



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT**

**NATIONAL ASSEMBLY**

**THE HANSARD**

**VOL. II NO. 27**

## THE HANSARD

Wednesday, 12<sup>th</sup> April, 2023

The House met at 2.30 p.m.

*[The Speaker (Hon. Moses Wetang'ula) in the Chair]*

### PRAYERS

**Hon. Speaker:** Hon. Members, we have quorum to transact business. I must commend you for being conscious of our time. I think the Easter holiday has done you very well.

### PAPERS

**Hon. Speaker:** The Majority Whip.

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

1. Annual National Government Budget Implementation Review report for the Financial Year 2021/2022 from the Office of the Controller of Budget.
2. Reports of the Auditor-General and Financial Statements in respect of the following institutions for the year ended 30<sup>th</sup> June 2022:
  - (a) National Urban Transport Improvement – Kenya National Highways Authority;
  - (b) Horn of Africa Gateway Development – State Department for Infrastructure;
  - (c) Horn of Africa Gateway Development – Kenya National Highways Authority;
  - (d) Mombasa Port Area Road Development – Kenya National Highways Authority;
  - (e) National Urban Transport Improvement – Kenya Railways Corporation;
  - (f) Kenol-Sagana-Marua Highway Improvement – Kenya National Highways Authority;
  - (g) Kapchorwa-Saum-Kitale and Eldoret Bypass Roads – Kenya National Highways Authority;
  - (h) Nairobi Metropolitan Services Improvement Project – State Department for Housing and Urban Development;
  - (i) Green Growth and Employment Thematic Programme-NEMA– National Environment Management Authority;
  - (j) Kenya Climate Smart Agriculture Project – State Department for Crop Development and Agricultural Research;
  - (k) Timboroa-Eldoret Road Rehabilitation Project – Kenya National Highways Authority;
  - (l) Programme for Legal Empowerment and AID Delivery (State Law Office and Department of Justice);
  - (m) Salaries and Remuneration Commission Mortgage and Car Loan Scheme Fund;
  - (n) Judicial Service Commission;

- (o) Ministry of Energy;
- (p) Kenya Space Agency;
- (q) National Police Service Commission;
- (r) Ministry of Health;
- (s) State Department for Infrastructure;
- (t) Kenya Primary Education Development – State Department for Early Learning and Basic Education;
- (u) Kenya GPE Covid-19 Learning Continuity in Basic Education – State Department for Early Learning and Basic Education;
- (v) Revenue Statements of the State Department for Fisheries, Aquaculture and the Blue Economy;
- (w) Nairobi Ring Transmission Line – Kenya Electricity Transmission Company Limited;
- (x) Menengai Geothermal Project – Geothermal Development Company Limited;
- (y) Support to Technical and Vocational Education and Training for relevant Skills Development; and,
- (z) Independent Policing Oversight Authority Staff Mortgage and Car Loan Scheme.

Thank you, Hon. Speaker.

**Hon. Speaker:** The Chairperson of the Departmental Committee on Blue Economy and Irrigation.

**Hon. Kangogo Bowen** (Marakwet East, UDA): Hon. Speaker, I beg to lay the following Paper on the Table:

Report of the Departmental Committee on Blue Economy and Irrigation on its vetting of a nominee for appointment as the Chairperson of Kenya Fish and Marketing Authority.

Thank you, Hon. Speaker.

**Hon. Speaker:** Next Order.

## NOTICE OF MOTION

### APPROVAL OF NOMINEE FOR APPOINTMENT AS CHAIRPERSON OF THE KENYA FISH MARKETING AUTHORITY

**Hon. Kangogo Bowen** (Marakwet East, UDA): Hon Speaker, I beg to give notice of the following Motion:

THAT, taking into consideration the findings of the Departmental Committee on Blue Economy, Water and Irrigation in its Report for the vetting of nominee for the appointment as Chairperson for the Fish Marketing Authority, laid on the Table of the House on Wednesday, 12<sup>th</sup> April 2023 and pursuant to the provision of Section 201(1a) and 2 of the Fisheries Management and Development Act, 2016 and Section 8(1) the Public Appointment, (Parliamentary Approval) Act, 2011, this House approves the appointment of the Hon. Martin Otieno Ogindo as the Chairperson of Kenya Fish and Marketing Authority.

Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you, Hon. Kangogo. Next Order.

## QUESTIONS AND STATEMENTS

**Hon. Speaker:** Hon. Members, I had directed that the Questions segment will be starting at about 3.00 p.m., but in view of lack of other issues before Questions, I order that the Cabinet Secretary for Interior and National Administration, Hon. (Prof.) Kithure Kindiki, be called into the Chamber.

*(The Cabinet Secretary for Interior and National Administration,  
Prof. Kithure Kindiki, entered the Chamber)*

*(Applause)*

Cabinet Secretary, Prof. Kithure Kindiki, welcome to the House. You have the distinction of being the first CS under the new dispensation to appear before this House to answer questions raised by Members of Parliament. You are the only Cabinet Secretary appearing today.

We have five Questions - Four Ordinary Questions and One Question by Private Notice. I will start with the Question by Private Notice by the Member for Chuka/Igambang'ombe, Hon. Patrick Ndwiga Munene, who is not in the Chamber, but has written to the Speaker delegating Hon. Benjamin Gathiru to ask the Question on his behalf.

Hon. Benjamin, I hope you will be able to handle any supplementary questions that follow thereafter.

**Hon. Mejjadonk Gathiru** (Embakasi Central, UDA): Yes, Hon. Speaker.

## QUESTION BY PRIVATE NOTICE

*QPN 5/2023*

KILLING OF MR DANIEL MUTEMBEI AND ALLEGED POLICE  
SHOOTING OF CHAIRPERSON OF BODABODA OPERATORS IN CHUKA

**Hon. Mejjadonk Gathiru** (Embakasi Central, UDA): Hon. Speaker, I beg to ask the Cabinet Secretary for Interior and National Administration the following Question on behalf of Hon. Patrick Munene. I wish to state that he is still in the constituency because of the same...

**Hon. Speaker:** That has already been communicated to the Speaker. Just ask the Question.

**Hon. Mejjadonk Gathiru** (Embakasi Central, UDA): Thank you, Hon. Speaker.

**Hon. Speaker:** Just say I beg to ask Question No... on behalf of so and so who is not available in the House today.

**Hon. Mejjadonk Gathiru** (Embakasi Central, UDA): Hon. Speaker, I beg to ask the Cabinet Secretary for Interior and National Administration the following Question on behalf of Hon. Patrick Munene:

Could the Cabinet Secretary—

- (a) Explain the circumstances that led to the killing of Mr Daniel Mutembei on 18<sup>th</sup> March 2023 in Nkwego Village within Rubate Location, Tharaka Nithi County, which was reported to the police under OB 07/19/03/2023?
- (b) Indicate whether the perpetrators of the criminal act have been apprehended since the locals thereafter staged demonstrations against the police inaction in arresting the suspect(s).

- (c) State the measures that have been put in place to protect the applicants in Criminal Application No.E007 of 2023 filed in the High Court of Kenya in Chuka from threats of impending arrests without formal charges being preferred against them and threats to their lives leading them to be immobile and unable to be united with their families?
- (d) State the circumstances that led to the fatal shooting of the Chairperson of the *bodaboda* operators allegedly by a police officer during the said demonstrations on 18<sup>th</sup> of March 2023, and clarify whether the police officer has been identified, arrested and charged?

**The Cabinet Secretary for Interior and National Administration** (Hon. (Prof.) Kithure Kindiki): Thank you, Hon. Speaker, for the warm welcome. I want to congratulate Parliament for the adoption of the new Standing Orders that allow Cabinet Secretaries to appear before the House and answer questions that are raised directly by MPs.

Hon. Speaker, the Member for Chuka/Igambang'ombe has asked for an explanation of the circumstances that led to the killing of Mr. Daniel Mutembei on 18<sup>th</sup> March 2023, in Nkwego Village, Rubate Location in Tharaka Nithi County, which was reported by police the following day, 19<sup>th</sup> March, 2023.

On 18<sup>th</sup> March 2023, Mr. Leonard Njeru Mbuba from Rubate Location reported that his cousin, Mr. Daniel Mutembei, a male adult approximately 34 years had been attacked the previous night by known people. According to the report, Mr. Mutembei had been severely and critically injured and was left for dead and rained on for the rest of the night. He was recognised early in the morning while still alive by villagers who were taking milk to the collection point. Although critically injured, it was reported that Mr. Mutembei was able to talk, and he identified those that attacked him and gave the names of five suspects.

He was taken to hospital, but the injuries were too much, and he succumbed to the injuries at the Chuka Referral Hospital. That report was made and entered into the Occurrence Book (OB). Just for the clarity of the Member and the House, the report was made that same morning of 19<sup>th</sup> March 2023.

Investigations ensued and before any statements could be taken from any of the suspects, they went to Chuka High Court and obtained an anticipatory bail restraining their arrests and prosecution until the matter is heard and determined or until further orders are issued by the High Court. Those orders were issued by Lady Justice Lucy Gitari of the Chuka High Court on 27<sup>th</sup> March 2023, and the orders specifically restrained the police from arresting the said persons. The orders also required the matter to be heard today.

Today, the matter came up for mention and I can report to the House that in the morning, the parties were heard. I can also report to the House that for us in the Ministry, we instructed the State Counsel to represent those parties against whose orders were given, including the Inspector-General (IG) of Police, Directorate of Criminal Investigations (DCI) and all those who were sued.

The family of the victim, the late Mutembei, had also hired a lawyer this morning and both Mr. Mutembei's lawyer and the State Counsel made a very strong argument in an oral application for two things: One, is the vacation of the anticipatory bail which was lapsing today; that it should not be extended. Two, warrants of arrest to be issued against the suspects. Both the deceased lawyer and the State Counsel were on the same page against the opposition from the defense counsel. The ruling on this matter is before the judge this afternoon at 2.30 p.m., the same time that I am appearing before the House.

On Saturday 8<sup>th</sup> April 2023, which was on Easter, the victims were supposed to bury the late Mutembei, but they felt that this matter had taken too long and they could not understand why a matter where, in their view, there was overwhelming evidence pointing at the killers, the killers were still out there. Notwithstanding the anticipatory bail, they demanded

that the arrest be done. There was serious demonstration for most of the afternoon on Saturday from 3.00 p.m. into the night. They were carrying the coffin of the late Mutembei and demonstrated the whole afternoon engaging the police in running battles. The police tried to diplomatically talk to them to bury the deceased as we wait for the finalisation of the matter by way of appearance before the court today, but they could hear none of it. In fact, the protesters engaged police in throwing ‘missiles’ when the police tried to use tear gas, and it was a very rowdy protest. Of course, one would understand the public anger given the circumstances which the deceased had died.

Hon. Speaker, the police were able to open the road much later in the night, but an incident occurred around 7.00 p.m. the same night. One of the young local leaders who was the Chairperson of the Tharaka-Nithi *Bodaboda* Association, Mr. Willis Mugambi *alias* Kiraku, was shot dead in the chest around 7.00 p.m. and died on the spot; and that complicated the matter.

Immediately that happened, the same night, we dispatched, through the IG of Police, the Head of the Internal Affairs Unit of the National Police Service (NPS) from Nairobi to take over the investigations and mainly, on the shooting of Willis Mugambi *alias* Kiraku. This is because it was again alleged that he could have been killed by a police officer in the process of the riots. We dispatched the Internal Affairs Unit who are still there. We have crucial evidence and shortly, we believe we will be narrowing down to the person who shot and killed Mr. Mugambi.

At the same time, the following day on Sunday, the Independent Police Oversight Authority (IPOA) dispatched their team to investigate that incident. IPOA is independent and while the internal investigation by the police is handled by the Internal Affairs Unit from Nairobi, IPOA is handling an independent investigation so that there are no perceptions of internal collusions or preference whatsoever. The two teams are working, and I am told that a lot of progress has been made. However, up to now, the investigations are not conclusive.

In the meantime, we have reinforced our security presence. As late as last night, there were incidences of a few youths trying to block roads, and we have deployed the Regional Police Commander, Mr. Rono Bunei from the Eastern Region, Embu, to personally deal with that matter because, again, there were aspersions cast at our officers who are based in Chuka.

I can report that as we speak and, in the meantime, we felt that in order to build public confidence in our officers, the IG has transferred both the OCSs for Chuka Police Station and the County Police Commander of Tharaka-Nithi and new Officers have been put in place. That is where we are, Hon. Speaker. We do not have any conclusive evidence. I want to assure the House that we will respect the outcome of the Court regarding their anticipatory bail, which we have opposed through the State Counsel. Once that is lifted, and based on the evidence that we have, all suspects will be rounded up in minutes. But we cannot violate the court order. We hope that our case will be favoured by the judge this afternoon to allow us to continue with the justice process beyond the point it is at the moment.

With regard to the killers of Mr. Kiraku, the *Bodaboda* Chair, we believe that in the next few days, we will have enough evidence to help us take action, including prosecution of the suspects. I think that is all I have for now. I remain at the disposal of this House for any supplementary issues and with regard to the other questions that are listed on the Order Paper this afternoon.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Mejjadonk, do you have any supplementary question to that on behalf of your colleague?

**Hon. Mejjadonk Gathiru** (Embakasi Central, UDA): Thank you, Hon. Speaker. I want to thank the CS for answering the same question. Given that he comes from the same county,

I believe that the CS understands it well and he will be able to deal with that matter conclusively.

Thank you.

**Hon. Speaker:** Cabinet Secretary, that is a comment. You do not need to answer that.

Hon. Murugara. For those who want to ask supplementary questions, please go to the intervention box. I will only give three Members.

**Hon. George Murugara** (Tharaka, UDA): Thank you very much, Hon. Speaker. Thank you, CS, for that response. However, I have a supplementary question on behalf of the family of the late Willis Mugambi Kiraku as follows. What measures will the Government put in place to ensure that the family of the late Willis Mugambi Kiraku, the *Bodaboda* Chairman Tharaka Nithi, who was fatally shot on the 8<sup>th</sup> of April 2023, is properly, sufficiently and adequately compensated for the loss of their son without undue delay?

Thank you, Hon. Speaker.

**Hon. Speaker:** Cabinet Secretary, please note the three supplementary questions that will follow and then you can answer.

**Hon. Robert Mbui** (Kathiani, WDM): Thank you, Hon Speaker. Having been a victim of police violence, I think it is important to ask this. I understand that forensic evidence can show the gun that shot the bullet that killed that young *bodaboda* rider and very many young boys and girls who were killed during the recent demonstrations. I just wanted to confirm from the CS the following: Are shoot-to-kill orders acceptable by the Kenya Kwanza regime that he serves? Do the police bosses understand the Constitution and the right of Kenyans to picket under Article 37?

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Pauline Lenguris, Samburu County.

**Hon. Pauline Lenguris** (Samburu County, UDA): Thank you, Hon. Speaker for giving me this opportunity. I want to ask the CS a supplementary question. I want to thank him for the response. Killings of young innocent people has become rampant in this country. A case in point is the killings that are brought about by bandits, and we lose about two to three people every day in the presence of security officers. In relation to that issue, I want to base my case on Samburu, because killing is just killing. We are losing people daily. The CS is aware because I believe he is briefed on a daily basis that people are still being killed by bandits who have displaced them from their homes. They are killing people in the presence of the police officers, the Army and the General Service Unit (GSU). We are wondering what those security officers are doing when innocent people are being killed daily. We have lost properties. For the last two months in Samburu, we have lost 30 young men and one middle-aged woman. We cannot continue with this trend. Please do something. If the security officers have been over-powered by the bandits, please tell us. We can then plan on our own on how to deal with them properly.

Thank you.

**Hon. Speaker:** I will allow the Leader of the Minority Party to ask the last supplementary question.

**Hon. Opiyo Wandayi** (Ugunja, ODM): Thank you very much, Hon Speaker. *Bwana Waziri*, as a follow-up to the question originally asked by Hon. Munene, I must appreciate the speed with which your Ministry dispatched the Internal Affairs Unit and the IPOA to carry out investigations on the fatal shooting of Mr. Mugambi in Chuka. We have similar cases that have happened in the recent past. A case in point is the fatal shooting of a third-year student, William Mayenga in Maseno University by the police on 20<sup>th</sup> March 2023.

The second incident is the killing of a civilian, who was run over by a police vehicle driven by one Ben Oduor of Keroka Police Station, Nyamira County. *Bwana Waziri*, could you confirm to the august House if you have similarly in those instances dispatched the Internal

Affairs Unit to carry out investigations and, if so, what is the status update? What is the status of those investigations? Could we be seeing double standards in the application of the law differently in different situations in different parts of the country concerning different communities?

Is it a policy of the KPS to quell riots by use of live bullets? Has the old policy of using rubber bullets been discarded? If so, when did this change in policy occur and for whose benefit?

Thank you.

**Hon. Speaker:** CS, Hon. Kamuren says that it will not be good for him today if he does not ask a supplementary question. I will give him a minute and you can then answer the five questions.

**Hon. Charles Kamuren** (Baringo South, UDA): Ahsante, Bw. Spika. Ningependa nichukue nafasi hii kumshukuru Waziri kwa sababu amejaribu. Ninapozungumza hivi sasa, vita vinaendelea kwangu Baringo Kusini. Ninapozungumza hivi sasa, kijana mmoja amepoteza maisha yake na watatu wamejeruhiwa. Nimetuma pesa ya meli ya kuwapeleka hospitali wale ambao wameumia. Vile, nimetuma gari ya kuchukua mwili wa yule kijana aliyeuawa. Ng'ombe pia wameenda na watu wanakimbia na kuhangaika katika sehemu za Kiserian, Mukutani na Rugus.

Ninajua Waziri alikuwa huko hapo awali, lakini ni uchungu kwamba kazi ya ujambazi inaendelea. Waziri, sijui utafanya nini ili watu wangu wapate amani. Nimeomba kila wakati kuwa hao watu watolewe maeneo ya Rugus, Mukutani na Arabal. Hao majambazi wamechukua maeneo yote matatu. Majambazi wanaishi katika shule ambazo tumejenga kutumia hela za *National Government-Constituencies Development Fund* (NG-CDF). Nitalalamika mara ngapi? Watu wangu hawana bunduki. Watu wangu sio kama wale wengine wenye bunduki na wanaweza kujilinda, na Waziri anaelewa. Ninaomba amani. Watu wangu wameumia na hadi sasa, sijui wamekuwa wangapi. Tufanye nini ili vita vya saa hii visimame na watu wangu warejeshewe ng'ombe waliokuwa wamechukuliwa? Serikali inisaidie na ichukue gharama ya kuzika mwili huo na kusimamia matibabu ya hao ambao wameumia.

Ahsante sana.

**Hon. Speaker:** Cabinet Secretary, you may answer those six supplementary questions. Be precise and concise. Given the tremendous interest, I might allow two more Members to ask supplementary questions.

**The Cabinet Secretary for Interior and National Administration** (Hon. (Prof.) Kithure Kindiki): Hon. Speaker, with regards to the supplementary question raised by the Member for Tharaka, I would like to respond as follows.

At this point when investigations are ongoing, we do not have conclusive evidence on who could have shot the deceased. However, if the evidence links an officer of the NPS or any other Government official in the murder of Mr. Kiraku, I would like to assure the House that whoever is responsible will be prosecuted. Two, if the person has died in the hands of our officers, the procedures for compensation will ensue.

Regarding the question raised by the Hon. Mbui, I would like to respond as follows. There are no shoot-to-kill orders. On the contrary, all officers in the NPS and all security agencies who are involved in managing public protest, demonstrations, riots, and crowd control, are under very strict instructions not to use live bullets when dealing with members of the public. In fact, the reason the Officer Commanding Police Division (OCPD) was transferred is because there were very strict orders given by the IG of Police that there should be no live bullets used in crowd control, not just in Chuka, but even in other protests. We are asking questions, and we want to give some independence, so that when the OCPD is not in office, if it is indeed a police officer who discharged the fatal shot against orders and Government policy,



then action will be taken. However, it could have been any other licensed firearm owner, as civilians are also permitted to carry firearms and can cause fatalities during riots.

The third supplementary question was raised by the Member for Samburu. I want to assure the House, through you Hon. Speaker, that the deaths that have been caused in Samburu and other parts of the country because of livestock rustling and banditry are regrettable. Two, we have had an operation going on there, but we continue to experience incidences of bandit attacks from time to time.

What has happened is that we have been able to dominate the permanent hideouts where we suspected bandits were hiding whenever they steal livestock; and because of the international standards on the use of force, that is the only reason we gave a 24-hour ultimatum to any members of the civil population who could have been mixed up in those areas by way of being family members to the bandits and so on to vacate. After that, we have been able to remove and dominate those areas, and we have managed to remove the threats that used to exist in those areas.

However, the spill of what has happened is that during that window of notice that we had given, to be able to ensure that we do not have civilian casualties, some of those criminals could have mixed with the population; and because the security forces cannot be everywhere and guard every homestead, they are making sporadic raids which are sometimes successful.

We have prevented and even recovered livestock numerous times, on a daily basis. I am even willing to table how many livestock have been stolen in all those counties, how many have been recovered and where, and how many are outstanding within the time that we have had an operation in the North.

We have not made full recoveries and the reason is simple. As soon as a raid is successful, the criminals divide the livestock into small numbers of five, ten or so and the recovery process is a bit slow and painful. We, however, have made some significant recoveries. I have evidence as late as yesterday where we recovered livestock in Laikipia.

The challenge still exists. We do not wish to deny that the challenge exists. This challenge did not begin this year, last year, five years ago, or ten years ago. In certain parts of this region, this issue has existed since 1977. We are doing everything possible to make sure that we put an end to this problem. It cannot be done in a month, two months, six months or one year, but we will reach there. It does not matter what it takes. We appeal for patience and understanding, and we know that we will get around it as soon as we continue this domination of those areas where the bandits retreat to when they steal livestock.

In fact, we are upscaling the number of security agents that we have. We are doubling them on Saturday and as I have announced, this deployment will not cease with the end of the operation. Whenever the operation will be called off, the security agencies will remain there for as long as Kenya exists. This is to ensure that this problem does not recur, because previously we have done an operation and as soon as there is a semblance of tranquillity, we recall the security agencies.

The fourth supplementary question was raised by the Member for Ugunja, Hon. Opiyo Wandayi. I would like to assure the House that the Government has no double standards or does not respond to security threats based on where they have been. In the matters that the Hon. Wandayi has raised, in fact, we acted even faster, but there was no question asked for us to report what we had done. I want to confirm to the House that the same measures we applied in Chuka are the same measures that we applied in this instance.

As we speak, the Internal Affairs Unit is on the ground. The IPOA is also on the ground to provide an independent investigation. There are no double standards and I think I can comprehensively say that I am the CS who has been to most parts of the country, given that I have only served for slightly under six months. I have been in almost 70 per cent of Kenya. There cannot be any double standards. I do not know the last time I was near my home. If there

would be any double standards, I would be accused of not going home and not the other way round.

Regarding the fifth supplementary question as raised by Hon. Kamuren, I have already answered the one by Hon. Wandayi concerning live bullets. The instructions are on the contrary. There are no live bullets. That is why you have seen that even in the most dramatic protests that we have had recently, we have not had casualties nor deaths. Whenever deaths have occurred, like the Kisumu death and the one death in Kibera, investigations will help us know whether this was a police gun or a civilian gun. That is because as I have said, both the police and civilians are licensed holders of firearms. If we establish that anybody violated the rules and the standing orders of NPS, action will be taken.

Finally, the supplementary question raised by Hon. Kamuren is that I have been to Baringo perhaps a little more than any other county, both overtly and covertly. I have been there visibly and invisibly. I know the complications and I understand the pain Hon. Kamuren is going through. I share it.

Hon. Speaker, we have discussed with the leadership of Baringo, other stakeholders and our security commanders on the ground that we must come around this problem. It is beyond just recovering livestock which was stolen today. I believe that we must find a way of ensuring that no livestock is stolen again in the first place.

What are the measures we are putting in place? First and foremost, this afternoon, we have approved an additional 200 National Police Reservists (NPRs) for Baringo. 100 for Baringo North and another 100 for Baringo South. Their training will resume before Friday. We believe that the security agencies cannot be in every homestead, but the NPRs can help mitigate in a big way. As we have seen in other parts of the country, NPRs are helping stabilise the situation in a big way. Therefore, we have approved that, and I have provided the money for their training immediately. We will not be asking for any stakeholders to help us. We will do it and that will stabilise the situation on the ground.

Secondly, we are opening two new security roads. We are moving equipment to make sure that we make security roads, which we have discussed, especially in Baringo North. I am looking for an opportunity to have a discussion with Hon. Kamuren on two major roads that will take care of Arabal, Mukutani, Ng'elecha and that interface between Arabal Hills, Mukutani and into the Laikipia Nature Conservancy. This is giving us a lot of problems due to the reasons which I have explained.

Therefore Hon. Speaker, we are not there yet, but we are on our way there. I am going back to the operation area, and I will stick there a little longer. I know between us and the political leadership, we will find a lasting solution through security roads, NPRs and intelligence-led investigations. I think that is all for now.

Once again, Hon. Kamuren, the information you have given me will be acted on immediately I leave this Chamber, and maybe we can discuss how we can support you.

I thank you Hon. Speaker.

**Hon. Omboko Milemba** (Emuhaya, ANC) On a point of order, Hon. Speaker.

**Hon. Speaker:** Hon. Milemba what is out of order? Give Hon. Omboko Milemba the microphone.

**Hon. Omboko Milemba** (Emuhaya, ANC): With humility, Hon. Speaker, *Waziri* did dare both you and the House that he can table the recoveries in all those areas. What we see in the media gives an impression that the Government is not doing as much as the bandits. If I am in order, could you please order the CS to table those documents immediately so that the people from those areas and *wananchi* in general can have confidence in the progress?

**Hon. Speaker:** I think it is not papers, but rather statistics that he promised to table. Hon. CS, when we are done, you can pass on the statistics to us?

Hon Members, I still have Members who have walked here, eight in number, and on the screen, I have 11 Members who are interested in this Question. This is a trial run, as I said, and we said we will be having about 3 supplementary questions. However, because the Members who have come here, I take judicial notice that most of them come from the epicentre of the security challenges, indulge me to give them a minute each to ask one question. I am not giving you an opportunity to make a speech or to go into unhelpful tirades. Ask the CS a supplementary question. I will ask him to oblige the House with short answers to save on time.

We will now have the Member of Parliament for Manyatta. Order Hon Member for Manyatta. You have seen me, and you said you want to ask a question about the Kianjokoma brothers. That is totally unrelated to what is going on now, but you can ask. I recommend that if you have a question that you want to ask, file one. The CS will come and answer.

**Hon. Gitonga Mukunji** (Manyatta, UDA): Thank you, Hon. Speaker. The reason why I wrote Kianjokoma brothers is because we are still reeling in the loss of those two young brothers, and we have not recovered up to date. I first want to say thank you to *Waziri* for showing a lot of restraint from using police force during demonstrations. My question is on the efficiency of investigation of *extra-judicial* killings. We have a case here where a police body investigates itself. I would like *Waziri* to kindly give us an overview, because he has come in as new blood with a good team that can help solve this issue. We would like to know what he is doing as a Ministry about the many extra-judicial killings that we have had, including the Yala river infamous killings in terms of policy to improve the efficiency of police investigations.

**Hon. Speaker:** Thank you. Next is the Member for Turkana Central. You have one minute. There is a microphone next to you.

**Hon. Joseph Emathe** (Turkana Central, UDA): Thank you, Hon. Speaker for giving me this chance. I join the rest of the Members in thanking the CS for being the pioneer CS to appear before the House.

First, as we speak here today, there are more than fifty households that have lost their animals and livestock in the 1.00 a.m. raid that took place in Turkana Central, Turkana East and Turkana South. As we speak, the animals are being driven towards Tiaty, and we are still pursuing the bandits. In Uganda, there are 32 Turkana residents who were cordoned off, wrapped up and imprisoned through the court martial in Uganda. My Question is: Why is the CS not able to implement such in Kenya in the caves, gorges and the places he mentioned in the Gazette Notice? Why is there no action towards cordoning and wrapping up the bandits in those areas? Secondly...

**Hon. Speaker:** One question. You are done Hon. Member. We will now have the Member for Baringo North.

Hold on, Hon Member. Give Hon. Junet the microphone.

**Hon. Junet Mohamed** (Suna East, ODM): Thank you for indulging me, Hon. Speaker. If I heard the Member clearly, he said that cows are being taken to Tiaty as we speak. The Member of Parliament for Tiaty is here.

**Hon. Speaker:** He said they are headed towards Tiaty, which is different from being taken to Tiaty.

**Hon. Junet Mohamed** (Suna East, ODM): The Member for Tiaty is here. Could he explain this matter further on whether the cows are going to his home?

*(Laughter)*

**Hon. Speaker:** That is for comic relief. I now invite the Member for Baringo North.

**Hon. Joseph Makilap** (Baringo North, UDA): Thank you, Hon. Speaker. I will utilise my one minute as follows. One, this is the only CS alive in security who has actually spent his energy, time and resources.

**Hon. Speaker:** Ask your question.

**Hon. Joseph Makilap** (Baringo North, UDA): My intelligence is that the bandit that was driven to a hospital in Iten by ten of his fellow bandits is the one that killed my cousin. Could the Minister, therefore, tell us when that wounded bandit who was in hospital will be brought to book.

**Hon. Speaker:** Only one question.

**Hon. Joseph Makilap** (Baringo North, UDA): I still have the one minute you allocated me. When is the Cabinet Secretary going to operationalise the gazetted administrative units in Baringo North?

Thank you.

**Hon. Speaker:** Thank you. There was a Member who wanted to ask about the abduction of the injured bandits. You do not have to rise to ask that question.

Hon. Ariko, Member for Turkana South.

**Hon. John Namoit** (Turkana South, ODM): Thank you, Hon. Speaker. I appreciate for being given this opportunity. I want to voice what is happening in Turkana South and East. I request to ask a supplementary question regarding the capacity of our security agencies. What is happening in Turkana? We have experienced rampant raids that we cannot explain their intentions. Yesterday, my constituency experienced three raids in one ward called Katilu. The raids happened at 1:00 p.m. and 5:00 p.m. I wish to ask the CS: Do we have the capacity, as a country, to handle those internal conflicts? There have been recurrent conflicts in this country. What are the plans now that our security agencies on the ground are experiencing shortage of resources to handle the conflict?

As at now, we have surveillance vehicles, the Kenya Defence Forces (KDF) and several security agencies in Turkana South. Unfortunately, the response we are experiencing can only happen during daytime. Bandits have come up with a new strategy. Their strategy is to raid only at night when our security agencies are sleeping. Our security agencies cannot operate at night. What is the take of the CS on this matter?

Thank you.

**Hon. Speaker:** Thank you, Hon. Ariko. Avoid the temptation of making a speech in the guise of a question. Hon. Kangogo.

**Hon. Kangogo Bowen** (Marakwet East, UDA): Thank you, Hon. Speaker. I have a question to the CS. The NPS does not have the capacity to handle bandits in Kerio Valley. On Friday, peace-makers from West Pokot and my constituency recovered about 700 heads of cattle that were taken to the General Service Unit (GSU) camp in a place called Kamele, so that they could be handed over to their owners the following day. However, on that night of Friday, daring bandits entered the GSU camp and took away all the animals.

On the issue that the Hon. Member for Baringo North has talked about, a bandit was arrested and taken to the County Headquarters in Iten, where we have about 70 to 100 policemen. Ten bandits came from 200 kilometres away to rescue their own, and they were successful in taking him away from the police. I want to ask the CS to confirm to this House that the NPS is unable to handle the bandits. He should bring a Motion to this House to have the KDF take over the operations of bandits in the Kerio Valley.

**Hon. Speaker:** The Woman Representative for Turkana. She has left. Hon. Ng'elechei. One minute.

**Hon. Caroline Ng'elechei** (Elgeyo Marakwet County, Independent): Thank you, Hon. Speaker. I only have a brief question to the CS. Right now, we are being told that the person who was admitted at the Iten County Referral Hospital was a bandit. Is there a police

occurrence book (OB) anywhere recorded that, that person had been identified as a bandit or not? I wish to know if he was taken by the police or by other people? People who came to the County Referral Hospital and took him are being called bandits. Can you mention them by their names? What I wish to know is this: Was there an OB elsewhere that Denis was recorded as a bandit? Were the people who came to his rescue police?

*(Technical hitch)*

Thank you.

**Hon. Speaker:** Thank you. Last, we will have Hon. Farah Maalim. Cabinet Secretary, be ready to answer after Hon. Farah. Hon. Members, be patient. If I am satisfied that there is enough interest, I will give another round.

**Hon. Farah Maalim** (Dadaab, WDM): Hon. Speaker, I must commend the Government on this. This is the first time that the military has been used for peace keeping in this country, and there was no genocide like the way it happened in Wagalla in Wajir in 1984. My biggest worry was that it was going to be heavy because the military is not meant for those kinds of things. The fact that you have protected the lives of innocent citizens and you are just looking for the actual bandits deserves a lot of compliments.

My question is: CS, have you tried some soft power? Have you tried to find out how you can deal with the elders of the communities and bring the communities together as opposed to maintaining basic law and order in that place? Have you also tried to look at the social issues that underpin them? There is only one community that everybody is complaining about; the Pokot. They are the poorest, the least educated with least infrastructure... Order!

*(Laughter)*

**Hon. Speaker:** Order, Farah! The Member for Dadaab, you are out of order. Can you conclude your question?

**Hon. Farah Maalim** (Dadaab, WDM): Hon. Speaker, we need to educate those children. We have had this before. Thank you, CS. I have discussed some of these things with you, and I am sure you will take them into consideration. However, let us first look at the social conditions there. When they have very poor social conditions there and everywhere around them has some wealth, they will try to go and attack those other areas. So, let us look at soft power. For your information, it has worked in North Eastern Province. Let us also see how we can change the situation of the children of the Pokot there.

Thank you.

**An Hon. Member:** On a point of order, Hon. Speaker.

**Hon. Speaker:** Who is raising a point of order? Hon. Moroto, what is your point of order? Is it because the Pokot were mentioned?

**Hon. Samwel Chumel** (Kapenguria, UDA): Yes, Hon. Speaker.

*(Laughter)*

**Hon. Speaker:** Proceed.

**Hon. Samwel Chumel** (Kapenguria, UDA): Thank you very much for giving me this chance to say that these people are talking as if they are the holiest, when they are also killing. I lost about five people the other day, and this morning in Turkwel.

**Hon. Speaker:** Hon. Moroto, I have given you the Floor because you are challenging what Farah was saying. Now you are pursuing a totally different agenda. What was out of order that Farah was saying? That is the reason I gave you the Floor.

**Hon. Samwel Chumel** (Kapenguria, UDA): Hon. Speaker, I was just asking what I have in my mind. I was not following what Farah said.

*(Laughter)*

I do not want to take time. I want to congratulate the CS and ask him to use the intelligence services. Let these guys speaking here also be put in so that they can know how to control themselves down there - on the ground. I come from Kapenguria. We used to have problems between West Pokot and Trans Nzoia. There is nothing there this time because we met, sat and walked together as leaders. These guys are now talking here and cannot even go to the ground and invite us to accompany them and tell them what to do. CS, start with these people. Put the Members in. *Nitawaletea maharagwe huko ndani.*

*(Laughter)*

**Hon. Speaker:** Hon. Moroto, you are totally out of order.

*(Laughter)*

You are imputing improper motives on your colleagues. Cabinet Secretary, if you can give quick short answers to those short Questions. We still have four Questions for you and we have done very poorly. We have taken 45 minutes on this one.

**The Cabinet Secretary for Interior and National Administration** (Hon. (Prof.) Kithure Kindiki): Hon. Speaker, I will do as guided. On the issue raised through a point of order about tabling statistics on recoveries of livestock, allow me to say I did not say I am carrying the statistics. I said I could table them in the House, even by Tuesday, if the House directs.

**Hon. Speaker:** I heard you that way.

**The Cabinet Secretary for Interior and National Administration** (Hon. (Prof.) Kithure Kindiki): If you can direct, I can table the statistics of recoveries from the time the operations began. In fact, I can even take it backwards a bit to two months before and these two months when they have been in operation, the recoveries, where and what is remaining.

I may be informing the House through you that I am informed that the High Court in Chuka has ruled in favour of the prosecution counsel and the State, to cancel the anticipatory bail on the suspected killers.

Other than that, let me mention or respond to the other issues quickly. We are strengthening the IPOA to supplement the work of the Internal Affairs Unit of the NPS to provide an independent arm of the state that can help in dealing with extra-judicial killings. I can confirm and assure the House and the Member for Manyatta that all instances of *extra-judicial* killings are actively under investigation. The policy of this administration is zero tolerance to *extra-judicial* killings. Police officers have been informed accordingly that we shall not protect any officer who misuses their firearm to kill people in a manner other than what the law provides on the use of lethal force in law enforcement. That includes the issue around the killings in Kianjokoma.

The Member for Baringo North, Hon. Makilap, raised the second one. Yes, it is true there was that incident. I want to tie that to the other supplementary question raised by the Member or the Women Representative for Elgeyo/Marakwet, because they are related. There was an incident at the Iten County Referral Hospital. The person involved is a suspected bandit because he had bullet wounds and could not explain where he was shot. He just came for treatment. We also believe that the people who came to rescue him were criminals, because

they came through the fence of the hospital. They perhaps just went to rescue one of their own who was hurt and could not explain the gunshot wounds. The reason that happened, notwithstanding the presence of a few police officers who were on site at that time, was the determination by the commanding officer on site that a shoot-out inside that facility would have caused fatalities on patients. That gave a leeway for the rescue to succeed. I can confirm to the House that this person had been on police radar even before this attack. We are on him. We have some leads. We believe we shall arrest him as soon as possible.

The Member for Turkana South raised the other issue. It was on the capacity of our police agencies to maintain law and order. I am persuaded that Kenya has enough police officers and enough wherewithal to handle all our challenges, including the challenges we are facing in northern Kenya. However, it is the position of this Government that there is need to reform our national security organs to make sure they respond better to our threats. That is why one of the first acts His Excellency the President undertook was to institute a Presidential Task Force on reforming the National Police Service. That is an admission that there is need to reform around command, efficiency, and operational sophistication to make sure the gaps we continue to encounter in our law enforcement of our internal security are resolved. Very shortly, that Taskforce will present its findings.

The Government has committed to implement all the recommendations, without exception, that would come from that Taskforce. That includes changing the entire command of the NPS, the terms under which one becomes a commander of any level and tying command to success, results and deliverables. That is so that you do not become a county commander or a regional commander for life and yet, there are no results and people have insecurity in your area. We will make it time bound and tied to results.

Even as we wait for those recommendations, we are continually addressing command issues to ensure efficiency. Even this afternoon, the Government and the NPS will be announcing changes in the top command of the NPS, starting with the appointment of the Deputy Inspector-General of the NPS, whose recruitment process is complete. We have had a gap there for a long time because the immediate former Deputy IG of Police was indisposed. From this afternoon, that gap is going to be filled. That will help the IG to respond a little better and quicker even as we await the other reforms.

I have one other last matter, the one raised around the measures we are taking to make sure the gaps we are having are sealed. One, the House may want to know that the Government started the Police Equipment Modernisation Programme in 2014. It ran for three to four years but stopped after that. It was to the tune of Ksh10 billion a year, and it really helped improve security at that time. Due to the collapse of that funding programme, we have had issues around our ability to make Kenya safer. What this administration has done is to revive the Police Equipment Modernisation Programme. For the next three years, the Government of Kenya will spend Ksh20 billion to ensure that we modernise our equipment. I am happy to return here in three months if the House requires so. By that time - three months from now - I expect to have revived the Police Air Wing that is completely dead.

I intend to have acquired at least three gunship helicopters for the NPS, so that we can stop depending on the military because they also have their national duty to perform. I intend to acquire some unmanned armoured vehicles (UAVs) or drones. Going forward, we will increasingly yield the benefits of technology-driven and intelligence-driven operations. I am happy to come back and report progress on this after a few months, at the request of the House.

Hon. Speaker, that is it. If I have left out anything, I will be reminded, but...

**Hon. Speaker:** There is only one more question left which was asked by Hon. Farah on soft power engaging.

**The Cabinet Secretary for Interior and National Administration** (Hon. (Prof.) Kithure Kindiki): Thank you for the reminder, Hon. Speaker. We believe that the long-term

solution for this problem is not just the hardware. We have made a policy decision that before we engage in long-term solutions, including issues of economic empowerment and social amenities, we must first silence the guns. We must do whatever it takes to make attacks and gunfights everywhere very rare. After that, we can sit down and ask ourselves why it is that the problem recurs all the time.

The Ministry has developed a masterplan in conjunction with other stakeholders, including the military, for infrastructural development of northern Kenya which will begin from December this year. The masterplan includes rebuilding schools, providing amenities, and engaging communities for peacebuilding. That will come with disarmament, both forceful and voluntary. Before we engage in any of those programmes, we are persuaded to first silence the guns. As soon as we acquire the equipment we are looking for as the NPS, there will be a lot of change. Currently, we have made progress in evacuating gorges, valleys and hideouts. The attacks happening now are by criminals who may have used the window we had given for evacuation of civilians. We were complying with international law. In our view, that allowed a few to escape and mingle with populations. They are giving us problems which we will resolve through the National Police Reservists (NPR) and technology that we will acquire in the next few weeks or months.

Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you, Cabinet Secretary. Hon. Members, I know there is much more interest in this matter, but we have to move to the next Question by the Member for Gilgil, Hon. Martha Wangari.

*Question 74/2023*

SHORTAGE OF BIRTH REGISTRATION  
MATERIALS ACROSS THE COUNTRY

**Hon. Martha Wangari** (Gilgil, UDA): Hon. Speaker, I rise to ask the Cabinet Secretary for Interior and National Administration the following Question:

- (a) Could the Cabinet Secretary explain why there is a shortage of birth registration materials (also known as B1 forms) in health facilities across the country?
- (b) Could the Cabinet Secretary explain why mothers in public hospitals, especially those in the national Government Linda Mama Programme, are subjected to unnecessary detention after discharge as a result of unregistered births of their babies due to the above-mentioned shortage, yet it is the duty of the Government to provide the B1 forms?
- (c) What steps has the Ministry taken to ameliorate the situation and ensure that mothers who are due for discharge are not forced to incur additional bills due to the unjust detention in hospitals owing to the Government's incapacity to promptly register births as a result of lack of birth registration forms?

Thank you, Hon. Speaker.

**Hon. Speaker:** Cabinet Secretary.

**The Cabinet Secretary for Interior and National Administration** (Hon. (Prof.) Kithure Kindiki): Thank you, Hon. Speaker. I think this is a soft Question.

*(Laughter)*

We admit that we have challenges in the availability of B1 forms. This is a problem that started around April last year. The challenge arose from the capacity of the Government

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Printer. The Government Printer has not been modernised for a very long time. Their equipment and human resource capacity do not allow them to print enough security documents, including these forms quick enough to meet the rising demand. Therefore, you will see in the written response which I filed before this House that I have attached three letters which we have written as a Ministry to the Government Printer requiring them to increase the speed at which they are supplying us with B1 forms. I can report to the House that currently, the supply is 50 books of 400 forms per week, but the demand is over 1,000 books of that size. You can see that we are supplying less than half of the requirement.

What measures are we taking? Other than writing letters, we have changed the management of the Government Printer because we also believe that part of the challenge is the innovation of the leadership at that unit to provide off-balance sheets and off-budget solutions to some of the capacity challenges we are experiencing. I can comfortably report that after changing the management at the Government Printer, in the last two months, the new management has tabled - and I have approved - an equipment modernisation programme which will not even involve the Government spending any money because it is through a lease of equipment where over time, we will pay whoever owns those machines. After 10 years, we will hand over the machines back to him. That was the solution that helped us with police vehicles when the police-vehicle-leasing programme was initiated. We believe that that will be tackled very soon. In the meantime, we have asked the Department of Civil Registration to give the Government Printer the projections for the rest of the year. We are working to see how, pending the modernisation programme that I am talking about, that demand can be met as soon as possible.

Finally, on that issue, I assure the House that, perhaps, when I come back, Members will have positive feedback on this service because we believe the registration of the births of our children and the deaths of our departed persons should not be aggravated further by absence of documents.

The Member for Gilgil has also asked whether detention of young mothers in hospitals, especially under the Linda Mama Programme, is linked to the shortage of those booklets. The Government's position is that that is not the case for two reasons: The first reason is that birth registration is free of charge. It cannot be the reason that a mother is detained in hospital beyond the time she is supposed to be released.

Secondly, registration of births is allowed to take place within a period of six months after birth. As long as it is done within six months, it is lawful. It cannot be the basis for holding a mother who has given birth in hospital because of lack of those booklets. That notwithstanding, when I got this parliamentary Question, I directed the Civil Registrar to provide us with a solution even as we wait for this equipment. We need to find a solution should the House require me to provide an update in the next few months. Obtaining the equipment may take about six months because of the nature of financing and contractual arrangements. We will have an answer by then.

Finally, we have shortage of personnel. That is another challenge we are experiencing in that department. We only have about 286 civil registrars in the whole country against an establishment of approximately 1,400 registrars, which has been approved by the Public Service Commission. We are trying to see how, even if we do not fill the entire compliment, the Public Service Commission can help us hire a few more registrars in the financial year that starts in July 2023.

**Hon. Speaker:** Leader of the Majority Party. Hon. Wangari, do you want to have the first shot? Let the Leader of the Majority Party go first.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Speaker. I commend the Cabinet Secretary for being the first Cabinet Secretary to appear in this Session. The House will appreciate that part of the reason we wanted cabinet secretaries to appear before the House

is for them to answer to questions that are of concern to the people and also use the opportunity to expound on Government policy and what the Government is doing. It has been my belief, and, maybe, the Cabinet Secretary will work to change that belief in me, that personification of bureaucracy and lethargy in Government operations resides in the Ministry of Interior and National Administration.

If you listened to the answers pertaining to the issues to do with bandits and now as I listen to the Cabinet Secretary answer the Question on slow printing of forms, I hear him telling us forms are slowly being printed by the Government Printer because of challenges of modernisation and low staff levels in that office. When I listen to the President, who has hired the Cabinet Secretary, he is talking about digitisation. I really want to know from the Cabinet Secretary, where do you sit in terms of implementing the policy on digitisation of Government services? You cannot be talking about low levels of staff while we are also complaining of a huge wage bill in the Public Service. When the President is telling us about digitisation, the Cabinet Secretary is telling us that he is modernising printing. Should we not be getting the B1 forms in a digital format?

I can see Principal Secretary for Citizen Services seated there. I have engaged him on a unique identifier system that seeks to capture data of new-born children electronically. But now the Cabinet Secretary is telling us about modernising the Government Printer, hiring efficient people and leasing instead of buying new equipment. Cabinet Secretary, you must tell us where you sit. Are you aligned to the President's agenda to digitise Government services or not? It is that simple.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Wangari.

**Hon. Martha Wangari** (Gilgil, UDA): Thank you, Hon. Speaker. I was hoping that this would be a softer Question because it has no guns, but I can see guns are already coming out. I congratulate the Cabinet Secretary for being the first one in this very unique arrangement, where we will get answers first-hand. This is unlike what we used to go through in the 12<sup>th</sup> and 11<sup>th</sup> Parliaments, where committee chairpersons had no substantial answers.

I have listened to the Cabinet Secretary very carefully. This matter of birth registration may look small, but the inconveniences it causes to the public at large are huge. If you want to take your child to register for the National Education Management Information System (NEMIS) to join Grade 1, you need a birth certificate. If you want to get a passport, you also need a birth certificate. I am perturbed to hear the Cabinet Secretary say that he has written letters to the Government Printer, an office that is anchored under the same Ministry. I do not have the advantage of the annexes, so I will not speak to the letters. But my follow-up question is: What are the timelines we are looking at? I am asking that because shortages of birth and death registration documents and ID printing materials are treated as normal. How do civil registration services sit in the Ministry in terms of budget allocation, autonomy, and ability to run those services?

Number two...

**Hon. Speaker:** One supplementary question, Hon. Wangari.

**Hon. Martha Wangari** (Gilgil, UDA): Hon. Speaker, this is my Question. You did very badly with the other one.

*(Laughter)*

Thank you, Hon. Speaker. I will try to be very quick. The other question is about the annexures to the Linda Mama card. I am a practising mother; I gave birth not so long ago.

**Hon. Speaker:** I did not know giving birth is a practice.

**Hon. Martha Wangari** (Gilgil, UDA): Yes, it is. It is still ongoing, Hon. Speaker.

(Laughter)

I am just confirming. Because I have gone through it, I know that whether you give birth in a public or private hospital, you must be issued with a short pink paper called birth notification. You can use it for six months. But unscrupulous hospitals detain mothers so that they remain in hospital longer for bills to accumulate. One can only get a birth notification by filling the B1 Form I am asking about. That is the annexure to the Linda Mama card.

Finally, in the last Parliament, I brought a Motion which was overwhelmingly approved. Many Members, including the Member for Emuhaya, do not have civil registration centres in their constituencies. The House passed that civil registration centres be established in every sub-county. I would be very keen to know the progress on the implementation of that Motion, or does it have to wait longer?

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Mayaka.

**Hon. Irene Mayaka** (Nominated, ODM): Thank you, Hon. Speaker. My question to the Cabinet Secretary, who is a fellow left-handed and I am sure he will think quick on his feet, is in relation to single mothers. The issue that most single mothers experience when transitioning from birth notifications to birth certificates is that they are not able to get birth certificates for their children because in most instances, they do not have ID cards of the children's fathers. My question to the Cabinet Secretary is: What support can he give to single mothers to ensure that they get birth certificates for their children? They need the certificates to process medical insurance cover for their children.

Thank you.

**Hon. Speaker:** D.r Nyikal. If you can be as brief as Hon. Mayaka, it will be very helpful. I will allow four questions and close the chapter to the next Question.

**Hon. (D.r) James Nyikal** (Seme, ODM): Thank you, Hon. Speaker. I also appreciate the Cabinet Secretary for being the first to answer Questions in this House. The Question was for the Cabinet Secretary to explain why mothers in public hospitals, especially *mama linda*...

(Laughter)

**Hon. Speaker:** Order. Dr. Nyikal does not have a personal secret.

**Hon. (Dr.) James Nyikal** (Seme, ODM): Yes. Why are mothers in public hospitals, especially those under Linda Mama programme, delayed in getting birth notification? The implication of the question is that this is not a problem in private hospitals and for mothers paying directly to hospitals. This is not in line with the Cabinet Secretary's answer, which was that there is shortage of forms at the printing level. If the problem was at the printing level, it would obviously affect all mothers, whether in private hospitals or those under the Linda Mama programme. The number of children born annually is a fact that is publicly known to be around 1.5 million. The Cabinet Secretary is saying that he needs information on this number. That is not satisfactory. Can we have clarification on those two points, Hon. Speaker?

**Hon. Speaker:** Thank you. Dr. Pukose. Ask just one question.

**Hon. (Dr.) Robert Pukose** (Endebess, UDA): Thank you, Hon. Speaker. I thank the Cabinet Secretary and congratulate him for being the first Cabinet Secretary to appear in the House. My question is about Huduma Namba cards. What happened to them? At one time, a lot of money was used to procure the cards. Is the service still there? What happened to it?

**Hon. Speaker:** Hon. Mary Emaase.

**Hon. Mary Emaase** (Teso South, UDA): Thank you Hon. Speaker for finally noticing me in this corner. I want to emphasise on decentralising the issuance of birth certificates

because it is a very serious issue. In my constituency, mothers travel to another sub-county in search of birth certificates. Sometimes they are told there are no forms after having travelled for several kilometres. I want to emphasise that there is need to have a centre in every sub-county.

On security matters, because I may not have time to ask a question again, I want to add that sometimes we use our chiefs and assistant chiefs to collect birth certificates and take them to centres. I want to remind the Cabinet Secretary that in this country, we have administrative units where chiefs or assistant chiefs have passed on or retired and have not been replaced.

A number of administrative units which were created like divisions in Teso South have not been operationalised. Kindly, can you do something about this because they play a critical role in security and in the process of acquiring birth certificates and Identity Cards? If there is no chief or assistant chief to vet, then our people will not get these very necessary services on time.

Thank you, Hon. Speaker for the opportunity.

*(Hon. Members raised their hands up)*

**Hon. Speaker:** Thank you, Mary. Now you have resorted to raising your hands like you are in a classroom.

*(Laughter)*

Is the Member in front of Hon. Emaase from Mandera? Sorry, Hon. Member, I cannot see you clearly because of the lighting. Is it Hon. Ibrahim Saney? Hon. Saney, I cannot see you clearly. I will give you one minute. I noticed your hand was up for five minutes.

**Hon Ibrahim Saney** (Wajir North, UDA): Thank you Hon. Speaker. I will use my colleague's microphone. I come from a county of over 56,000 square kilometres. I appreciate the work of the Cabinet Secretary because for the first time since Independence, last week, he posted officers to deal with issuance of death and birth certificates although other sub-counties do not have officers, leave alone forms. So, in as much as I appreciate Hon. Martha Wangari's Question, when will the Cabinet Secretary post officers in all sub-counties of Wajir, which is twice the size of Rwanda?

**Hon. Speaker:** Hon. CNN Nguna, ask one question.

**Hon. Charles Nguna** (Mwingi West, WDM): Thank you, Hon. Speaker. Some Members are very lucky. I am talking about the new constituencies created in 2013. In Mwingi West Constituency, there is no registration centre. What is the Ministry doing to ensure that people do not have to go to other constituencies to access this service?

**Hon. Speaker:** Hon. Cabinet Secretary, you may answer those questions. Just before you do so, allow me, in case we have held the students for too long. We acknowledge the presence of students from Mama Ngina Senior School, Kikuyu Constituency, Kiambu County who are in the Public Gallery. In the Speaker's Gallery, we have St. Albert the Great, Siakago Boys High School, Mbeere North Constituency, Embu County. You are welcome to the House of Parliament.

*(Applause)*

Hon. Cabinet Secretary, hold on I give the Member for Lamu East a chance. What is out of order for Madam Chelule to run across the Floor with her hand raised?

*(Laughter)*

**Hon. Ruweida Mohamed** (Lamu East, JP): Asante sana Bwana Spika, kwa kunipatia nafasi hii ili niweze kumwuliza Waziri swali: Ako na mpango gani na wakaazi wanaoishi mbali ambao hawana maofisa wala ofisi? Inamgharimu mtu anayeishi Kiunga Ksh4,000. Kutoka Ishakani hadi Kiunga ni Ksh300 na hadi Mikokoni ndiyo apande *boat* ni Ksh700. Akipanda *boat* ya *miraa* kutoka Mikokoni kufika Mokowe ambapo kuna ofisi ni Ksh3,000. Kuenda anatomia Ksh4,000 na kurudi ni Ksh4,000. Wanatumia Ksh8,000 kutafuta birth certificate. Sehemu kama hizo ambazo hazina ofisi, ana mipango gani nazo? Mpaka watu waende maeneo Bunge mengine ndipo wapate hii huduma. Asante.

**Hon. Speaker:** Let us have answers from the Cabinet Secretary.

**The Cabinet Secretary for Interior and National Administration** (Prof. Kithure Kindiki): Thank you, Hon. Speaker. One of the priorities for us as a Ministry is institutional reforms within the security sectors, immigrations, citizen services, prisons and correctional services. Earlier this afternoon, I began by saying that we admit the rate and efficiency at which Government services are being rendered is not satisfactory. Therefore, we have considered that institutional reforms and organisational culture change is a priority for all our departments within our ministry.

I want to accept the critical sentiments raised about our performance and we are working very hard to make sure we do better. Going forward, this administration will be more than happy to report progress made in every sector. We have instituted baseline surveys for every service that we are offering so that in every three or six months, we can track progress.

Having said so, the Leader of the Majority Party asked whether we will continue printing documents or go digital. The policy of the Government is to digitise all the services that it offers. As we speak, I can report that 5,771 services are partially digitised, out of which 3,293 services across the Government have been digitised end to end and the other 2,498 are partial and not end to end. So, this is the policy.

Digitisation comes with its challenges, but it is a decision the Government has taken to proceed that way. However, this does not take the words I spoke earlier that as we wait towards complete digitisation, we must continue producing and giving services. Our mothers are still giving birth as we speak and wait for the process to be consummated completely. Therefore, I intend to make sure that we satisfy the demand. I want to assure the Members that we will make progress.

The Member for Gilgil has asked for timelines. On 27<sup>th</sup> March this year, which is three weeks ago, we initiated a rapid response initiative at the Civil Registration Services (CRS). Therefore, we are expecting in 90 days that the issue of shortage will be addressed as we wait for digitisation and equipment modernisation.

A question has been raised on remote and far-flung areas by the Member for Lamu East. I will be visiting there next week for two days because the question the Member has asked should be given urgent priority. I think we will open a registration centre in Kiunga as a matter of priority because the need as described is quite unique comparing to other parts of the country. I want to commit to the Member and the House that I will go to open a registration centre there.

Hon. Speaker, as we continue with digitisation, we still need registration centres. At the moment, out of the 369 sub-counties, upon implementation of the Motion passed by this House earlier on, we have civil registration in 137 sub-counties. It means we are less than half done. However, we are continuing to open new ones on a need basis. I sent my Principal Secretary for Citizen Services to open one in Kajiado a month ago. I think he will be opening another in Nkubu in about a month. This will be resolved as we continue to make sure that every sub-county has a civil registry.

On the issue raised by the Member for Mwingi West, that area also requires special measures. We will put it in our priority list, subject to resource availability. We will ensure the centre gets opened. I want to commit to the House that, at least, in each of the areas that have

been identified on the Floor of this House by the Members, there will be a civil registration centre in the next two months, including Wajir.

On this Question and the one asked earlier about administrative units, about 80 sub-counties were gazetted just before the last general elections, but are not operational. We do not have the resources to operationalise all those sub-counties. What we decided is to stagger the operationalisation of all the gazetted sub-counties in three years starting the month of June this year. The criteria we will use are the nature of the hardship and inconveniences to service delivery. There is the issue of regional balance too, so that the first criteria of the 20 to 25 sub-counties to be operationalised in the financial year starting June will take care of regions. But considerations will also be made with regard to hardship, size of population and all the other factors. We will come up with criterion which will be fair and which can be shared with Members if they want to know. We will use a criterion to identify those that would come first, second, and then third.

Hon. Speaker, I can also report to the House that my Principal Secretary for Internal Security has already approved the recruitment process for those areas where assistant chiefs and chiefs have not been recruited. Therefore, we expect all those positions to be filled within the next 90 days across the country. On a question asked about technology and what we are doing in the old fashion, before the Cabinet is a policy brief that is under consideration on the Universal Personal Identifier (UPI). I think in the next one or two weeks, it will be disposed of so that we can converge on two things which are: Every child in Kenya gets a UPI at birth which becomes their number in schools and whatever number they require. When they are 18 years old, that number is the Identity (ID) number. At the same time and in parallel, there is another UPI for adults who are getting IDs. So, you have a UPI at birth and also for those already in existence. By the time the first adult will use the UPI, it will be 18 years from when we commenced. In the meantime, we are considering, subject to approval by the Cabinet, migrating the current ID into a fourth-generation ID, which is the UPI for adults. It will, of course, do away with the question on Huduma Namba which was not solving the kind of problems that we intend to solve.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Cabinet Secretary, the Question about single mothers who cannot produce the fathers for their children's IDs.

**The Cabinet Secretary for Interior and National Administration** (Hon. (Prof.) Kithure Kindiki): Hon. Speaker, it is no longer a law requirement for the registration of a child to include both parents. It is not a requirement. It is now possible to register only one parent if you are a one-parent child.

**Hon. Speaker:** Thank you, Hon. Cabinet Secretary. Hon. Members, we will move to Question 105/2023. Member for Mandera South.

### *Question 105/2023*

#### ESTABLISHMENT OF CIVIL REGISTRATION CENTRES

**Hon. Abdul Haro** (Mandera South, UDM): Thank you, Hon. Speaker. I rise to ask Question 105/2023. Could the Cabinet Secretary:

- (i) state the measures being taken to establish civil registration centres in every sub-county in the country, to ease access to civil registration services; and,
- (ii) state the measures the Ministry is putting in place to immediately set up a civil registration at Elwak and Kotulo sub-counties in Mandera South to serve the huge population in the region considering that the closest civil registration centre to Mandera South Constituency is located nearly 220 kilometres away

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from Mandera Town and also serves Mandera North, Mandera West, Banissa and Lafey constituencies?

**Hon. Speaker:** Hon. Cabinet Secretary, this Question is nearly similar to the one by Hon. Martha Wangari and, therefore, we should not spend too much time on it. Answer the Question and I will allow one bite by the Member who asked and one more Member. Go ahead.

**The Cabinet Secretary for Interior and National Administration** (Hon. (Prof.) Kithure Kindiki): Thank you, Hon. Speaker. As I have told the House on the issue of operationalisation of the administrative units that are gazetted and not operational, we are finalising criterion which will help us implement the recommendations of this House in the Motion which was cited by the Member for Gilgil. This will ensure that every sub-county has a civil registry. We have taken a list of all the sub-counties that do not have civil registry and we want to implement it. They are quite many unlike the sub-counties. We want to implement that Motion in the next five years but based on some criterion. Just as in the first case with sub-counties, the criterion will be as follows:

First, all those that will get centres. Right now, if I could explain this for half a minute, we are opening those centres on the request of individual Members of Parliament like I cited the Kajiado North one. That was a request from the Member of Parliament. I also cited the Imenti South one. The Member for Imenti South can confirm that he is the one who wrote and requested for a centre. We felt that, perhaps, we should have an objective criterion so that we can make sure that the implementation of the recommendations of this House is done fairly and equitably so that every part of the country is covered.

The criteria will involve regional diversity so that in the first year, every region of our country will be represented in those that will be opened. Also, special and unique circumstances like topography, hardship population, and so forth will be considered. Going forward, to avoid public complaints at a future date, and now that this tradition of cabinet secretaries appearing before the House has begun, I will be more than happy later on, when the opportunity happens, to provide an update to the House on where we are and the criterion we shall be using. By that time, we will have adopted it and even rolled it out to ensure that no part of the country is favoured or left out. On the Wajir issue and generally northern Kenya, Upper Eastern, Upper Coast, and pastoral areas, I think special attention will be given to those areas. I have been there and I know it is quite challenging when one has to travel as was the case raised by the Member for Lamu East. One person uses Ksh10,000 to travel to get a birth certificate whereas another uses Ksh50 to and fro. All these factors will be taken into consideration because we want an equitable country where public policy is informed by objective criteria.

**Hon. Speaker:** Member for Mandera South.

**Hon. Abdul Haro** (Mandera South, UDM): Thank you, Hon. Speaker. I thank the Cabinet Secretary for the answers. The answers I was seeking have been preempted in the previous Question.

**Hon. Speaker:** I feel the same.

**Hon. Abdul Haro** (Mandera South, UDM): First of all, we have dwelt too much on birth certificates, but Civil Registration Services have three important functions, namely, registration of births, marriages and deaths. Even if we go digital, registration alone is not enough. The CRS has to provide the certificates as a prove of registration. That is why we are asking for physical facilities and officers to be stationed in those centres.

For example, Elwak and Kutulo, are two sub-counties that are vastly spread apart, but are in one constituency. In Mandera County, the only civil registration centre that we have is 220 kms from Elwak. I am sure the Cabinet Secretary knows the transportation challenges between Elwak and Mandera because of the menace across the border. That road is very risky. You travel 220 kms and the only bus that you use for transport is the one that comes from Nairobi to Mandera.

**Hon. Speaker:** Hon. Member, you are now making a speech.

**Hon. Abdul Haro** (Mandera South, UDM): We have to wait for that bus to Mandera.

My plea to the Cabinet Secretary is that sub-counties like Elwak and Kutulo, which are some of the oldest in that region, require civil registration centres urgently. The certificates that Hon. Martha Wangari talked about like the NEMIS are very important. You cannot take your child on a flight if they do not have a birth certificate. This is a challenge. We require these documents in Mandera.

The answers given here are the usual answers given where the Government always cites lack of facilities, shortage of staff, and lack of funding.

**Hon. Speaker:** Hon. Haro, you are now debating. I gave you an opportunity to ask a supplementary question if you felt like your Question was not sufficiently answered.

**Hon. Abdul Haro** (Mandera South, UDM): The Cabinet Secretary mentioned that some of the initiatives come from the Members of Parliament. I have a copy of his written response and he mentions partnership between the Members of Parliament and the offices on the ground. How does that partnership look like? How does it manifest? We would want to initiate those initiatives and see what those partnerships will do to help our people on the ground.

**Hon. Speaker:** Thank you, Hon. Member. Hon. Rindikiri, ask one question.

**Hon. Mugambi Rindikiri** (Buuri, UDA): Hon. Speaker, I want to thank the Cabinet Secretary for the confidence in answering our questions. However, I have a problem with the issuance of passports. Some of the questions asked need to formally be reviewed particularly on the fathers, mothers and children, some of whom could be deceased. I do not see the relevance to this.

Two, we have many immigrants who come to this country purporting to be experts in various fields, and are given work permits. Some of them have no technical expertise and are taking up jobs from qualified Kenyans. What is it that the Ministry is doing to ensure that we do not have hawkers coming here and purporting to be experts in various fields?

**Hon. Speaker:** Hon. Julius Sunkuli, you have a minute.

**Hon. Julius Sunkuli** (Kilgoris, JP): Thank you, Hon. Speaker. Can the Cabinet Secretary confirm whether the answer he gave about birth certificates also applies to forms for registration of persons? As far as Kilgoris is concerned, there has been no fresh registration of persons for nearly six months now because of lack of registration forms. What will the Cabinet Secretary do to ensure that those forms are available?

In relation to that, could the Cabinet Secretary explain what he means by 'operationalising new administrative areas' when it is Members of Parliament who build the facilities through the NG-CDF? All he does is to post officers there. Could he also remove Trans Mara West from the districts that require vetting because we do not have an international border?

**Hon. Speaker:** Member for Kilome.

**Hon. Thuddeus Nzambia** (Kilome, WDM): Thank you, Hon. Speaker for the opportunity. I will be very brief. I had a serious meeting with the Cabinet Secretary about 60 days ago and he promised me that I would get a registrar in my constituency because I already have an office. I would like to make a follow-up on the same.

**Hon. Speaker:** The last on this is Hon. Johana Ng'eno.

**Hon. Johana Kipyegon** (Emurua Dikirr, UDA): Thank you, Hon. Speaker. I also wish to congratulate the Cabinet Secretary for the responses he has given. Mine is also on the issue of registration centres. The Cabinet Secretary should consider having mobile registration centres in the areas which do not have any, so that by the time the Government sets aside money to build offices and sends officers there, people can still access the services.



Two, on the issues of areas that have international borders, we have serious vetting there that bars people from getting IDs. Can they remove Emurua Dikirr from that list of constituencies that have international borders?

**Hon. Speaker:** Hon. Members, can we end here? Cabinet Secretary, answer those supplementary questions.

**The Cabinet Secretary for Interior and National Administration** (Hon. (Prof.) Kithure Kindiki): Hon. Speaker, on the last issue raised by the Member for Emurua Dikirr and another Member, the Government is of the view that vetting is a discriminatory exercise which exposes citizens from certain parts of the country to unduly difficult procedures.

*(Applause)*

This policy has been there to protect our national security. In areas where there are more threats, then this is minimised through the registration of our citizens. However, we have come up with a modality of ensuring that all critical documents from passports, birth certificates to identification cards must be supplied within 21 days irrespective of where the applicants come from. Where possible, they should come out in three, seven or ten days. However, no Kenyan should wait for six months or a year or two to get an ID card or a passport simply because they come from a certain part of the country. Therefore, within the next three months, the policy of vetting in all citizen registration services will be abolished and replaced with a new way of ensuring that all registration documents are achieved by all Kenyans within a maximum of 21 days.

I was in Moyale and I came across Kenyan youths who had been waiting for IDs for three years and two months; about 10 young people from Moyale. They applied when they were 18 years old and now they are 21 years old. They are still waiting. Why? Vetting. The National Intelligence Service (NIS) and other institutions are still verifying certain things. This is unacceptable and we are going to abolish that.

I agree that I committed to the Member who came to my office that we would post a civil registration officer there. I asked him to support. That also ties with the question the Member asked in terms of what kind of support the Cabinet Secretary is talking about between the national Government and the NG-CDF? Where a Member, through the NG-CDF, is able to obtain consent to build an office, then we give staff and the resources tied to making sure the office is operational. That is what we are calling operationalising, Member for Kilgoris. Even if it is built by the NG-CDF, the NG-CDF is also public money. However, the unit is not operational because the Ministry of Interior and National Administration must post an officer and allocate that officer money in the budget to run the office. You can build an office and it is not operational because there is no staff or you have staff who have no budget to run the office.

In response to Members for Emurua Dikirr, Kilgoris, and others, vetting will not only be abolished in those constituencies, but also across the country. For the Member for Kilome, now that the office is complete, I will post a civil registrar in Kilome on Monday.

**Hon. Speaker:** Hon. Joseph Gitari, you have two Questions in a row. Cabinet Secretary, indulge him to ask both at the same time. They seem to be related to security issues. Ask Question 106 and Question 107 together. Cabinet Secretary, note that there are two Questions coming at the same time.

*Question 106/2023*

OUTSTANDING WARRANT OF ARREST AGAINST AN INDIVIDUAL

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**Hon. Joseph Gitari** (Kirinyaga Central, UDA): Thank you, Hon. Speaker. Could the Cabinet Secretary for Interior and National Administration:

- (i) clarify whether Occurrence Book Nos. OB No.10/11/01/2022 at 1805hrs and 07/9/05/2022 at 1125hrs reported at Kagumo Police Post, and OB No.14/24/9/2022 and OB No.09/10/12/2021 reported at Kabonge Police Post in the name of one Laban Rukenya Munene relate to the same person;
- (ii) explain under what circumstances the above-mentioned person, with all the four entries in the occurrence books, has only been arrested once and failed to attend court for Case No.356/22 despite having a warrant of arrest in his name; and,
- (iii) state the reasons as to why the said person was released from Kagumo Police Post in September 2022 despite having serious pending cases against him?

*Question 107/2023*

EMERGENCE OF CRIMINAL GANGS AND  
TERROR GROUPS IN NAKURU, NAIROBI AND MOMBASA

**Hon. Joseph Gitari** (Kirinyaga Central, UDA): Thank you, Hon. Speaker. Could the Cabinet Secretary for Interior and National Administration:

- (i) explain the measures the Ministry has instituted to address the emergence of criminal gangs or groups with terror links or affiliated to terror groups in the country, including action being taken against those that are facilitating, with links or sponsoring such groups;
- (ii) describe the strategies the Ministry has put in place to deal with the emergence of criminal gangs in the major towns of Nakuru, Nairobi, and Mombasa and other towns, in particular, the criminal gangs known as the Wicame Militia Group that is terrorising residents in Kagumo Town in Kirinyaga Central Constituency; and,
- (iii) explain the security measures that the Ministry has put in place to address rampant insecurity incidences in Kerugoya Town, especially along Mwinga-Iri Road and the road to Kimari Area?

**Hon. Speaker:** Cabinet Secretary, those Questions are related and from the same area. We can be done in 20 minutes on them.

**The Cabinet Secretary for Interior and National Administration** (Hon. (Prof.) Kithure Kindiki): Thank you, Hon. Speaker.

I would like to respond as follows to the Question raised by the Member for Kerugoya Central regarding the suspect, Laban Rukenya Munene: Yes, the four entries to the OB at Kagumo Police Post and Kabonde Police Post relate to one person, namely, Laban Rukenya Munene. This suspect of crime is awaiting prosecution before the Baricho Law Courts. He is accused of stealing on various dates. He stole from a victim called Mary Karuana Gachoki twice. On a third occasion, the same Rukenya Munene stole from a Mr. John Rukenya. On another occasion, he stole from a Miss Jemimah Wangeci.

The suspect was arrested on 3<sup>rd</sup> April 2022 and arraigned before the Baricho Law Courts under Criminal Case No.356/2022. However, the suspect was released by courts on bail. The suspect subsequently jumped bail and he is on the run. The Government, prosecution and security agencies have no control over who the court gives bail or not. The prosecution tried to oppose the granting of bail, but the court ruled against the prosecution. The bail was granted. When the suspect was admitted to bail, he jumped bail and is now on the run.

The prosecution went back to court and obtained a warrant of arrest. We are still looking for this suspect. Security agencies are yet to track him. I assure the Member for Kirinyaga Central and the House that criminal investigations are never closed. We are actively looking for this suspect with a view to arresting him in line with the arrest warrant in our possession and produce him in court for prosecution.

Hon. Speaker, with regard to the next Question from the same Member, I would like to respond as follows: Sometime in the middle of last year, there were increasing incidents of urban crime. The most affected urban centre was Nairobi. By the time this administration was sworn into office around mid-September, there was a huge crisis in this City arising out of terror gangs. Knife-wielding gangs of youths, some armed with pistols and other crude weapons, were terrorising and robbing people, day and night, in many parts of the country. We have been able to drastically contain that problem in Nairobi through change of command and also through change of strategy and deployments by using special units within the NPS. By and large, I am happy that crime has gone down by nearly more than 60 per cent, if not more, based on the statistics we are getting. That matter is under control.

We are also aware that there have been some criminal gangs terrorising people in Nakuru. There is a gang called 'Confirm'. We have neutralised that threat because three or four months ago, it was a real menace. We have arrested the ring-leaders and some of them have been arraigned in court. Currently, the situation is under control. I can also report that in the process, we had to again change the command of Nakuru County to make sure that we inject fresh leadership and a new team. Sometimes when officers stay in one area for a long time, they become a bit lethargic. That is why we have a policy that no officer or commander should stay in one station for more than three years to allow them to not only serve in various parts of the country, but also to ensure that they do not get too involved in local communities and start being lethargic and unprofessional.

The strategies that we are applying to deal with the problem of organised gangs include intelligence-led investigations, which are working very well. Unfortunately, the downside is that intelligence-led investigations take some time, but whenever we zero in on a suspect, we have enough evidence and intelligence that can help us deal with the issue. In fact, that is the approach we are using with regard to the issue of banditry that was raised earlier.

Currently, we have on our radar very high-ranking suspects within the banditry network. We believe that we have enough information. Perhaps once we start striking the network, it will come down. We needed to take a bit of time to be sure that we have the right information that can help us nip the problem in the bud.

Other than that, we are investing heavily in special units to allow police assigned to general duties to concentrate on the general maintenance of order. Where we have organised crime, organised gangs, banditry, terrorism, trafficking in drugs and other sophisticated crimes, we are using formed units, including the Rapid Deployment Unit, the Anti-Stock Theft Unit (ASTU) for livestock, the Special Operations Group (SOG), which has done a great job in neutralising some of the most complicated security threats, especially in the counter-terrorism efforts, and the Special Weapons and Tactics (SWAT) team that deals with urban close-range crime prevention and combating. We have SWAT teams for male and female officers who do not operate in uniform. They are helping us a great deal to contain urban crime.

Based on the information that the Member has raised about Kagumo Town, I will personally discuss with the police command in Kagumo, so that we can put in place a programme to make sure that as we have done in Nairobi and increasingly in Nakuru, we also exterminate that criminal gang before it takes over Kagumo Town. Citizens in this country should be free and not live under the terror of criminals.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Gitari.

**Hon. Joseph Gitari** (Kirinyaga Central, UDA): Thank you, Hon. Speaker. Thank you, Cabinet Secretary for the elaborate answers to the two Questions.

The first Question was raised a while back. I confirm to the Cabinet Secretary that after this issue was mentioned in Parliament, Laban was arrested and the people of Kawangware are happy. He was arrested on Easter Monday. The court will deal with that case.

On the other Question, I commend the Cabinet Secretary because I went to his office and we discussed issues about Kagumo. So far, the Officer Commanding Station (OCS), who had overstayed, has left the station. Another Officer Commanding Station in Kanyakine called Mutitu has also left.

As the Cabinet Secretary said, there was a series of criminal activities, especially in Kagumo. Criminal gangs were breaking into businesses immediately after the elections. I confirm that those criminal activities have gone down so far. We are happy with the work you are doing, *Bwana* Cabinet Secretary. I do not have any other question. Thank you.

**Hon. Speaker:** Those are just comments. Hon. Gikaria.

**Hon. David Gikaria** (Nakuru Town East, UDA): Thank you, Hon. Speaker. I thank *Waziri* for the information he has given us. I confirm that it is true that the activities of the 'Confirm Gang' have gone down by almost 70 per cent. I confirm that we have not had a single death in the last one and half months.

Does *Waziri* have a record of the number of deaths that have been caused by this knife-wielding gang? They always carry knives. They struck down two very good rugby players who lost their lives around three months ago. Does he have a record of the number of deaths that have been caused by this criminal gang?

Secondly, phones are involved because whenever they strike, they take their victims' phones. The people who are attacked normally report to police stations so that the police can follow up on those stolen phones. That would be a better way of capturing members of that gang because if you track a stolen phone, you can reach the people who committed the crime. As per the report that has been done, how many phones have been recovered in the process, so that they can arrest the gang members? Whenever you buy a phone, you must buy it from somebody. You can then give out that information.

**Hon. Speaker:** Thank you. That is enough. Okay. Give him the microphone. You can only ask one supplementary question, Hon. Gikaria.

**Hon. David Gikaria** (Nakuru Town East, UDA): Yes, the very last one. Hon. Speaker, it is about police officers. The Confirm Gang operates in the southern part where we have a police station called 'Bondeni'. That station is notorious for police officers who collude with criminal gangs. I heard that the command was changed, but they left behind the actual policemen who have gone rogue. Other than changing the command, what other action can be taken? All police officers in that station say that the Officer Commanding Station is doing tremendous work. What happens to officers under him, who are the main culprits involved in collusion with this gang? The very last one, if I have information...

**Hon. Speaker:** No. I give the Floor to Hon. Mawathe. Hon. David Gikaria, you have had three bites of the cherry.

**Hon. Julius Mawathe** (Embakasi South, WDM): Thank you, Hon. Speaker. First, I thank the Cabinet Secretary for appearing here today so that he can answer our questions.

I want to ask the Cabinet Secretary this question. Is he aware that on Thursday, 30<sup>th</sup> March 2023, a 17-year old high school student by the name 'Ezekiel Makau' of Double Vision Secondary School, was shot at Pipeline Estate? He is a resident of Pipeline Estate. On the same day, a 16-year old boy by the name 'Stephen Mwau Muthusi' was hit with a teargas canister on the head and was admitted at the Kenyatta National Hospital (KNH). He succumbed to the injuries and his body was taken to City Mortuary, which subsequently issued Burial Permit No.0416790. What are you doing about the officers who shot these two young individuals?

Thank you, Hon. Speaker.

**Hon. Speaker:** Woman Representative for Isiolo County.

**Hon. Mumina Bonaya** (Isiolo County, JP): Thank you, Hon. Speaker. Mine is a very specific question that concerns the commitments made by the Cabinet Secretary during his visit to Isiolo County on matters of insecurity.

First, I would like to thank him for making effort to visit specific places where we have been having challenges with insecurity along the Garissa, Wajir and Samburu borders, which are becoming security hot spots. We may be enjoying relative peace at the moment because of the drought situation. We are now getting out of the drought, with the blessings of the rains. The most expected scenario would be heightened activity. People will start moving around looking for pasture and water. Therefore, the relative calm we are currently experiencing could be deceiving.

My question to the Cabinet Secretary is to speak to the specific commitment he made in the areas of Mlango, bordering Samburu County; Yamicha, bordering Wajir County; and Korbasa, bordering Garissa County, where too many people have been killed and a lot of livestock stolen. You promised to station there a police unit that would serve as a buffer zone to ensure that such killings do not happen in the future. Where are we with that commitment?

Secondly, on the issue of NPRs...

**Hon. Speaker:** One question at a time. I gave you an opportunity.

**Hon. Mumina Bonaya** (Isiolo County, JP): Hon. Speaker, I am finishing. Where are we with the issue of NPRs with respect to Isiolo County? They could be very useful to our people. On the criteria for operationalising the 80 sub-counties, could you also add the level of insecurity as one of the criteria considered to operationalise sub-counties?

Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you Hon. Member. Hon. Kassait Kamket.

**Hon. Kassait Kamket** (Tiaty, KANU): Hon. Speaker, thank you. I believe the appearance of the Cabinet Secretary in Parliament today should be the beginning of a return, constitutionally, to the old system where Ministers were Members of Parliament. Indeed, we have been speaking to each other as Parliament without the presence of the Executive.

**Hon. Speaker:** Hon. Kamket, I have given you an opportunity to ask a supplementary question, not to make a speech.

**Hon. Kassait Kamket** (Tiaty, KANU): Hon. Speaker, thank you. You will indulge me because earlier on some issues were raised about my constituency.

One, could the Cabinet Secretary consider reviewing the curfew orders to exclude trading centres to ensure that we do not lose the largely peaceful populations of trading centres in my constituency?

Two, given that so far there has been no policing value or even deterrence value of roadblocks, could the Cabinet Secretary consider reducing the number of roadblocks and make them as friendly as possible so as not to further marginalise the marginalised constituency of Tiaty?

Finally, I would like to take this Floor to invite the Cabinet Secretary, very politely, to Tiaty. I have seen him looking at Tiaty from binoculars in some instances. I would like to invite him to make a visit and perhaps he will come back with a better view of that marginalised constituency.

I am sorry, Hon. Speaker. Allow me to ask the final question. There are some gazetted administrative units and there are others which we have proposed in order to bring Government services as closer to the people as possible. Could he make a commitment on the Floor of this House whether that is going to be done in the shortest time possible, including Tiaty Central Sub-County?

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Said Hiribae. Give the microphone to the Member for Galole.

**Hon. Said Hiribae** (Galole, ODM): Thank you, Hon. Speaker. Tana River leaders had a meeting with the Cabinet Secretary about two months ago. In that meeting, he promised to issue guns to NPRs in Tana River but we have not seen those guns to date. Could the Cabinet Secretary tell us when we will receive the guns? Tana River borders Lamu County, which is a very volatile area in terms of insecurity. So, when are the NPRs getting the guns?

Thank you.

**Hon. Speaker:** Thank you. Hon. Zamzam.

**Mhe. Zamzam Mohammed** (Kaunti ya Mombasa, ODM): Asante sana, Mhe. Spika. Nina swali kwa Waziri.

Kwanza, nakupongeza kwa kuja Bungeni leo kutusikiza. Sisi akina mama tunazaa watoto wetu hospitalini, kisha tunapewa kile cheti cha dhibitisho. Baada ya hapo, kupata cheti cha kuzaliwa kwa mtoto inakuwa shida. Kwa nini usitufanyie wepesi? Mtoto akizaliwa, kwa nini asimaliziwe pale pale hospitalini na apewe cheti cha kuzaliwa? Tuko na shida sana upande wa Pwani kupata cheti cha kuzaliwa. Tumetengwa kwa muda mrefu. Kwa nini mtu wa Pwani ama yule wa Kaskazini Mashariki anaambiwa ni lazima alete cheti cha kuzaliwa cha babu au nyanya yake ilhali ni Mkenya? Pengine wale wazazi hawana vyeti vya kuzaliwa. Hilo limetusumbua sana Pwani. Utasaidia vipi wakaazi wa Pwani na akina mama kupata vyeti vya kuzaliwa?

Asante sana.

**Mhe. Spika:** Mhe. Zamzam, hilo swali tulimalizana nalo kitambo sana. Sasa tuko na swali la magenge ya uhalifu. Lilikuwa linakuwasha?

**Mhe. Zamzam Mohammed** (Kaunti ya Mombasa, ODM): Hilo swali limeniwasha kwa sababu ndio utata ulioka Pwani. Kwa sababu sikupata mwanya wakati ule, nimelipitilia hapo.

Asante, Mhe. Spika.

**Hon. Speaker:** *Asante sana, Mheshimiwa.* Is that Professor? Okay, ask your question.

**Hon. Daniel Karitho** (Igembe Central, JP): Thank you, Hon. Speaker. My question is on the same NPRs. In Igembe Central, we were promised NPRs and guns. So far, we have not received anything yet the area is marginalised. Insecurity cases are very high and drug trafficking in centres around Kiutine has been discussed. We requested to have a police station in that area but nothing has been done. We also requested for GSU Camp in that area, which is very insecure, but nothing has been done. Could the Cabinet Secretary advice on the way forward?

Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you Hon. Member. The last question of the day is by Edith Nyenze.

**Hon. David Gikaria** (Nakuru Town East, UDA): On a point of order, Hon. Speaker.

**Hon. Speaker:** Hon. Gikaria, what is out of order?

**Hon. David Gikaria** (Nakuru Town East, UDA): Thank you, Hon. Speaker. Listening to what the Member has just said, I would like the Committee on Implementation to note down the commitments that *Waziri* is making. I intended to ask this question towards the end but you will give direction. The Committee on Implementation usually takes up matters once a commitment is made. I do not know if there are any Members of that Committee to pick up what the Cabinet Secretary is committing himself to do. The Member has said promises were made but they are never fulfilled. I am only asking...

**Hon. Speaker:** Hon. Gikaria, you are prosecuting something untenable. That is why we have the *Hansard* and the Clerks-at-the-Table seated in front of the Speaker.

Proceed, Hon. Edith Nyenze.

*(Hon. Moses Kirima spoke off-record)*

What is out of order? The Speaker cannot be out of order, take your seat, Hon. Member. Yes, Hon. Edith Nyenze.

**Hon. Edith Nyenze** (Kitui West, WDM): Thank you, Hon. Speaker. I want to congratulate the Cabinet Secretary for the good work he is doing, especially in answering questions. My concern is insecurity and whether police officers can arrest their own. In February, there was a case in my constituency where a businessman, together with his family, was attacked by four people dressed in police uniform and armed. They were beaten up and left for dead. After being taken to hospital, three of them positively identified one of the thugs as a police officer. This case was reported to the right office and the victims were promised that the four thugs would be paraded for them to identify the culprit but this was not done. This has been reported several times to the IPOA but no action has been taken. My question is: What should be done, and can police officers arrest one of their own?

**Hon. Speaker:** Cabinet Secretary, indulge me to give a chance to two more Members to ask supplementary questions - Dr. Lilian Gogo and the Member who has solicited by...

*(Laughter)*

**Hon. (Dr.) Lilian Gogo** (Rangwe, ODM): Thank you, Hon. Speaker. I appreciate the Cabinet Secretary and his team for coming to the House. My question concerns administrative units in Rangwe Constituency. I want to bring to the attention of the Hon. Cabinet Secretary that we have very big administrative units. There are big locations which need to be subdivided, and we have done what needs to be done on our part. Gem East and Kotieno locations have had one chief and one assistant chief since Independence. There have been proposals to have Nyachar, Rangwe Town, West Kotieno and East Kotieno. Central has a proposal to have Kabuor and Gem. Sori and Kachieng have a proposal to have two sub-locations. Komolo has a proposal to be divided into two sub-locations. In West Gem we need Upper Kanyanjwa and Lower Kanyanjwa.

Hon. Cabinet Secretary, when will these units be put into operation so that the people of Rangwe Constituency can enjoy close services to administrative units as other places? We also need more locations in East Kochia and Gongo area.

Thank you, Hon. Speaker.

**Hon. Speaker:** Finally, Hon. Moses Kirima for one minute. Who is the Member standing and raising his hand? I cannot see him clearly because of the light. After Kirima, I will give you the last shot.

**Hon. Moses Kirima** (Central Imenti, UDA): First, I want to thank the Cabinet Secretary for answering questions candidly. We are satisfied that Cabinet Secretaries are supposed to come to Parliament to answer questions because we were not getting answers. My humble question to the Cabinet Secretary is that in my constituency and the surrounding constituencies in Meru County, we have been hit by the hard drug menace and illicit brews at the same time. They are too rampant around Mount Kenya region. What is the Cabinet Secretary doing to make sure that hard drugs are stamped out? In every market you find a group of youths waiting for their suppliers who use *pikipikis*. These hard drugs are not manufactured in Meru but come all the way from Nairobi and other areas. What is the Ministry doing to stop this trade, which is affecting young men in our areas, who are becoming zombies?

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Cabinet Secretary, I have two requests, which I have acceded to. One is by Hon. Oyula, the Member for Butula. He will ask one question in one minute. Then we will close with Hon. Dr. Mwititi. You do not have to stand to be given an opportunity. Just sit. We must bring this to an end. Let us have Hon. Oyula and Hon. Mwititi then I bring closure to it.

**Hon. Maero Oyula** (Butula, ODM): Thank you, Hon. Speaker...

**Hon. Speaker:** Oh yes, then Mama Kwale. Go on Hon. Oyula. Ask one question.

**Hon. Maero Oyula** (Butula, ODM): Thank you, Hon. Speaker. I want to ask one question regarding insecurity emerging in Butula Constituency, which has been brought by the so-called “gold diggers.” In my constituency, we have an area that has been invaded by gold diggers coming from all over the country. During the day, they are busy in the gold mines but at night they attack residents. This is now becoming very serious. Can investigations be done in order to stop this exercise of gold digging? This is because if left this way it will go beyond control.

Thank you.

**Hon. Speaker:** Thank you. Dr. Mwiti.

**Hon. (Dr.) Shadrack Mwiti** (Imenti South, JP): Thank you, Hon. Speaker. First, let me take this opportunity to thank the Cabinet Secretary for having sorted out the issue of the Deputy County Commissioners in Abogeta and Igoji. I also want to thank him for managing to secure the area between Tharaka and South Imenti, where criminals had invaded. Could the Cabinet Secretary tell us when he will provide a vehicle to the OCPD in Nkubu because he is serving 250,000 people and three sub-counties?

We are desperately in need of transport so as to manage security.

Thank you, Hon. Speaker.

**Hon. Speaker:** Mhe. Mama Kwale.

Huyo ni Mheshimiwa wa mwisho kabisa kuuliza swali.

*(Hon. Harison Kombe spoke off the record)*

**Hon. Fatuma Masito** (Kwale County, ODM): Asante, Mhe. Spika, kwa kunipa nafasi hii nimuulize swali Waziri wa Usalama wa Ndani. Nampa kongole kwa kuweza kuchaguliwa kama Waziri. Ninamshukuru pia kwa kutii amri baada ya kuitwa mbele ya Bunge hili.

Ninatoka Kaunti ya Kwale na mimi ni Mama Kaunti. Swali langu kwa Waziri ni kwamba kule Kwale, nina shida ambayo imeibuka ya vijana wanaojiita “vijana wa vipanga”. Hawa ni vijana wadogo sana wa miaka takriban 13-17. Wanauana wenyewe kwa wenyewe. Wanatumia madawa ya kulevya ambayo yanazua msisimko fulani ndani ya mwili - msisimko unaomtuma kijana kwenda kumuua mwenzake. Wanaweza kuwa wamekaa mahali pamoja wakinywa kahawa lakini wakageukiana na kukatana mapanga. Nina idadi ya vijana wengi ambao wameuana kutoka mtaa mmoja hadi mwingine.

Katika sehemu ya Ngombeni, kata ya Waa, mahali ambapo nilizaliwa, tuna vijiji takriban 27 lakini kijana hawezi kutoka kijiji kimoja hadi kingine iwe ni kwa kutembea au kwenye bodaboda. Hii ni kwa hofu ya mauaji ya wenyewe kwa wenyewe. Polisi wetu wameshindwa kudhibiti hali hiyo...

*(Loud consultations)*

**Hon. Speaker:** Mhe. Mama Kwale, swali ni lipi?

**Hon. Fatuma Masito** (Kwale County, ODM): Mhe. Spika, ningependa kumuuliza Waziri iwapo wana mipango yoyote ya kuzuia uhalifu huo.

Asante sana, Mhe. Spika.

**Hon. Speaker:** Asante sana, Mhe. Mama Kwale. Hon. Jayne Kihara, you have arm-twisted the Chair into giving you the last chance. If it is about Nakuru criminal gangs, Hon. Gikaria has efficiently asked the questions.



**Hon. Jayne Kihara** (Naivasha, UDA): Thank you very much, Hon. Speaker. I sat there on intervention and thought you just wanted to hear about bandits. We do not have bandits in Naivasha.

I wish to ask the Cabinet Secretary whether he knows that there is a notorious Kenya Coast Guard Service (KCGS) officers who guard our inland lake, Lake Naivasha. They have been killing our youth left, right and centre, and drowning them when they go to look for their livelihood. I want to ask the Cabinet Secretary whether he can consider withdrawing those officers from Lake Naivasha and leave it to the Fisheries Department to guard their fish. Those people have killed and drowned too many youths. They are notorious. I do not think that is the reason why we have established the KCGS. Lake Naivasha is an inland lake. They can be used elsewhere in the international boundaries.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Cabinet Secretary, those are many but short questions. You can give snippets.

**The Cabinet Secretary for Interior and National Administration** (Hon. Prof. Kithure Kindiki): Thank you, Hon. Speaker and Members, for the interest and for raising all these matters pertaining your constituencies.

On the information that was supplied by the Member for Kirinyaga Central about the arrest on Monday, I think our response was filed two days earlier; that was yesterday. It was prepared on Monday and that is why that matter has not been captured.

**Hon. Speaker:** You should bask in the compliment and move on.

**The Cabinet Secretary for Interior and National Administration** (Hon. Prof. Kithure Kindiki): Therefore, I wanted to thank Hon. Gitari for that information.

The Member for Nakuru Town West asked about statistics. We can provide them but not right now. That is something he can follow up with the office or even through the Parliamentary channels. I also want to confirm to the same Member that about three weeks ago, we arrested one of the top suspects of this gang and we found nearly 600 phones in his possession.

*(Applause)*

The excuse he gave is that he is a dealer in second-hand phones. However, he could not provide the evidence. We have charged him and right now, all those phones are with the DCI. The Crime Research Intelligence Bureau is analyzing those phones to ascertain if they can help us net a few more individuals. Therefore, I agree with the Member for Nakuru Town West that the phones that are stolen can help us track victims who are alive and can give us more information about who stole from them. We will continue tracking and finding these criminals together with their command systems.

Hon. Speaker, I also heard the Member for Nakuru Town East asking about the Bondeni Police Station. We will follow up. However, as I have said, we have a Government policy that we are going to apply in every police station across the country. There will be no officer, of whatever rank, who has served more than three years that will remain there. This is not just for Bondeni. We are going to do it across the country. If you have served at a station or police post for three years, it is time to go.

*(Applause)*

With regard to the Question raised by Member for Embakasi South on the two deaths, I will need to establish the status update of the investigations. However, as I said earlier, if these deaths are related to the protests, it will be unlikely that the police officers have been used

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to engage with live ammunition. This is because the policy of this Administration is such that police officers can use other methods of crowd control but no live bullets. We will have to find out the status update of the investigation on this matter and then report. The Member is free to visit us in our office. My colleagues, the Principal Secretaries and other senior officers, are here. We will support you to find justice for your constituents and make sure that those matters are taken up and dealt with to conclusion.

We have nothing to hide. We have even told our police officers that anyone who uses their firearms to enforce law and order, and to defend themselves from being hurt by dangerous criminals, in the manner in which the Constitution and the law allows, will be defended everywhere and openly. This is because we also do not want our officers to be fodder for criminals. The same pain I feel when a citizen is killed by a police officer is the same pain I feel when a police officer wearing the uniform of our country is brought down by a criminal. Therefore, we will defend any officer who prevents a criminal from killing him or innocent people.

At the same time, we have told all the ranks of our police officers that any police officer who misuses firearms outside the law to kill, will be on their own. In fact, the Government will be the one pursuing justice on behalf of those victims. Therefore, that is the policy position on the use of lethal force, especially by police officers.

There was also an issue raised by the Member for Isiolo. I have been there three to four times. As I said, we are trying to do our best to make sure that we address the security challenges on the ground where they happen. The country is big. We have only been in office for six months. I want to assure you, Hon. Speaker, that after a year, I do not think there will be any part of the country or any constituency where the Minister and my colleagues in senior leadership of the Ministry would not have gone to assist you, leaders and your people, to tackle your security problems. We are on the way. It is only that we cannot be everywhere and we have only been in office for a very short period of time.

In response to the question raised by the Member for Isiolo County, Hon. Mumina, we are ready to establish and deploy some police units in Mlango and Nyamicha areas as promised. I have been ready for the last two weeks. I contacted some leaders and I was advised that we deploy the officers immediately after Eid ul-Fitr. I promise concretely that within a month, we will have formed units in Nyamicha and Mlango so that we do not have the incidences that we have had there in the past. I also commit that we will establish the Gorbasa Police Post within the same period of a month.

There is also the issue of NPRs, in respect of which we have had challenges because the deployments we need to do now are not provided for in the current Budget. So, we have had to stagger the deployment a little bit to allow us factor in budgetary provisions for the same.

Therefore, where you have delays in some of the places that have been raised, it is because of budgetary constraints but every commitment that has been made will be met. We did not make any commitment just for the sake of it and, therefore, I will again expedite and prioritise the commitment for Isiolo.

There is a request from Marsabit, which was raised by Hon. Dido Raso, about the area around Marsabit Town. In the next two to three weeks, we will deploy security officers because of the unique circumstances that the Member and leaders from Marsabit raised.

Hon. Speaker, there was a question raised by the Member for Tiaty, Hon. Kamket, who correctly stated that he saw photographs of the Minister looking at Tiaty through a binoculars. He has no evidence because he was not there. He just saw a picture of me with a binoculars and he assumed that I was looking at Tiaty. He is correct to assume so because I am yet to visit Tiaty. I will be in Chemolingot on Tuesday and I will stay around for a while. I will also be visiting Elgeyo Marakwet, Lamu, Busia, Tana River and Baringo. It is going to be quite a heavy schedule and by the time we meet here next time, some of these problems will not be there.

With regard to administrative units, we will, again, prioritise. As asked by the Member for Isiolo, Member for Tiaty and a few other Members, insecurity is going to carry some weight in determining which of the pending sub-counties and other administrative units should take first preference even as we roll out to make sure that we operationalise all the gazetted administrative units in the next three years. Insecurity will be a big factor. That also answers the question raised by the Hon. Member for Rangwe. We will also factor in regional balance so that the first batch will have every region of Kenya represented, second, third and so forth on which is a very fair criterion that will be available for public information.

There was also a question raised by the Member for Imenti Central, Hon. Kirima on drugs. This is a problem affecting many parts of our country. However, the big problem is in the larger Central Kenya. The Government has put in place a stakeholder roadmap generation programme to make sure that we get lasting solutions starting with Nyeri this Friday for about four to five counties. From there, we will go to Nakuru County and the South Rift counties, including Bomet, Kericho and Narok. After that, we will go to the Coast, where this problem is rampant. After that, we will come to the Eastern part of Mount Kenya region, which includes Meru County, Embu County, Tharaka Nithi County and we will go on. We also need to have a conference in Wajir because there is evidence and intelligence about transportation of hard drugs and narcotics from neighbouring countries through Moyale into Marsabit and sometimes through Wajir and then converging somewhere in Isiolo. Therefore, that place has a problem of drugs and psychotropic substances. We are going to roll out the programme nationwide and it will be more vicious than even the fight against bandits. This is because the danger to our country's future and the generations to come as a result of these drugs and substances is costly. The consequences will live with us for a very long time. So, we are going to be vicious and ensure that we tackle this problem.

The other question was again raised by the Member for Tiaty Constituency on roadblocks and exclusion of certain market centres. I would like to inform the House that I will be reviewing the orders on Friday. I, therefore, encourage the Member to submit his request to the Office by close of business tomorrow because by midnight on Friday, I will be reviewing some of these orders to adjust depending on the experience that we have had and the feedback that we are getting. We will accommodate any legitimate request that helps us not to stifle the economy but at the same time, not to expose the country to security threats.

The Member for Galole raised issues about Tana River. It is true that the Cabinet Secretary, Ministry of Interior and National Administration made commitments about KPRs in Tana River but I have told you why up to now we have not deployed them. It is because of budgetary constraints but when I visit Tana River within the next two weeks, we will find a way of, perhaps, giving you a small number even as we wait for the June Budget to be able to give you a full deployment.

**Hon. Speaker:** I have two minutes for you.

**The Cabinet Secretary for Interior and National Administration** (Hon. (Prof.) Kithure Kindiki): The other question left is from Hon. Edith Nyenze. She asked whether a police officer can be arrested and the answer is, yes. Where there is evidence, we disarm and arrest them. We do that all the time and, therefore, I invite the Member to give us a formal complaint or request on what needs to be done.

There were questions raised about vehicles. The Member for Imenti South raised an issue about Enkubu OCPD. I think it is a genuine request amongst many others that we are having. We will be able to procure through leasing, another 200 or so vehicles which we are going to distribute fairly across the country. Enkubu OCPD will be one of the beneficiaries. Essentially, every OCPD, including police stations, should have a vehicle on need basis.

**Hon. Speaker:** Touch on the Coast Guards at Lake Naivasha for 30 seconds.

**The Cabinet Secretary for Interior and National Administration** (Hon. (Prof.) Kithure Kindiki): About the Kenya Coast Guard Service, we have had a command problem because they are not part of the Kenya Navy. The KCGS is a police function. Their work is to enforce the law within Kenya's territorial boundaries, which means 12 nautical miles off the baseline of the Indian Ocean and all inland waters including Lake Naivasha, Lake Turkana and Lake Victoria.

We have had a command issue there because the leadership has been with the military and because of the disciplinary discrepancies, the head of KCGS has not been directly under the command of the Inspector-General of Police and that has had enforcement issues. That discrepancy has been resolved. Today, His Excellency the President appointed a senior police officer to be the Director-General of the Kenya Coast Guard Service. That senior police officer will be directly answerable to the Inspector-General of Police. The other agencies can be addressed by seconding other officers like Kenya Revenue Authority (KRA) officers and other enforcement agencies. That matter has been resolved. That is why perhaps for Lake Naivasha, we have not managed to enforce the law because of the command issues that existed. Today, in line with Section 17 of the Kenya Coast Guard Act, the command issue has been resolved.

Finally, on the issue of establishing a GSU camp in Igembe Central, I can also make that commitment within the one-month commitments that I have made, because I know we have resolved the issues that were outstanding.

**Hon. Speaker:** Have you touched on the issue of the small boys killing each other in Kwale County?

**The Cabinet Secretary for Interior and National Administration** (Hon. (Prof.) Kithure Kindiki): Hon. Speaker, I do not have that information. I thank the Hon. Member for bringing it to my attention. I request that we deal with that issue in the manner we have dealt with similar issues in other parts of the country. There have been too many other cases elsewhere, including the cases I have spoken about in Isiolo, Marsabit and other parts of our country. The reason we have addressed those issues, like in Kirinyaga Central and everywhere else, is because we have been meeting with the leaders in those areas, including Members of Parliament. I am done with almost three quarters of all the counties. There is a small number remaining and I commit to be meeting with the leaders from those counties in the next few weeks. So, I encourage the Member for Kwale to formally write and say what it is so that it becomes a genesis for developing a programme to resolve the issue of the emerging gang in Kwale, which is likely to grow into a big problem in future.

Hon. Speaker, I want to thank you for your courtesy. I have been outside Parliament for about six months. So, I am in the cold and it is quite warm to be back among old and new colleagues. I must thank you for your hospitality and kindness. I want to apologise if I have not been as available as I ought to be. I will try to improve and work together with you as elected leaders to deliver the vision of a safe Kenya and a country where the leadership responds to the needs of the public.

Thank you.

**Hon. Speaker:** Thank you, Hon. Cabinet Secretary. You may take your seat there. I have a request from the Chairperson of the Committee that oversees your Ministry. Hon. Tongoyo, we have exhausted our three hours. We have only about four minutes left. I will give you two minutes to say what you want to say.

**Hon. Gabriel Tongoyo** (Narok West, UDA): Thank you, Hon. Speaker. I will try to finish what I wanted to say in two minutes as allocated.

Mine is, first, to congratulate and commend the Hon. Cabinet Secretary for Interior and National Administration for being the first to appear before this House to answer Questions of Members and truly, he has really done it well. I am sure that he has answered majority of the Questions asked by Members satisfactorily and clearly well. This confirms the wisdom of His

Excellency the President in having the Standing Orders amended to allow Cabinet Secretaries to appear in this House to answer Members' Questions. I am sure that he has set the bar very high. The rest of the Cabinet Secretaries who will be appearing here will have a little bit of hard time to catch up.

The interest exhibited by Members shows the importance of the matter of security in this country. I personally take this opportunity to thank the Cabinet Secretary, whom I have worked with closely since his appointment. I can confirm that he is the only Cabinet Secretary who has never travelled out of this country because he has always been attending to matters of insecurity affecting this country. He has demonstrated to have travelled to almost every part of this country. He is a very dedicated Cabinet Secretary. There has been a complaint from the Members of this House that majority of Cabinet Secretaries hardly respond to their requests or pick their phone calls but Prof. Kindiki has been exceptional. I want to commend him. Kenyans have high hopes in him. I just want to ask him to keep the pace because Kenyans have a lot of trust in him.

As I near to finish, what has been asked by Members here are matters that touch on their constituencies and they were talking on behalf of the constituents they represent here. One thing stood out - that, we have a very committed, dedicated and focused Cabinet Secretary but resources have always been the problem. I want to challenge these Members to help the Ministry and the Cabinet Secretary to accomplish matters related to security in this country whenever we can, either through legislative or resource allocation, including even using our NG-CDF to put up police stations and administrative units. That way, we will be helping the Ministry with the little resources that we have to cater for the most urgent issues.

**Hon. Speaker:** Thank you.

**Hon. Gabriel Tongoyo** (Narok West, UDA): Hon. Speaker, I thank you very much. Just add me one more minute.

Lastly, as I finish, the Cabinet Secretary talked about the very emotive issue of insecurity in this country. I know it has been a challenge mostly in the North Rift. Members are convinced that the Government is doing all it can to address the issue. The Hon. Cabinet Secretary talked about majority of criminal activities taking place in this country. It is true that crime is perpetrated by rogue police officers, criminal gangs or bandits. The issue of misuse of firearms should be taken very seriously. I personally have a situation where the NPRs working as rangers in my own constituency use the firearms that were issued to them to shoot innocent herders going about their own businesses.

**Hon. Speaker:** Hon. Tongoyo, stop there.

**Hon. Gabriel Tongoyo** (Narok West, UDA): The matter is under investigation by the IPOA and the DCI, but should it be found necessary, we can escalate it to the Cabinet Secretary to take action even if it means recalling their firearms.

Thank you, Hon. Speaker and congratulations to the Hon. Cabinet Secretary. I am proud of you.

**Hon. Speaker:** Your time is up. Hon. Murugara, what is the issue?

**Hon. George Murugara** (Tharaka, UDA): Thank you.

**Hon. Speaker:** I was going to give the Leader of the Majority Party two minutes.

**Hon. George Murugara** (Tharaka, UDA): Thank you very much, Hon. Speaker. The Leader of the Majority Party will take two minutes and I will take only one minute. Allow me to thank my constituent, Hon. Professor Kithure Kindiki. Those who may not know, he is actually a constituent of Tharaka Constituency in Tharaka Nithi County. I congratulate him because he has done a perfect job in terms of answering Questions from Members. This is exactly what we have been asking for, and now it does look like this is what we are getting. So, we are happy even to the Members for amending the Standing Orders because with this

arrangement in place, we are now closely interacting with the Government the way a legislature is supposed to.

Very well done, Professor. Thank you very much.

**Hon. Speaker:** Let us have Hon. Owen Baya to speak on behalf of the Leader of the Majority Party.

**Hon. Owen Baya** (Kilifi North, UDA): Thank you very much, Hon. Speaker.

First, I want to thank you for midwifing this process. This process came through your hands and now we are here overseeing the Executive and introducing new levels of accountability. What I would like to comment from the Majority side is that both the Majority and Minority sides of this House have a responsibility to oversee the Executive. I think this was a pure and good display of the same.

Hon. Speaker, I also thank you for sitting here for three hours to midwife this process. We need to give a thumbs-up to the Speaker.

*(Applause)*

Hon. Speaker, you have done tremendously well. I also thank the Cabinet Secretary for a job-well-done and note that when we come here we are Members of Parliament overseeing the Executive. This is the President's dream—to ensure that we hold Cabinet Secretaries to account. I am asking this Cabinet Secretary to tell the other Cabinet Secretaries to come prepared next time. Professor Kindiki has set the bar very high. The others that will come will need to take it to another level. I also thank all the Members. The quorum has been very very good today. This is very good. Parliament is moving a notch higher every day.

I thank you. *Ahsante sana.*

**Hon. Speaker:** Hon. Members, that brings us to the closure of Question Time. This is an innovation under the Constitution of Kenya, 2010 and that amended the National Assembly Standing Orders. To the Cabinet Secretary, Prof. Kindiki, you have come well. You have set the bar reasonably high for your colleagues to follow. You can see that the docket you hold is the nerve centre of the peace and security of the country. The number of substantive Questions and supplementary questions raised by Members on the Floor of this House indicate very clearly that you have your job cut out. You have to move the length and breadth of the country to ensure that there is adequate and proper policing - policing that adheres to the rule of law and non-violation of people's rights. Above all, you have to capacitate the police to do their job in terms of provision of equipment, mobility and remaining accountable to the people's representatives, who sit in this House.

You have done very well. I congratulate you, this being the maiden appearance by any Cabinet Secretary under this new arrangement. I hope your colleagues were watching to see how well you performed. We expect nothing less from them when they come here. Thank you very much. You are released to go back to your office.

Hon. Members, the next Order is by the Chairperson of the Departmental Committee on Justice and Legal Affairs.

Hon. Members, remember that today you are sitting up to 9.00 p.m. if business is to be prosecuted in the manner we envisaged.

*[The Speaker (Hon. Moses Wetang'ula) left the Chair]*

*[The Temporary Speaker (Hon. Farah Maalim) took the Chair]*

## PROCEDURAL MOTION

EXTENSION OF PERIOD FOR CONSIDERATION OF MOTION  
ON APPROVAL OF NOMINEE FOR APPOINTMENT

**Hon. George Murugara** (Tharaka, UDA): Hon. Temporary Speaker, I beg to move the following Procedural Motion:

THAT, pursuant to the provisions of Section 13 of the Public Appointments (Parliamentary Approval) Act, 2011 relating to the extension of period of consideration of nominees for appointment to a public office, this House resolves to extend the period for consideration of a Special Motion relating to the approval of a nominee submitted by His Excellency the President for appointment as the Chairperson of the Ethics and Anti-Corruption Commission by a period of fourteen (14) days from 12<sup>th</sup> April 2023.

Hon. Speaker allow me to explain the reasons for moving this Procedural Motion. On Wednesday, 5<sup>th</sup> April 2023, the Departmental Committee on Justice and Legal Affairs vetted a nominee for appointment to the position of Chairperson of the Ethics and Anti-Corruption Commission by the name Bishop David Oginde. Unfortunately, Easter holidays set in and the Committee was not able to retreat to write a Report. There could have been a meeting yesterday but there was a Parliamentary Group meeting for the Kenya Kwanza Coalition. Thus, the Committee has not been able to write the Report. It requires a maximum of 14 days even though the Committee may do it within a shorter period of time, which will be better. However, we have a maximum of 14 days to prepare a Report and table it in this House.

The Report must be informative. It must conform with the required standards. It must be in consonance with the work done and delivered by the Departmental Committee on Justice and Legal Affairs. Therefore, I appeal to the House to agree to the extension of time for a period of 14 days so that we produce a Report and bring it to the House.

With those remarks, I beg to move and request the Member for Baringo North, Hon. Makilap, to second the Motion.

**Hon. Joseph Makilap** (Baringo North, UDA): Hon. Temporary Speaker, I second the Motion.

*(Question proposed)*

*(Question put and agreed to)*

**The Temporary Speaker** (Hon. Farah Maalim): Next Order.

## BILLS

### *First Readings*

THE POLITICAL PARTIES (AMENDMENT) BILL  
(National Assembly Bill No.35 of 2022)

THE PARLIAMENTARY POWERS AND PRIVILEGES (AMENDMENT) BILL  
(National Assembly Bill No.36 of 2022)

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

**SPECIAL MOTION****APPROVAL OF NOMINEE FOR APPOINTMENT AS A MEMBER  
OF THE NATIONAL GENDER AND EQUALITY COMMISSION**

**The Temporary Speaker** (Hon. Farah Maalim): Chairperson of the Departmental Committee on Social Protection.

**Hon. Hilary Kosgei** (Kipkelion West, UDA): Hon. Temporary Speaker, I beg to move the following Special Motion:

THAT, taking into consideration the findings of the Departmental Committee on Social Protection in its Report on the vetting of a nominee for the appointment as a member of the National Gender and Equality Commission, laid on the Table of the House on Tuesday, 11<sup>th</sup> April 2023, and pursuant to the provisions of Article 250(2) of the Constitution, Section 11(7) of the National Gender Equality Commission Act, 2011 and Section 8(1) of the Public Appointments (Parliamentary Approval) Act, 2011, this House approves the appointment of Dr Margaret Karungaru as a member of the National Gender and Equality Commission.

Hon. Temporary Speaker, pursuant to Article 250(2) of the Constitution, as read together with Section 11 of the National Gender and Equality Commission Act, 2011, His Excellency the President notified the National Assembly of the nomination of Dr. Margaret Karungaru as a member of the National Gender and Equality Commission. The Speaker, vide a Communication made on 10<sup>th</sup> March 2023, conveyed to the House the Message from His Excellency the President and, subsequently, referred the name of the nominee, her curriculum vitae and the report of the selection panel on her nomination to the Committee to conduct the approval hearing.

In compliance with Article 118(b) of the Constitution and Section 6(4) of the Public Appointments (Parliamentary Approval) Act No.33 of 2011, the Clerk of the National Assembly placed an advertisement in the print media on 20<sup>th</sup> March 2023, informing the public of the nomination, date, time and place of the approval hearing. The Clerk also invited the public to submit memoranda by way of written statements and affidavits on the suitability of the nominee in conformity with Section 6(9) of the Public Appointments (Parliamentary Approval) Act No.33 of 2011. At the close of the submission deadline, the Committee had not received any memorandum contesting the nominee's suitability.

The Clerk of the National Assembly also wrote to the Kenya Revenue Authority (KRA), the Ethics and Anti-Corruption Commission (EACC), the Directorate of Criminal Investigations (DCI), the Higher Education Loans Board (HELB) and the Office of the Registrar of Political Parties (ORPP), seeking references and background checks relating to the suitability of the nominee. The nominee appeared before the Committee on Wednesday, 29<sup>th</sup> March 2023 for vetting. The Committee examined her suitability based on the criterion set out in Section 7 of the Public Appointments (Parliamentary Approval) Act No.33 of 2011, and Sections 10 and 11 of the National Gender and Equality Commission Act No.15 of 2011. In addition, the Committee examined her academic credentials, relevant experience, knowledge of sector issues and on leadership and integrity.

During the approval hearing, the Committee also paid due regard to the procedure used to arrive at the nominee; any constitutional or statutory requirements relating to the office in question; and the suitability of the nominee for the proposed appointment, having regard to whether the nominee's abilities, experience and qualities met the needs of the National Gender and Equality Commission.

In this regard, the Committee observed as follows:

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1. The nominee holds a Bachelor's Degree in Education from the University of Nairobi (1979) and is pursuing a Master of Arts Degree in International Relations from the University of London – Queen Mary College, which is ongoing.
2. The nominee also holds an honorary Doctorate Degree from the Kingdom University in International Community Service and Development, USA.
3. The nominee attended Kiamwangi Primary School, Nyeri; Sacred Heart Primary School in Kyeni, Embu; and Alliance Girls High School, where she sat for her 'O' and 'A' level examinations.
4. The nominee has worked in various capacities including; in 1986 to 1997 as a lecturer at the Kagumo Teachers College (Nyeri), from 1989 to 1995 as a Headmistress at Nyakiambi Girls High School in Nyandarua, from 1985 to 1988 as a Deputy Headmistress at Moi Girls High School in Kamangu, from 1984 to 1985 as a teacher at Solian Girls High School in Baringo, from 1981 to 1983 as a teacher at Starehe Boys Centre and in 1980 as a teacher at Ngara Girls High School.
5. The nominee meets the requirements of Chapter 6 of the Constitution on leadership and integrity, having obtained clearance from the following statutory bodies – the EACC, the KRA, the DCI, the ORPP and the HELB.
6. The nominee has not been charged in any court in the past three years.
7. The nominee does not hold office in any political party.
8. The nominee has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Articles 75(1) on conflict of interest, Article 76 on financial probity, Article 77 on restriction on activities of State Officers and Article 78(2) on dual citizenship as a requirement of the Constitution.
9. The nominee demonstrated knowledge of topical, administrative and technical issues touching on gender equality, freedom from discrimination and the functions and operations of the National Gender and Equality Commission, and has the requisite abilities, qualifications and experience to serve as a member of the National Gender and Equality Commission.

In light of the foregoing, having conducted the approval hearing for the nominee pursuant to Article 250 of the Constitution, Sections 10 and 11 of the National Gender and Equality Commission Act, 2011, Sections 3 and 8(2) of the Public Appointments (Parliamentary Approval) Act 33, 2011 and Standing Orders 45 and 216, the Committee recommends that the National Assembly approves the appointment of Dr. Margaret Karungaru to the position of member of the National Gender and Equality Commission.

I beg to move the Motion and urge the House to adopt this Report. I request Hon. Suleka Harun to second.

Thank you, Hon. Temporary Speaker.

**Hon. Suleka Harun** (Nominated, UDM): Thank you, Hon. Temporary Speaker. The nominee has met all the requirements. She has the relevant work experience for this position. She also has the required qualifications and all the required compliances for this position. The nominee has shown leadership and problem-solving skills. She also expressed her passion for social work in the community and shown the ability to fight against gender inequality and for women inclusion in decision-making. The nominee informed the Committee of her experience in the teaching fraternity as a teacher in different schools. She served as a Headteacher in different girls' schools.

I rise to second the Motion. Thank you.

*(Question proposed)*

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

### QUORUM

**The Temporary Speaker** (Hon. Farah Maalim): I think you have established a tradition, probably in the last 10 years, in which on such weighty matters you have to have a quorum before you can take a decision as a House. I am informed of this by none other than people who hold the institutional memory of the House. Under the circumstances, ring the Quorum Bell to get sufficient Members into the House to approve this Motion.

*(The Quorum Bell was rung)*

*(Hon. Owen Baya spoke off the record)*

**The Temporary Speaker** (Hon. Farah Maalim): Not when the Quorum Bell is ringing.

**Hon. Owen Baya** (Kilifi North): You have not ordered for the Bell.

**The Temporary Speaker** (Hon. Farah Maalim): I have ordered.

**Hon. Owen Baya** (Kilifi North): I was listening to you.

**The Temporary Speaker** (Hon. Farah Maalim): I ordered the Serjeant-at-Arms to ring the Quorum Bell.

*(Laughter)*

Hon. Owen Baya, get the Whip of the Majority Party to whip Members to come to the House.

*(Loud consultations)*

Hon. Members, when you ask the Chair to put the question and you do not have a quorum, you must have thought about it. The rules have changed in the last 10 years. When I was here the last time, unless a Member raised the issue of quorum, we never used to have a problem. The Speaker sees nothing and hears nothing until he is told. Now I am told you changed the rules; you must have a quorum to make a decision or resolution of the House on such weighty matters. Under the circumstances, the Bell is rung. Go and whip your Members to come back and constitute the requisite quorum.

Hon. Members, when the Bell is ringing, the rules are very clear. No Member is supposed to go out except the Whips. My presumption is that the able Deputy Speaker and Hon. Owen Baya are going to whip Members. That is what she told me and so, proceed. Go and whip Members.

Order, Hon. Members! We have ascertained we have quorum. Let us continue with the debate. Order! Hon. Elachi, you want to contribute? Proceed.

*(Loud consultations)*

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

**The Temporary Speaker** (Hon. Farah Maalim): Order!

**Hon. Beatrice Elachi** (Dagoretti North, ODM): Thank you, Hon. Temporary Speaker. As you put the Question, it is important for the House to understand why you are putting it. I want to support the Motion on the appointment of Dr. Margaret. This woman has worked with the women of this country for many years. As we pass her nomination, I know she will do a

fantastic job and ensure we start hearing the National Gender and Equality Commission (NGEC) which at the moment is a bit low. Also, as she goes there, we want her to awaken the Commission because it is high time they came out to start the fantastic job they have been doing in this country. We pray that they will get a budget.

With those few remarks, I beg to support. Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): Yes, Hon. lady Member. Hon. Rozaah Buyu. Proceed.

*(Loud consultations)*

You want to contribute? Order! I have an obligation to protect the minority who want to contribute according to the Standing Orders. Proceed.

**Hon. Rozaah Buyu** (Kisumu West, ODM): Thank you, Hon. Temporary Speaker, for giving me this opportunity and for protecting the minority. I want to support the Motion and say that Dr. Margaret is indeed qualified for this position. I hope by the time she finishes her term, the words ‘boychild is suffering’ will be a thing of the past. We know the National Gender and Equality Commission has always been associated with the female, but gender refers to both female and male. Currently, we hear cries from the boy child. I urge Dr. Margaret that when she takes on the role, she will put the boy child at par with the girl child.

With that, I support the Motion.

**The Temporary Speaker** (Hon. Farah Maalim): Order, Hon. Members!

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

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Members, I now put the Question.

*(Question put and agreed to)*

**The Temporary Speaker** (Hon. Farah Maalim): Next order.

## MOTIONS

### RATIFICATION OF THE AGREEMENT BETWEEN THE GOVERNMENT OF KENYA AND THE GOVERNMENT OF THE UNITED KINGDOM ON DEFENCE CO-OPERATION

*(Hon. Nelson Koech on 11.4.2023)*

*(Resumption of Debate interrupted on 11.4.2023)*

**Hon. Nelson Koech** (Belgut, UDA): Hon. Temporary Speaker, I want to thank this House for the robust debate we had yesterday on the Defence Co-operation Agreement (DCA) between Kenya and the United Kingdom.

I have taken note of what the Members of this House have raised, particularly on subsequent agreements which the House will be making. I do not want to tire this House with more stories because we debated this matter at length. On the same breath, let me thank my Committee and the entire team that participated until the tabling of the Defence Co-operation Agreement.

We hope this agreement will further foster the relationship between Kenya and the United Kingdom and continue to operate in a *quid pro quo* kind of arrangement where both countries will substantially benefit from the exchange defence programme, including any other support we will get from the Government of the United Kingdom. We urge all officers who will train on our soil to strictly adhere to the laws of the land, protecting the environment as

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has been envisioned and captured in our Report, and ensure the rule of law is followed to the letter.

Hon. Temporary Speaker, with those very few remarks, I beg to reply.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Members, I now put the question.

*(Question put and agreed to)*

**The Temporary Speaker** (Hon. Farah Maalim: Next Order.

ADOPTION OF REPORT ON RATIFICATION OF THE AFRICAN  
UNION TREATY ON THE ESTABLISHMENT OF THE AFRICAN  
MEDICINES AGENCY

**The Temporary Speaker** (Hon. Farah Maalim): Chairperson, Departmental Committee on Health.

*[The Temporary Speaker (Hon. Farah Maalim) left the Chair]*

*[The Temporary Speaker (Hon. (Dr.) Rachael Nyamai) took the Chair]*

**Hon. (Dr.) Robert Pukose** (Endebess, UDA): Hon. Temporary Speaker, I beg to move the following Motion:

THAT, this House adopts the Report of the Departmental Committee on Health on its consideration of the Ratification of the African Union Treaty for the Establishment of the African Medicines Agency (AMA), laid on the Table of the House on Tuesday, 21<sup>st</sup> March 2023 and, pursuant to the provisions of Section 8(4) of the Treaty Making and Ratification Act, 2012, approves the Ratification of the African Union Treaty for the Establishment of the African Medicines Agency.

Hon. Temporary Speaker, the African Union Treaty for the Establishment of the African Medicines Agency herein referred as the AMA Treaty was adopted by the 32<sup>nd</sup> Ordinary Session decision of the Assembly of the Heads of States and Governments on 11<sup>th</sup> February 2019.

The AMA Treaty was signed by the Cabinet Secretary, Ministry of Foreign and Diaspora Affairs, Dr. Alfred Mutua on 16<sup>th</sup> February 2023.

The AMA Treaty establishes the African Medicines Agency as a specialised agency of the African Union. AMA is intended to enhance the capacity of State parties and regional economic communities to regulate medical products in order to improve access to quality, safe and efficacious medical products on the African Continent. It is aimed at retracing the weak regulatory systems that have resulted in the circulation of substandard and falsified medical products in many African Union member States, thus causing risks to public health, harm to patients and undermining the confidence in healthcare delivery systems.

The AMA will work closely with African Union (AU), World Health Organization (WHO), African Centres for Disease Control and Prevention (ACDC) and other United Nations (UN) Agencies.

Pursuant to Article 2(6) of the Constitution, Treaties or Conventions ratified by the Kenyan Government form part of the laws of Kenya. Ratification is the International Act by

which the State signifies its consent to be bound by a Treaty, that is Section 2 of the Treaty Making and Ratification Act, No.45 of 2012.

As the only body that wields legislative authority to make provisions having the force of law pursuant to Article 4(5) of the Constitution, Parliament decides whether a Treaty shall form part of the laws of Kenya. A Treaty, therefore, only becomes binding on the country after it has been approved by the National Assembly.

Section 12 of the Treaty Making and Ratification Act, 2012 emphasises that a treaty cannot be ratified until it has been considered and approved by both the Cabinet and Parliament. In this regard, pursuant to Section 8 of the Treaty Making and Ratification Act, 2012, and upon approval of the Treaty by Cabinet, the relevant Cabinet Secretary is obligated to submit the Treaty, together with a memorandum on the Treaty, to the Speaker of the National Assembly for tabling pursuant to the Standing Orders.

The Memorandum by the Ministry of Foreign and Diaspora Affairs on ratification of the AMA Treaty was laid on the Table of the House on Tuesday, 7<sup>th</sup> June 2022. It was, however, not considered as the House in the 12<sup>th</sup> Parliament proceeded to *sine die* recess thereafter. The Treaty was tabled afresh before the House in the 13<sup>th</sup> Parliament on Thursday, 1<sup>st</sup> December 2022.

Pursuant to Standing Orders 216(5) (f)(fa) and 170(A)(1), the AMA Treaty was committed to the National Assembly's Departmental Committee on Health for consideration guided by the provisions of the Constitution, the Treaty Making and Ratification Act, 2012 and the National Assembly Standing Orders, and in particular, Standing Order No.170(A).

As provided under Article 118(1)(b) of the Constitution, Section 8(3) of the Treaty Making and Ratification Act, 2012 and Standing Order 170(A), the Committee conducted public participation in the course of considering the Treaty. The Committee received written memorandum and oral submissions from various stakeholders including Government Ministries, Departments and Agencies, non-state actors and Non-Governmental Organisations (NGOs).

Upon finalisation and consideration of the AMA Treaty and submissions from stakeholders and in accordance with the provisions of Standing Order 170(A)(4), the Committee prepared a Report for the House containing an analysis of stakeholder views, observations made by the Committee and the Committee's recommendations on the ratification of the AMA Treaty.

Hon. Temporary Speaker, our observations were as follows:

1. The AMA Treaty is in line with the Constitution of Kenya, 2010 and complies with the provisions of Treaty Making and Ratification Act 45 of 2012 and, in particular, Section (8)(9) of the Act as it does not negate any of the provisions of the Constitution.
2. The AMA Treaty may require amendment of Kenyan laws for compliance with and implementation of the Treaty obligations as the Treaty advocates for the adoption of the African Union Model Law on regulations of medical products.
3. Ratification of the AMA Treaty will catalyse realisation of universal health coverage through faster access to the highest quality of medical products.
4. The AMA Treaty will contribute to achievement of Government Health Policies such as the Kenya Healthy Policy 2014-2030 and the Kenya National Pharmaceuticals Policy, 2012, among others.
5. The AMA Treaty will benefit Kenya as it supports local pharmaceuticals production and strengthens the countries' ability to regulate and monitor safety of health products and technologies.

Hon. Temporary Speaker, pursuant to Standing Order 170(4)(c)(i), the Committee recommends that the House approves the Ratification of the African Union Treaty for the Establishment of the African Medicines Agency.

The justification is that the African Union Treaty for establishment of AMA facilitates the realisation of universal health coverage through improved regulations of medical products. This will ultimately facilitate the realisation of the right to the highest attainable standard of health as guaranteed under Article 43 of the Constitution of Kenya, 2010.

I beg to move and ask my colleague to second.

**Hon. Omboko Milemba** (Emuhaya, ODM): Thank you very much, Hon. Speaker.

As I second, I want to say that AMA is a specialised agency of the AU. When it was established, it was ratified by 15 member States. Today, 33 out of the 55-member States have already ratified and is mainly to improve the quality of medicine in the member States so that they can also achieve good health care.

With those few comments, I beg to second.

**The Temporary Speaker** (Hon. (Dr) Racheal Nyamai): Thank you very much.

*(Question proposed)*

Hon. James Nyikal, Member for Seme. He seems not to be in. Hon. Geoffrey Mwangi, Member for Tetu. Let us have Hon. Millie Odhiambo, Member for Suba North.

**Hon. Millie Odhiambo- Mabona** (Suba North, ODM): Thank you, Hon. Temporary Speaker. At the outset, I have just arrived from Suba North. I have not had the opportunity to look at the Treaty. I wish that the Member, in moving or in seconding, would have elaborated a little more on the agency. This is because when you talk about the AMA, I do not know whether it deals with the issue of medicines from Africa like *Mwarubaini* or whether it is an issue of the medicines that are of African origin. If it is an issue of herbal medicines from Africa, then I would actually support. As a continent, we have despised our own products and the indigenous knowledge of beneficial properties of our own plants which have been very helpful. I am hoping that when the Member is responding, he will indicate that.

The other issue of concern that I have noted when the Member was moving, which I hope he can respond to, is his indication that we need to make some amendments to our own laws. Even though I do not have the Treaty Making and Ratification Act here since I am the one who moved it, what I am sure of is that the Act talks about situations where we need to amend our laws. We need to point out which laws those are in the Memorandum. When you are bringing a treaty, it is also a law-making process.

Article 2(5)(6) of the Constitution gives the Assembly the opportunity to make law through treaties by bringing them through Parliament. Once a treaty is passed, it becomes the law of Kenya. We had indicated that you cannot make a law outside the legislative process. The Executive cannot make law independently. It would be important that, as we are doing this treaty, if there are certain laws that we are amending that are going against certain provisions of the treaty, a reservation should be made on those Articles until such a time when we have amended our laws. Otherwise, we will be clashing with our Constitution or our domestic laws which is not what the Constitution intends. I am hoping the Member will bring clarity.

**Hon. (Dr.) Robert Pukose** (Endebes, UDA): On a point of intervention.

**The Temporary Speaker** (Hon. (Dr) Rachel Nyamai): Thank you, Hon. Millie Odhiambo. Hon. (Dr.) Pukose you are on an intervention.

**Hon. (Dr.) Robert Pukose** (Endebes, UDA): Thank you, Hon. Temporary Speaker. I would like to thank Hon. Millie for raising those issues. The African Medical Agency is an African Union Body that standardises the practice, whether it is traditional or conventional medicine, in all the countries that are signatories - whether it is in Kenya, Uganda, Tanzania or

Ethiopia. We must practice uniformly so that if you take *Mwarubaini* in Kenya, it should be the same dosage and uniform packaging as Uganda. We seal into certain standards and that is why its practice has to be in convention with World Health Organisation (WHO) and the guidelines by the United Nations (UN) Agencies.

In terms of the amendments that we need to make to our law, if you look at our Kenyan law, we currently do not have a drug authority in Kenya. We have the Pharmacy and Poisons Board which is created under Legal Notice No.244. This Legal Notice created the Pharmacy and Poisons Board. A legal notice and an Act are different and, therefore, we need to have an Act that established a drug authority within Kenya. Currently, if you hear that Food and Drug Administration (FDA) has disapproved the use of a certain drug or refutes a certain standard, then you have confidence that the drug has a problem because FDA in the United States is a standard body. We need to have a similar body in Kenya that once it declares that a certain drug cannot be used in the market, then everybody has confidence in the authority of that organisation. You will find that other countries like South Africa, Uganda and Tanzania have a drug authority. Kenya also needs a drug authority.

As you remember, Hon. Millie, in the last Parliament, I came up with the Kenya Food and Drugs Authority Bill which lapsed in this House during the Committee of the Whole House. I have reintroduced it. That is in line with this AMA Treaty. If we are able to support the Kenya Drug Authority Bill in this House... We are currently seeking concurrence with the Senate on the same Bill to enable us to bring it back for the First Reading and to undergo the same process. It has been published at the Government Printer and is ready for processing. That is my intervention on Hon. Millie's contribution.

**The Temporary Speaker** (Hon. (Dr.) Rachel Nyamai): Thank you. First of all, let me thank Hon. Millie for raising this matter. It has given the Chairperson Departmental Committee on Health an opportunity to explain and clarify to the other Members so that they can enhance the quality of debate. Hon. Members, you can see the importance of having a Chair who has experience. He has given a good explanation on the subject matter.

I would like to give Hon. Millie a chance to conclude because she had not exhausted her minutes.

**Hon. Millie Odhiambo - Mabona** (Suba North, ODM): Thank you. Let me thank the Chairperson, Departmental Committee on Health for the point of information which I welcome.

As I indicated earlier, I have just arrived from Suba North. I am usually very keen on the matters we deal with here and it will be good that when we are discussing, we are clear about what we are dealing with. Based on that and by faith, I want to say that, that is a very good idea and I will support. You notice that when I started, I did not indicate whether I support or not. I support because it is definitely important that we standardize our medicines and the practice of medicine.

I am particularly interested in the inclusion of our African medicines because we do not take them seriously and yet we know that, for instance, the Rosy Periwinkle of Madagascar has enhanced children's chances of recovering from leukaemia. We also know that in Tanzania, there are herbal medicines that have enhanced chances of recovering from cancer. In Kenya, we are aware that there are herbal medicines that are good for women with reproductive issues and yet, we do not take them seriously.

One of the things that I am hoping we can enhance is those kinds of medicines so that we do not just depend on the modern medicine and forgetting what we have. I also thank the Member for acknowledging and indicating the laws that need amendment. I can only urge that in future, for the sake of legislative tidiness, that law needs to come ahead of this or when you are bringing the treaty, then you need to bring a reservation on those areas. Once the law passes, then you can remove the reservations. Otherwise, it will look like there is a clash in particular sections of the law

Thank you very much. I support.

**The Temporary Speaker** (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Millie Odhiambo. Hon. John Waluke, Member for Sirisia.

**Hon. John Koyi** (Sirisia, JP): Thank you, Hon. Temporary Speaker. I rise to support this Motion. However, pursuant to Standing Order 95, we do not have quorum.

Thank you.

**The Temporary Speaker** (Hon. Dr Rachael Nyamai): Hon. Members, the Standing Order that has been stated by Hon. Waluke, Standing, Order 95, is not the correct Standing Order. So, I will give a chance to the Hon. Rozaah Buyu. Proceed.

**Hon. Rozaah Buyu** (Kisumu West, ODM): Thank you, Hon. Temporary Speaker, for giving me this opportunity. At the outset, I support the establishment of the treaty in support of the creation of AMA. For many years, we know that what troubles most of our organisations like the East African Community (EAC) and the African Union is the feeling of inequality and inferiority amongst member States and the feeling that some member States are treated better than others. This is one opportunity that those organisations, particularly the AU, can use towards moving to solve the problem of inequality. The reason why I say this is that once there is standardisation of medicines within African states, it will not matter if I come from Kenya and someone else comes from Uganda. If, for example, I go to Ethiopia and I am on medication, I will be sure to find the same medication in that country and it will be administered to me in the same way it was administered to me in my country of origin.

I support the Motion and I also support Hon. Millie in proposing laying out a clear path on which all these should be created before it is brought to us for approval.

Thank you.

**The Temporary Speaker** (Hon. (Dr.) Rachael Nyamai): Thank you, Hon. Rozaah Buyu.

Hon. John Namoit, Member for Turkana South. Hon. Members, I do not see any other interest on this. I would like to call upon the Mover to reply. There seems to be a hitch with the screen and, therefore, I want to ask that if you want to speak, you use the intervention.

**Hon. Jematiah Sergon** (Baringo County, UDA): Thank you very much, Hon. Temporary Speaker. At the outset, I support the Motion. I want to tell Hon. Pukose that this Motion is timely. I was a Member of Parliament of the East African Legislative Assembly (EALA), and I remember very well that we had several debates on this matter, especially on standardisation of produce from Africa, medicine being one of them.

Just like the Chair, Departmental Committee on Health has elaborated, this is very crucial for African countries, specifically on matters health and drugs. We have been consuming a lot of generic drugs and unconventional drugs from all over the world. For example, many times the vaccines that we are injected, we do not get their qualifications and we do not know what they are for Africa. It is believed that what is given for Africa is good for us but it is time that this treaty considers drugs as a priority. Once we have our own standards, we will be able to manage medicine and understand how to prioritise our issues as Africans.

Just like we consume standardised food products, medicine is one of the key areas that African countries should settle on. They should recognise that what they have as indigenous medicine is more important than what they are given many times as donations. Going forward, the treaty will help us produce and learn more. We will get it right because we will be unearthing what belongs to us. The herbal clinics will be considered as authentic in the society.

I want to thank Hon. Millie for the regulations that she has proposed. We will be together on that. That is something that I believe will be supported fully on the Floor of this House.

Thank you.



**The Temporary Speaker** (Hon. Dr Rachael Nyamai): Thank you, Hon. Jematiah. Hon. Harrison Kombe, Member for Magarini.

**Hon. Harrison Kombe** (Magarini, ODM): Ahsante Mhe. Spika wa Muda. Nachukua nafasi hii kuunga mkono Hoja hii ya kubuni Baraza la Madawa ya Kiafrika. Kwa muda mrefu, tumebebwa visivyo na wenzetu wa asili ya kizungu. Wametufanya tifikirie kwamba dawa zao ni bora kuliko dawa za Kiafrika. Ninavyo fahamu ni kwamba, wazungu wana utaalamu wa kubuni magonjwa, lakini hawana utaalamu wa kuyatibu magonjwa hayo. Nikirudi nyuma ya chanzo cha upungufu wa kinga mwilini yaani HIV na AIDS; kirusi hiki kilibuniwa kwenye maabara na kisha kikawekwa kwa wanyama. Hatimaye kiliwafikia wafungwa na kutapakaa dunia nzima. Walijaribu kukidhibiti lakini hawakuweza. Hivi leo naweza kusimama na kusema kuwa ndani ya Africa na Kenya, tunaweza kukidhibiti kirusi kinacho sababisha upungufu wa kinga mwilini.

Vile vile, wazungu waliona hivyo havitoshi na wakaanza kuleta maswala ya saratani. Hivi leo, ukimwambia mtu anaugua saratani, moja kwa moja utakuwa umemmaliza. Utakuwa umemua kwa sababu atazama katika mawazo na aanze kuhesabu miezi sita aende kupumzika futi sita chini ya ardhi. Lakini sivyo! Saratani ni ugojwa ambao unatibika na madawa yapo. Kile ambacho kinahitajika kwa hakika ni kuwa tusitiwe uoga na tupate nafasi... Natumai Mhe. Pukose atalizingatia zaidi na kuona kwamba tunafaulu kuwa na baraza letu la madawa hapa nchini Kenya. Hilo litatusaidia zaidi kwa maana kuna wengi wanaofanya utafiti hapa na pale wa kuhakikisha kwamba hayo magonjwa sugu yanatibika.

Wakati mwingi wametuletea hizo mashine zao za kuzungusha damu na kutenganisha maji na damu kwa ugonjwa kama wa figo. Lakini si lazima kuwe hivyo. Dawa ziko. Hata kama figo iko na mawe, dawa za kiasili ziko. Dawa hizi zinaweza kuyeyusha hayo mawe ndani ya figo na mtu akarudiwa na hali yake ya kawaida. Dawa ziko za kufufua figo ambayo utendaji kazi umefifia au umepungua. Dawa za kuifufua hiyo figo ziko, figo ikarudia hali ya kawaida na watu wakaishi maisha ambayo si yale ya kusukumwa na mashine. Si salama tukitumia mashine sana. Wagonjwa wanaotumia mashine sana hawatapitisha miezi minane wakishaanza kutumia mashine. Hii ni kama wataishi zaidi. Sasa unakuta ile figo inasaidiwa kufanya kazi. Lakini kadri inavyosaidiwa kufanya kazi, ndivyo inavyozidi kudhoofika; ilhali dawa za kuifufua figo na iendele vizuri ziko.

Kwa hivyo, ninaunga mkono hali hii ili tuiptishe na tuwe na baraza letu la madawa. Tunafaa kukagua hata hayo ya kizungu yakija ili kuona kwamba yanaenda sawa na vile tunavyohitaji katika nchi za Afrika. Ni wakati wa Afrika kuamka na kusema hata sisi ni wataalamu katika uwanja huu wa madawa.

Ahsante Mhe. Spika wa Muda kwa nafasi hio.

**The Temporary Speaker** (Hon. (Dr) Racheal Nyamai): *Asante sana Mheshimiwa wa Magarini.* Hon. Members, I do not see any further interest on this Motion. I would like to call upon the Mover to reply.

**Hon. (Dr.) Robert Pukose** (Endebess, UDA): Thank you, Hon. Temporary Speaker. I thank the Members who have contributed. More so, I thank the Members of the Departmental Committee on Health for the time they have spent to make sure that they did public participation and went through the Treaty. If you read the Report, you will find that it captures issues about the Kenya Drugs Authority. If Members have time to go through the Report, they will realise that the AMA Treaty is key to us as a country. It makes sure we provide an enabling environment for pharmaceutical companies to manufacture drugs here. We have Moderna setting up a vaccine factory in Nairobi as we speak. We also have our Kenya Biovax Institute Limited (KBI) that will be producing vaccines soon. Once we start producing those medicines and vaccines, we should be able to sell and market them within the African Continent and even beyond. This means we are moving to a certain level. We will also be exposed to move into maturity level three.

Currently, we are at maturity level two. Once we put in more effort and make sure that we stick to the standard regulations that are required, our country will move into maturity level three. That will enable us join other countries such as Ghana, the Republic of South Africa and the rest in manufacturing our drugs. That will enable us and companies coming to set up pharmaceutical manufacturing within our country to be marketable.

With those few remarks, I beg to reply.

**The Temporary Speaker** (Hon. (Dr) Racheal Nyamai): Thank you very much, Hon. (Dr.) Pukose.

*(Putting of the Question deferred)*

Next Order.

NOTING OF REPORTS OF THE 144<sup>TH</sup> AND 145<sup>TH</sup> ASSEMBLIES  
OF THE INTER-PARLIAMENTARY UNION

THAT, this House notes the Reports of the Kenya Delegations to the 144<sup>th</sup> and 145<sup>th</sup> Assemblies of the Inter-Parliamentary Union and related Meetings, held in Nusa Dua, Indonesia from 20<sup>th</sup> to 24<sup>th</sup> March, 2022 and in Kigali, Rwanda from 11<sup>th</sup> to 15<sup>th</sup> October 2022, laid on the Table of the House on Tuesday, 7<sup>th</sup> March 2023 and Thursday, 2<sup>nd</sup> March 2023, respectively.

*(Hon. Rebecca Tonkei on 23.3. 2023)*

*(Resumption of Debate interrupted on Thursday, 23.3.2023)*

**The Temporary Speaker** (Hon. (Dr.) Racheal Nyamai): Hon. Members, this Motion had a balance of one hour and forty-five minutes. I do not see any interest to this Motion on the screen. I call upon Hon. (Dr.) Pukose to reply on behalf of the Mover.

**Hon. (Dr.) Robert Pukose** (Endebess, UDA): Hon. Speaker, I beg to reply on behalf of the Members of the Kenya Delegation to the 144<sup>th</sup> and 145<sup>th</sup> Assemblies of the Inter-Parliamentary Union (IPU) tabled on 7<sup>th</sup> March 2023 and Thursday, 2<sup>nd</sup> March 2023, respectively. The two Reports were tabled in this House. They have been debated. On behalf of the Mover of the Motion, I thank Members who contributed to this Motion.

With those few remarks, I beg to reply.

**The Temporary Speaker** (Hon. (Dr.) Racheal Nyamai): Thank you very much, Hon. (Dr.) Pukose.

*(Putting of the Question deferred)*

Next Order.

**BILL**

*Second Reading*

THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL  
(National Assembly Bill No. 60 of 2022)

**The Temporary Speaker** (Hon. (Dr.) Racheal Nyamai): Hon. Members, this Bill will be deferred to another sitting as will be scheduled by the House Business Committee.

*(Bill deferred)*

### QUORUM

**Hon. (Dr.) Robert Pukose** (Endebess, UDA): Hon. Temporary Speaker, I am standing under Standing Order 35 to say that we do not have quorum. Maybe, you can give a ruling on that.

**The Temporary Speaker** (Hon. (Dr.) Racheal Nyamai): Hon. Members, indeed, that is the situation. I would like to ask that the Bell be rung for ten minutes.

*(The Quorum Bell was rung)*

Hon. Members, you are not supposed to be walking out of the Chambers except the Whips of both sides of the House. I request that you remain inside. We are ringing the Bell for about three minutes. Only the Whips are allowed to go out.

### ADJOURNMENT

**The Temporary Speaker** (Hon. (Dr.) Racheal Nyamai): Hon. Members, there being no quorum and the time being 7.17 p.m., the House stands adjourned until tomorrow, Thursday, 13<sup>th</sup> April 2023, at 2.30 p.m.

The House rose at 7.17 p.m.

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