the hon. Member is giving us an answer and also asking a question. If we lifted more--- For example, if they only lift 90,000 barrels, we expect to get less commission than when the prices are higher and they have lifted one million barrels of crude oil.

Mr. Billow: Mr. Speaker, Sir, I think the question is not being answered there. If in 2006/2007 the volume of the crude oil that is lifted is more than what was lifted in 2004/2005, naturally, unless someone reduced the rates that were used in this particular year, the amount that you actually get in terms of money should be more in 2006/2007. That is the point we need to know.

Mr. Speaker: Could we get this thing right? We are now talking on a hypothesis. When we talk on a hypothesis, we will never get the right thing! Do you have a tabulation of the volumes lifted, the rates given and what you sold it for? Do you have that?

Mr. Kiunjuri: Mr. Speaker, Sir, if the Question was requesting for what you have just asked, it would have been very easy for all of us. However, you agree with me that, that is now a different Question. I am ready---

An hon. Member: No, it is not!

Mr. Kiunjuri: Yes it is! What we are asking hon. Members to do---

Mr. Lesrima: On a point of order, Mr. Speaker, Sir. Given the issues that Mr. Raila has raised, would I be in order to request that this Question be deferred so that this House could get a detailed understanding?

Mr. Speaker: In the interest of the House, I think I will accede.

(Applause)

We need to get a tabulation of the volumes lifted, the prevailing rates and the commission earned!

An hon. Member: Even in the past!

(Mr. Bahari interjected)

Mr. Speaker: What is it, Mr. Bahari?

Mr. Bahari: Mr. Speaker, Sir, in the same vein, the issue of the tender was raised by hon. Raila, so that the tender documents could be properly scrutinised by the House. Could the Assistant Minister bring his own analysis on the same?

Mr. Speaker: You know, I am not going to run the Ministry. The Assistant Minister is capable of running it. He has heard the sentiments of the House. He owes it to Parliament to account. He will do it the best way he can! Okay? Mr. Kiunjuri, could I give you up to Thursday, next week?

Mr. Kiunjuri: Mr. Speaker, Sir, it is only fair that Questions are always asked in a straightforward manner. Like the way you have put it, Mr. Speaker, Sir, it would have been very easy for the Assistant Minister to come and answer that. If you ask a specific Question, it will be answered.

However, Mr. Speaker, Sir, I am ready to come and answer the Question. If, at all, there is any more information required, hon. Members can come and see me---

(Laughter)

Yeah! They can come and even ask more questions. I am even ready to come and lay the answers on the Table before the House!

Mr. Speaker: Order, Mr. Kiunjuri! Hon. Members will see you here!

(Laughter)

Thank you! Mr. Kiunjuri, is Thursday okay with you? Do you require longer time?

Mr. Kiunjuri: Mr. Speaker, Sir, Thursday, next week is okay with me.

Mr. Speaker: Very well. Thank you.

(Question deferred)

Sorry! Time up! I am afraid Mr. Mirugi and Capt. Nakitare will have their Questions on Tuesday, next week. They will run on top of the Order Paper. Is that all right?

Mr. Mirugi: It is all right, Mr. Speaker, Sir.

Question No.161

NON-PAYMENT OF PENSION
DUES TO MUASYA'S WIDOW

(Question deferred)

Question No.361

POSTING OF HEADS OF DEPARTMENTS TO
TRANS NZOIA WEST DISTRICT

(Question deferred)

Mr. Speaker: Next Order!

COMMITTEE OF SUPPLY

*(Order for Committee read
being Second Allotted Day)*

MOTION

THAT MR. SPEAKER DO NOW
LEAVE THE CHAIR

Vote 01 - Ministry of State for
Administration and National Security

*(The Minister of State
for Administration and National
Security on 10.7.2007)*

*(Resumption of Debate
interrupted on 11.7.2007)*

Mr. Speaker: Order, hon. Members! This is just to let the House know that this is the last of the Allotted Days for this Vote. It is actually the third day. The first day was zero! I want to thank the House for keeping it alive yesterday! I hope you will continue to keep it alive today.

The second thing that I want to let you know is that the Minister will be called upon to reply at 5.00 p.m. At 5.30 p.m., the House will go into the Committee of the Whole House until 6.30 p.m., or until such other time as we shall have finished. It can either be earlier or later. Is that all right? Is that understood? There was no hon. Member on the Floor because the one who was on the Floor had concluded his contribution. So, are there any interested hon. Members? We had Ms. Karua from Government Side. Now, let us have Mr. Maore!

Mr. Maore: Thank you, Mr. Speaker, Sir, for giving me the opportunity to contribute to this Vote.

Mr. Speaker, Sir, many people think that the face of the Office of the President is the DCs, chiefs and others. But over the years, or on a daily basis, the face of the Office of the President is a policeman. It is for that reason that we should focus on the image of policemen as a country.

Mr. Speaker, Sir, the most memorable thing about the police by the public is collecting petty bribes. For those who go to police stations to report incidents of crime, the issue of petty bribes is very, very common. It is very blunt. Corruption that happens when policemen solicit for *kitu kidogo* from people who go to report crime may not be as visible as the one which happens at police roadblocks. Majority of tourists who travel by road go with very nasty memories of their encounters with the police at roadblocks.

So, Mr. Speaker, Sir, as we debate and deliberate over this huge amount of money to the Office of the President, we would ask the Minister and the Police Commissioner---

(Loud consultations)

Mr. Speaker: Order, hon. Members! There is a lot of disorder at that corner! Can we have a little order? Please, consult quietly. Thank you!

Proceed!

Mr. Maore: Mr. Speaker, Sir, many of us expect to have a dignified country. That dignity is ruined policeman who collect Kshs20, Kshs50 or Kshs100 at a police roadblock. We want the Minister, when he is replying, to tell this country about those shameful acts of collecting money at police roadblocks. He should consult the Police Commissioner.

Mr. Speaker, Sir, I have, on very many occasions on the Floor of this House, talked about a roadblock in Maua Town. As you enter into the town, a minimum of six police officers parade there on a daily basis for more hours than any other police roadblock that I have gone through, and there is no other business they do there. They just ask vehicles that come in to pay up from morning to midnight, because of the huge volumes of *miraa* vehicles.

Mr. Speaker, Sir, I support the idea of using very stringent measures to deal with armed criminals. I have heard many hon. Members here getting very excited about aping things that Uganda does. It is high time that we also borrowed something from Uganda. What do they do with armed criminals? They do not take them through the normal criminal procedure courts. They take them to court martials. So, we would like the Minister to conduct investigations on armed gangsters and organised crime and adopt court martials. When you send policemen to go and arrest armed criminals, you are being reckless by endangering the lives of those police officers. We should have the army involved. They should arrest the armed gangsters. They have the ammunition. Then, they should be through court martials.

Mr. Speaker, Sir, the issue of police killings, especially post-arrests, should be handled very seriously. We should not even have the Commissioner of Police or the Minister trying to condone

or explaining in whatever language about the death of Kenyans after they have been arrested, especially from a bullet wound. In many countries where there are problems with high incidences of crime, they have specific measures put forward to put crime under control. We do not have a situation where we would allow extra-judicial executions by our police. When a Kenyan who is not armed is arrested, we would expect that, that person is respected and undergoes the due process of the law.

I can understand the frustrations that the police are going through; a very corrupt judicial system, where you are aware that as a policeman you have arrested a specific criminal once or twice and he or she goes and bribes their way out and goes back to the same crime. I can understand their frustrations, but the frustrations should never be translated into random extra-judicial executions.

Mr. Speaker, Sir, the other issue is that as we go through the current Budget, in the last 24 months, we have had additional districts. This is a whole new bureaucracy. I know that a lot of the money that the Minister is asking, is to take care of the new salaries for the new heads of departments and the expansions of the massive Provincial Administration that we are creating. We need to come together as a country and have public hearings where we would like Kenyans to say whether they are happy with the expanded constituencies or the mutating many districts that are being created by the Government. Therefore, we need to have these values put forward by the consumers who are the public. Are they happy with the multiplicity of new districts? When you talk of bringing services closer to the people, is it really services or we worry about those district allocations in the Budget?

We have noticed over the years that it is specific projects and programmes that get funded in the annual Budget. It is no longer a Sub-head in a district. So, do we really need those districts or it is unnecessary expenditure?

With those few remarks, I beg to support.

Mr. M'Mukindia: Mr. Speaker, Sir, thank you very much for giving me this chance to also support the proposals by the Minister. At the outset, let me say that one must accept the fact that a lot of insecurity that we are faced with today, has been inherited and has been in formation over several years. Therefore, while we may not appreciate what the Minister is doing, we should not forget the fact that for many years, to be quite honest, successive Governments did not do much to curb insecurity.

One only needs to remember that the issue of *Mungiki*, for example, did not start yesterday. You are aware that even within the precincts of the National Assembly, the usage of the word "war-lord" to describe certain people is quite common. What happens? When we hear "war-lord" we just laugh. We hear "*jeshi la fulani*" we just laugh. So, insecurity has become part and parcel of us, including the leaders. For that reason, this country and its leaders do bear the burden of ignoring the issue of security for a long time. Therefore, it is not possible to get rid of insecurity overnight.

Mr. Speaker, Sir, the only problem is, while the Minister and his Ministry may be doing a very good job, unfortunately, the public relations in so far as this Ministry is concerned is very poor. That tends to detract it from the good job that is being done. The public is concentrating on the public relations side rather than on the work being done, because that is what attracts people. I would, therefore, encourage the Minister and his officers to now try to concentrate on the work and improve on the public image. I can tell him, quite honestly that it is very poor.

People and the Press tend to concentrate on that one and forget about the real hard work that is going on like improving training, equipment like motor vehicles, housing and so on. Nobody talks about those issues. What we talk about is the brutality of the police, what the Minister said at this or that function and so on. I think we should change but the onus is on the Ministry itself to change.

Mr. Speaker, Sir, the other issue that has brought about insecurity, apart from the porous

borders and increase in the number of small arms within the country, we must accept the fact that this country is very unequal. Unless we do something urgent to address that, as Prof. Maathai said yesterday, we are in trouble. To address the issue of inequality, it has to start from the top. The Government must have a programme to ensure that we spread the wealth of this country. We have very limited time. What is happening in Mathare, Kibera and other parts of the country, is giving us notice that we have very little time. While I appreciate that the economy has grown, we must ensure that the economic growth trickles down to the very poor in our country.

Mr. Speaker, Sir, I am personally disappointed that during the debate on the Budget and even now on the vote of the Ministry, it was not clear that we are deliberately targeting the poor of this country to ensure that they get some of the benefits of the economic growth. I would like to challenge the Minister that since they are saving a lot of money in development, like putting up houses, police stations and so on, they must define that for every contract of putting up a house, a certain percentage of it must go to labour to ensure that we absorb those youths who are jobless.

I know that this is very hard work, but unless, we as leaders are prepared to do the hard work, we shall not enjoy the seat that we are seating on today. If we behave as if nothing is happening and as though we are not responsible for the poorest in the society, then when they come knocking at our doors, as they have already started doing, who is going to be blamed other than ourselves? This is something that all of us should take as a challenge. Let us ensure that every road or building that we build, at least, a certain amount of the contract sum must go to direct labour.

Mr. Speaker, Sir, regarding the issue of training, as you all know, the structure of colonial Civil Service and colonial police force was there to protect the colonialists. Our police force has not changed. They had to brutalise the Africans. That was their primary goal. Even today, our police officers who have been trained by the same trainers who were trained by the previous trainers who were ultimately trained by the colonialists, do not know anything else, and you cannot blame them. As you know, our children can only learn from the parents or the teachers who taught them. If we deliberately teach people to brutalise *wananchi*, as we are doing, then how can we blame the police force? So, the police are not to blame. We are to blame because we have maintained certain colonial systems which brutalised *wananchi* in this country in the colonial times and we expect them to be better. It is not possible. Therefore, we must go back to square one. What are our training structures? What are we training them for? We should not also beat and mistreat them in those institutions. When the recruits are mistreated, what do we expect them to do when they pass out? They will mistreat the *wananchi* as well. So, we must re-look at this whole issue. This does not only apply to the police force, but also the army and the civil servants.

What does "civil service" mean? The civil servants are there to serve in a civil way. They are not there to innovate and implement. They just serve. Then, when they do not implement or innovate, we blame them. Are our civil servants trained to innovate, implement and cut costs? They are not trained to do that. They are purely civil servants. Having inherited the British civil service system--- We all know how the British civil service system used to operate, until Margaret Thatcher joined it in 1978. It was, really, a kind of a royal way of overlooking the performance of other people down there. So, the top managers would just give instructions on what is to be done, while they never did any work. So, civil servants, from the British system, do not work. They give instructions to others to work. That is what we inherited. Have we trained our people to change? Kenya requires civil servants from a developed country such as Britain. Therefore, while we may lay blame on the end product of what we have done, I think, ultimately, that blame must come back to us.

Mr. Speaker, Sir, I share the same view with hon. Maore regarding roadblocks. I remember, 15 years ago, we actually managed to remove all the roadblocks in this country, and people were very happy. The roadblocks that we have do not really help. They are a non-tariff barrier. Actually, they could also be a tariff barrier, because they extract things from *wananchi*. Not only do they bar

the roads themselves, but they are also used to ask for *kitu kidogo*. So, they are both tariff and non-tariff barriers to trade. What is the value that this country gets from having those roadblocks, permanently, in certain places? I have no problem with them, if the Minister and Commissioner of Police were to realise that there is insecurity in certain areas and, therefore, they need to do something urgently. There is nothing wrong with that, because it is an operational issue. But, really, we do not need a roadblock in Kasarani for 20 years. What do the police officers stop at these roadblocks? They stop commercial vehicles. If one is driving a Mercedes Benz or Pajero, no question is asked. But the person who is carrying tomatoes from Kirinyaga has to be stopped, hence, delayed.

With those few remarks, I beg to support.

The Assistant Minister for Information and Communications (Mr. Wamwere): Asante, Bw. Spika, kwa kunipa nafasi ili nichangia mjadala huu kuhusu Hoja hii ya bajeti ya Wizara ya Usalama wa Ndani.

Bw. Spika, ningependa kuanza kwa kusema kwamba katika kupigana vita dhidi ya uhalifu, ni muhimu watu wetu wafundishwe kuheshimu polisi, kama marafiki na walenzi wao. Wanafaa kuacha kuwaona kama adui. Kwa hivyo, ni jambo la kuhuzunisha na makosa makubwa mtu anaposikia kwamba polisi wameshambuliwa na kuuawa wakiwa kazini.

Kama wengi wa Wabunge wenzangu walioongea hapa jana, naamini pia kwamba polisi wanastahili bima. Bima hii itahakikisha kwamba kwa bahati mbaya askari akikutana na kifo, familia yake itashughulikiwa. Pia, polisi wanastahili mishahara mizuri na nyumba. Kwa mfano, ni makosa makubwa kumuweka mtu mmoja ambaye ana bibi kuishi katika chumba kimoja na mwingine ambaye hana bibi. Hiyo ni kuvuruga unyumba. Hili ni jambo ambalo limeendelea kwa muda mrefu. Inashangaza kwamba hata wakati huu ambao uchumi umekuwa, tumekosa pesa za kuwajengea polisi nyumba wanazostahili. Nadhani kuna kasoro kubwa katika jambo hilo. Natumahi kwamba Waziri ataona cha kufanya.

Bw. Spika, pia, kuna shida ya kutegemea askari kufanya kazi na huku hawapewi magari wanayohitaji. Polisi hawawezi kufanya kazi bila magari. Ni lazima wasaidiwe na magari wanayohitaji.

Bw. Spika, siwezi kusisitiza zaidi kwamba mishahara mibaya huzaa ufisadi. Ikiwa tunataka polisi waache kuwa wafisadi, basi ni lazima tuwaongezee mishahara. Pamoja ya hayo yote ambayo nimesema, ningetaka pia kuongeza kwamba polisi wanafaa kufundishwa kufanya kazi kitaaluma. Wanafaa kufundishwa sheria, kwa sababu wanafaa kufanya kazi yao kwa mujibu wa sheria. Ikiwa hawajui sheria hiyo, hawawezi kuitimiza wakiwa kazini. Lazima polisi wafundishwe kutofanya kazi kama zamani. Wengine wetu tulikiona kilicho mtoa kanga manyoya, mikononi mwa polisi. Ni maombi yangu kwamba yale mateso tuliopitia, hakuna ambaye atayapitia leo, baada ya kupata mabadiliko. Lakini hilo haliwezekani mpaka polisi wafundishwe kuachana na namna ya zamani ya kufanya kazi.

Bw. Spika, kuna wakati ambapo nilisikia kwamba polisi walikuwa wanafundishwa au kupewa masomo ya haki za kibinadamu. Sijui kama masomo hayo bado yanaendelea au la. Hii ni kwa sababu mtu akisoma magazeti yetu, ni kama kwamba polisi wamesahau haki za kibinadamu. Wanawakata watu kwa sababu ni washukiwa. Ningependa kusema kwamba nchi yetu inatawaliwa na demokrasia na kwa mujibu wa sheria. Kwa hivyo, polisi katika mfumo wa demokrasia, wanafaa waelewe pahali pao. Chini ya demokrasia, polisi hawawezi kuwa kila kitu. Hawawezi kuwa Wabunge wa kuunda na kupangua sheria. Hawawezi kuwa wao ndio wanaotoa mashtaka na wakati huo huo wawe mahakimu na wanamagereza.

"Mhe. polisi", kihalali---

(Laughter)

An hon. Member: Omba msamaha!

The Assistant Minister for Information and Communications (Mr. Wamwere): Bw. Spika ni ofisa mkuu wa Bunge.

Bw. Spika, kihalali, polisi ni mkono wa Serikali wa kutekeleza sheria, kwa mujibu wa sheria. Bunge nalo linaunda sheria. Mahakama hutafsiri sheria na kutoa hukumu na adhabu. Kwa mujibu wa mpangilio huu, hata kama ameshikwa mshukiwa wa uhalifu wowote, hana hatia mpaka ahukumiwe na mahakama, ili imuachilie au impe adhabu. Hii ni kanuni muhimu ambayo inafaa kufuatwa na polisi. Nasema hivi kwa sababu, kama kazi ingekuwa inafanywa vile inavyofanywa sasa--- Tungekuwa tunaendelea na utawala uliopita, nadhani wengine wetu hatungekuwa hapa tukiongea. Tungekatwa zamani kama wahalifu. Mara nyingi tulishikwa kama washukiwa, lakini kwa bahati nzuri, tulipelekwa vizuizini na kufungwa jela hata kwa mambo ambayo hatukuwa tumeyafanya. Lakini hatukupigwa risasi. Kama tungepigwa risasi hatungekuwa hapa.

Bw. Spika, kwa sababu Kenya ni nchi ya kidemokrasia na inatawaliwa na sheria, kimsingi, polisi hawana haki ya kuwaua washukiwa. Kazi yao kubwa ni kuwashika na kuwapeleka mahakamani ili wahukumiwe na kupatiwa adhabu. Hata hivyo, ukiyasoma magazeti kila siku, utagundua kuwa washukiwa wanauawa kila siku. Kwa mfano, utasoma kuwa jana polisi waliwaua washukiwa nane, juzi wakawaua 12 na mtondo wakawaua 20. Mtu anayesoma magazeti kila siku atafikiria kwamba kuna vita humu nchini kama vile vilivyoko nchini Iraq. Wakati mwingine unashindwa kutofautisha hali hizi mbili kwa sababu kule nchini Iraq ni Wamarekani na Waarabu, lakini hapa kwetu ni Serikali na wahalifu. Lakini hata hivyo, hali ni ile ile kwamba nchi imo katika vita. Hali hii haiwezi kuitwa jina lingine. Hata mara kwa mara, tunasikia kwamba wanafunzi wameuawa kama washukiwa. Aidha, tumemsikia mhe. Waziri akilia kwamba huko kwake watu wamesumbuliwa na polisi. Mambo haya yote yanamlazimisha mtu kuuliza, "Tufanye nini?"

Bw. Spika, nitarudia kwa kusema kwamba kazi kubwa ya polisi ni kushika wahalifu wala si kuwaua. Mshukiwa hana hatia na hastahili kuuawa mpaka atakapohukumiwa na mahakama. Kuuu mshukiwa ikiwa hakuwashambulia polisi, ni kuvunja sheria. Polisi kuwatolea washukiwa adhabu nje ya mahakama ni kuvunja sheria. Adhabu ya kila uhalifu siyo kifo. Kama kila uhalifu utaadhibiwa na kifo, basi hakutakuwa na magereza tena. Polisi watakuwa ndio magereza, mahakama, Bunge na kila kitu.

Bw. Spika, ningependa kuongeza kwamba bunduki ya polisi siyo mwarubaine wa kumaliza uhalifu. Kumaliza uhalifu kunahitaji mbinu zaidi. Mojawapo ya mbinu za kumaliza uhalifu ni kumaliza umaskini. Tumeambiwa kwamba hakuna uhusiano kati ya umaskini na uhalifu. Umaskini unazaa uhalifu na hata unazaa wendawazimu! Wahalifu wengi pamoja na watoto wao ni maskini. Unashindwa kuelewa, kama umaskini hauna uhusiano na uhalifu, kwa nini wahalifu wengi ni watu maskini au watoto wao? Tumeona watu wakipigania mashamba na maji. Haya ni matatizo ya watu maskini wala siyo ya matajiri. Wale ambao wanasema kwamba umaskini hauna uhusiano na uhalifu, ningependa waniambie ni kitu gani basi kinachowavutia watu maskini kufanya uhalifu? Ni kitu gani? Kuna wale watakaosema kwamba ni uovu wa kuzaliwa nao ambao dawa yake ni risasi ya polisi tu. Sikubaliani nao! Mimi naamini kwamba ili kumaliza umaskini, ni muhimu kuongea na jamii zinazozaa wahalifu kwa wingi. Wale wanaopinga mazungumzo, wakumbuke kwamba Bunge hili lilipoteza Wabunge watano wakati walipotumwa na Wizara hii kwenda huko Marsabit na Turbi kuongea na watu ambao walikuwa wanafanya uhalifu.

Bw. Spika, tusipozingatia mazungumzo, tutakuwa tunawasaliti hawa waliokufa. Tunahitaji kongamano la kitaifa ili tuongee swala hili ikiwa tunataka kumaliza vita ambavyo vinaendelea wakati huu. Yeyote ambaye atasema kwamba polisi waruhusiwe kufanya kila watakalo, ajue kwamba anatangaza utawala wa polisi. Huo utawala wa polisi ni udikteta kwa jina lingine. Sisi tuliitoka kule, hakuna kitu kinachotutisha kama kusikia kwamba nchi inaweza kurudi nyuma ikawa na udikteta tena.

Bw. Spika, mwisho, ningependa kuwauliza polisi wawasaidie wapiga firimbi.

Kwa hayo machache, naomba kuunga mkono.

Mr. Speaker: Ahsante sana. Kama vile mnavyoona, tutaendesha kipindi hiki kulingana na vile mambo yalivyo. Mambo yalivyo sasa ni kwamba wale walio upande wa Serikali ni wengi kuliko wale walio upande wa Upinzani. Kwa hivyo, ninyi mlioko upande wa Upinzani mtasubiri. Subira huvuta heri!

Mr. Poghisio: Thank you, Mr. Speaker, Sir, for giving me this opportunity to also add my voice to that of my colleagues who have spoken before me. I would like to congratulate the Minister for having his whole team here ready to take in the views. I would also like to congratulate my colleagues, who have spoken before me, for their eloquence and also for their contribution that has added some value to the debate.

Mr. Speaker, Sir, I am mostly concerned about the situation in the rural parts of Kenya. I would like to suggest to the Minister that the places where security is most needed in this country are exactly the places where security is insufficient. Year in, year out, we vote funds for the Minister to do something about that. A security map of the country should reflect really how we distribute security forces. I know that urban areas have been privileged because they have been given more security. However, I think it is about time that security moved outwards to the rural areas. The constituency that I represent, Kacheliba, which is now in a new district, Pokot North, is, definitely, lacking in visible security from the Government.

Mr. Speaker, Sir, alongside that, when we recruit security personnel, it should be based on some kind of readiness. How do you employ people and tell them that when they finish training you will provide them with housing? It is part of their recruitment, but when they finish training, they do not have that housing! I hope that the Minister will, in future, peg the recruitment of security officers to availability of accommodation and good, decent accommodation for the security personnel. It should not be a situation where you budget just for a certain number of recruits to go to college and you do not budget for the accompanying privileges which they need thereafter! So, if the Government wants to recruit 1,000 officers, why does it advertise before it makes sure that there are 1,000 housing units or accommodation spaces for those recruits? They need to come home and get into good houses.

Mr. Speaker, Sir, I know that the Minister is trying at the moment, but I think that some of the officers still live in very squalid conditions which do not really give the police officers the confidence that they require. The same goes to the Administration Police (AP), and in some cases, the District Officers (DOs) and senior officers in this Ministry who do not have adequate housing. I hope that when we recommend some of these things, the Minister will begin to recruit police officers in a manner that goes with the status of the police so that they can stand out and look decent. The same goes to the issue of officers and the things that they require. This includes being adequately clothed and armed to fight crime. I know many of them are really exposed to danger, especially in those areas where cattle rustling is very rife. The police in those areas are not really well protected. They should be given equipment that suffices so that they can fight that can kind of crime out there. To me, that is something that should be included in the Budget.

Mr. Speaker, Sir, most people have spoken about roadblocks and said that they are not good. I find that argument to be a little bit pushy because it depends on the time. Sometimes roadblocks are very good. There must be a season when roadblocks can work, and that is when they are needed. Many times, motorists are carjacked and a lot of them, including those in the public transport sector, get troubled on the way. So, roadblocks have become safety nets. So, let us not do away with things just because we do not like them for now. There comes a season in security when you need them. That is when they should be applied. Especially at night, I find roadblocks to be useful. People can drive freely along our roads. Roadblocks should be rationalised. There should not be roadblocks permanently, but sometimes they serve a purpose. So, we should encourage the judgement of our security forces.

Mr. Speaker, Sir, sometimes we find that officers are getting more and more, in my view, unfit, physically, such that now they cannot run after criminals any more. I do not know whether there is no more requirement for physical fitness after they have served for sometime. Even for me, as a Member of Parliament, I some time require to walk long distances. So, you kind of need to be physically fit to do your job. I am seeing that those who are bigger are now getting promoted. So, the more senior and bigger one is, the more unfit one is to do the job. The only way you can manage these people is to make sure that they are subjected to physical training, so that they trim up and are able to run. Even when it comes to providing uniforms, you need to make sure that you rationalise. You do not have to take another person's uniform to make up for another person.

Mr. Speaker, Sir, I am concerned that our policemen in the cities and urban areas are, definitely, shooting to kill. That may be an order. They will take that order any time, but must we be subjected to the sight of dead bodies everyday in our living rooms? Do the police need to prove to anybody that they killed? Are we demanding that we should see the people who have been killed, when they fight with criminals? It looks to me as if every time they kill criminals, they must wait at the scene until the Press arrives. They keep the bodies of the people they have killed until the Press arrives and takes pictures, so that they can prove something. Why do we need to have them to prove something?

Mr. Speaker, Sir, even our dead should be handled in a more civilised manner than that. We have seen how it is done in this country. They show us pictures of how they pick up the dead and just throw them onto the trucks and go away. Some decency needs to be taught to our police officers, so that they know how to respect the citizens to the last moment. They way the police handle our dead troubles Kenyans. Our children are seeing. They think that if you become a police officer, you become one just to kill. They need to be shown the other side of the police, which is the warmer side. It is the side that helps children cross the road, that which helps people who are lost, *et cetera*.

Therefore, if possible, the police should use body bags to handle the dead. This business of just showing bodies of people being thrown into trucks does not add value to our lives. We also need to remember that criminals, whoever they are, belong to some people. They have their relatives, parents and families. So, it is good to handle these things, so that our police can begin to respect people as the people respect the police. I am just raising the issue that the Minister is trying to build up a force, but it must be a force that can be respected, and which can then have authority.

Mr. Speaker, Sir, there are people who have been given opportunities in the recently created districts. They are District Commissioners (DCs) and District Officers (DOs). Transport for those officers is wanting. In the new districts, housing needs to be prioritised, so that we do not have to be asking Questions about when vehicles will for such-and-such districts be availed. There should be a package that goes with new districts, so that the DC, who is posted there, does not suffer. Pokot North District, where I come from, is new. The DC and the DOs are there. Some of them do not even have housing or vehicles. I hope that the Minister will use this as a priority list for enabling those officers to work.

The roads on which these people drive demand that the vehicles that they are given are strong. There may be even a spare vehicle, because they do not have places to repair them there. They have to travel a distance of 300 kilometres to find a place where they can repair them.

With those few remarks, I beg to support.

Ms. Ndung'u: Thank you, Mr. Speaker, Sir, for giving me the opportunity to contribute to this Bill. I will make my contribution very brief.

Let me, first, congratulate the Minister and thank him for seeking to increase the number of police officers. However, I think the challenges that face the police force need to be addressed in a more holistic manner. The amount of police violence on police that we are seeing is so much. We have seen cases of policemen killing other policemen. We also see a very high rate of suicide in the

police force. This is indicative of the circumstances under which police officers find themselves. Their terms and conditions of service are terrible. The way they live is terrible. The society also treats them like animals, instead of appreciating the role they play in protecting us. We need to ensure that the families of police officers who die in the line of duty are well taken care of, including payment of school fees for their children and provision of all the needs that those families will have. The needs of those families should be met as if those police officers were still alive.

Mr. Speaker, Sir, in the society, we also need to recognise our heroes. It is true that, from time to time, the Commissioner of Police and the President himself do recognise our policemen who die in the line of duty posthumously, but I think we have not given them a national tribute. Perhaps, the Minister should think about announcing or putting forward the names of police officers who die every year, so that we can pay them proper tribute, and make sure that we have taken care of their families.

I understand that the country is facing certain challenges with regard to insecurity. Particularly, of late, we have been talking about the *Mungiki* menace. We need to understand that the *Mungiki* menace is not a Kenyan problem. The *Mungiki* is an association of gangs, which runs illicit violence in many capital cities in the world. There are *Mungiki*-type gangs in the United States of America (USA) as well as in South Africa. They run protection and extortion rings. That is the way they make their money. Therefore, we need to move away from the label that we have given *Mungiki*, and ask the Minister to send a team to see how these city gangs are dealt with in other countries. That is how we can deal with them here. Let us remove this shroud of mystery around these people we are calling *Mungiki*. They are just city thugs, like those in any other country. We need to deal with them as such.

Mr. Speaker, Sir, I think there is an upsurge of insecurity, not because of *Mungiki*. I want to urge the Minister to have a look at his statistics. Perhaps, he needs to start moving the concentration away from dealing with *Mungiki*-types to dealing with the real insecurity issues in the country. Every police station in the country compiles statistics of the kind of crimes reported to it. At the end of the year, the Commissioner of Police can tell you which crimes have been committed the most during that year. The Commissioner of Police can tell you that the most committed crime in this country is assault, and that 90 per cent of assaults are done in the domestic context. So, assault will happen in the family between parents, spouses and between children and their parents, in the family environment.

The second-highest crime that occurs in Kenya is sexual violence. So, we are saying that the police in this country are pre-occupied mostly with dealing with crimes relating to domestic and sexual violence, yet the amount of resources being deployed to deal with *Mungiki* is not the same as that being deployed to deal with the most serious crimes in this country. Therefore, I want to persuade him that if we reduce the two highest crimes in the country, we will be able to free our police officers to go and deal with other kinds of crime. Perhaps, it is time to introduce a hit squad for domestic violence. We have hit squads for other things. We have squads for drugs, robbers and terrorists. We even have got special units for tourists. We need to have a hit squad that deals with domestic violence. Then the message we will have sent to our families--- Domestic violence actually breeds criminals. When we forgive violence in the homes, we breed violent criminals. The likelihood that a robber or a *Mungiki* follower has come from a violent home is very high. Let us get to the bottom of that problem.

[Mr. Speaker left the Chair]

*[The Temporary Deputy Speaker
(Mr. M'Mukindia) took the Chair]*

Mr. Temporary Deputy Speaker, Sir, the other thing that I would like to appeal to the Minister is to, please, re-introduce the Spider Squad. When the Spider Squad was introduced, and it was targeting rapists or men who are preying particularly on women drivers or commuters, those crimes went down suddenly. Women gave a sigh of relief. The women in this country do not know why the Spider Squad was suspended. I want to appeal to the Minister to immediately re-instate that squad and make sure that it has a national outlook. It should not just be in Nairobi and other urban centres. It should be in Mombasa and other centres in the country. Mr. Temporary Deputy Speaker, Sir, I would like to emphasize that if you go and looked at crimes of murder and manslaughter--- I know that because I have been a state counsel for many years. Most of the murders and slaughters that happen in this country; most of the incidences of crime that result to death, happen in a domestic setting. It will be about a quarrel over land ownership, crimes of passion, marital problems and so on. Therefore, let us start focusing on where the real insecurity is. That is my appeal to the Minister.

Finally, it is also upon Parliament to assist the Minister and his office to ensure that police officers do their work. One of the main frustrations that police officers are having right now is that they will arrest suspects and take them to court, but because of the law that we passed in 2003 relating to confessions, they are not able to get convictions. What happens is that we are just trafficking criminals from our society, into police stations, to court rooms and out. So, there is no justice. Perhaps, when the Statutes Miscellaneous (Amendments) Bill comes to the Floor of the House - and hopefully very soon - this Parliament will be able to give a proper law relating to confessions that will allow the police and the judicial system to do their work.

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

The Assistant Minister for Planning and National Development (Mr. Serut): Mr. Temporary Deputy Speaker, Sir, allow me to thank the Minister and his team from the Ministry of State for Administration and National Security for the good work they are doing, and especially to reform the Police Force, which is always in contact with the civilians.

If you look at where we were in 2002 and where we are today, there is a big difference. The police are becoming more civil everyday. I want to congratulate this particular Ministry for what it is doing. I want to further congratulate the Minister for taking care of the welfare of the police. They have made an attempt to improve their living conditions, including their salaries. In 2002, junior police officers were earning Kshs3,000. Today, they are earning well over Kshs10,000. I feel this Government is out for the welfare of those police officers.

When it comes to housing, as my colleagues have already mentioned, I want to appreciate the work that the Ministry is doing. We have to start from the known. Projects that were abandoned have been completed. I know that very soon, the Minister will focus on the rural areas.

Mr. Temporary Deputy Speaker, Sir, the purpose of passing this particular amount, which is set out very clearly in the Vote, is to render services to Kenyans. Those services are rendered by our security agents, including the Provincial Administration. On that note, I want to appreciate what this Ministry has done for the Provincial Administration, especially to the lower cadre - that is the chiefs. Initially, a senior chief would only go up to Job Group J. There was no more upward mobility unless that chief, maybe, went to school to further his or her studies. That is when he could get elsewhere. But, today, chiefs can move up to Job Group M. That, alone, is an incentive to the chiefs. I know the chiefs will work very hard. The other day, they were added some *askaris*.

Mr. Temporary Deputy Speaker, Sir, however, I want to say that we have a problem. I do not know how the Ministry will handle that problem. The work of the security agents is now being hampered by the new wave of crime. The more we educate the society, the more society becomes exposed. It becomes very sophisticated as far as crime is concerned. Today, it is very hard to carry out an operation in any area because of mobile phones. Time has come when, as a nation, we have

to think--- If there are criminals in a particular area, what can we do with mobile phones? I want to give a good example. In Mt. Elgon District today, the police are not able to arrest a ragtag group that is operating in that particular area. One of the reasons for that is: Whenever the police are given information, it is very easy for that particular information to leak out. It is communicated through mobile phones to that group. The police end up being a disappointed lot. I want to request that, whereas we want to deal with crime, we should think of new dimensions as far as crime is concerned.

Mr. Temporary Deputy Speaker, Sir, another complication that I have witnessed of late is the issue of terrain. I know the Minister, some time, said that we have enough police officers to deal with crime in any given area. But I want to request him that there are certain areas where the terrain does not allow the general norm to operate. One of those areas is Mt. Elgon District, where the terrain is different from other areas. We have got forests and caves. As I speak here today, most of the people in Mt. Elgon District have been rendered refugees in their own country. In two divisions, my people are living in fear because they are refugees in their own country. In those two divisions, abductions, extortions and killings are routine. Every day, you will hear of two or three people being abducted and killed or people losing their money to those criminals.

Mr. Temporary Deputy Speaker, Sir, whereas we support the release of that money to the Ministry, all I am asking is for the Ministry to come up with a new strategy to handle crime in this country. I am not only speaking for the people of Mt. Elgon District. I also want to speak for the people of Coast Province, Nairobi and other areas, where the *Mungiki* has become a menace. It is high time that, as a country, we went back to the drawing table and asked ourselves: "Where did we go wrong that we have all these youths roaming our streets?" It is time we re-looked at the information that we receive and asked ourselves whether it will assist or not. What is happening is that the crime wave that has taken about one year in Mt. Elgon District is because of some people trying to distort information. A good example is where they say that there are tribal clashes in Mt. Elgon District. I want to refute that here. There is no community fighting another community in that district. This is a group of youths who have come together, decided to kill people and extort money from them.

Mr. Temporary Deputy Speaker, Sir, as I speak today, I do so, with a lot of pain. It is pain in the sense that for the last one year, I cannot sleep till morning without getting a phone call that somebody has lost his or her entire family or a sister, a brother or property to a group operating in Mt. Elgon District. I want to add that we have also lost our own officers.

Mr. Temporary Deputy Speaker, Sir, in the past, whenever police officers were attacked, there was prompt response from other officers. However, two months ago, we lost two police officers in that district; a General Service Unit (GSU) officer and an Administration Police (AP) officer, but nothing happened. On top of that, we lost firearms to these criminals. This happened two months ago. To date, no efforts have been made by the Government to recover the firearms from the criminals. The criminals are using the same firearms to scare away, intimidate and blackmail the people of that district. It appears as if this district is not part of this country. In fact, my people are asking me: "Are we in Kenya? Where is the Government?"

Mr. Temporary Deputy Speaker, Sir, I have said that we are voting this money. We all know it comes from the taxes that we pay. However, as I mentioned earlier, there is extortion of money from the people of Mt. Elgon District. Why should my people pay tax twice? This the question I want to raise here.

Mr. Temporary Deputy Speaker, Sir, let me use this opportunity to tell the Ministry that they cannot deal with crime in that district without involving the people. The only way they can involve the people is by employing the services of homeguards. These homeguards can guide police officers to deal with crime in that district.

So, it is my humble submission, *Bw. Waziri*, that you assist the people of Mt. Elgon District by bringing them on board to deal with crime.

The Temporary Deputy Speaker (Mr. M'Mukindia): Mr. Serut, your time is up!

The Assistant Minister for Planning and National Development (Mr. Serut): Thank you, Mr. Temporary Deputy Speaker, Sir.

I support the Vote of the Ministry of State for Administration and National Security.

Mr. Bahari: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to the Vote of the Ministry of State for Administration and National Security.

Mr. Temporary Deputy Speaker, Sir, from the outset, I want to underscore the significance of this Ministry in trying to create the right environment for economic activities in this country. We know quite well that without security and order, no activity can take place in this country. That is how fundamental this Ministry is.

Mr. Temporary Deputy Speaker, Sir, I must hasten to add that this Ministry has a gigantic task to accomplish. In spite of any pronouncements, the performance of the Ministry has not been good. Since this Ministry is critical, I will speak very openly. If I were to give a rating, I would give the Ministry a grade D. That is on the lower side of the scale. This is for obvious reasons. I know some of these have been mentioned. Mr. Serut was here with the issue of Mt. Elgon. There is also the issue of Marsabit where we lost our colleagues from both sides of the House - some of us are even lucky to be alive because we were scheduled to be in that flight. It is for other reasons that we were not there.

Mr. Temporary Deputy Speaker, Sir, cattle rustling all over Pokot, Doldol and other parts of this country. The border incursions and the Tana River problem. It is a very emotional matter.

Mr. Temporary Deputy Speaker, Sir, I dare say that if we were serious all these situations could have been handled at very earlier stages. I come from some of these areas and I know exactly what happens.

Mr. Temporary Deputy Speaker, Sir, minor problems reported by residents of these areas are never attended to at initial stages. Before most of these crimes take place, I have no doubt that the residents report impending danger. At the best, the response at those early stages has been lukewarm because of the attitude of those people responsible. When all these have happened, there is no way we can give a better rating than what I said.

Mr. Temporary Deputy Speaker, Sir, in my view, the problem does not stop there. Security issues, as they are today, need to be handled in a different way from the way they were handled when we got independence. We need to dialogue and that must be encouraged from the top to the lower levels. Dialogue is lacking! It is good to have a free environment where officers can exchange their views freely without fear of intimidation or victimisation. That way, they will own the process and will do their best to root the problems out.

Mr. Temporary Deputy Speaker, Sir, in many of these areas, committees of peace and conflict, particularly in Isiolo, have been put in place. Out of their own initiative and sacrifice, they have done a wonderful job. However, this is not appreciated in any way. These people are not properly facilitated. If there is any facilitation, much of it comes from the civil society and Non-Government Organisations (NGOs), yet the Government has kept quiet about this. I want the Minister to tell us exactly how they have facilitated those committees of peace and conflict resolution.

Mr. Temporary Deputy Speaker, Sir, there is a need to re-look and re-engineer the entire security process. The people in conflict-prone areas are not properly supported in terms of transport and equipment. When there is a cattle rustling incident somewhere and you talk to the OCPD, he says: "My officers are in the field and I have not got any feedback!" What kind of reply is that?

Radio calls can do very well in police vehicles. Police officers can communicate on satellite equipment. They should be given the right communication equipment. The business of saying: "The officer is in the field and I have not got communication", is irrelevant in those instances. Let police vehicles be equipped with relevant communication equipment. That way, they can communicate as the incidents happen.

Mr. Temporary Deputy Speaker, Sir, we have heard about training of chiefs and other officers. We have also heard that customer care desks have been established in police stations. It is one thing to have a customer care desk. But it is another thing to be customer friendly! Those are two different things. Quality circles are not anything new. It is only new, perhaps, to the Civil Service, where we are trying to re-introduce it. We have not yet achieved much. We must encourage free participation of those officers in decision-making. But when we boss around, we will not go far. I must say that some of the officers who are doing a good job are from the Administration Police (AP). The APs are in very remote areas. They are very flexible. I must say that they are fairly effective particularly in arid and semi-arid areas. They need to be supported with the necessary equipment like radio calls. That is because if you are in Ileret and there is no radio call-- I am sure most of these officers do not know where Ileret is. You need to equip them so that they can communicate. We should equip those in border points and remote areas well. Those officers have been persevering a lot. I must thank them for the good job they are doing in every corner of this country. Even where there are no houses, they have continued to live in whatever is there! That is on a good note. But we should not be mesmerised by the issue of customer service desks and service charters. We must be able to make use of those instruments. Those instruments are for monitoring, evaluation and implementation.

(Loud consultations)

Could I be protected because there are loud consultations from the other side? I thought the Minister will listen to us. We should go further than that and hear from the people whether they are satisfied with those services. Even public hearings will be all right. In certain instances, particularly for the muslim community--- In every community, there are criminals. But the manner in which criminals or suspects in the muslim community have been handled is not right. It has been indiscriminate. It is sweeping everybody. The moment you have a *kanzu* and a long beard, you are considered a criminal. That must stop.

With those few remarks, I beg to support.

The Assistant Minister for Education (Mrs. Mugo): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to the Motion on the Floor and support this Vote. Before I go on, let me just bring to your attention that the Chamber is extremely cold. We are feeling cold. I hope you will look into that matter. For the last few days, it has been very cold.

Mr. Temporary Deputy Speaker, Sir, let me start by congratulating the Minister and his Ministry for a job very well done. He has tried to give a secure environment in this country at a most difficult and trying time. We have followed all the news about insecurity in this country. That is definitely disturbing. But we are encouraged because we have seen the resolve and the commitment of the Minister to get the situation under control.

Mr. Temporary Deputy Speaker, Sir, I would also like to stress a point that was raised earlier, on the *Mungiki* menace. Many young people have been killed and others are killing other people. It is not very encouraging for us to see such images on our television screens. I was particularly disturbed by students who were said to be among one of those groups. I would like to ask the Minister and the Commissioner of Police to pay particular attention to those very young

people who may have gotten into those situations not because of their will, but were tricked into them. Even though those people are armed, the police should find ways and means of securing young kids who are involved in that menace. It is a bit disturbing, especially when it comes to students. We understand the problem and we know that it is very difficult, but I am just appealing. At the same, I wish to congratulate the Commissioner of Police and the Minister because they are working under very difficult circumstances.

Mr. Temporary Deputy Speaker, Sir, I would like to touch on the employment of security officers. As one speaker said, a lot of crime these days centres around rape and sexual violence. That crime is directed at women. We passed a Bill on sexual harassment in this House. We are looking forward to its implementation. I think policewomen and women in other security agencies such as Administration Police (AP) or even the army can work best in that sector. But we know that when it comes to recruitment, women are very few. They do not recruit enough women and yet, they are the majority in this country. So, it cannot be lack of candidates. During the next recruitment of police officers, we would like to see an equal number of men and women being considered. Women should be given equal opportunities so that they can handle crimes related to harassment and rape of women.

Mr. Temporary Deputy Speaker, Sir, there is also a point on training. I want to appeal to the Minister to make sure that even the existing Police Force is given enough refresher courses. That way, they can change their tactics when they are dealing with issues such as domestic and sexual violence. The language used by the police is extremely important. It could either deter or encourage culprits to go to the police. They know the kind of language that is used is to embarrass victims even more. There is room for training our policemen, so that they can deal with new and emerging crimes. That is because crime, like everything else, has evolved and changed a great deal.

Mr. Temporary Deputy Speaker, Sir, I would like to talk about the issue of insecurity in urban areas, particularly in my constituency, and in the City of Nairobi, as a whole. I would like to ask the Minister to work closely with line Ministries such as the Ministry of Local Government. There are some areas with no street lights at all. We have no street lights in places like Kawangware where there are very many people living in a very small area. There are no street lights, yet the Ministry of Energy has put up electricity. However, there are no poles and bulbs to light up the streets. We cannot talk about security in a city or a town setting which is in darkness. So, I request the Minister to consult with the Minister for Local Government so that we can have lighting where it should be. We have to move and light up streets in Eastlands and other areas like Dagoretti.

Mr. Temporary Deputy Speaker, Sir, I would also like to ask the Minister to give us more police posts in those residential areas. I had the pleasure of visiting parts of Dagoretti with the Assistant Minister, Office of President, hon. Kingi. He confirmed that we need more police posts, if not police stations, in every area so that we can feel secure. I hope that they will allocate some money to establish new police posts.

Mr. Temporary Deputy Speaker, Sir, we also need to collaborate with vigilante groups. I want to say something about vigilante groups. I know there are vigilante groups and "vigilante groups." There are some vigilante groups which are doing a very good job. They should not be looked at as another unruly mob of young people. I want to encourage them because they protect many villages. In this era of mobile phones, if the villagers could identify young men of good character to work closely with the police, that would solve a lot of problems in urban areas.

Mr. Temporary Deputy Speaker Sir, another big problem we have in our area, Dagoretti, is that of *chang'aa*. We have tried to do away with *chang'aa* and other local brews, which are quite a number. However, I am amazed to see that police officers in their vehicles are the ones who come for payment and give a freehand to those people who brew the *chang'aa*. When I speak to the

Provincial Administration officers like the chiefs and the District Officer (DO), all they do is ask me: "What shall we do?" They know the registration numbers of the police vehicles and I have even supplied the numbers to the police bosses. However, that goes on day in day out. Mutoini is one such area with a big problem, which is just within Karen Police Station. I would like to ask the Minister to look into the behaviour of police officers who are working under the Karen Police Station and other such areas and ask them why we cannot get rid of *chang'aa* in Mutoini and other areas.

I know that there are many good police officers, some of whom work in my area. However, if there are two or three rotten ones, they ruin the good work which is being done by the police. That is another area I am asking the Minister to look into. When a community cries out loud and says: "Please, remove this police officer because he is not good for us. He just harasses people because he wants to be bribed," then you better remove that officer. I want to ask the Minister not to move such an officer to another police station because he will continue to do the same things he was doing.

With those few words, I beg to support.

The Assistant Minister for Water and Irrigation (Maj. Sugow): Thank you, Mr. Temporary Sir, for giving me this opportunity to contribute to this important Motion. I would like to congratulate the Minister for bringing it here, and for doing a good job, amidst a lot of blames here and there in the country, as far as security is concerned.

A lot of debate has taken place in this House, today, with regard to our police officers. I would like to congratulate the Minister for planning to increase the number of police officers. I feel what we need to do here, today, is to concentrate more on quality rather than quantity. We need to look into having more better trained officers than more ill-trained men in our State. It is very important to invest in modern equipment and protection gear for our police officers. We need to give them modern training in line with the ever evolving urban crime in this country. Most of our officers are ill-equipped. They do not have sufficient transport and protection. Therefore, they always feel threatened and trigger-happy because they want to protect themselves from criminals who would not give them a chance. Today, quite a number of hon. Members raised concern about police officers killing suspects before they are taken to court. While I understand the law with regard to that, we are in a dilemma here because many of our innocent officers, who are on their routine duties and very unsuspecting, are shot down on a daily basis. I do not see why a criminal's life should be better than a police officer's life. We invest, as Kenyans, a lot of money in training the men and women in blue. They have their families and they are very valuable to us. When we lose one of them, it is not only his family or his friends who lose. It is the whole nation. When a criminal takes the law into his own hands, he is prepared to die. A police officer goes out there with the hope of arresting the criminal. It is, therefore very difficult to send a police officer to an area where his colleagues died the other day and expect him to shoot to injure somebody whom he, clearly, knows is armed. This is a dilemma. I believe that we need to actually tackle the inherent societal problems in our country in order to contain crime. Quite a number of security posts in this country are either not manned or have no facilities. The Ministry is overwhelmed to put up the facilities and at the same time, send police officers to those areas. I would like to challenge my colleagues to assist the Minister by putting up these physical facilities through the CDF. I believe that security is the responsibility of everybody and there is no development that can take place without security.

Mr. Temporary Deputy Speaker, Sir, the Constituencies Development Fund (CDF) is a development fund. If you cannot achieve that development, then what are you waiting for? However, I urge the Ministry as well to man some of these facilities that have been put in place by some of us. A case in point is that I have put up five administration police posts in my

constituency. However, three out of these five, have not been manned for one-and-a-half years. Others have not been manned two years down the line. So, some of us get discouraged when we put up these facilities, knowing very well that the men who were there have been going there on patrol basis every now and then because of lack of these facilities. Now, despite putting up these facilities, there are no men, and then we wonder why we put them up in the first place. So, I urge the Minister to post staff and bring equipment to these facilities that have been put in place. We can cost-share and support the Ministry in ensuring that there is security in our rural areas, so that development can take place.

Mr. Temporary Deputy Speaker, Sir, I would like to also mention something about community policing. This is a very noble idea. It is working in many areas, but it has hiccups. I would like the Minister and the Commissioner of Police to look into it and refine it. Like any other new policy or initiative, it has its own teething problems. Sometimes some of those people who have been recruited by the police are sort of on a mission of vendetta in the communities in which they serve. It is very important that we do proper background checks on the individuals that we take on in terms of co-operation in the community policing.

Mr. Temporary Deputy Speaker, Sir, there are areas in this country inhabited by refugees. There are camps, particularly in North Eastern Province and in my constituency, for that matter. A lot of insecurity problems have emanated out of hosting of these refugees. Today, many of the inhabitants in these areas are suffering as a result of measures put in place to contain insecurity or as a matter of probably national security. The Minister knows very well the problems that we have been facing from these camps. However, some of the measures that have been put in place have made the host communities in those areas and who have been there before the refugees and who are Kenyans, suffer. I urge the Minister to review some of those measures that have been put in place. We can consult to be able to inform him further on some of those measures and the problems they are creating. Quite a number of our people have been impoverished as a result of these measures because of lack of transport in those areas. It is like putting some sort of embargo on some of the divisions and locations because of containment or restrictions of movement for the refugees.

With those few remarks, I support.

The Minister of State for Youth Affairs (Dr. Kuti): Mr. Temporary Deputy Speaker, Sir, I would like to comment on an issue that has been raised by previous speakers that whenever insecurity occurs, people point fingers at the Office of the President or the police. Security is actually the responsibility of a tripartite arrangement where leaders play a very major role in bringing about peace and harmony among the people they lead. That is a very critical issue. The second one is the community itself and then the Government as in the Provincial Administration. Whenever these three arrangements fall apart, then insecurity becomes a major issue. A case in point is Isiolo where we had a very bad situation before 2002. It was because of poor leadership together with a bad relationship between the community and the leader or the leader and the Office of the President in the district. We now have had almost four-and-a-years of peace in Isiolo because of the good relationship between the elected leaders, including the Members of Parliament and the councillors, through community policing.

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, Dr. Kuti! I am afraid your time is up!

The Minister of State for Youth Affairs (Dr. Kuti): Mr. Temporary Deputy Speaker, Sir, I was going to raise a very important issue but let it be.

The Temporary Deputy Speaker (Mr. M'Mukindia): You are not allowed by time. Maybe you will have to raise it in the Committee Stage later on. Now, it is time for the Minister to reply.

The Minister of State for Administration and National Security (Mr. Michuki): Mr.

Temporary Deputy Speaker, Sir, first of all, I want to thank the House for what I consider to be very impressive support that has been given by the various speakers to this Vote. I wish to thank all hon. Members who have contributed to the debate. I have been listening very attentively since this debate started and I am highly impressed. I like being very frank. Indeed, it is out of expectations to hear that the regard with which they treat this Ministry, particularly the role it plays in the various activities that concern the Government.

The acknowledgement that the reforms that we have carried out, both for the police and the Provincial Administration are beginning to bear fruits. Indeed, the House has supported what I started with when I said that the funds we have been given are not adequate. I trust that after the efforts we are going to make to go back to the Treasury, the House will equally support us in seeking for supplementation of this budget because it is short by Kshs18 billion.

(Loud consultations)

The Temporary Deputy Speaker (Mr. M'Mukindia): Order, there in that corner! This is a very important reply by the Minister, but I see that the furthest corner is not paying attention. Please, allow the Minister to reply. I can see the attention of every hon. Member here, except that corner. Consult quietly.

Proceed, Mr. Minister!

The Minister of State for Administration and National Security (Mr. Michuki): Mr. Temporary Deputy Speaker, Sir, I want to assure hon. Members that their contributions will be taken very much into account as we move ahead to utilise the Budget that they have, so overwhelmingly, supported. As I said, we are short by over Kshs18 billion. I think I should mention here that we will initiate discussions for the Government to re-look at the central allocations, which are made according to the sectors. The factors that influence those allocations are highly dynamic, Therefore, the grouping of Ministries in various sectors that was done two years ago can hardly apply today, because of that dynamism.

The issues that have been raised here, and they have been favourable, in particular issues concerning, for example, the creation of new districts--- The Government expressed its intention to create districts. This has been very much supported, and even where you hear dissent, it comes from the minority of the people. This country has committed itself to the will of the majority. I think that, that is a very good principle to follow in the management of human affairs, that those who have a bigger voice like we vote here, will carry the day. Indeed, there have been very few cases. In creating these districts, we are very careful not to balkanise this country into tribal groupings, because our aim is to create a nation; one nation in Kenya. So, for those who approach this problem from that angle of a clan are not being fair to the policy that is so well articulated that there can be no doubt as to which direction we are taking in these matters, as a Government.

Mr. Temporary Deputy Speaker, Sir, there were certain concerns expressed because of the nature of the crime we are having. Neither we, in the Government, nor those in the Police Force wish to see anybody die, whether in the hands of the police or in the hands of gangsters. However, I think one point is being raised, namely what, for example, Prof. Maathai would like to see. She would like to see somebody being persuaded as he points a gun at you, as a policeman. I think it is highly naive to expect that a policeman will react in that manner when someone is pointing a gun at him to kill him. It is unnatural! In fact, that is a very naive expectation. It is within human nature to try to save yourself from any danger which you perceive to be facing you. This is how our policemen react. In any case, why would that gangster have a gun?

In Uganda, lest people think that I do not know what is going on there, if you are found with an unauthorised gun, and you are a civilian, you are immediately treated as one of the

members of the armed forces for the very fact that you own a gun. Your case is then taken over by the army and you are placed under court martial. In 99 per cent out of 100 chances, you will be sentenced to death through a firing squad. That is what is happening in Uganda! I wish criminals here would allow the police to apprehend them, so that we can hand them over to Mr. Karume for onward handing over to the Department of Defence (DoD) for the same treatment as in Uganda. Unfortunately, that, again, is naive on my part to expect that they will behave that way.

Mr. Temporary Deputy Speaker, Sir, let us understand this problem. I want to commend Ms. Ndung'u for understanding this problem. I do not know whether she is in the House, although she does not need to be here for me to say so. These are criminal gangs which people continue to refer to as *Mungiki*. They themselves have never referred to themselves as *Mungiki*, but we are perpetuating this myth. These are, pure and simple, criminals, who have decided that they will earn their livelihood by using force against other people. It cuts across the very principle that we have adopted in developing this country, namely that we shall sweat for everything that we have, and that we are a working nation that will contribute to the development of this country. Therefore, let us understand it that way.

We are dealing with gangs of criminals, and the Attorney-General and myself have already started moving towards legislating against organised gangs and criminals. We hope that when the Bill, which is already in draft form, comes to this House, it will be supported. It is in this Bill that if it can be proved that a criminal's wealth has been acquired through illegal means, it will be taken over by the State. The offence of possession of a gun illegally will be a capital offence.

So, these matters are going to come because in every society there are certain developments that require their own way of treatment. We are in a situation where, as responsible leaders, we must protect the majority from the harassment by the minority. Not only harassment but killing! People have had their necks power-sawed. Just imagine yourself losing your neck through a power saw. That is an evil thing! Indeed, it is better to have one bullet and get finished with. But this is something that these people enjoy doing. A lot of other things, that I cannot say here, have come to my attention.

So, Mr. Temporary Deputy Speaker, Sir, let us understand that as a nation, we must arrest that monster. We must support the police and not use those occasions to behave as if we are seeking for votes at the expense of the lives of very many Kenyans. We must be able to tell the truth, even if I do not have to come to this House again. I am not going to lie in order to be given votes. I will speak the truth as it is! I am sure the truth will save me.

(Applause)

Mr. Temporary Deputy Speaker, Sir, we have noted the proposal to increase the insurance for police officers. Let me also say that it is not going to be long before the police on operations are supplied with bullet proof vests. This is coming very soon. We have also acquired equipment to detect guns from a distance. If you are carrying a gun, we shall be able to know. Those gadgets are at various places known to the police - the routes which are used. That is why, as part of police operations, road-blocks must be supported. I am glad that this House does understand that.

Mr. Temporary Deputy Speaker, Sir, let me also put in a word. Mr. Bahari introduced a new dimension to this debate where he tried to imply that this Government acts in a manner that is discriminatory to those who belong to the Islamic faith. It is very disappointing for a person as educated, not to understand what is going on in Kenya. That is because in Kenya, as we all know, this Government does not discriminate against anyone, either in the allocation of resources, the application of the law or any other manner of treatment. By continuing to imply that, that is not so is really being highly dishonest. We do not have laws that work against Islam. If we were not to

apply the law equally, what would I be doing chasing *Mungiki* from my own tribe?

(Applause)

If we were not to be fair--- You have an hon. Member standing in this House vilifying the Government that it is discriminatory to those of the Islamic faith! I feel highly disappointed that, that is the way the hon. Member sees Kenya. I want to assure him that it is not so. Free education is going to every child of any faith or without faith. The Constituencies Development Fund (CDF) is going to every corner of this country. The Government has got programmes everywhere. The investments that have been done in his own province are worth over Kshs4 billion! That never happened in the Government that he was! It is not that I am talking about Mr. Bahari, but people of that persuasion. That is because it is unfair to this Government. It shows lack of understanding.

Mr. Temporary Deputy Speaker, Sir, I am told that somebody is organising something else outside against this Vote. So, we shall continue to render our services with all our ability and knowledge and without fear or discrimination. We shall continue to give the necessary leadership in that Ministry.

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

(Applause)

(Question put and agreed to)

*[The Temporary Deputy Speaker
(Mr. M'Mukindia) left the Chair]*

IN THE COMMITTEE

*[The Temporary Deputy Chairman
(Mr. Poghisio) took the Chair]*

Vote 01 - Ministry of State
for Administration and
National Security

The Temporary Deputy Chairman (Mr. Poghisio): Order, hon. Members! We are now in the Committee. I now call upon the Minister to move the Motion.

The Minister of State for Administration and National Security (Mr. Michuki): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, a sum not exceeding Kshs14,642,706,000 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure during the year ending 30th June, 2008, in respect of:-

Vote 01 - Ministry of State
for Administration and
National Security

(Question proposed)

The Temporary Deputy Chairman (Mr. Poghisio): We are going to start with Recurrent

Expenditure. I hope that hon. Members are at the required pages.

VOTE R01 -
RECURRENT EXPENDITURE

SUB-VOTE 010 - GENERAL ADMINISTRATION AND PLANNING

Head 001 - Office of the President Headquarters

Mr. Syongo: Mr. Temporary Deputy Chairman, Sir, as a general principle, may I get some clarification. If you look at page 3, Head 001, Item 3111000 - Purchase of Office Furniture and General Equipment. There is a similar heading on page 7. My understanding is that Recurrent Expenditure should relate to items whose lifespan or shelf-life does not exceed one year. I can see there items including general equipment, whose lifespan, I believe, would exceed one financial year. Could I have some clarification as to why these were not reflected under the Development Expenditure.

The Minister of State for Administration and National Security (Mr. Michuki): Mr. Temporary Deputy Chairman, Sir, this is a general designation of equipment of that nature which will appear under different departments. They will appear under the Kenya police and under the administration police because according to the nomenclature which the Treasury has set aside, there is that grouping which must be repeated under the various allocations to departments.

(Heads 001 and 797 agreed to)

(Sub-Vote 010 agreed to)

SUB-VOTE 011 - FIELD ADMINISTRATION SERVICES

(Heads 005 and 006 agreed to)

(Sub-Vote 011 agreed to)

SUB-VOTE 012 - ADMINISTRATION POLICE SERVICES

Head 011 - Police Reforms

Mr. Muturi: Mr. Temporary Deputy Chairman, Sir, with regard to Head 011 - Police Reforms, let me look at the first Item; Training Expenses. I recall, while the Minister was moving this Vote, he spoke about reforms in the police. I wonder whether this allocation is suggestive of any seriousness at all on the part of the Ministry to train the police. If these reforms are within the police force. How can you allocate only Kshs5 million for training expenses? Are you going to train three policemen? That is on page 10, the first item. I need to draw the Minister's attention to the fact that even last year, this year, the year to come and the one after, it is a similar allocation of Kshs5 million. What are we talking about? Who is being trained? How many people is Kshs5 million proposed to train every year?

The Minister of State for Administration and National Security (Mr. Michuki): Mr. Temporary Deputy Chairman, Sir, the provision of Kshs5 million for training--- You must remember that the actual training in a training college, for which we do not have to pay--- This is money spend on people who have to be send back for training. In fact, it was stated here that the

police ought to be taught law as it comes up. This is what we are doing. These are in-service courses for people who are required to deal with specialised crime.

*(Heads 010, 011, 012, 279,
281 and 285 agreed to)*

(Sub-Vote 012 agreed to)

SUB-VOTE 013 - GOVERNMENT PRESS

(Head 014 agreed to)

(Sub-Vote 013 agreed to)

SUB-VOTE 017 - POLICE DEPARTMENT

Mr. Muturi: Mr. Temporary Deputy Chairman, Sir, I do note the composite nature of the way the Items are put there. It talks about the police. Does that include the Anti-Narcotics Police Unit because the Minister's speech on Tuesday, completely ignored any mention of that particular wing, yet as you appreciate, we have a lot of problems with drugs being imported into the country?

The Minister of State for Administration and National Security (Mr. Michuki): Yes, it does, Mr. Temporary Deputy Chairman, Sir. The only thing that we do not have in our Estimates is Anti-terrorism which is under the National Intelligence Service.

*(Heads 003, 007, 008, 009, 083, 085, 086,
091, 092, 093, 094, 095, 097, 101, 104,
105, 106, 107, 108, 109, 110, 111, 112,
150, 118, 301, 302, 388, 389, 390, 394,
396, 397, 398, 586, and 747 agreed to)*

(Sub-Vote 017 agreed to)

SUB-VOTE 019 - GENERAL SERVICE UNIT

*(Heads 088, 102, 103,
303 and 304 agreed to)*

(Sub-Vote 019 agreed to)

(Vote R01 agreed to)

VOTE D01 -
DEVELOPMENT EXPENDITURE

SUB-VOTE 010 - GENERAL ADMINISTRATION AND PLANNING

(Head 001 agreed to)

(Sub-Vote 010 agreed to)

SUB-VOTE 011 - FIELD ADMINISTRATION SERVICES

Head 006 - District Administration

Mr. Muturi: Mr. Temporary Deputy Speaker, Sir, under Head 006, District Administration, there is Item No.3110300, Construction of Building. Last year, on the same item, there was an allocation of Kshs36,049,540. This year, there is an allocation of Kshs81.120 million. I would like to get some clarification from the Minister. Is this a building in a specific district, so that if it is in Mbeere, then I will just walk out of this place singing halleluyah? Where is it, so that we can follow it up?

The Minister of State for Administration and National Security (Mr. Michuki): Mr. Temporary Deputy Chairman, Sir, I think the hon. Member knows that for a very long time, field services had highly inadequate space. Since the last financial year, we have embarked on enlarging some of these offices, including those of the District Commissioners (DCs) and District Officers (DOs) in certain areas.

The Temporary Deputy Chairman (Mr. Poghio): Mr. Minister, the hon. Member, is actually talking about a building and not buildings. Is it just a typographical error?

The Minister of State for Administration and National Security (Mr. Michuki): Mr. Temporary Deputy Chairman, Sir, if he is talking about a building, then that is a typographical error.

Mr. Muturi: Mr. Temporary Deputy Chairman, Sir, I just hope that, that answer is taken as correct, because it is repeated severally. The Minister should then tell us, if it is meant to be construction of buildings--- I think it is not possible that it could be a typographical error, because the next item is "refurbishment of buildings." This is "construction of building," and it falls under the Head, "District Administration." I think it must refer to a specific building, because I know that it is repeated. I have gone through the book.

The Temporary Deputy Chairman (Mr. Poghio): Mr. Minister, you need to make that clear.

The Minister of State for Administration and National Security (Mr. Michuki): Mr. Temporary Deputy Chairman, Sir, it is a typographical error, because this is what I have been advised by those who prepared these things. I think the hon. Member should take it in good faith.

The Temporary Deputy Chairman (Mr. Poghio): So, wherever it appears, we should read it as "buildings," because it is appearing many times.

I will now put the Question.

(Heads 005 and 006 agreed to)

(Sub-Vote 011 agreed to)

SUB-VOTE 012 - ADMINISTRATION POLICE SERVICES

Head 010 - Administration Police Training College

Mr. Muturi: Mr. Temporary Deputy Chairman, Sir, I think, I am at a risk of sounding repetitive and that is what I am trying to avoid. On the first Head 010, Administration Police Services, there is "Construction of Building", which was allocated Kshs210 million last year, and Kshs200 million this year. Next year, it has been proposed that it will be allocated Kshs300 million and Kshs400 million the year after. Immediately below that item, there is "refurbishment of

buildings."

Are we saying that the people who print these books really do not know what it is they are talking about? Do they not know the difference between "building" and "buildings?"

If that be so, when you go to page 3, there is CID Headquarters Administration Services. There is construction of building which had been allocated Kshs5 million last year. This is year, it is proposed to be allocated Kshs100 million. Is it reasonable to assume that this refers to many buildings and not one building? At this very early stage, it is important that a proper clarification of these headings be made. I am not opposed to the budget, but it is important that we also exercise a proper oversight. If there are many buildings to be constructed, it is only fair that as we leave here, we know that they will be constructed throughout the country. I think the CID training school must be one building.

The Minister of State for Administration and National Security (Mr. Michuki): Mr. Temporary Deputy Chairman, Sir, the allocation which the hon. Member is referring to requires Kshs200 million, at the Administration Police Training College. If he has been there recently, he would have realized that even trees have been cut to yield space, where this building is going to be put up. I was there recently. So, it is the expansion of that college, which is playing a major part. As you know, already, we are even training chiefs there. They are coming out very good people, with renewed vigour.

As for the CID Headquarters, you may recall, that this site with structures of buildings, was acquired from the Ministry of Environment and Natural Resources, which was building its offices in that area. The buildings had to be brought nearer to the usage by the CID, in providing space for their forensic activities and so on. So, this money is, again, going to expand that building, in order to convert it to suit the CID requirements. So, this money is, again, going to be used to expand that building and convert it to suit the requirements of the CID. Originally, that building was not meant to be for the CID. So, this is legitimate expenditure in preparation for better performance by that department.

The Temporary Deputy Chairman (Mr. Poghio): First of all, Mr. Muturi, are you satisfied that it is not "building" so that this matter does not come up again? It is "building", but really read "buildings".

Mr. Muturi: Mr. Temporary Deputy Chairman, Sir, that is the point I started at. In fact, if you go through all of it, even under the title Kiganjo Training College, there is "construction of building" and not "buildings". That means it is a specific building. *Wananchi* of this country have a right, when they are passing nearby, to pop in and check whether there is any building coming up. If none is coming up and yet we voted money for it, at least, the matter should be reported. For that reason and in respect to this issue of "building", I think the Minister--- Of course, about the CID Training School, I am satisfied because I even know the place. However, about the other one regarding "building" and "buildings", there is need for the Minister to clarify.

Mr. Temporary Deputy Chairman, Sir, be that as it may, since we read out very many---

The Temporary Deputy Chairman (Mr. Poghio): Order! Order! Mr. Muturi, I just want you to note that the Chair does agree with the Minister because this is running through all the Printed Estimates. It does not only appear under this Ministry, but in all of Ministries. It must be a typographical error because it keeps saying "construction of building". Even when you look at the pages concerning other Ministries, you will see "construction of building" posing the same problem. However, when it comes to refurbishment and purchase, they put "buildings", but when it comes to construction, it is something that needs to be looked at again by those who did the books.

The Minister of State for Administration and National Security (Mr. Michuki): Mr. Temporary Deputy Chairman, Sir, as I know it, these designations should always be "buildings" even if it is one building. This is because what really matters is that under that particular Head, it can take one building or several of them. For the purposes of description, the code used refers to

"buildings" and not "building".

Hon. Members: "Building"!

The Minister of State for Administration and National Security (Mr. Michuki): Mr. Temporary Deputy Chairman, Sir, even if it is one building that is going to be created under that provision, the Head itself remains, "Construction of buildings" because that is a designation for all constructions. So, where the letter "s" has been omitted, as I said before, it is a mistake.

The Temporary Deputy Chairman (Mr. Poghisio): That should put the matter to rest.

Mr. Muturi: Mr. Temporary Deputy Chairman, Sir, of course, I do not want to drag the Minister on this issue. I really want the Vote passed. However, it is not just with regard to this matter, as you rightly observed. It runs across and I think therein lies some problems for, maybe, auditors at some point. But for the time being, we will go by what the Minister has said. However, Treasury, because we have also lined them up to come here, we will take them on so that they can explain to us why they give a code, "Construction of building" and not "buildings" when it is anticipated that the Government intends to construct several buildings. It really does not make a lot of sense unless somebody is trying to hide something.

Mr. Temporary Deputy Chairman, Sir, on page 3, there is an item called Specialised Units. It is the last Item on page 3. The purpose for which funds have been allocated to the purchase of specialised plant, equipment and machinery.

The Temporary Deputy Chairman (Mr. Poghisio): Well, you have gone ahead of me.

Mr. Muturi: No, Mr. Temporary Deputy Chairman, Sir. It is on page 3.

The Temporary Deputy Chairman (Mr. Poghisio): Yes, but that is not one of the Heads.

Mr. Muturi: Is it not one of them? I thought you read so many.

The Temporary Deputy Chairman (Mr. Poghisio): No, the last one I read was Head 281, and it is just above that. So, you have to wait a bit.

Mr. Muturi: Okay, Mr. Temporary Deputy Chairman, Sir.

(Heads 010, 011, 012 and 281 agreed to)

(Sub-Vote 012 agreed to)

SUB-VOTE 013 - GOVERNMENT PRESS

Head 014 - Office of the Government Printer

Mr. Muturi: Mr. Temporary Deputy Chairman, Sir---

The Temporary Deputy Chairman (Mr. Poghisio): But it is about Government Press.

Mr. Muturi: Is it Head 013?

The Temporary Deputy Chairman (Mr. Poghisio): No, it is Head 014.

Mr. Syongo: With your indulgence, Mr. Temporary Deputy Chairman, Sir, I still want to revisit the point that I made earlier. You will find the same Head appearing in the Printed Estimates of the Development Expenditure. I would like to draw the Ministers attention to the fact that it could be a mistake because if you look at Head 014---

The Minister of State for Administration and National Security (Mr. Michuki): Mr. Temporary Deputy Chairman, Sir, I cannot hear him. Could he, please, speak up?

The Temporary Deputy Chairman (Mr. Poghisio): Please, use the microphone.

Mr. Syongo: Mr. Temporary Deputy Chairman, Sir, if you look at Item 3111000 under Head 014, there is a repeat of the same item, that is, "Purchase of Office Furniture and General Equipment" in the Printed Estimates showing the Recurrent Expenditure. I just wanted to draw the

Minister's attention to the fact that it could actually be a duplication. The same actually appears in the estimates for Recurrent Expenditure.

The Temporary Deputy Chairman (Mr. Poghio): Mr. Minister, the hon. Member is asking why there is a repeat in the estimates for Development Expenditure of something we saw in the Recurrent Expenditure Estimates in terms of the Head and its title.

The Minister of State for Administration and National Security (Mr. Michuki): Mr. Temporary Deputy Chairman, Sir, when you work out a development project, it must be a full one. You build an office which must be used immediately. A part of your initial expenditure for that office refers to everything else because it is a project. It will even include furniture because that is the initial period when you are setting up the office. Otherwise, without furniture, what kind of office will you produce? So, it must come under that item because it is a new project which requires to be complete. It must be completed within the same---

The Temporary Deputy Chairman (Mr. Poghio): Even as you respond, I know hon. Muturi is back on his feet because what he is asking is: "How come the same appears in the Recurrent Expenditure Estimates and now, here? Why would it appear in the Recurrent Expenditure Estimates when it is an item for Development Expenditure?"

The Minister of State for Administration and National Security (Mr. Michuki): Mr. Temporary Deputy Chairman, Sir, in the Recurrent Expenditure Estimates, we are replacing old equipment. We are replacing old curtains, broken tables and old computers and laptops with modern ones. So, it must also appear there because even those that appear under the Development Expenditure Estimates will at some stage move into the Recurrent Expenditure Estimates to be replaced.

Mr. Syongo: Mr. Temporary Deputy Chairman, Sir, I would like to reassure the Minister that I have no objection whatsoever. All I am saying is that for purposes of proper budgeting and internal consistency, the items under the same Head, which also appeared under the Recurrent Expenditure Estimates should actually be migrated into the Development Expenditure Estimates. That is all I am saying and I have no objection whatsoever. I understand the rationale, but an equipment which is going to last more than one financial year should actually be migrated into the Development Expenditure Estimates.

Mr. Temporary Deputy Chairman, Sir, in this case, those same items that the Minister has described and which appeared under the Recurrent Expenditure Estimates would appear to be misplaced there. They should be migrated to the Development Expenditure. That is all. I just wanted to draw his attention to the fact that, definitely, something is wrong.

The Minister of State for Administration and National Security (Mr. Michuki): Point noted!

(Head 014 agreed to)

(Sub-Vote 013 agreed to)

SUB-VOTE 017 - POLICE DEPARTMENT

The Temporary Deputy Chairman (Mr. Poghio): Mr. Muturi, this is what you wanted to comment on. You may now proceed.

Head 008 - CID Specialised Units

Mr. Muturi: Thank you, Mr. Temporary Deputy Chairman, Sir. I would like to refer to Head 008, CID Specialized Unit. I had just begun talking about the provision made under Item

3111100, Purchase of Specialised Plant, Equipment and Machinery. The reason as to why I noted this Item is that last year, it was allocated of Kshs305 million but the proposed allocation to this same Item this year, next year and the year after is only Kshs5 million. My worry is that since we are talking about purchase of specialised equipment, plant and machinery, Kshs5 million is too little. Unfortunately, we seem to be hostage to unchanging Treasury systems. Surely, if you talk about anything specialised today, you should be able to describe what that specialised equipment and machinery is. Indeed, when this Item was allocated Kshs305 million last year, it was understandable. The Item is allocated only Kshs5 million this year, and you are still claiming that this amount is for purchase of specialised equipment? There must be something tragically wrong with this system. Could the Minister explain what it is?

The Minister of State for Administration and National Security (Mr. Michuki): Mr. Temporary Deputy Chairman, Sir, surely, specialised equipment is specialised equipment. It is specialised because it has special jobs to do. Even if we talked about forensic equipment, for example, which, of course, refers to this, forensic equipment is specialised equipment. This House has been urging us to move in that direction. The Departmental Committee that deals with our affairs has even gone to the newspapers, instead of addressing this House, on the same issue. So, I am saying that the specialised equipment referred to here would be equipment that is to be used by the CID for detection of crime. For example, even the bullet-proof vests that I talked about are specialised equipment. So, are night vision goggles, which you use to see in darkness. So, what else do you want me to say?

Mr. Muturi: Mr. Temporary Deputy Chairman, Sir, at this rate, I can understand why very soon we will have to teach some lessons to some of them. It is not serious of the Minister to stand here and pretend to say that an allocation of Kshs5 million is intended for the purchase of specialised equipment, plant and machinery. Actually, my worry is not about the specialisation, or how complicated the night vision goggles, that the Minister would want people to wear, would be. I find it a bit odd that we could be talking about purchase of specialised equipment and allocating for the same a paltry Kshs5 million. This amount has no relationship with the amount that was provided under the same Item last year. I am going to raise hell!

The Assistant Minister for Health (Dr. Machage): On a point of order, Mr. Temporary Deputy Chairman, Sir. Would I be in order to inform the hon. Member that specialised---

The Temporary Deputy Chairman (Mr. Poghisisio): Order! Order!

Mr. Muturi: No! No! No! They are using so many languages---

The Temporary Deputy Chairman (Mr. Poghisisio): Order! Order, both of you! Order, Dr. Machage!

The Minister of State for Administration and National Security (Mr. Michuki): Mr. Temporary Deputy Chairman, Sir, to address the question that has been raised by Mr. Muturi, I think we ought to know that it is not the amount of money that makes equipment special. Suppose you have a special kind of gun and you want to buy some specialised bullets for that gun? I am just trying to point out the fact that it is not the amount of money that makes equipment special.

Mr. Muturi: Mr. Temporary Deputy Chairman, Sir, I expected the Minister to say that he also feels inadequate, in that actually what is proposed to be given to his Ministry is only Kshs5 million to buy specialised equipment for the CID. Not for one policeman?

The Temporary Deputy Chairman (Mr. Poghisisio): Mr. Muturi, maybe, this is just a categorisation of the Department's Budget. You cannot move away from it. So, even if the provision under this Item were to be only Kshs20, the categorisation of that provision in the Budget would remain the same.

Mr. Minister, I hope that is what it is! Mr. Muturi is, probably, wondering why specialised equipment is being given only Kshs5 million. Am I correct?

The Minister for Administration and National Security (Mr. Michuki): Mr. Temporary

Deputy Chairman, Sir, we are using the big Estimates Book, but the explanation is in the small book. If Mr. Muturi looks at the small book, he will see that it is stated therein that it is specialised equipment. I think he is satisfied.

The Temporary Deputy Chairman (Mr. Poghio): Mr. Muturi, are you satisfied?

Mr. Muturi: Mr. Temporary Deputy Chairman, Sir, it is only because I am sympathetic to the Minister. There is nothing that he says is different. Even in the small book, it is still defined in the same manner.

Mr. Temporary Deputy Chairman, Sir, you actually got it right. We are talking about reforms. So, what we are trying to raise here is the issue of explanation. We do not want Ministers to be given things which are unexplainable. We went to school. You got it right. It is the question of categorisation, and this is a question of civil servants doing things in the old ways. The Minister should just have owned up. It is what he has been given.

Head 086 - Kenya Police College Kiganjo

Mr. Muturi: Mr. Temporary Deputy Chairman, Sir, again, on page four, and I hope the Minister does not consider this a nuisance, on Head 086, Kenya Police College Kiganjo, the only Item there is Construction of Building. The point I want to raise is: This must be specific. It is a building at the police training college. The reason I stood is to really ask the Minister whether he still wants to stand by his earlier explanation that there are mistakes. This is a building! It must be one building!

The Minister of State for Administration and National Security (Mr. Michuki): Mr. Temporary Deputy Chairman, Sir, I am not quite certain whether the explanation that I have already given on these repeated Items--- We should look at the designation rather than read anything more. It has always been the case. I have worked in the Treasury. The item is Buildings, even if you are constructing one building. Because it covers all forms of constructions. I must admit that this must be a typographical error, as opposed to anything that someone was particular in describing one single building. The Estimates cover so many buildings of various sizes. I trust that the hon. Member will take this explanation in good faith. That is what it is.

*(Heads 003, 008, 085, 086,
092 and 095 agreed to)*

(Sub-Vote 017 agreed to)

SUB-VOTE 019 - GENERAL SERVICE UNIT

(Heads 088, 102 and 103 agreed to)

(Sub-Vote 019 agreed to)

(Vote D01 agreed to)

(Question put and agreed to)

*(Resolution to be reported
without amendment)*

(The House resumed)

*[The Temporary Deputy Speaker
(Mr. Khamasi) in the Chair]*

REPORT

Vote 01 - Ministry of State
for Administration
and National Security

Mr. Poghiso: Mr. Temporary Deputy Speaker, Sir, I am directed to report that the Committee of Supply has considered the Resolution that a sum not exceeding K£14,624,706,000 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2008, in respect of Vote 01 - Ministry of State for Provincial Administration and Internal Security, and has approved the same without amendment.

The Minister of State for Administration and National Security (Mr. Michuki): Mr. Temporary Deputy Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Resolution.

The Minister for Water and Irrigation (Mr. Katuku) seconded.

(Question proposed)

Mr. Syongo: Mr. Temporary Deputy Speaker, Sir, the Ministry has just obtained approval for very substantial amounts of money, both for Recurrent and Development Expenditure. I hope that with this allocation, the Minister will consider districts such as Suba District, where the construction of the DC's residence has stalled. The construction of the district headquarters is yet to start, even after the Government kindly procured 100 acres for the development of the headquarters and other related Government buildings.

The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs (Mr. Moroto): Mr. Temporary Deputy Speaker, Sir, first and foremost, I want to congratulate the Minister for all the work that the Ministry has started, especially with issues dealing with security. In West Pokot District, new Administration Police camps have been started along the border between Kenya and Uganda. That has really helped us. That is why the rate of crime and cattle rustling in the area has gone down. I would like to ask the Minister to put more facilities along those areas, so that the people along the border can realise--- Recently, several animals and people were killed by the UPDF from Uganda. The reason for that is because our security officers along the border are very few. They do not have enough weapons to tackle those people. Now that we have given you money, that will help them!

(Mr. Achuka's phone rang)

The Temporary Deputy Speaker (Mr. Khamasi): Order! Who is that?

Hon. Members: "General" Achuka! Stand up, own up and apologise!

Mr. Achuka: Bw. Naibu Spika wa Muda, nimezima simu!

An hon. Member: At least, he is honest!

The Temporary Deputy Speaker (Mr. Khamasi): Mr. Moroto, could you finish what you were saying?

The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs (Mr. Moroto): Lastly, Mr. Temporary Deputy Speaker, Sir, there is one issue which I want to

inform the Minister. I do not know whether he is aware of that. I do not know whether it is affecting the whole country. But I have realised that in Rift Valley Province, along the road from Kapenguria to Naivasha, there was one time when you could get administration police officers and other police officers manning road-blocks. At the moment, it is only the police who do so. That will create conflicts between our offices. He should see to it that those officers work in harmony.

Thank you.

Mr. Muturi: Mr. Temporary Deputy Speaker, Sir, while I congratulate the Minister and, indeed, sympathise with him because what he requires is not exactly what we have been able to approve for him, I would like to point out that there is an area which has to do with the new authority that deals with the abuse of psychotropic substances - NACADA. It is important that, that area is given the serious attention that it requires. Many crimes that are being committed in the country have to do, to some extent, with some of our youths who are indulging in those illegal activities.

With those few remarks, I support.

Mr. Omondi: Mr. Temporary Deputy Speaker, Sir, last financial year we gave the Minister almost the same amount of money.

The Temporary Deputy Speaker (Mr. Khamasi): Could you speak facing the microphone?

Mr. Omondi: Mr. Temporary Deputy Speaker, Sir, I am saying that last financial year we gave the Minister almost a similar amount of money. The desire was to achieve peace and have a functional provincial administration. However, this was not so. It is the same year that we witnessed a lot of security problems in the country. This year, we are giving him a slightly higher amount of money. We believe he will utilise it very expeditiously and make us sleep soundly. This can ensure enhancement of our economic development activities.

The Temporary Deputy Speaker (Mr. Khamasi): Yes, Mr. Achuka!

(Mr. Achuka moved to the Dispatch Box)

Order, Mr. Achuka! Go back to your place!

(Mr. Achuka moved to the Back Bench)

Mr. Achuka: Bw. Naibu Spika wa Muda, tumepitisha Hoja muhimu juu ya matumizi ya pesa katika Wizara hii. Tunataka tuwe na amani hapa nchini. Amani itapatikana ikiwa usalama utakuwa thabiti. Utawala wa Mkoa na polisi wanahitaji pesa nyingi ili kuwe na usalama na amani nchini. Katika eneo langu, kuna tarafa tatu. Tarafa hizi hazina magari ya *DOs*---

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Achuka! I am not opening debate on this issue. You are required just to make a few remarks with regard to what has already been done. *Halafu itakuwa hivyo.*

Mr. Achuka: Bw. Naibu Spika wa Muda, hizi pesa ambazo tumeipa Wizara hii hazitoshi. Ninaiomba Serikali iwe na mipango ya kuziongeza ili Waziri afanye kazi vizuri.

Kwa hayo machache, ninaunga mkono.

(Applause)

The Assistant Minister for Planning and National Development (Mr. Serut): Mr. Temporary Deputy Speaker, Sir, I want to take this opportunity to congratulate the Minister for having moved this Vote humbly and receiving a substantial amount of money. I hope the Minister will use this money to mobilise his officers to disarm all those groups coming up in Mt. Elgon

District and harassing the community. Having said that, let me thank the Minister for having given us six new vehicles last month for the purposes of containing insecurity in that district.

Prof. Ojiambo: Mr. Temporary Deputy Speaker, Sir, I wish to congratulate the Minister on the Vote that has just been passed. I also want to urge him to post officers at Sio Port Police. It is a fully pledged police station, but it is not fully utilised. I believe he has enough funds to efficiently train more officers.

Secondly, I want to ask the Minister to ensure that no special training is given to the youth in areas that we do not know for the purpose of joining security forces. In Western Province, youths are being trained in Kakamega. We do not know who is training them and for what purpose.

The Assistant Minister for Environment and Natural Resources (Mrs. Kihara): Mr. Temporary Deputy Speaker, Sir, I join my colleagues in congratulating the Minister. I would also like to commend him for what he has done, so far. There is a lot of improvement in all spheres.

On security, we need to have more police officers to curb insecurity. I am a beneficiary of a new district. I beg that the Minister considers giving us two or three more divisions. Naivasha is very expansive.

(Question put and agreed to)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Khamasi): Hon. Members, we have come to the end of our business today. The House, is therefore, adjourned until Tuesday 17th, July, 2007, at 2.30 p.m.

The House rose at 6.20 p.m.