

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 4th March, 2015

The House met at 2.30 p.m.

[The Speaker (Hon. Muturi) in the Chair]

PRAYERS

PAPERS LAID

Hon. (Ms.) Otucho: Hon. Speaker, I beg to lay the following Paper on the Table:-
Report of the Budget and Appropriations Committee on the Budget Policy Statement, 2015.

Hon. A. B. Duale: Hon. Speaker, I beg to lay the following Papers on the Table:-
Report of the Auditor-General on the Financial Statements of the Parliamentary Mortgage Scheme Fund for the year ended 30th June 2014 and the certificate of the Auditor-General therein.

Annual Report and the Financial Statements on the Alcoholic Drinks Control Fund from the National Authority for the Campaign Against Alcohol and Drug Abuse (NACADA) for the year ended 30th June 2013.

The Constituencies Development Fund Board Report on project approval and disbursement status for the month of January 2015.

Report of the Auditor-General on the Financial Statements of the Commission on Revenue Allocation for the year ended 30th June 2014 and the certificate of the Auditor-General therein.

Report of the Auditor-General on the Financial Statements of the Salaries and Remuneration Commission for the year ended 30th June 2014 and the certificate of the Auditor-General therein.

Report of the Auditor-General on the Financial Statements of the Office of the Controller of Budget for the year ended 30th June 2014 and the Certificate of the Auditor-General therein.

NOTICES OF MOTIONS

ADOPTION OF BUDGET POLICY STATEMENT 2015

Hon. (Ms.) Otucho: Hon. Speaker, I beg to give notice of the following Motion:-
THAT, this House adopts the Report of the Budget and Appropriations Committee on the Budget Policy Statement (BPS), 2015 laid on the Table of the House on Wednesday, 4th March 2015.

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INTRODUCTION OF FIREARM TRACKING DEVICES

Hon. (Dr.) Munyaka: Hon. Speaker, I beg to give notice of the following Motion:-

THAT, aware that many innocent Kenyans have been victims of crime attributable to stolen and illegally acquired firearms; concerned that despite the proliferation of small arms, there has not been efforts to track location, movement and use of firearms held by licensed persons and the disciplined forces; acknowledging the need to adopt a mechanism for providing real-time geophysical location and movement of firearms to facilitate recovery of stolen firearms and forensic identification of guns used in crime scenes; cognizant of the fact that a number of countries continue to implement modern technologies to regulate, monitor and track use of firearms; further aware that use of electronic technologies, including the Global Positioning Systems (GPS) has been used to track and record location and movement of firearms; this House urges the Government to fit all guns held by licensed persons and the disciplined forces with electronic tracking devices and ensure proper and comprehensive registration of all firearms in the country in order to curb insecurity.

Hon. Speaker: Dr. Susan Musyoka? The Member standing there does not look like Dr. Susan Musyoka. That Member looks like hon. Ekomwa. You do not have a resemblance to Dr. Susan Musyoka. Member not present and not desiring to be present. We move to the next Order.

STATEMENT

GUIDANCE SOUGHT ON CONDUCT OF MEMBERS IN PAC

Hon. A.B. Duale: Hon. Speaker, I rise under Standing Order No.52(h) relating to matters of privilege of Members. This House seeks your guidance on a matter that has continued to bother the leadership of this House. The matter for which I seek your guidance relates to the recent claims of compromises, prejudices and deceit on the part of the Public Accounts Committee as a whole and its Chairman. I must, from the start, clarify that my question of privilege relates to the Committee as a whole.

We are alive to the recent allegations and counter-allegations of sleaze, distortion and dishonesty made by the Members of the Public Accounts Committee against each other and against their Chairman.

Whilst these allegations remain just allegations until substantiation is provided, it is my view that we cannot continue to bury our heads in the sand as if nothing happened. These allegations threaten the very foundation upon which Parliament is mandated to offer oversight on other institutions.

Section 3 of the Leadership and Integrity Act requires all of us, being State officers, to respect the values, principles and requirements of the Constitution, including

upholding the responsibilities of leadership provided for under Article 73 of the Constitution. It has become acceptable that the public and the media now offer their oversight on those of us who are charged with the responsibility of over-sighting others. Indeed, it is no wonder that the public has been reacting very negatively towards our institution, especially in the social media. Since these allegations were made, all manner of offensive adjectives have been used to describe Parliament and its Members.

Section 9 of the National Assembly (Powers and Privileges) Act, CAP. 6, empowers the Speaker to issue directions from time to time, in form of code of conduct, regulating the conduct of members of the Assembly whilst within the precincts of the Assembly other than the Chamber

Hon. Speaker, we agreed in Mombasa last week that we will henceforth collectively confront our challenges. There have been claims from other institutions, including the Ethics and Anti-Corruption Commission (EACC), to take over matters of conduct and integrity of Members of Parliament. Is it time that Parliament started to look inwards even before these bodies are invited. Therefore, I invite you to peruse the proceeding of the Public Accounts Committee (PAC) in recent days, including those of 26th February, 2015, where 13 Members of PAC voiced their concern in a vote on its leadership. After you peruse those records, offer guidance to this House on the following two matters:

1. Whether the claims made by Members of the PAC against the Chair and against each other constitute a breach of the privileges and/or code of conduct of Members of Parliament.

2. Whether, following the allegations, the PAC would be in order to continue discharging its mandate of offering oversight to other Government institutions and agencies on behalf of the House.

I further invite you to guide us on the best way forward to redeem the dented image of the Committee and its membership.

Hon. Speaker, Mason's Manual of Legislative Procedure on page 173, observes that some matters are so privileged that they are put in abeyance whatever is in consideration and secure immediate attention. The matters I am raising relate to the question of privilege of this august House. I have no doubt that this is one of those occasions that require abeyance of any matters before us now and seek your urgent attention.

Thank you, hon. Speaker.

Hon. Speaker: Yes, hon. Midiwo!

Hon. Midiwo: Thank you, hon. Speaker.

The Leader of the Majority Party has indeed raised a matter that is weighty. The last two weeks have not been very kind to Members of the august House. I said yesterday in the House Business Committee (HBC) that in the social media, there is a call for the destruction of this House. *Al Shabaab* is being invited to come, when the session is beginning and everybody is seated, and blow up this House. In the eyes of many Kenyans, we are not worthy to be living with the rest of Kenyans.

(Laughter)

What the Leader of the Majority Party is trying to raise is important to the image of all of us; we cannot run away from it. Sometime back, hon. Duale and I raised an issue about rent-seeking. Some of our colleagues vilified us then but now, there seems to be some loud silence about this issue. We will go down if nothing is done. Last night, as we left the House Business Committee (HBC), I received a text message from a boy I know. He was in the village but seemed to know the deliberations of the HBC. To me, it is corruption which is trying to find room within us. I do not think under your watch, we should allow this to happen. We were in Mombasa over the weekend, where we canvassed the same issues. One of the issues we raised was that we have structural problems within our Standing Orders, and we are trying to catch up as we progress. The issue of privileges of Members of Parliament cannot be abused. You cannot be corrupt simply because you are a privileged member of the society. As we always say, nobody should be above the law. This particular Committee is not an exception. Whatever is happening in PAC cuts across, and we have to address ourselves to this because it is a grave matter.

I want to thank your office and the Office of the Clerk for once having taped the deliberations of the PAC, so that no clerk is accused and nobody in your office is accused to ensure that Members of Parliament can be true and can be held to account for what they say about each other or about the rest of us. If there are allegations of corruption and counter accusations of corruption, we must investigate. We want to know the truth. Even regarding the monies in question that Members keep talking about on corridors, we want to know who was paid what. Nobody should be above the law. I do not want my name to be tainted because of the carelessness and the greed of one or two Members of Parliament or a Committee. We must address ourselves to these issues. Having said that, I want to add that what we are talking about cannot be about the current Parliament. We are doing this for the future of this country. We said, and I saw opposition from some Members of Parliament, that we need to do two things, the first one being to deal with the number of Committees of this House.

The number of Committees where there are contradictions; where committees call Chief Executive Officers or Members of the Executive appointed hoping for rent. We must deal with the issue of committee composition in this House. We also suggested that we need to broaden the mandate of the Committees and have 12 or 15 Committees so that when Members sit there, it is not only two or three Members interrogating a matter. This is so that you do not end up with insufficient information and a few people end up just appending their signatures. It is something that we must investigate. However, the bigger issue is the watchdog committees. We are allowed to exhaustively review our Standing Orders. We must go back to the original position where watchdog committees are headed by the leadership of the Opposition, not by Members of the Opposition.

Why is it that way across the world? It is because if hon. Nyenze was the leader of Public Accounts Committee (PAC) we would not be here and I will tell you why. We would have called CORD PG and dealt with it in our meeting. That is the logic of it and this has nothing to do with hon. Ababu Namwamba or hon. Keynan or any of our Members. It is how Parliamentary work is done across the world. So, hon. Speaker I want to urge you---and I asked you yesterday to form a team like the one that we are doing for Constituencies Development Fund (CDF). We need to form a team of interested

Members of Parliament; people who have Parliamentary duties at heart to review these Standing Orders so that we make our legislative process air tight and free from corruption.

We must have a way of dealing with Members who think they can get away with matters just by accusing others. Hon. Speaker, I want to plead with you. We are in the midlife of this Parliament. This is a good time to form a team. I want to repeat that if hon. Duale was the Chairman of a certain committee, Jubilee would call a meeting and deal with him away from these corridors. That is important and that shows it works and we will not be the first ones to do it.

Thank you.

Hon. Speaker: Hon. Members, I notice that there are a few of you who--- I do not know whether all of you want to contribute to this. However, as you contribute I would want to remind you that you should avoid making accusations against any Member. Let us deal with the matter in the form that it has been canvassed both by the Leader of the Majority Party and the Deputy Leader of the Minority Party.

Let us have hon. Joseph Manje.

Hon. Manje: Thank you, hon. Speaker for giving me this chance to air my views. I know that corruption is a major issue in this country, either real or perceived. I am a Member of this PAC and the Leader of the Majority Party has said that everybody in the Committee is perceived to be corrupt. It is only about four to six Members who were mentioned when they were trying to discuss among themselves about who is corrupt and who is not. We do not have very clear dispute resolution mechanisms in these Committees. When the Motion of no confidence with the Chair was called, we solved that problem because the Motion was defeated. According to us as PAC we should have continued with the same because that is the best way that we found it. This is because it is a bit difficult at this stage to prove whether corruption took place, whether it is real or perceived.

There is nobody who can come and say: “We gave money to this individual”. When we tried to discuss as a Committee in that meeting, we realized that we were moving towards a certain direction. There was a deliberate move to remove the Chair and maybe that is why the issue of vote of no confidence to the whole Committee has come about.

If these Members are removed, they will be taken to other Committees. Do you want to say that other Committees are less responsible to entertain corrupt people in their Committees? I think we have to go an extra step and ask ourselves these questions. The contention is that the Chair was given some loot and instead of sharing with the Members, he ate alone. So, do we need a Chair who will be given and share with other Members to corrupt them or a Chair who will be given and eat alone and not corrupt the others?

We feel offended if somebody took a share somewhere on our behalf and we are all termed corrupt. If an Accounting Officer is given money to share somewhere to alter the report, he should know that he will give the money and there will be no alteration that will take place. That is one way of killing corruption. I am very happy that despite the fact that they gave whatever they gave, we did not change the resolutions of the Committee and I stand by that as a Member of that Committee.

Thank you.

Hon. Speaker: Let us have hon. Opiyo Wandayi.

Hon. Wandayi: Hon. Speaker, I will be very brief. Whereas I share the concerns of the previous speakers on this matter, I think we are in the process of attempting to discuss these very serious and unsubstantiated allegations. We could be aggravating the matter further. My thinking is that what happened in PAC is perhaps the only case that has occupied the imagination of the public. However, to try and dwell on this matter of PAC as if PAC itself and its composition is the problem, it is to deviate from the main issue. The main issue, in my view, is the matter of morality.

We have a problem of people in the Executive attempting to control direction of Committee proceedings in nearly all the Committees. That is a matter that needs to be addressed as we try to resolve this matter of PAC. There is no single case of corruption where there is no give and take. If we continue to debate this matter as if Members of PAC and more so the Chairperson who is our very able Secretary General of our Orange Democratic Movement (ODM) party is already culpable, we shall be condemning people unheard. I want to suggest that this debate does not take this course. Let us find a way of dealing with this matter through the House leadership; the leadership of coalitions from the parties away from the cameras and public glare. That is my take. Thank you.

Hon. Speaker: Hon members, I know several of you have by now forgotten what was raised. Let me just remind you. The Leader of the Majority Party rose under Standing Order No. 52(h). I can see you are veering off; you are now beginning to tell us other stories. This is a matter of privilege and that is why I tried to guide you again. Those things that hon. Manje is talking about; sharing and looting are not the issues that we are dealing with. It is fair that if we demand of others to be relevant, we should constantly stick to the point. We would be able to discuss the issue as raised much more passionately without trying to excite passions of others.

We are not discussing individuals not even Members of PAC Committee. I can confirm to all of you that I have read and re-read the transcript of those proceedings. You are unlikely to be telling me anything that I do not know. I could easily be the one to remind you of certain details in the transcript. The matter is weighty but it is raised under Committee on Privileges. Those of you making comments should limit themselves. Make suggestions on how you think as a House, we should deal with this matter on the basis of Committee on Privileges.

Hon. Hassan Yusuf, Member for Kamukunji, the Floor is yours.

Hon. Abdi: Thank you, hon. Speaker. I support the Statement from the Leader of the Majority Party. When we were elected to this House, the people who elected us placed a lot of confidence and trust in us to represent them and the people of Kenya on how to legislate and improve the way we live in our country. In the public eye, we now face a lot of problems of credibility. Parliamentarians do not have a good name out there. The Statement came timely although it should have come as soon as yesterday. However, as they say, 'better late than never.' It is important for us to look inwardly on what we can do to redeem our name as a House. If we leave it for a longer time then the public is watching. We should not ignore public opinion. Remember the elections day is the day of the long knives when the slaughter starts. From the last Parliament, I remember having raised some issues of confidence in the public on elected representatives like us with

matters of corruption. If we do not do it now, the electorate will make their decision come that time. It will also make our jobs difficult because we cannot sit here, legislate and speak on behalf of the public when ourselves we are not up to the job and worthiness of the task that we have been given.

Although I support the idea of doing this internally, I would like to suggest that we should reshuffle the Committees and make them work with the Government departments that exist. I do not know how many they are but I do not think many of them work equally according to the Cabinet Ministries and the Government portfolios that we have. The second element is that, if we are not able to do it ourselves, we should remove the Committee on Privileges that we have and be open to scrutiny to the public like any other Kenyan; be accountable and transparent. In that sense, those people who are suspected to be corrupt among us should be taken to Ethics and Anti-Corruption Commission and be dealt with equally just like any other Kenyan. It is really hurting that we are all lumped together. Every headline you see, hon. Members are this and that, be it one or all of us. In the public eye and opinion, we are all the same and therefore we need to clear our names and return the integrity and the public confidence in this august House. Hon. Silvanus Osele, the Floor is yours.

Hon. Onyango: Thank you, hon. Speaker. We have had a scenario in this House where Members have been accused in the past for different things. What has worried me this very Session is a scenario where the conduct of maybe one or two---

(Hon. Mwaura stood in the gangway)

Hon. Speaker: Hon. Mwaura, if you do not sit in the next two seconds, you will be out of here for the rest of the afternoon. When you come here, sit and listen to what is being discussed.

(Hon. Mwaura spoke off the record)

Do not sit again. That is out of order. You run the risk of losing the next few hours. I know you are a good debater.

Hon. Onyango: What has surprised me is to see a scenario where culpability of either a Member or two Members could turn out to haunt the entire Committee and this House as a whole. If we go ahead today and disband PAC because we believe if all Members are corrupt then it should be disbanded--- This should not only affect PAC Committee rather the entire House and its systems. As we look at this matter of PAC, I would like to go on record that I am a Member. You have also sat in PAC as Members and we have deliberated these issues before. The matter haunting us today is a matter that was raised by the same Members who could not substantiate the same matters before our own selves. It has gone out that attempt to dislodge the PAC Chairperson is now coming back and it is being looked at as a test to the whole House in corruption. Personally, I wish that other investigative bodies could be invited to investigate those allegations. They need to go to the route of certain individuals because nobody is guilty until proven guilty. I do not wish to run into condemnation because today, as we discuss this, we look at PAC and its entire membership as corrupt and we are discussing each other without giving ourselves an opportunity to be heard. To me, I find it very strange and we need to re-look at the Standing Orders and say to what extent we say this matter is now beyond the

Committees and has now become a matter for the House to deal with. Members have also been given opportunity to defend themselves where necessary. I personally support that those who are mentioned should be properly investigated either by the House or other independent agencies to ascertain the matter because we cannot condemn PAC as a whole while few Members are involved.

Member for Emurua Dikirr, the Floor is yours.

Hon. Kipyegon: Thank you, hon. Speaker. I also wish to express my worry in the way the Committees of this House and especially on matters that deal with corruption operate. As my colleague has said; I would have also wished there was a way where we can re-look at all the Chairs across the board and not only PAC. If you look at how people look at us, you would imagine it is the whole of this House. There are some particular Chairs who must be investigated because there are so many things that we know as Committee Members. As time goes by, these things will burst. We cannot allow this House to be soiled because of some few issues here and there. We have had Committees where we are told matters which are supposed to be tabled in this House have gone wrongly, either they have been edited or shelved. We wish this House can be brought back to its integrity. You are the president and the head of this House, sit down and look at how you can bring discipline to the Committees because lack of it is killing the reputation of this House and nation as a whole. We are the only people who the nation looks upon to clean corruption in this country which has been entrenched in all sectors of this Government. Let this House not go the same way. Protect this House because if it was also to go down the drain, the country would die of corruption. We leave this to you. Thank you.

Hon. Speaker: Member for Balambala.

Hon. Aden: Thank you very much, hon. Speaker, for the opportunity. I wish to agree with the sentiments and statements of my colleagues with regard to ensuring that we redeem the integrity of this House. It is very important that this House and its membership at all times remain and be perceived to be people who are clean, credible, accountable and of integrity. As a member of the Opposition, one of the roles that we play is to ensure that we take the responsibility of oversight. That is why we have the leadership of the Public Accounts Committee (PAC) and the Public Investments Committee (PIC).

When we read in the newspapers and see explanations that tend to point a finger at somebody who was about to present evidence or spill beans to show that there were others involved in this whole matter, it is a matter that cannot be accepted. The integrity of this House is far above any particular issues. Kenyans are looking upon us. We are not discussing individuals today, we are discussing matters that require you to offer guidance on how we ensure that this august House is seen as a House that Kenyans can rely upon. It is sad when corruption walks or is said to have walked into this House. It should not be accepted. I might not completely agree with the view that no other person can lead these two Committees other than the leadership of either this coalition or that coalition. Every individual Member in this House has the opportunity and ability to serve in those Committees and to chair them if elected by the members. According to our Standing Orders, it shall be so.

Those of us who believe in integrity, those of us who believe in fighting corruption realistically, those of us who believe that we should stand up to be counted to defend the integrity of this House, will stand to support any decision taken against those kinds of individuals to ensure that the integrity of this House is well taken care of.

I thank you, hon. Speaker.

Hon. Speaker: Hon. Njoroge Baiya.

Hon. Baiya: Thank you, hon. Speaker. As you give direction on this matter as sought by the Leader of the Majority Party, I would urge you to also look into the aspect of the Members' conduct in the debate. The rules of debate are very clear. To accuse a Member of corruption is to say that, that person should be prosecuted and, if evidence is found, put to jail. It is as plain as that. On the other hand, the rules of debate are very clear. A member is responsible for the correctness of the statement he makes, whether in the House or in a committee. The same Standing Orders say that if an allegation is made touching on the conduct of a Member, particularly implying criminal conduct before the business of either the House or the Committee is proceeded with, that issue should be ventilated. If the statement is unwarranted, that Member should withdraw and apologise. So, those rules are very clear. If they were to be followed, the beginning point would be the Members who made allegations of corruption against another Member. They are the sources of those allegations. They ought to be followed to verify whatever evidence they have of corruption. If there is any truthfulness in those allegations then action should be taken on the corrupt Member. However, if no investigations are done and the Members persist in making those allegations and they are picked by Kenyans who do not even have the least opportunity to verify the veracity of those allegations then the problems become one of Members engaging in talks that damage themselves and the House. The perception to Kenyans is that the perception you are creating is real. So, the House, both in the Chamber and in Committees, has to appreciate that the time we have we should uphold the rules of debate and in the course of debate we should uphold the dignity of the House and if any incident of corruption is detected, prompt investigations should be carried out and whoever is found to be corrupt should face the consequence and then the House goes on.

I beg to rest my case there.

Hon. Speaker: Hon. David Ochieng'.

Hon. Ochieng': Thank you so much, hon. Speaker. I want to thank the Leader of the Majority Party for bringing up this matter. The issue here could go either way in terms of how Parliament works. We work on the basis of privilege. The day you remove the privilege, or it is seen you are abusing it, that is the day you will be learning the way Parliament works. One tool that a Member of Parliament has that makes him work well is the privilege. That is why we must guard this tool very jealously.

Hon. Speaker, your office must ensure that any Member who tries to abuse privilege, this is a matter that you must deal with decisively and in a manner that ensures that Members know that the moment you walk out of the bounds of this privilege, there is no protection. This must be very clear to every member. There is an alarming way in which we work. Members of this Assembly can walk into a Ministry, public body and purport or promise a Chief Executive Officer or a Cabinet Secretary of protection in Parliament. They do that every day. A chairman of a committee says: "When your

matters come up, I will ensure that you are protected.” This can never be. This is what we are dealing with. A matter is before a committee and members of Parliament---

Hon. Speaker, this is where we need to tell each other the truth.

(Loud consultations)

I must say what there is.

Hon. Speaker: You see, there is nothing out of order. Hon. Ochieng’ has just said that where a chairperson of a committee would go and give promises---

Hon. Members: Let him substantiate.

Hon. Speaker: There is nothing to substantiate. He has said if a chair--- There is nothing to substantiate. It is hypothetical.

Proceed, hon. Ochieng’.

Hon. Ochieng’: Hon. Speaker, we are Members of Parliament and we work for our constituents. On a daily basis, a good Member of Parliament would go to the Ministry of Transport and Infrastructure to check if the road he is following has been done or to the Ministry of Environment, Water and Natural Resources to check--- A good Member of Parliament would do that. Whenever you go to those places, you will hear those kinds of murmurs. They want to know whether you are one of those Members of Parliament who is going there for other reasons apart from the reasons for which you are a Member of Parliament. These are true things that if you try to stop talking about them, we will be abusing privilege. We must allow ourselves to talk openly on these kinds of matters.

Why would two Committees be investigating the same matter? It is because there is room for rent-seeking

(Applause)

Someone would want to forum shop; if I go to this Committee, I will get a favourable judgment, if I go to this one I am sure I will be fried. So, you forum-shop, look for some money somewhere and you know you are going to do your things. These are the real issues that face this Assembly. When I say that and someone is saying: “Substantiate”, the person saying that is the one who knows what he does when others are not watching.

The major problem we have in this Assembly is that we have Reports that have taken too long to come. Some Committees come to you the very last day so that you may add them time.

This has happened in this Assembly. We have been debating it in this Assembly without reports of those Committees simply because someone is waiting somewhere for something to happen before you can do a report or he can change an “a” to an “e”, so that it fits the interests that are concerned.

Hon. Speaker, we must give you the necessary authority and capacity to put your feet down and work on corruption in this country. We cannot do if we pander and play ping pong with ourselves and our words. We must be clear. Some of us are very young and we cannot go down with somebody who wants to be corrupt in the Assembly. We cannot. We must put our feet down and say that Parliament will once more be the

vanguard and the body that fights for the people of this country. If we do not do that, there will be no difference between us and the former councils that used to fight. What happened here on 18th December, 2014, shows that we fight over petty issues.

I agree with what hon. Duale has requested, but I wish this could be expanded, so that we can deal with all the Committees. I am very sure, hon. Speaker, from where you sit, you have got complaints from so many Committees and not just this one. This could be expanded, so that you can deal with this.

Finally, in future, we may have to deal with the issue of reviewing. In the UK and USA, whenever issues of privileges abuse arise, they sit down and check whether they need to review the privileges. So, we may need to review the bounds and to what extent we are going to allow our Members privileges.

With those many remarks, I thank you.

Hon. Speaker: Hon. Members, there is no point of getting agitated. The reason I have allowed a few of you to make comments is to enrich what I have to consider. I needed to get views of as many of you as possible although it is not a debate. So, do not get agitated if someone makes a statement that perhaps you find unpalatable. You may have woken on the wrong side of your bed and perhaps the statement is not very palatable. Just bear with the Member. We are talking about a very serious issue. Hon. Ochieng' is asking whether it is time that we reviewed several of the other provisions in our Standing Orders. We need to get these kinds of views and opinions. Hon. Deputy Speaker.

Hon. (Dr.) Laboso: Thank you, hon Speaker. I wish to thank the Leader of the Majority for bringing this matter to the attention of the House.

You are aware that this is a matter that has really concerned us very seriously. As leadership in the House, it is a matter that is making us also feel very uncomfortable about being leaders in a House that is so condemned. This is a matter that we dealt with quite candidly while in our retreat in Mombasa. I believe that some of the measures that we recommended are going to help us look at this much more comprehensively.

As Members, we are pouring out our hearts. We want to do that, but we do not just want to talk about it. We want to be given a way forward in terms of how we are going to address it. How are we going to address the question of privilege? How are we going to improve mechanisms of the issues that we are raising in terms of how we are going to find the evidence? Who is going to find the evidence that these allegations are actually happening? So, there are quite a few recommendations that were given and you will be getting them through a report from the Powers and Privileges Committee. But Members, each of us is responsible for the actions that each of us engages in. You cannot disassociate yourself because as Members speak now, please, know that all of us are in it. It is not a question of Jubilee or CORD. When the Press writes about us out there, they do not talk about Jubilee or CORD, they talk about the National Assembly.

Therefore, Members, we need to come into this together. As I have said, you will be getting the recommendations that were made by your leaders in Mombasa. I believe very strongly that some of them are going to help us to curb this vice.

Thank you, hon. Speaker.

Hon. Speaker: Hon. Members, I may not allow too many interventions. It looks like I am well guided. It is very important. The Deputy Speaker has repeated it and it was

said by hon. Njoroge Baiya, but I do not want to say how many times in that transcript, which I am telling you that I have read and re-read, that that particular point on responsibility for the accuracy of Members' Statements is stated. Your Standing Order No.91 provides that a Member is responsible for the accuracy of the Statements they make both in the House and in Committees. I must repeat this for avoidance of doubt; if a Member is unable to substantiate, that could constitute disorder capable of punishment in terms of Standing Order No.107, No.108 through to No.109. But it is fair that we get a few of you to speak on this issue. How do you want us to proceed? Hon. Charles Mongare.

Hon. Geni: Thank you, hon. Speaker for giving me this opportunity to give just a comment. I happen to be a Member of that Committee. We stand to be guided whether a matter which has been conclusively debated in a Committee can again be re-opened in this House for ventilation.

Nonetheless, as a Member of that Committee, I participated in that debate and we conclusively dealt with the matter. It is very unfortunate that there was name calling in the Committee, but lucky enough, we drew very conclusive and super-recommendations, which are in your office. Some of us from the Committee are waiting to hear the way forward from your office.

Hon. Speaker: Are you suggesting that you drew conclusions, which are in my office? You must have sneaked them as I walked in here this afternoon.

Hon. Geni: Hon. Speaker, I thought that anything that is concluded comes to your office through the Clerk.

Hon. Speaker: Hon. Mongare, I have just reminded you the provisions of Standing Order No.91. If you say that you concluded something which has been brought to my office, was it brought as I came into the Chamber this afternoon? I have dealt with everything that had been brought before I came in. But anyway, you have asked a legitimate question. Before the Committee, we know what there was. The business that was before the Committee was, indeed, as you correctly put it, concluded.

But it is the rest of the issues that spilled out that touch on the entire institution of Parliament that we are now addressing. It is not the Motion that was before the Committee. Nobody is revisiting that Motion, it cannot be revisited here and it has not. I told you that the Leader of the Majority Party stood under Standing Order No. 52(h) on a matter of privilege. That is why I have been reminding you that we are not dealing with that Motion, for avoidance of doubt. Hon. Amina Abdalla.

Hon. (Ms.) Abdalla: Thank you, hon. Speaker. I am actually at a loss on the direction that this debate is beginning to take, especially in relation to some of the recommendations that hon. Midiwo and hon. A.B. Duale have raised and the fact that they are asking you for direction on privileges relating to conduct of members from their coalitions. It is their job to deal with the conduct of their members in those Committees especially because they have print outs. For them to bring this debate is to reopen a matter that is within their powers as leadership of the two coalitions.

Sometimes I wonder why you would want to take jobs that people should do on their own. Hon. Speaker, if I was sitting on your chair, I would advise that the leadership of CORD and Jubilee should deal with that matter of privilege. If it defeats them, then they should take it to the Powers and Privileges Committee. However, to come and raise

issues here that some of us do not even know apart from what we read on the newspapers is a bit unfair. We have accusations of rent seeking and the newspapers are talking about corruption in this House. These are matters that the leadership and the Powers and Privileges Committee should deal with rather than having a session in this House to spend valuable time discussing privileges which is the responsibility of leadership.

Secondly, I want us to deal with the question that hon. Ochieng has said. This is about two Committees dealing with the same issue. Again, this is a leadership issue. No Committee chair writes to anybody to be invited to the House. It is done by leadership. So, the administrative part of the leadership which writes these letters should sort that out. To sit here and debate something that we cannot find a solution to and people are not doing their responsibility, is actually giving opportunity to ventilate--- If I am left to ventilate as a politician, I will say things in my mind that are not necessarily true but are going to give me “*Bonga points*”. So, I think people have already received enough “*Bonga points*” on this matter. If you are going to do a ruling on this, you also need to apportion responsibility to leadership. One of the things that hon. Midiwo has raised about the leadership of these watchdog committees, which are being led by the coalition in the Opposition, is a matter that was debated during the Standing Orders. Whereas in the past the leadership of the Opposition would be in the House, now we are dealing with those who are unable to make it to the House. This is because the presidential candidate in the Opposition is not here. So, for you to say that it is the leadership, then it was your responsibility to take hon. Nyenze to PAC or PIC and then expect him to be elected, not for you to come back and say that because the Standing Orders do not allow you, you would not be able to have your leadership there. Sort it out administratively by having your leaders in the Committee. They do not necessarily have to change the Standing Orders.

Hon. Speaker, you will remember that in the 9th Parliament when President Uhuru Kenyatta was the leader of the Opposition, FORD(P) presented hon. Magara. He defeated President Uhuru Kenyatta and we did not change the Standing Orders for President Uhuru Kenyatta to be the chair in the next year. He was in that Committee and the members were impressed by him and they elected him.

So, sort it out. Bring the person you want in that Committee rather than ventilating about Standing Orders which you have powers over.

Hon. Speaker: Hon. Members, arguments are not necessarily points of order. I have invited several of you to make suggestions and appreciate. What hon. (Ms.) Abdalla addressed us on were provisions in the Standing Orders which applied to a governance structure that was a mongrel; not exactly presidential and not exactly parliamentary but, in some sense, recognised that there was leadership of the Official Opposition, as it was then. The provisions were quite clear. Remember at the beginning of this Parliament we had to tinker with the Standing Orders. This is because most of you who were in the 10th Parliament passed these Standing Orders in January 2013 and you never made provision for that. We had to amend to make provision that those two watchdog committees should be chaired by a member from the Minority Party. That is why I have been telling you to please look at these Standing Orders. There are several provisions which apply mainly to a parliamentary system of government. This is something I would want to challenge you. I do not want to name members. Please I am inviting you to go through the Standing

Orders. You will see several aspects of them which apply to a real parliamentary system of government as opposed to a presidential system. You should understand what hon. Midiwo was saying in that light. He suggested that perhaps we need to form a team that can holistically look at these Standing Orders. We have been with them for the last nearly two years now. We have seen certain aspects of them that do not apply to the system of government that we gave ourselves in 2010 when we adopted the new Constitution. What he is saying should be understood in that light. It is not trying to suggest this or the other. They are proposals that will help us to synchronise the Standing Orders with the governance structure we have.

Also if a member raises and claims to be rising on a matter of privilege, it is the responsibility of the Chair to listen and make a ruling. Hon. Members, a ruling will be made on this matter tomorrow afternoon.

Hon. Members, if you have not spoken just feel comfortable that your colleagues have already spoken. If we say every one of us contributes on this, we will not do any other business.

An hon. Member: You are in trouble!

Hon. Speaker: You are being out of order. Hon. Ababu, you have the Floor.

Hon. Ababu: Thank you, hon. Speaker. Because this matter has been directly made to arise out of a Committee I chair, it will be only fair and proper that I be allowed an opportunity to contribute to this ventilation. Right from the outset, let me say that this is really a fantastic opportunity for this House to deal with this matter of integrity head on, away from noises in the media, speculation and rumours along the corridors of this Parliament Buildings and elsewhere.

Hon. Speaker, I do hold the view that we bear responsibility both to ourselves as members of this 11th Parliament and also to future generations which shall occupy this space. We should not waste this historic opportunity to put this matter in its correct context and deal with these issues dispassionately away from political brinkmanship.

Allow me just to mention a few things as my way of contributing to the guidance we expect from the Chair.

Number one, you as an attorney, a lawyer and as a legislator of no mean repute, you know that there is nowhere in any principles of law where we assign communal culpability or responsibility. Communities and groups do not commit crimes but individuals do.

Therefore, my first point is that it will be manifestly unfair to attempt to condemn a whole membership, either of a committee or of this House, merely on account of an allegation that is directed or is connected to a particular individual.

Let us be careful to assign responsibility to individuals and not to groups. So to purport to say, for instance, that you could disband a Committee of this House, which by the way, there is absolutely no Standing Order, we are a House of rules, that gives anybody any power to disband a Committee of this House unless you are going to make fresh Standing Orders and apply them retrospectively. Please look at the culpability and the responsibility of individuals and not of groups. Do not condemn Members of the Public Accounts Committee (PAC) as a group.

Hon. Speaker, my second point is that we have always prided ourselves and the reason why we call this a House of honour; the august House is because we are a House

of rules. Even as we ventilate on this matter, even as hon. Speaker you give guidance to this House, we must also be very careful not to violate the rules of this House. Among those rules that should feature and I beg – I pray that they would feature in your guidance – is Standing Order No.91. Standing Order No.91 is a fundamental Standing Order. It is a fundamental Standing Order in the sense that it is intended to protect the integrity of hon. Members and also the integrity of the institution so that I do not stand out there and because I do not like the shape of your nose or I do not agree with your political persuasion I say: “So and so is corrupt or so and so has done this and that.” That is why the rules on substantiation are critical otherwise you could easily destroy each other. I have sat in this House, this is my seventh year, and I have seen names of hon. Members of this House dragged through the mud; Tokyo Scandal, Maize Scandal and the so- called scandal on matters purely based either on rumour, speculation or some report somewhere. This House has always stood to enforce Standing Order No.91 in terms of the correctness and factuality of the statement you make.

The other element of our rules is proceedings before Committees of this House. It will be important for you to guide this House as to whether this House is setting a fresh precedent that a matter that has been prosecuted, sufficiently so in a Committee and an outcome delivered and recorded, that that matter can be the subject of the debate in this House and a further ruling by hon. Speaker. That is a matter that touches on our rules but it also touches on the traditions, customs and usages of this House. As you do that---

Hon. Speaker: Maybe I could save you. You are veering off. We are going the wrong way. You are raising the same point that hon. Geni just raised and I have responded to it. We are not going in that direction. The Committee had a business that it transacted and dealt with and it was finalized. So I do not think I need to be addressed on what happened. You did very well with Standing Order No.91. For this other one, you have already dealt with it.

Hon. Ababu: I stand guided, hon. Speaker. That is why you are the Chair and I am not. That is why you are the Speaker right now and I am not the Speaker. I stand guided.

The other matter I wanted to raise is consistency. Being a House of rules, a House of traditions and a House of customs, we need to be consistent so that we know, for instance, if we have had a similar matter such as the matter that came up in the PAC--- I sit in the Departmental Committee of Administration and National Security and we had a similar matter; a vote of no confidence which we ventilated in the House and we passed a verdict and that was the end of that matter. That matter never made its way to this House and it will be important for us to be told whether we are changing the rule of consistency or that particular practice is varied when it is other people or other political interests.

The last point I wish to make is that an allegation of corruption is a very serious allegation. It is a criminal allegation. It is a matter which, if indeed a person or rather if there is evidence, that person must be tried at the highest level possible. Indeed, if found culpable, the sanction for that is serious. So it is not a matter to be dealt with casually. In this context, I want to plead the following: in the context of respecting the traditions and the rules of this House touching on confidentiality, touching on privileged information, you, hon. Speaker, have had access to all the information that this Committee has had opportunity to consider. I personally have had occasion to discuss this matter with you. I

have had occasion to share with you everything without exception. In the interest of openness and being accountable for what we know, I would be glad for you also to make a ruling in that Statement as to how information shared with you as our president in this institution – privileged information – how such information is supposed to be dealt with or after I have shared certain privileged information with you, should I be at liberty to proceed and share that information in public. I would wish to be guided on that.

Hon. Speaker, I say this because I have shared certain information with you. I have shared that information with you in strict confidence. I have shared that information with you within the bounds of our Standing Orders and the traditions governing privileges. I would want to be guided whether that is information that indeed ought to be shared publicly. Then I would be confident to share that information publicly. As part of that, when reviewing the conduct of this Committee because this Committee has been on trial in the media and public, I want to plead that in reviewing the conduct of this Committee now that all the Members of this Committee are on trial, please take time to review the work of this Committee. Among the allegations leveled against Members of this Committee is attempt to compromise them to influence the output of our work. I want to invite you, hon. Speaker, in the interest of being fair to the Members who serve in this Committee, please look at the findings and recommendations made by this Committee in respect of the very first report tabled here on the Hustler's Jet inquiry. Please look at the findings, look at the recommendations and return a verdict if indeed this Committee was compromised to bring particular findings or recommendations on the Hustler's Jet inquiry.

Last December, this Committee tabled three historic reports here. In those reports, this Committee dealt with some very controversial matters. On top of the list of those controversial matters was the big issue of confidential expenditure. May I invite you to review the findings and recommendations of this Committee in respect of that very weighty matter that threatened to split this Committee and by looking at the products of this Committee, may you be able to make a determination as to whether there is any sign, on the basis of the evidence delivered before this Committee, the findings made by this Committee, the recommendations made by this Committee, whether those recommendations and findings point to possible influence to arrive to a particular determination.

I conclude by repeating the words of the Member for Emurua Dikirr, hon. Ngeno. He made a telling remark. It may have escaped some of us, maybe because we were not listening keenly or maybe because he was speaking in his complicated Russian English. But hon. Kipyegon said the following: "We know so much; we know so much." As an attorney and a practitioner of law and now as almost a ranking Member of this House, that is a telling statement. I mention that statement purely in the context of what I said at the beginning; that if, indeed, our concern is the integrity of this House in its totality and not political brinkmanship and gerrymandering, that we are only interested to protect the integrity of this House, let us go the whole hog to look at the question of integrity of this House. Let us look at all the information that may be available in the possession of anybody. In doing so, we shall defeat the notion; the thinking that anybody else may have out there that this is merely a political witch hunt.

I say that because the projection of this debate around the PAC has had every sign of a political witch hunt; political witch hunt as a Member of CORD and as a Member of ODM; political witch hunt from within my political party, within my own Coalition; political witch hunt that has also been latched upon by some of our rivals.

(Applause)

Hon. Speaker, if we look at this matter in its totality, then we shall exorcise these demons, these ghosts of political witch hunt; because you have disagreed with Ababu in ODM; because you must destroy Ababu's image because you do not want him as Secretary-General, come destroy him in the PAC. Only looking at this matter in its totality will rescue this House and these hallowed Chambers from being misused for political reasons.

(Applause)

Hon. Speaker, I know you have indulged me greatly. I thank you because you have indulged me because this matter has caused me so much anguish and pain. This has been therapeutic. Just speaking about this has been therapeutic.

I end by saying that let us avoid the tendency to personalize legislation; so that today you want a particular person to chair a particular Committee, you run to the Standing Orders and amend them. We will end up legislating for personal reasons. The history of this House is replete with examples of where Parliament has made legislation clearly to assuage the egos or to caress the egos of individuals. Let us not do that. Let us deal with this matter in its totality. I swear on the Floor of this House and before you, my hon. colleagues that, myself, Ababu Namwamba, together with all the Members of PAC, we will be very ready and willing to subject ourselves to any inquiry of any kind on this matter in a context that is fair, but we plead with you; we plead with this House, do not make Members of this Committee victims of mob lynching. Make Members of this Committee subject to a fair, just and free process and you shall separate the chaff from the grain; the truth from lies and fact from fiction.

I thank you, hon. Speaker.

(Applause)

Hon. Speaker: Very well. We can put the matter to rest at that point. I want to assure you that I am unlikely to deal with matters of political parties because, as you know, I cannot prefect any political party. It will be unfair for me to venture into that direction.

You may not, perhaps, appreciate the enormity of the matter but, like hon. Ababu concluded, it has been therapeutic to speak even. Let us wait for tomorrow afternoon. Go to the next Order.

(Hon. Chepkong'a stood up in his place)

Not on this.

Hon. Chepkong'a: On a point of order, hon. Speaker. I rise pursuant to Standing Order No.83 as read together with Standing Order No.263. Before I do so, there was an allegation that was made that you could have also been captured by the politics of ODM. I would like to confirm to hon. Ababu, as he walks out, quoting Abraham Lincoln when he said---

(Several hon. Members left the Chamber)

Hon. Speaker: Hon. Members, those of you who have finished your today's appearance, withdraw in silence.

(Laughter)

We have not even begun business but, if you consider that you have finished your bit, you are at liberty to withdraw but do so in silence. Please.

Hon. Chepkong'a: Hon. Speaker, I totally agree with you. This allowance must be considered with the time that someone spends in the House because some people are spending five minutes and earning the same allowance as those who sit all the way to 6:30 p.m.

I just want to confirm to hon. Ababu that this wing of this good Coalition has had no malice towards him. I would like to confirm that we have not been captured by his ODM wing. I would like to quote Abraham Lincoln, the former President of the United States of America when he said: "Charity towards all and malice towards none." That is what this part of Coalition represents. There was a proposal that it was an initiative - a popular initiative - by Members across the political divide that we brought before the Procedure and House Rules Committee last year. As you know Standing Order No.263 (4) requires that, that matter should be reported to the House within 21 days. I note that we are heading towards the 40 days and I am just wondering. It is not the 40 days of the thief but this is the 40 days of the good tidings. We are just wondering when that report will be brought to the House.

I thank you.

Hon. Speaker: Well, we looked at it but, of course, in the context of the recess, a few things did not work. I know that instructions have been given for a report on it to be tabled very soon. It is coming very soon.

Next Order.

BILLS

First Readings

THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL

THE SPECIAL ECONOMIC ZONES BILL

(Orders for First Reading(s) read - Read the First Time and ordered to be referred to the relevant Departmental Committees)

MOTIONS

ADOPTION OF PAC REPORTS (2010/2011; 2011/2012; 2012/2013)

THAT, this House adopts the Reports of the Public Accounts Committee on:-

(i) The Appropriations Account, Other Public Accounts and the Accounts for the Funds of the Government of Kenya for the Financial Year 2010/2011;

(ii) The Appropriations Account, Other Public Accounts and the Accounts for the Funds of the Government of Kenya for the Financial Year 2011/2012; and

(iii) The Appropriations Account, Other Public Accounts and the Accounts for the Funds of the Government of Kenya for the Financial Year 2012/2013, laid on the Table of the House on Tuesday, 2nd December, 2014.

(Hon. Ababu on 9.12.2014)

(Resumption of Debate interrupted on 3.3.2015)

Hon. Speaker: When we get into the Chamber please, let us try to find out where we are. Debate on the adoption of the three reports from the PAC was concluded yesterday, but the Question was not put. So, my business today is to put the Question.

(Question put and agreed to)

RE-CONSTITUTION OF COMMITTEE ON PRIVILEGES

Hon. Speaker: Leader of the Majority Party.

Hon. A. B. Duale: Hon. Speaker, I beg to move the following Motion:-

THAT, pursuant to the provisions of Section 10 of the National Assembly (Powers and Privileges) Act and Standing Order No. 175, this House approves the appointment of the following Members to the Committee on Privileges:-

- (i) The Hon. Peter Shehe, MP.
- (ii) The Hon. Kimani Ichung'wah, MP.
- (iii) The Hon. Joyce Emanikor Akai, MP.
- (iv) The Hon. Jamleck Kamau, MP.
- (v) The Hon. Barchelei Kipruto, MP.

- (vi) The Hon. James Murgor, MP.
- (vii) The Hon. Bedzimba Rashid Juma, MP.
- (viii) The Hon. Simon Ogari, MP.
- (ix) The Hon. Zuleikha Juma Hassan, MP.
- (x) The Hon. James Onyango Koyoo, MP.

Hon. Speaker, the Committee on Privileges is a Sessional Committee and thus gives us the need to reconstitute its membership annually. In accordance to the National Assembly, (Powers and Privileges) Act, it says:-

“(1) There shall be established a committee to be known as the Committee of Privileges, consisting of the Speaker and ten other members of the Assembly under the chairmanship of the Speaker.

(2) The members of the Committee of Privileges other than the Speaker shall be nominated by the Sessional Committee of the Assembly”.

That is what we are doing now. The Committee of Privileges is appointed by the House either out of its own Motion or as a result of a complainant made by any other person. They inquire into alleged breach of code of conduct which is issued under Section 9 of the National Assembly (Powers and Privileges) Act, CAP.6 of the Laws of Kenya.

Hon. Speaker, these are the same Members who were there in the last Session. Both sides of the coalition decided to bring back their same old Members. So, we are not changing anybody. This is a very straight matter. I have given the functions of that Committee, which is constituted annually. It deals with a number of things mainly on inquiry into alleged breach of code of conduct by any Member of the Assembly. So, I do not want to dwell on it because it is a straightforward matter. I will ask my colleague, the Deputy Leader of the Minority Party, to second.

Hon. Speaker: Hon. Midiwo.

Hon. Midiwo: Thank you, hon. Speaker. I rise to second. Just as it has been said by the Leader of the Majority Party, the matter is pretty straightforward. It seems that since the beginning of this week, we are changing the way we do business. Members of this House need to be alive to the fact that there is a Committee to look into frivolous or untoward behaviour of Members of the National Assembly.

Hon. Speaker, this is so given in the debate which we are undergoing in the country today about Parliament. The members of this Committee whom we are selecting today need to know that their work is cut out for them. Hon. Speaker, you cannot do it alone. You need Members of this House who are tasked with this responsibility to do it. We have had occasions - and we raised all these issues in Mombasa - when Members were even being disrespectful to the Chair. We raised examples where there is a particular Member or Members of male gender who are being very disrespectful to the Lady Chair. This Committee must be aware that we cannot be law makers who wish for the law we make to be enforced and we, ourselves, have repugnant attitudes towards some of our own.

I want to second and urge the Committee to live true to its calling. I thank you, hon. Speaker.

(Question proposed)

(Question put and agreed to)

ADOPTION OF REPORT ON APPOINTMENT OF
INSPECTOR-GENERAL OF POLICE

Hon. Abongotum: Thank you, hon. Speaker. I beg to move the following Motion:-

THAT, this House adopts the Report of the Joint Sitzings of the Departmental Committee on Administration and National Security of the National Assembly and the Standing Committee on the National Security and Foreign Relations of the Senate, on the vetting of nominee for appointment to the position of Inspector-General of the National Police Service, laid on the Table of the House on Tuesday, 3rd March, 2015, and in accordance with the provisions of Article 245(2) of the Constitution and Section 12 of the National Police Service Act, 2011 as amended by the Security Laws (Amendment) Act, 2014, approves the appointment of Mr. Joseph Kipchirchir Boinnet as the Inspector-General of the National Police Service.

I want to inform the House that on 17th February, 2015, pursuant to Standing Order No.41(1) and No.42(1) of the Senate and the National Assembly, respectively the Speakers of the National Assembly and the Senate conveyed a Message to both Houses from His Excellency the President that Mr. Joseph Kipchirchir Boinnet had been nominated to serve in the position of Inspector-General of the National Police Service pursuant to the provisions of Article 252(a) that confers upon the President the powers to nominate, and subject to approval by Parliament, appoint an Inspector-General.

The name of the nominee and his curriculum vitae were thereafter forwarded to the Joint Committee of Administration and National Security of the National Assembly and Standing Committee on National Security and Foreign Relations of the Senate to conduct the approval hearings. We all met, as Members of the Committee that I chair and the Committee that Sen. Yusuf Haji chairs from the Senate. The list of the Members is given herein.

Articles 245(1) and 245(2)(a) of the Constitution provide that there is established the Office of the Inspector-General, which is an office in the National Police Service. The Inspector-General shall be appointed by the President with the approval of Parliament and he shall exercise independent command over the National Police Service and perform any other functions prescribed by the national legislation.

After receiving the name of the nominee for the position of Inspector-General on 1st February, 2015, the Speakers of both Houses directed that the vetting of the nominee for appointment to the position of Inspector-General of Police shall be conducted jointly by both Houses and, in particular, the Departmental Committee on Administration and National Security of the National Assembly and the Standing Committee on National

Security and Foreign Relations of the Senate. This is unprecedented and has never happened before.

The Joint Committee held two preliminary sittings on Wednesday, 18th February, 2015 and Wednesday, 25th February, 2015 to prepare for the vetting and consider memoranda from the members of the public. The Joint Committee complied with the constitutional and legal requirements and established procedures for vetting. It ensured public participation and openness in carrying out the proceedings. Notifications inviting the public to submit memoranda were placed in the mainstream print media on 18th February, 2015 in tandem with the law. On 25th February, 2015, the Committee considered two memoranda in which one was recommending the appointment of the nominee and the other one was contesting his appointment.

The Joint Committee conducted the vetting exercise on 26th February, 2015. In conducting the vetting exercise, the Joint Committee relied on the provisions of the Constitution, the Public Appointments (Parliamentary Approval) Act, No.33 of 2011, and the Standing Orders of the two Houses and the National Police Service Act of 2012.

The Committee made several observations during the vetting exercise, key among them being the fact that Article 245(2)(a) of the Constitution read together with Sections 12(1) and 12(2) of the National Police Service Act, 2011, as amended by the National Police Service (Amendment) Act of 2014 and the Security Laws (Amendment) Act, 2014, gave the President discretion in the exercise of nomination for appointment of a candidate to the position of Inspector-General of the National Police Service.

The Joint Committee's recommendation was solely based on the evidence and information from the proceedings of the Committee during the vetting exercise. Having considered the suitability, capacity and integrity of the nominee and pursuant to Article 245(2)(a) of the Constitution and Section 8(2) of the Public Appointments (Parliamentary Approval) Act, No.33 of 2011, the Committee recommends that Parliament approves the nomination and subsequent appointment of Mr. Joseph Kipchirchir Boinnet to the position of Inspector-General of the National Police Service.

The Joint Committee wishes to thank the Offices of both Speakers and the Clerks of both Houses of Parliament for the logistical support accorded to it during the vetting exercise. The Committee is also grateful to the media for their live coverage of the proceedings of the Committee thus enhancing accountability and transparency of the vetting exercise.

On behalf of the Committee and pursuant to Article 245(2)(a) of the Constitution and Section 8(1) of the Schedule to the Public Appointments (Parliamentary Approval) Act, No.33 of 2011, it is my pleasant duty to table the Report of the Joint Departmental Committee on Administration and National Security of the National Assembly and the Senate Standing Committee on National Security and Foreign Relations on the vetting for appointment of Mr. Joseph Kipchirchir Boinnet to the position of Inspector-General of the Police for debate and adoption by Parliament.

The Committee sat and if you look at this Report, there was general consensus by most of the Members. Almost 95 per cent of the Members signed. We had consensus. I would like the Members to look at the subsequent documents. I will not name all of them since it is a weighty document, but the Report is in the Table Office. If you do not have it, make sure you get a copy.

I wish to appeal to the House to approve the nomination of the said candidate. I wish to state that the candidate is very qualified. He served in the former National Police Force now the National Police Service as a police cadet from 1985 and rose up to the level of Senior Superintendent of Police; an Officer Commanding Police Division (OCPD). He then joined the then Special Branch or the National Intelligence Service (NIS) where he rose up to the level of Assistant Director. He has also served in the Diplomatic Service for many years. He has 31 years of experience. For those of us who know how the police force operates, if he joined as a cadet officer in 1985, he would now be in the position of Senior Deputy Commissioner of Police, the equivalent of the Deputy Inspector-General.

If you had stayed in the force for that duration of time, you would be somewhere there. The candidate has undergone several professional courses, many of them, as you will see in the Curriculum Vitae (CVs), in the diplomatic service, in the National Security Intelligence, and also in the police force. On the issue of qualifications, the candidate takes the box. The candidate has a first degree from the University of Washington and when we sat as a Committee, a lot of issues came up and some said the University is not recognized in the United States of America (USA). But after a thorough investigations - and Members can Google - you will discover that, that University is a member of the prestigious International Council for Adult Education in the USA, and it is a full member of the Council for Adult Education and experimental learning in the USA. The programmes of the University are based on the Government of the USA regulations Council of Foreign Relations (CFR) Section 214(2). The University is, therefore, a credible institution governed by the laws of the USA which ensures stringent supervision of the academic programmes and the degree is guaranteed by the Government of the USA.

The International Council for Adult Education of which the University is a member is an affiliate of the United Nations Educational Scientific and Cultural Organization (UNESCO), and Kenya has been a member State of UNESCO since April 1964, after ratifying the requisite treaty under Article 26 of the Constitution of Kenya. Any treaty or convention ratified by Kenya shall form part of the law of Kenya under this Constitution.

The candidate has two Masters Degrees, one from the University of Australia and the other one from the University of Westminster where he attended classes when he was in the diplomatic mission. Before I conclude, I want to quote Section 5(1) (g) of the Universities Act of 2012. It states that the Commission for University Education shall recognize and equate degrees, diplomas and certificate conferred or awarded by foreign universities and institutions, in accordance with the standards and guidelines set by the Commission from time to time.

I also wish to invite Members to Section 3 of the Statute Law (Miscellaneous Amendments) Act of 2014, where we amended the University Act. The amendment reads that the University will promote, advance, publicise and set standards relevant in the quality of university education including the promotion and support of internationally recognized standards.

The import of this amendment is that the internationally recognized standards of higher education are recognized by the Commission for University Education. Under

Article 25 of the Constitution, the general rules of the international law form part of the Laws of Kenya. Kenya is signatory to the UNESCO Constitution as established under United Nations Charter, the UNESCO Charter on ranking and accountability. I just wish to say that since we are signatories to these instruments - the UNESCO Charter since 1964, the first degree should be recognized because we are part and parcel of the Charter. Also, the treaty is ratified in the Constitution and everything is provided for.

In a nutshell, I just want to plead to the House that let us approve this candidate so that the President can appoint him, and we will have a person who will be in charge of the National Police and who will be leading the police force in the best way possible.

(Hon. Speaker left the Chair)

(The Deputy Speaker (Hon. (Dr.) Laboso) took the Chair)

I am sure those of you who watched that vetting exercise noted that the candidate demonstrated his knowledge of what the job entails.

I beg to move and ask my deputy, hon. Lentoimaga, to second.

Thank you, hon. Deputy Speaker.

Hon. Deputy Speaker: Okay. Hon. Vice-Chair.

Hon. Lentoimaga: Hon. Deputy Speaker, I want to thank you for giving me this opportunity. I do second the Motion which is that the House approves the appointment of Mr. Joseph Kipchirchir Boinnet. Having an Inspector-General in this country now is timely. We have stayed without one for a long time and we know very well that we are living in a state of insecurity. Sometimes, we think we are safe but every single day, we get information that something is going to happen. We are living in a time bomb kind of situation. Without a substantive person in the Inspector-General's Office, something is obviously missing. This institution called the National Police Service is command-driven and a disciplined organization that needs somebody to sit in the helm and give directions, as well as provide leadership every single day. The candidate is experienced; he has enough knowledge of the command system of the police, having worked in a foreign country and also in Kenya. The candidate has been a security attaché in several countries outside Kenya, where he had been posted by our country. In my view, he has a lot of extra knowledge more than any other person in the Police Service at the moment. I know if approved by this House, he will use his vast knowledge and experience to command our police service.

When we were vetting the candidate, majority of our Members supported his appointment. He has worked in the intelligence service, police service and the diplomatic service. During his interview, the candidate showed knowledge of the police. He also respects human rights. He also showed that he had planned to fight corruption. Together with some organizations and partners, he has demonstrated that he is able to tackle corruption which has taken root in this country. On the issue of utilization of resources, we know that in the police service now, we are putting a lot of resources. But we are

complaining very much about misuse of those resources, especially the vehicles that we are purchasing.

We have been told about the issue of fuel. Police officers are given fuel but they are told to draw it far away from their stations. For example, policemen in Mandera are told to go and draw fuel in Mwingi. Others from Lokichoggio are told to draw fuel in Kitale.

The candidate demonstrated to us that he will be able to put that to stop and ensure that resources are used according to the way they were planned to be used. The candidate also showed us his plans to ensure that the issue of the welfare of officers who are working in remote hardship areas and far-flung places is tackled, so that their morale is high.

Hon. Deputy Speaker, we have also been facing a lot of problems in the coordination of security organs. A number of times we have been grumbling on the issue of intelligence-led command or police action. The candidate, in my view, will be able to share his talents and experience in combating crime. To combat crime, you need to have a lot of knowledge in intelligence. A number of times, even during the Westgate Mall attack, we were told that the intelligence service had already given out information early enough that *Al-Shabaab* operatives would be attacking foreign establishments in Kenya. At that time, we blamed the police because they did not use that information to pre-empt the attack on Westgate Mall. The candidate, in my view, demonstrated that all his actions will be targeted and done according to the intelligence he collects. Being an ex-National Intelligence Service (NIS) Officer, I am sure we will harvest a lot of fruits from his work.

Hon. Deputy Speaker, on police brutality, he demonstrated to us that he will not use brutality to try and harass Kenyans. So, I want to appeal to this House to give the candidate an opportunity because I know that he will perform. After all, we have a new Cabinet Secretary in the Ministry of Interior and Coordination of National Government, who is also experienced. When they team up together, with the other officers in the same Ministry, I am sure something good will come up.

There is also the issue of parallel command levels from the Administration Police (AP) and the National Police that we have been having a problem with. Having come from another organisation outside the police service, the candidate may bring some semblance of order in terms of trying to bring common command and streamlining the command between the regular police and the AP.

Hon. Deputy Speaker, I second and support. Thank you.

(Question proposed)

Hon. Deputy Speaker: Hon. Jakoyo Midiwo, the Deputy Minority Leader.

Hon. Midiwo: Thank you, hon. Deputy Speaker. I rise to support the appointment of Mr. Joseph Kipchirchir Boinnet as the Inspector-General of the National Police Service. I do so because I feel that, sometimes, inaction is very dangerous particularly where security is concerned. I think we have taken a bit too long without Inspector-General of Police. I hope that the new Inspector-General of Police will learn from the mistakes and the contradictions of the former Inspector-General of Police. I also, on the same note, would wish that the Executive would stay away from trying to manage the

work of the police. I may not agree with the way this nomination was done. In that respect, the courts have spoken. The President was given a hand to pick a nominee and bring him for vetting and, because we are charting a new course, personally, I think so far so good.

Hon. Deputy Speaker, I want to say that if approved, and I am asking the House to approve this nominee, he must prove to this country that there was wisdom in constituting an independent Police Service Commission so that it is never again a one man show as was being done by the former Police Commissioner. The former Inspector-General of Police as I said and I still want to say, was a victim of circumstances. I do not think he could have done anything any differently given the selfish nature of politics. He was victimized to sugar-coat a scenario which we all knew was beyond his control. I also want to say that the former Cabinet Secretary for Interior and Coordination of National Government, Mr. Joseph ole Lenku, was also sacrificed to show that there was some action but a lot needs to happen. A lot needs to be done so that we can bring confidence to Kenyans and our economy. You saw when we went for the leadership retreat in Mombasa that all those hotels in Mombasa, just because of insecurity, were empty and many of them have closed down. I happen to know a friend who is one of the owners of the hotels in Mombasa and he has not been able to pay his employees for seven months. That is a sad scenario, all because of insecurity. So, the matter before us this afternoon is a matter that we should have dealt with yesterday so that by tomorrow, we have Inspector-General of Police. We need to know what the police are doing to sort out this country once and for all.

We also have corruption in the police force. You know until today, the police recruitment process is in court and we need police officers. We need to sort that out. We are not blaming the courts. People are in court because of police corruption. We want the Inspector-General of Police to be working together with the Police Commission to sort this thing once and for all. As far as police recruitment process is concerned, we want to suggest to them that it needs to be constituency-based. I want to know that when they recruit police, how many people will come from Gem Constituency. I want to be there to supervise when they are recruiting, so that people are not recruited from another county while my people run and leave there in anger.

It is high time that the Government realised that when people are angry at the Government, it cannot function. The Government must be in the business of making its citizens happy and we will be willing to support the work of the Government in that regard.

There is an issue which we hope this Committee, working with the Police Commission, has laid to rest. This is the issue of parallel command. In this country, the AP officers have refused to answer to the Inspector-General of Police and in the words of former Inspector-General of Police, David Kimaiyo, he said he did not know what to do. The law requires the AP boss to report to the Inspector-General of Police.

Here is a scenario where the Administration Police (AP) thinks they are in competition with the regular police. This is the contradiction that we must cure once and for all. If the boss of the AP is incapable of accepting that he is to follow the Inspector-General of Police maybe, it is a good time to ask them to leave so that we can get somebody who is willing to do that. It may have been a mistake to leave the person who

was leading that organization because then we end up with that scenario. I want to plead to the Parliamentary Committee to be vigilant. If the assistant is an officer from the AP and he refuses to assist, let us kick him out because security is paramount to the well-being of our country. We cannot have our police bosses fighting and yet, Kenyans are dying.

I appeal to the Parliamentary Committee to deal with the issue of police corruption on our roads because the laws are there. I sponsored an amendment to the Traffic Act. In that amendment, it says that the Inspector-General of Police must gazette police roadblocks. The whole idea behind that is that, if I take a *matatu* from Gilgil to Naivasha, I will know where the police are. Between Gilgil and Naivasha, you cannot overload a vehicle because somebody must be going from Gilgil to Naivasha, if it is the traffic offences that they are looking for. Then there are random policemen on the streets looking for over-speeding drivers. What we have is looting on the streets by the traffic police. In that amendment, I proposed that all policemen should be responsible for the wellbeing of Kenyans. There is no law and there should not be in the police force such a department called Traffic Police Department. That is the root of corruption and appetite. I want to appeal to the Committee to revise and look at what we did not do and what we did that is not being implemented. There is no reason why there should be a policeman flagging any vehicle on the roads in places that are un-gazetted. This country must move forward and we must drop anything repugnant that stops this economy from functioning. I support.

Hon. Gikaria: Thank you, hon. Deputy Speaker. I rise to support this Motion on the appointment of Mr. Joseph Kipchirchir Boinnet. I am a Member of the Departmental Committee on Administration and National Security. I had an opportunity of sitting through the vetting process. Some of the things that came out in that vetting process are food for thought for this House. We need to start considering some of the laws that we have. A lot of issues came up. In fact, we were forced to have a consensus as to how we were going to move forward. One of the issues that came up has to do with the Section 11(1) (b) of the National Police Service Act. It states that as qualification for the position of Inspector-General of Police, the nominee must be a Kenyan citizen and a holder of a degree certificate recognized in the country. The one which brought a lot of issues is the one of being a holder of a Masters Degree. If one has that degree, should he be considered under that National Police Act as having a degree? A lot of issues were raised about the first degree and the Masters Degree. As a House, we need to start thinking as to whether we must be very specific or not. If a person has a Masters Degree and the qualification needed by law is a degree, then, we need to take that into consideration. There are some professions like the accounting profession where, if somebody is a holder of CPA(K), he can go directly and do a Masters Degree. If he is going to be denied an opportunity just because he does not have a post-graduate certificate or the first degree, then these are the issues that we need to look into.

Secondly, the Standing Orders do not give an indication as to whether we should be having a Joint Committee of the National Assembly and the Senate. This brought out a lot of issues. Is that backed by any of the Standing Orders? It was as a result of the intervention of the two Speakers that it was decided that the two Committees should sit jointly and come up with a report. That is something that we need to look into. How do

we amend our Standing Orders to allow a Joint Committee sitting between the National Assembly and the Senate?

The third issue that came up is this: If we sit as a Joint Committee and we get to the point of voting, how do we conduct the voting? Assume that all the 29 Members of the Committee from the National Assembly are present and we know that the Senate has only seven Senators representing them in the Committee, how would the voting been done? I want to thank the two co-chairpersons for guiding the process. They convinced us that we do not need to vote, but what we need is a consensus in our deliberations. At some point, however, we will need to vote and so, we really need to think about that.

There was also the issue of a petition which was brought by a Kenyan regarding the nominee. He had brought the petition just before the advertisement was put in the Press. The clerks said that they were going to talk to the petitioner to withdraw. We agreed as a Committee that we allow the petition to follow its due process. So, these were the issues that we were looking into. The other thing that we looked at was Article 232(g)(h) of the Constitution. It talks about merit and other forms of picking a nominee. This provision talks about promotion through merit and, therefore, the hierarchy of promotion should be followed. Assuming the nominee was a civilian, how would you carry out the process considering the hierarchy of promotion in the National Police Service? Remember that the President is not barred from picking a civilian.

Regarding the nominee, I want to agree that the Committee looked into the Public Appointments (Parliamentary Approval) Act and particularly the sections which talked about the academic qualification, experience and integrity. We were just guided by those facts and we never dwelt on any other issue. We found that the nominee had met all the requirements under the Public Appointments (Parliamentary Approval) Act. That was our basis of approving him. During the vetting, he showed the requisite qualities of Inspector-General of Police. He showed that he is able to have real command over the police service. Questions were raised as to whether he will succeed or not. He told us that as an individual, he was unable to give that answer. He stated that he would need a lot of co-operation from all the stakeholders. He also told us that he knows that community policing is a key pillar in solving the many security problems that we have. He said that he will be involving the community in security issues. When the communities are involved at their level, then they can give solutions. This is a better move than using police force.

Internationally, community policing is something that is of paramount importance in solving most of those security issues. From his own words, he said that he is going to follow the full process of the law. At some point, he was asked whether he was going to protect Members of Parliament from the recent issues that we have seen and he said very clearly that he is not going to favour anybody. All Kenyans are equal before the law. If a Member of Parliament is on the wrong, action will be taken. If the police officers use excessive force, he is going to take action. He was very categorical that he will protect the police servicemen and women. That was important because he did not just come to the Committee to please us by saying that he is--- He made it very clear that he is going to protect the servicemen and women under his command so that they can give out their best. That statement went down very well because once the servicemen and women are not protected, it becomes a problem for--- Basically, he is the right person for the job.

Any cooperation given to him by the two deputies and any other stakeholder will give us results.

When he was asked about issues of command, he said that the police service is a disciplined force and one's rank does not matter. All you need to do is follow the due process of the command of the police. That is an added advantage to him. He knows that in the disciplined forces, the command channel must be followed irrespective of one's rank or whether one is small-bodied as he is or big-bodied as you are. He made it very clear that the command of the police service will be followed.

With those few remarks, hon. Deputy Speaker, I support the nomination of Joseph Kipchirchir Boinnet to the position of Inspector-General of the National Police Service (NPC).

Thank you.

Hon. Deputy Speaker: Hon. Opiyo Wandayi.

Hon. Wandayi: Thank you, Mr. Speaker. From the outset, even though I do not have any personal issues with one Joseph Kipchirchir Boinnet, I find it a little bit difficult to support this Report recommending his nomination. I will explain why.

Mr. Speaker, the law currently gives the President a lot of latitude after those many amendments which we opposed very vigorously on the Floor of this House. There is the issue of merit. On paper---

Mr. Speaker Sir---

Hon. Deputy Speaker: I thought you are seeing that there is a new Chair. You have referred to me as "Mr. Speaker" three times.

Hon. Wandayi: Hon. Deputy Speaker, I am sorry. Sometimes this confusion can be excused. The day has been long.

I have gone through this Report very meticulously and I have got issues that I need to raise for purposes of the record. I know this House will approve his nomination. I can foresee that. However, I want to clearly go on record that I have got serious issues with this Report.

Firstly, Mr. Boinnet joined the police force sometime in 1984, going by this Report. He worked for close to two or three years before he joined the then dreaded Special Branch which mutated into the current National Intelligence Service (NIS). On that score, if you asked me, this was a very good candidate for promotion to the office of the Director-General of NIS at some future date.

Having said that, there is a principle of command in terms of seniority in the security sector. If that person was a civilian, there would be no issue. However, since he worked in the police service and spent most of his time in the intelligence sector, there is a lot of concern as to whether he is able to muster the moral authority to command people who are essentially his seniors. There are hundreds of police officers in the NPC who are his seniors. That is a question that needs to be addressed. It has been glossed over by the Joint Committee because they were under pressure to endorse his nomination.

There is the issue of his academic qualifications. This issue has also been glossed over. However, Observation No. 7 in Chapter 6 of the Report of the Joint Committee reads:-

"Washington International University is recognised by UNESCO despite not being recognised in its country of origin. This observation was

made upon clarification from the Chief Executive Officer of the Commission for University Education.”

If you look at the letter from the CEO of the Commission for University Education (CUE), you will be amazed. The CEO, Prof. David K. Some, is saying, among other things that:-

“Washington International University, of USA, is NOT recognised by the Council for Higher Education Accreditation (CHEA) (CUE equivalent) in the USA (See <http://www.chea.org/search/actionInst.asp>), and the Distance Education and Training Council (DETC) in the USA. DETC is the body responsible for the accreditation of institutions in the United States that offer degree programmes primarily by distance learning education method (See <http://www.detc.org.an/>)”

Then go to the next paragraph. It is a disclaimer that:-

“The authentication of academic qualifications from foreign universities lies with the university awarding the qualification.”

In other words, they are saying: “As to whether these qualifications are authentic or not, it is not for us to determine or to advise you. You have to go to the parent university and ask them.” This is Prof. Some telling us that: “If you want to know whether this person’s qualification is authentic, do not ask us. Go to the university that claims to have given him this degree.” He is telling us that in black and white.

The last paragraph reads:-

“Further to this, recognition and equation of foreign qualifications requires submission of certified copies of certificates and transcripts by the individual applying to the Commission in accordance with the Universities Standards and Guidelines, 2014.”

He is telling us that Parliament should have supplied them with the certified copies of these degree awards for them to be able to follow up with the parent universities and ascertain as to whether these qualifications are genuine or not. This was never done. At least, there is no evidence to that effect in this Report. There was never any attempt whatsoever by Parliament or the Joint Committee to go further and ascertain the authenticity of these qualifications and, more so, this first degree. That is the Bachelor of Arts in International Studies and Diplomacy which was supposedly awarded by the university in the US.

Why do I raise this issue? Chapter Six of the Constitution is very clear on matters of leadership and integrity. If a joint committee of Parliament can gloss over such serious matters that touch on the very heart of the Constitution with regard to someone who is being appointed to be the Inspector-General of Police of the Republic of Kenya---

Hon. Chepkong’a: On a point of order, hon. Deputy Speaker.

Hon. Deputy Speaker: Order. What is your point of order, hon. Chepkong’a?

Hon. Chepkong’a: Hon Deputy Speaker, I rise pursuant to Standing Order No. 83 as read together with the Standing Order No.107 on frivolous issues. I have a lot respect for my good friend, hon. OpiyoWandayi. Is he in order to mislead this House that the Committee was indolent and that it did not do anything when he has the Report? If he reads the minutes of the Committee, under Minute No. 25, the Committee went as far as inviting the CEO of the Commission for University Education (CUE) to clarify his letter. Is he in order to mislead this House that the Committee did nothing? In fact, I am not a Member of that Committee, but I have been reading their Report. I have been interested.

Is the Member in order to mislead us when he knows that we have gone to school like himself? Would you rule, hon. Opiyo Wandayi, who goes by two names, out or order?

Hon. Deputy Speaker: Hon Wandayi.

Hon. Wandayi: Hon. Deputy Speaker, if you allow me, I will continue. Hon. Chepkong'a is my friend. On matters of school, it depends on which school he went to and up to what level.

Hon. Deputy Speaker: Do you doubt hon. Chepkong'a having gone to school or you doubt your own?

Hon. Wandayi: Hon. Deputy Speaker, I do not doubt that, but I doubt whether his level of education is the same as mine.

(Laughter)

An hon. Member: On a point of order, hon. Deputy Speaker.

Hon. Deputy Speaker: Order! Order, hon. Members! We are not going to belabor this point. Could you, please, withdraw your assertion that the Committee did nothing? That is what went on record.

Hon. Wandayi: Hon. Deputy Speaker, I have not said that. I have said that the Committee did not go beyond interrogating the CEO of the Commission for Higher Education. It should have gone further as is required. The Committee is telling us, for instance, that this University is recognized by UNESCO and yet, the USA, the parent country, does not recognise it. Since when did we start dealing with UNESCO on matters of universities operating in individual countries and by-passing the country that is supposed to give accreditation to the university? That is a very big anomaly. I can tell you that this matter will come back to us.

Hon. Deputy Speaker: Your time is up. That was an agreement that you all made. Hon. Lelelit.

Hon Lati: Thank you, hon. Deputy Speaker for giving me this opportunity. I rise in support. Under Article 245 of the Constitution of Kenya, the Office of the Inspector-General is provided for and it should have an occupier. When you look at the resume of Mr. Boinnet, he has worked in the Public Service for over 31 years. That is a very long time to work for the Republic of Kenya. We should appreciate the work he has done in the Public Service.

Further to that, he has risen through the ranks from a mere police officer to an intelligence officer and even worked in diplomatic circles. It is very important for the holder of that office to have an intelligence background at this time when we need people who are experienced in collecting intelligence. This also comes at a time in our country's history when we have the biggest security challenge ever since Independence. We need to have Mr. Boinnet in office as soon as possible, so that we can have a full house of security men and women taking care of our security.

I have heard Members here not looking at the bigger picture of the threat of terrorism in our country. My friends, like hon. Wandayi, are looking at the academic qualifications of a person to lead police officers. While it is obvious that we need some educational qualification for someone to be the Inspector-General but, for administrative reasons, it ends there. If you look at the history of our country, while fighting the *shifita*

and the *Ngoroko* wars in the 1960s, the best performers were not people who went to school. The people who got the best results in 1963 when fighting the cessation wars of the *Shifta* were Kenyans who never went to school.

For us to focus everything on what you have done in school is a disappointment to some of us, particularly those who come from the remote areas of Kenya, where we know what is needed to secure those insecure parts of our country. It is also a disservice to our country that every position should be occupied by someone with academic qualifications only. For the avoidance of doubt, I went to one of the best schools in the world. So, I am educated. I am not trying to advocate for non-educated police officers. I am saying that we are putting so much emphasis on areas that do not really require education. You only need to refer to 1963.

An hon. Member: On a point of order, hon. Deputy Speaker.

Hon. Lati: Unless *Mheshimiwa* is not educated.

Hon. Deputy Speaker: Hon. Lelelit, please, I do not want to entertain the points of order. But clarify because these were requirements that were stated, so that you do not say that you should not over-emphasize educational qualifications.

Hon. Lati: Hon. Deputy Speaker, I am not saying that we do not need education. In my opinion, in this debate, I have seen people who have no education doing a very good job in terms of security. Unless *Mheshimiwa* is not educated and I am sure he is, there is no point of order here. My friend---

Hon. Deputy Speaker: Hon. Lelelit, it was a requirement. So, do not belabor it. It is a requirement that is stated in the Constitution.

Hon. Lati: Hon. Deputy Speaker, I agree. Mr. Boinet is well educated. When you talk about a degree, people should understand that a degree is not only a bachelor's degree. You need to go to school for that. You should not only consider bachelors alone as a degree. Some people are mistaken that a degree is only a bachelor's degree. A Masters or a PhD is a degree. In fact, a diploma is also a degree of some sort.

A few days ago, hon. Kamama put forward something that is interesting to some of us who come from areas that have security challenges. It was about the educational qualifications that one needs to be a police officer. We are now looking for people with C+ and B- to be police officers. Do you know what happens after they get into the police force? That is why we are having all these challenges of not having experienced and committed people in the police service. Everytime we get a person with a C+ to the police force, the next thing he will do is to join a university. He will not be committed to that service. A good reference is our country's police force before we started putting educational qualifications. The police was a professional service doing a good job. We need to get to that.

In fact, hon. Kamama, being the Chairman of the Administration and National Security Committee and an eloquent Member of the House, should put that debate into test. We need to start thinking of recruiting people who want to remain in the police force. Those should be people who are committed to the police force and who can gain experience over many years, so that we can fight the terrorists. Those terrorists are experienced. Some of them are born, bred and have worked for so many years to find a way to kill our people. We need to get into that debate of whether we require education in everything or in some areas. In some areas, we require experience and not education.

You can even go further. In the 60s, there were specific tribes in this country who were recruited to be police officers. There was a reason for that. We have gone against that. These days, we recruit everybody even people who have never seen the rough terrains of our country. There is a reason why we should have a Pokot as a police officer to fight cattle rustling. He is born and bred in those areas. He knows how to work. I can guarantee you that there is a difference between a police recruit from Pokot and a police recruit from Nairobi. There is a difference between someone who has been taking buses to school all his life and someone who has walked to school all his life. There is something in us human beings and we must understand that as a country. If we want to protect this country and fight the *Al Shabaab*, we must get people with the same life experiences and not educational experiences. We must get a Samburu who has walked to school for so many years, has looked after cattle and has seen cattle rustlers in his life. He can fight an *Al Shabaab* who is trained in the same terrain and has the same experiences.

We need to borrow a leaf from former Presidents Moi and Kenyatta, who were doing this thing for good reasons. Before I get very emotional, let me stop there. I want to say that we start a debate on recruitment of people who have never gone to school to be our police officers, so that they can fight those thugs. I want to stop by saying that as a country, we should, probably, start assigning quotas in the recruitment of police officers in those areas where people grow with lifestyles similar to what the police do in their lifetime. Some of our communities are not represented in the Nairobi Securities Exchange, because those are not our life experiences. What is so bad in saying that instead of recruiting 10 police officers from Nyeri, you recruit two and recruit 200 from Samburu? This is because the Samburu have life experiences that will help this country curb insecurity. When that police officer joins the National Police Service, he is not going to protect people from Samburu alone. He is going to protect our economy, make our country look good and make the work of the President, and the Government easier. Let us start thinking outside the box and give to Caesar what belongs to Caesar. We are good police and army people. Do what President Moi and Mzee Kenyatta did.

Thank you very much.

Hon. Deputy Speaker: Yes, hon. Hon. Cheptumo!

Hon. Cheptumo: Thank you, hon. Deputy Speaker. I rise to support the Motion.

As I support, I wish to say that the nominee, Joseph Kipchirchir Bionett, is a person I have known for some time. We worship together at the African Inland Church, Langata. I stand in this House to say that he is a person of integrity. He is a very humble man and a person who listens. The National Police Service needs people like him to provide leadership. It needs people who can listen to others and borrow ideas in addressing the challenges that the NPS is facing. I vote for him.

I have gone through this Report and have carefully listened to hon. Abongotum and his Vice-Chair when they were moving and seconding this Motion. Under Section 10(1)(b) of the National Police Service Act, the function of the Inspector-General is to audit police operations and functions. According to Section 10(1)(g), his function is also to determine the distribution and deployment of officers in the NPS and recommend to the National Police Service Commission (NPSC) and the National Policing Oversight Authority. I appeal to Mr. Boinnet that once this House approves his appointment, he

ensures that this country receives equal attention in terms of deployment of police officers.

My Committee on Delegated Legislation is currently looking at regulations on deployment, promotion, discipline and other areas touching on police officers. I am happy that, as we look at those regulations, we are going to have a new Inspector-General of Police, who is going to apply them. I appeal to him to do so in a very fair manner. For example, if you look at the presence of police officers in urban areas like Nairobi, Nakuru, Nyeri, Eldoret and Kisumu, they are many. However, if you compare the number of police officers in those areas with those in remote areas, where we have cattle rustling and other security challenges, you will find that they are few. It is fair that the new Inspector-General of Police takes time to understand the deployment. Section 10(1) gives him powers to do so. In Baringo County, and in other areas, we have the problem of cattle rustling. The only people who understand the terrain in those areas are those who live there.

We passed a law in this House, allowing the Inspector-General of Police to employ Kenya Police Reservists (KPRs). The only way to tackle insecurity in some areas is for the new Inspector-General of Police to implement that section of the law and employ KPRs in those areas. These are people who live in those areas. They understand the terrain of the land. The livestock being stolen belong to them or their relatives. Therefore, they can help the police to pursue cattle rustlers, recover stolen animals and ensure that peace prevails.

Hon. Deputy Speaker, the joint Committee of the Senate and the National Assembly cleared the Inspector-General in the three areas of suitability, capacity and integrity. He is a Kenyan who has been paying tax. That is why the Kenya Revenue Authority (KRA) cleared him. He was cleared by the Ethics and Anti-Corruption Authority (EACC), meaning that he is free of corruption. However, he is going to head an institution where corruption is rampant. As an elder in the church, I fellowship with him, I call upon him to maintain the same integrity levels I have seen in him, work hard and improve the NPS. I am happy to note that in his presentation to the joint Committee, he promised to apply his mind to corruption.

As I conclude, let me also say the following, that this country requires the support of all of us. I am happy that the 11th Parliament is going to implement the continuing reforms in the police sector and play a role in raising the bar for the leadership in the police sector. The security of the hon. Members of this House is also under threat in many ways. I call upon the new Inspector-General to also spare time to look at how to secure Members of Parliament and, indeed, every Kenyan. This is because this country can only develop and move forward if there is security.

Therefore, I join my colleagues in supporting the appointment of Mr. Boinnet to the Office of Inspector-General of Police. I believe that he will enhance the spirit of reform in the NPS.

Thank you, hon. Deputy Speaker.

Hon. Deputy Speaker: Yes, hon. Nyikal!

Hon. (Prof.) Nyikal: Thank you, hon. Deputy Speaker, for giving me an opportunity to express myself on this. I will start by saying that I support the appointment of Mr. Boinnet for the simple reason that we cannot stay without an Inspector-General of

Police. This is because internal security, which has been our problem for a long time, is basically, and to a large extent, a police affair and, therefore, we need somebody in that position as soon as possible.

Hon. Deputy Speaker, I see a few comments that the Committee made. I think sometimes when Committees make recommendations, the more they try to justify an issue the more they tend to draw people's attention to it, and actually make it look negative; it is like dragging the bottom to get something. I think the issue of education has been raised a lot. I do not think I will take it further, because I find that his knowledge and appreciation of the problems seem adequate. I must say that when we are talking about education, the first degree in those circumstances is the most important degree. In fact, in professions that is the registerable degree, but I do not think I will go on with this as a major issue in the appointment of this officer.

Hon. Deputy Speaker, there are observations that have been made and I like them about the officer: His realisation and, to some extent, this has brought out the points that I brought when we were discussing the security laws. That it is not a matter of the law but the several issues that we had in the police force. He seems to have acknowledged all of them.

There is the problem of lack of equipment in the police force; I think he has outlined it very well and what he will do about it. But I think he has to realise that we have been in the system for a long time and it will require a lot of lobbying to make sure things are done. This is because without this, administrative affairs will not help regardless of what laws we make. Lack of equipment and not well trained people are things he has to look into.

There is also the issue of policies that sometimes I will describe as weak. In terms of mobility of the police, I am not convinced that leasing equipment has actually worked well, particularly if you link it to the fact that even for fuel, you have to travel long distances. I do not know if fuel has been leased. He recognises that but I think if he does not look into the general policy of leasing and how it is affecting the police force, he will not help us very much. So, I support him. I support his knowledge but point out that he will have to work very hard to really get things going.

Then there is the inability of the security system to use information. He comes from the background where information was always available. It is our hope that he will now respond to the same information found where he has come from, and act on it; that has, to some extent, been a shame to this country. Every time we have a security catastrophe, there is evidence that we knew it was going to happen and it did happen. Now it comes out that he comes from a background where information was always available.

Hon. Deputy Speaker, I may also want to talk about the fact that he also realises that there is need to do something about the parallel command in the police force. I take this opportunity to say that the way he has gone around it, the way he is talking about it, I do not think it will work. I do not see why we should have two parallel police commands in this country. If we are decided that we are going to have one police force then the best thing is to harmonise the police force. Look at each side and see how officers rank. Put

these ranks together and in the long run have one command. There is no administrative structure where parallel commands work. So, I am happy that he realises that.

.....
On the issue of corruption, I do not think it is just a matter of travelling to many countries to see how corruption is dealt with. Hon. Cheptumo said that he is a man of integrity, he goes to church and, maybe, he is on the right track; corruption in this country will not be won by police circles, with guns or by taking people to jail. We have to look at our hearts. It will have to be won in our hearts; the hearts of Kenyans. I do not think it is merely the condition of the police. More needs to be done, just like by all other Kenyans, in order for us to fight corruption.

With those few remarks, I support and hope that this gentleman will deliver the service we want, including correcting traffic lights. These days I do not know whether to obey traffic lights or the police.

Hon. Abdi: Thank you, hon. Deputy Speaker. I rise to support the Motion on the appointment of the new Inspector-General of Police, Mr. Joseph Boinnet. I welcome him, he is my namesake. Joseph is Yusuf in Islam and I think Josephs have been lucky this year; appointment of our new Cabinet Secretary (CS) for Interior and Coordination of National Government went to a Joseph.

First of all, I would like to sort of comment on the issue of his education that has been mentioned here. I think he is highly qualified and has, probably, the best education that any Inspector-General of Police has ever had in our country, having graduated from two reputable universities, the Australian National University and the Westminster University. In today's life, for someone to go back to college to study and qualify in institutions of that kind means that is a very serious person with an intellectual depth and, therefore, he is educationally qualified to do this job.

I must say that he is coming to an institution that is facing many challenges. I do not envy him in any way, but I hope that with his background--- He looks like a Kenyan of the new generation of civil servants. We have not had a person of his generation leading the police force in the past; I therefore expect him to come to the job with a fresh mind. With that kind of education and exposure both nationally and internationally, I believe that, if there is someone who can really turn around the national police force and deal with the major challenges that this force faces today, then he is really that person.

I would say that some of the challenges he faces are reality, perception about our national police force, widespread corruption, indiscipline, incompetence and poor relationship with the public. These are things that must be addressed before our police force can be the force that deals with the major challenge of national security.

In terms of dealing with insecurity, what he needs to do is win the hearts and minds of our community, particularly those who feel left out through ethnic profiling or collective suspicion in the public eye. Given his background in the intelligence area--- I think he is able to use it. We need a new kind of police force; a police force that is smart, intelligence-driven and that does not depend on the misguided concept, or belief, that because a particular community has a significant number of people who are terrorists, or a particular community has a significant number of criminals, therefore, the entire community is culpable. That has not worked for us and it is unproductive. What we need

is to have an intelligent and smart police force that works with the public in community relations, and that wins the hearts and minds of that particular community to deal with those issues.

.....
The enemy we face does not have an ethnic face. The enemy we face does not have a religious face. The enemy we face does not have a racial or a regional face. The enemy we face is a particular enemy with particular attributes that our police force and security forces are able to deal with, and bring that particular criminal, or that violent extremist, to book.

Hon. Deputy Speaker, it is an opportunity for the new Inspector-General to address these issues, to extend a hand to communities, work with them and ensure that they do not become a base, or a cover, for criminal attacks or violent extremist attacks against the wider community. I also hope and believe that the new Inspector-General can decisively deal with corruption, indiscipline and violations of the Constitution by police officers. Coming from a constituency which has a significant number of Muslims who feel alienated, I would like him to implement the IPOA Report on Eastleigh. Eastleigh saw a major operation and the IPOA did a report. We feel that by implementing reports like that and taking action against the bad segments of the police force, he then can build confidence and win the hearts and minds of our population.

With those remarks, I support the appointment of the new Inspector-General of Police.

Thank you.

Hon. Katoo: Thank you, hon. Deputy Speaker. I stand to support this Motion. First of all, this is the first joint approval that we are doing as Parliament; it is by both Houses for an appointee by H.E the President. Therefore, it is very historic.

I support the candidature and appointment of this nominee for several reasons. One, going by the report on what he told the vetting committee, I was so impressed by his personal plan and vision for the National Police Service (NPS). If you look at what he told the Committee, he would wish to provide collaborative leadership and engage in meaningful dialogue with national security agencies, and interestingly, create partnership with the Kenyan people. This, if adhered to, is a very good vision. It will go a long way in improving the standards of our NPS as well as the image, especially by working with the Kenyan people. This reminds me of the issue of community policing and the *Nyumba Kumi* initiative. This nominee, if approved by this House and eventually appointed by the President, will need to look into the two initiatives; community policing and the *Nyumba Kumi initiative*. This is the time that he needs to provide the budget for this initiative, because without a budget it will be very difficult to create partnership with the Kenyan people in the objective of trying to fight crime. These are the grassroots people who can help the police in fighting crime.

Another thing why I liked the nominee is because of measures to improve security. This has to do with his intention to provide armoured personnel carriers, police aircraft, relevant training to police officers and also ensuring digitization of the process of police command and control. This reminds me of the CCTV cameras in our streets, and whether they are working or not. More importantly is modernizing the equipment of our police because this is a new era. It is an era of information technology, and we cannot

purport to be fighting crime when we are still analogue in terms of equipment that is used in fighting crime.

Therefore, if this nominee is given the necessary support and budget, more so by this House, which is the House that allocates resources to all Government agencies, this can be achieved.

He also talked about the perennial problem of cattle rustling and the re-emergence of the outlawed criminal groups in this country. Going by his vision of creating partnership with the Kenyan people, this issue of cattle rustling and the re-emergence of outlawed criminal groups can be dealt with by consulting and involving communities.

Another key issue that he told the Committee about is rationalizing the posting of police officers. I know there is shortage of police officers. We have about 80,000 police officers. We are short of the internationally required standard of one police officer for 450 civilians. The Jubilee administration is trying to bring the current ratio of about 1:900 down. Were it not for the court cases that nullified the recruitment of 10,000 police officers, that ratio would have come down.

Be that as it may, there is need to rationalize the posting of existing police officers. There will be no need, as he said--- We should get rid of this culture of posting police officers to hardship areas as a form of punishment. That should be out of the question as we speak now. There is no need for that. When you post a police officer to a hardship area and he knows that he is being punished, even the performance of that police officer will go down. That, as he promised the Committee, should not be a policy in the NPS, if he gets approved.

Again, he should relook into issues of police officers overstaying in one station. We all know that in the code of duty, it is about a maximum of three years for one police officer in one station. But you find some police officers who have stayed for over 20 years in one station. It becomes business as usual. He gets integrated in the local community and becomes one of them. This way, it becomes very difficult to remain neutral in the performance of his duty.

In terms of reward, we should not see police officers being sent to weigh bridges, the Central Bank of Kenya, Kenya Revenue Authority (KRA) or constitutional commissions as a way of rewarding them. He should try as much as possible to inculcate the culture of merit and equity in the police service.

A lot has been said about co-ordination of security organs, but this nominee, as he told the Committee, comes from the National Intelligence Service (NIS) and going to the NPS, he can thus act as a link between the intelligence-collecting agency and the implementing agency. By so doing, I am sure he can provide what we call intelligence-led policing. That intelligence-led policing is going to be very effective and efficient in protecting our country, that is the citizens and their property.

I like the experience of this nominee. He has served in the diplomatic service. As my colleagues who spoke before me have said, that diplomatic experience can be brought into NPS and he can act as a link locally, regionally and internationally in terms of improving the image of our NPS. There is also the issue of command in terms of the two arms of the NPS, the Administration Police and the regular police, especially at the county and sub-county levels. There was an agreement that the senior most police officer at either unit, be it at sub-county or the county level, should be picked to be the one in

charge of that unit. I like the way he talked to the Committee about legislation gap; he said there is a gap in terms of legislation that should regulate the overlap of command and control in those units. This House should be called upon, through the relevant Committee, to do the necessary and correct that anomaly.

In conclusion, the Inspector-General of Police, as per the Constitution, has the independent command of the National Police Service. He should be given all the necessary support to command it. However, the new IG, if approved by this House, comes in without security of tenure. This House removed the security of tenure of the IG and the Director-General of the National Intelligence Service (NIS). That is so because if you are the Commander-in-Chief of the security forces, but you cannot command some of those security institutions, that should not be misconstrued to mean what my colleagues have said, that the Executive should not micro manage the running of the National Police Service. Even if the security of tenure is withdrawn, the office holder should have independent command of the institution.

I beg to support.

Hon. Deputy Speaker: Hon. Chris Wamalwa.

Hon. Wakhungu: Thank you, hon. Deputy Speaker. I rise to support.

Security is very critical for the success of any economy. Indeed, we have stayed for so long without the Inspector-General of Police. It was like radical surgery where we now have one hon. Nkaissery. I am happy to say that once we get the Inspector-General of Police security is going to improve. When I looked at Mr. Boinnet's face, I wondered. He looks like a humble man. I was wondering whether he will manage the police force. He looks like one of our colleagues here, hon. Osele - the youngest Member of Parliament in this House. I listened to him, but looks can actually be deceiving. When I listened to him, I realised he has experience and he is the right guy. He has risen through the ranks. He has been in that field for 31 years.

Hon. Deputy Speaker, Mr. Kimaiyo was a wonderful man. He was God-fearing. Listening to hon. Cheptumo here, I am made to understand that Mr. Boinnet is God-fearing, and so we are now lucky to have an Inspector-General of Police who is God-fearing. Research has shown the level of corruption in police force is very high. Looking at this Report, it has shown that this is a man who is not going to tolerate corruption. When it comes to issues of security, he has clearly mentioned issues of modernisation of the security system in this country.

We are fighting the *Al Shabaab* currently. That group changes and complicates the security equipment they use every day. I am happy to note that he pointed out the issues of modernisation of security equipment and also issues to deal with the welfare of the police force. The police force must be motivated because the kind of work they are doing on their own is difficult. They need to be motivated. If we are going to have an Inspector-General of Police who is going to prioritize issues of motivation, then that is the right person to have.

Hon. Deputy Speaker, when it comes to academic credentials, I had issues. The media was spreading stories all over that the Committee had rejected Mr. Boinnet, only to realise that it had not rejected him. In this country, the Commission for University Education is the only institution that is mandated to do accreditation in higher learning. It reminds me of something that happened sometime back, and it was in the Press.

There was a university from the United States of America (USA) called Newport University. Many people had gone there to do their first degrees, Masters degrees and PhDs. However, the then Commission for Higher Education, which is currently the Commission for University Education, advised Kenyans and said, “Watch out. If a person is from that university you should know that it is not accredited; you should not join it”.

However, I am happy to note that the Committee had gone further to invite the Chief Executive Officer (CEO) of the Commission for University Education who gave his authority. We have no option but just to follow what the Commission for University Education did because they are mandated. They are the people who can educate Kenyans on the issues of higher learning and accreditation.

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

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

Hon. Temporary Deputy Speaker, I want to mention something about police brutality. In this country, the police are very rough when they deal with suspects. However, the candidate said that he wants the police to have a human face. For example, in Tanzania, a police officer will come and tell you, “*Nakuomba tuambatane twende katika kituo cha polisi.*” This is what we are looking for. We do not want the police to be harassing people. They must have a human face. I am happy to note that this officer is going to take control of this.

On the issue of command and control, it is true that we have issues especially at the county level. We have three officers who are on the same level: the County Police Commander, the County Criminal Investigations Commander and the County Administration Police Commander. So, we must provide direction; among the three equals, we must have one who is supposed to be in-charge. I am happy to note, looking at the Report of the Committee, that, indeed, Mr. Joseph Boinnet has taken note of that and he has promised to look at that issue accordingly.

With regard to intelligence I would like to say that intelligence is something that is very critical as far as the success of security, or economy of any country, is concerned. This gentleman has experience when it comes to intelligence. Intelligence helps officers to work proactively on matters of security. Given his experience, I have no doubt that security in this country is going to be improved. We have had so many issues. I serve in the Committee on Defence and Foreign Relations. Whenever an issue crops up, the NIS is quick to say that it shared information with the police. We have had a blame game. I am happy to note that the incoming Inspector-General of Police knows the problems that are there. We want intelligence to be shared, so that these issues can be mitigated as opposed to working reactively.

Matters of security are not about tribe, a coalition or a political party. It is my humble request that as we debate this issue we do so objectively and see the sense, so that as we appoint this Inspector-General of Police, this is for the entire security of this country. The economy cannot grow if security issues are at their lowest. Right now in Coast Province, if it were not for Members of Parliament going there for sessions in

report writing, the Hotel's bed capacity and employment would really have gone down. Unless security is enhanced we will find it difficult to improve this economy.

Before, my friend, Mr. Kimaiyo left - and I want Mr. Boinnet to listen to this wherever he is - we had started a police station in Kiminini because there was a lot of insecurity. Such projects should not stop. He should ensure that whatever Mr. Kimaiyo had started is completed. I am calling upon him, because we used money from the Constituencies Development Fund (CDF)---We have built everything, but now we are just waiting for a Land Cruiser and more police officers to be deployed there. If he gets this job, he needs to analyse what is in the in-tray in that office so that Kiminini Police Station can be completed before the end of December.

Hon. Temporary Deputy Speaker, some of the 10,000 recruits are just at home. This is an issue which must be resolved as quickly as possible. As this Inspector-General comes in, one of the critical issues to look at is that of the 10,000 recruits. When it comes to recruitment of police, the issue of using districts should end. We want people to be recruited based on constituencies. This is something which is recognised because when it comes to using districts as a basis, some of us from Trans Nzoia West are forced to share slots. Indeed, it will be a disadvantage to other regions. So, I am requesting him that recruitment should be based on constituencies.

Hon. Temporary Deputy Speaker, I do not want to say too much and I do not want to read so much in this. I am calling upon everybody to see the sense in this. We should support this Motion. The issues we had about him on education have been resolved. So, I have no option but to support him and wish him God's blessings. This is because leadership is from God.

I support.

Hon. (Ms.) Munene: Thank you, hon. Temporary Deputy Speaker for giving me the opportunity to support this Motion. I support Boinnet's appointment. He has been in the police force and knows the problems of the police. I beg him, once he is appointed, to make sure that when police officers are called somewhere, their cars have petrol. They need to be provided with proper facilities to serve the public.

We have a big problem of insecurity. If you go anywhere in this country, even in hotels like the Mount Kenya Hotel, there are no tourists. They fear for their security. We are not here as tribes, but as national leaders. I am sorry for the Member who spoke before me and talked about Nyeri. We are all Kenyans and we should not think about certain places. We are here to support ordinary Kenyans, who are suffering very much.

We have big problems because police officers have relaxed in their jobs. They do not have proper facilities and live in deplorable conditions. Mr. Boinnet is very experienced and is aware of the police problems. Therefore, he is going to improve the living conditions of the police officers. We have three police officers living in one *mabati* house. Some of these officers have wives in these houses while the others do not have wives. These officers will not perform. They think that we have neglected them, yet we want them to secure us. We should have a provision in the Budget to provide them with proper facilities. We should provide Mr. Boinnet with funds to enable him to improve the living conditions of the police force. If you have a farm and you do not have a fork *jembe* to cultivate that land, you will not harvest anything. We all know the problems in the police force.

Mr. Boinnet is aware of the problems in the Rift Valley and he is going to do a lot of work. I support him and I know that God is going to help him, because he is a God-fearing man, to make a difference in this country.

I support the Motion.

Hon. Anyango: Thank you, hon. Temporary Deputy Speaker for this opportunity to also add my rubber stamp to this appointment. I wish to convey my sympathies to Joseph Boinnet for the challenge he has been given on behalf of all of us.

The very basis on which he was proposed, and for which we have endorsed him, could be the very reasons that will also kill him in the job. You realise that I am using strange language today. In all seriousness, tribalism and corruption are going to kill us all. Crime in this country is thriving on those two. Until as a whole country, we agree that this is criminal, whether it is committed by my son, brother or my community member, it is crime. We should all condemn it, so that we can stamp approval to strong values in our country against crime.

We can change all these Inspector-Generals of Police, but the security problem will remain the same. As I speak, if a bank robber comes from community “A”, he is supported by his community that he is only transferring wealth from one place to another. We have to agree, as a country, that what is criminal is criminal in the eyes of everybody. We do not recognise it, condemn it wholeheartedly and sincerely, so that the police force can function. Until we do that, we will keep sacrificing a lot of good Kenyans in the police service without results. We cannot claim to be developing as a country when we are paying lip service to ethnicity, corruption and tribalism.

I know we approved the nomination of Mr. David Kimaiyo because he got the job competitively. We are today approving Mr. Joseph Boinnet because he has to replace Kimaiyo, and has to come from the same community. It is not that there were no other qualified persons. It was not a competitive process. We cannot blame any of our officers, unless our entire society is mobilised against crime and tribalism. Nobody should say that it cannot be done; it can be done. If President Kagame could do it in Rwanda, it can be done. It has to come from the top, through all the political parties that we have resolved to establish sound values in our political economy that are consistent with the growth we require.

If we do not do so, I would not care who is going to be the Inspector-General of Police because he is just going to the slaughter house. Why? There are police officers you cannot transfer from some stations to other stations. There are police officers you cannot transfer from some departments to other departments, because they serve some interests outside the force. Those interests are so strong and are backed by money. Which way would a poor Inspector-General go?

We have to agree that our entire police force must embrace technology in order for it to be able to control crime. If we do not do so, so that there is adequate evidence through systems which can be updated by technology, we are going to sacrifice many good officers who join the force with good intentions to serve this country, but the culture in the force corrupts and destroys them, and destroys all of us at the end of the day. As of now, there are so many areas where you cannot undertake meaningful investment out of fear that robbers will come and eliminate your entire capital. Whether it is the little pick-

pockets here and there, it retards the development of our country. If people do not invest, we cannot expect this country to prosper.

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

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Member, let me take a point of order from hon. Kiptanui. What is your point of order?

Hon. Kiptanui: On a point of order, hon. Temporary Deputy Speaker. Reading the mood of the House, would I be in order to ask you to call upon the Mover to reply?

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Member, I am sure you have read the mood of the House for yourself.

Continue hon. Dalmas Otieno.

Hon. Anyango: Hon. Temporary Deputy Speaker, that invention brings me to a very serious point.

We are managing an economy where sound brains are expected to be sycophants. We are running an economy where good brains are being ruined because they are told they must conform. We are running a country where if we are not careful, the income inequalities are going to be very high, and will destroy us. We are running a country where the richest places, where you have billionaires of our Republic, also have people with jiggers. All these complicate control of crime in this country.

It must start with Parliament; we are going to condemn crime and support our police force to be able to enforce laws, regardless of who is breaking the law. We are allowing the country to get distorted in relation to crime and we are not addressing it. If this continues, we will be consumed by this vice. I was talking to hon. Abongotum one time. He confessed: "If I am expected to say 'yes', hon. Dalmas, what do I say?" The issue of being expected to say 'yes' when you have brains to know what is good for Kenya must come to an end. There are people overwhelmed by the expectations of certain interests in the country. We must agree to change this situation.

We must agree to change this; we must all agree that we must change it, otherwise we will not benefit from the opportunities that our Republic has got. The problem starts with insecurity, which will not disappear until all of us agree to address it. We must all agree to condemn crime, enhance the right values that will give us a peaceful and prosperous country.

I beg to support with all my sympathies the new appointee to this challenging position.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Let us have hon. David Kangogo.

Hon. Bowen: Thank you. I stand to support the Report of the Committee and the approval of Mr. Joseph Kipchirchir---

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Members, if you want to know where you are in the list, please check with the Clerks. I feel very disturbed when I am supposed to be listening to what an hon. Member is saying and people are here surrounding me to see where they are. The same screen is right in front of me.

Hon. Bowen: Thank you. I stand to support the Report of the Committee led by hon. Kamama. I want to congratulate him and his team for the outstanding work that they have done. Mr. Joseph Kipchirchir Boynet comes from my county. This is a man of integrity, and one with immense experience in the field of security. He has been in the

service for five years. He has enough experience to become the second Inspector-General of Police under the new Constitution. Academically, you can see from the Committee Report that he has two Masters Degrees.

As this House seeks to approve the new Inspector-General of Police we need to address some serious issues within the National Police Service. First, there is need for harmonisation and a good working relationship between the National Police Service (NPS) and the National Police Service Commission (NPSC). The former Inspector-General of Police, Mr. Kimaiyo, did not fail to provide security to Kenyans, or to check the runaway insecurity, which was experienced in the country. It was because of some of the laws provided for two centres of power. These are two commands by the National Police Service (NPS) and the National Police Service Commission (NPSC). These two offices need to work together for the benefit of Kenyans, and for the security of this country to be improved.

When you come to the budgetary allocation to the NPS they do not have their own vote. The police money is managed by the Office of the President (OP). We have seen massive corruption emanating from the Office of the President. This is the time this House needs to amend the law, so that the police can have their own budgetary allocation administered by their own officers. The mega corruption in this country, including Anglo Leasing, emanated from the Office of the President in the guise of buying security equipment. You are talking of billions of shillings lost through Anglo Leasing. If you go to several constituencies across this country, there are no police stations, or even a single vehicle. As we approve the new Inspector-General of Police, he should go to office with his budgetary allocation.

Secondly is about the training of the police.

Hon. Temporary Deputy Speaker, we saw what happened in Samburu and Kapado. We are looking at young officers who went to school in Nairobi. Their parents could be Members of Parliament, and so the young guys are taken to join the police force. They end up at Embakasi for training as police officers. After graduation, these young officers are taken to areas they do not know. The temperatures in the first place are too high for them in those areas. In Kapado, temperatures hit 37 degrees Celsius. Remember we are talking about a young man from Nairobi who was trained in Embakasi and he is sent to Kapado. The new Inspector-General of Police, after he takes office should look afresh at the training of police officers. We want to see officers go for practicals in areas like Kapado. This is so that they familiarize themselves with terrains in such areas and be able to protect themselves.

When the 10,000 recruits were told that they had been employed by the National Police Service Commission, some of the young men went ahead and married their girlfriends. This was because they were ready to go for training and had to leave their wives at home. We are now seeing another arm of security called IPOA taking another arm of Government, that is the National Police Service Commission to court and using public money. These young men bought clothes, boxes and so on. Parents spent millions of shillings to shop for them in readiness for joining college. Now there is somebody saying that these recruits should be turned away. As the new Inspector-General of Police comes in, the 10,000 recruits need to be given a chance to go to the police college, so that they can be trained to serve this country.

There might have been one or two cases of irregularity during the recruitment just as in this House, where you cannot condemn the whole House because of a sin committed by one Member. Of the 10,000 recruits, I am very sure 95 per cent got their jobs fairly. The security agencies in this country need to sit down and work together, so that these young recruits proceed to college. There was a case in Nakuru where a lady miscarried because she was told the husband could not join the police training college. That was a very serious issue. These people should be taken back to college and the sideshows created by the National Police Service Commission and IPOA must end.

On the issue of corrupt police officers, especially in the Traffic Department, this is an issue which has been raised severally whenever there has been a report on corruption in this country. We want to tell the new Inspector-General of Police that he needs to have a way of taming corruption amongst the officers. They cannot be the ones prosecuting people in courts, yet they are the ones ranked number one in corruption. If you go to the courts, you will find that prosecutors are policemen, yet they are the ones leading in corruption. The new Inspector-General of Police needs to look into this matter critically to ensure that the menace is totally eliminated from the police force.

Hon. Temporary Deputy Speaker, if you are looking for an individual who has got diplomacy skills, it is Joseph Kipchirchir Boinnet. If you are looking for an individual with intelligence background and experience to be the Inspector-General of the National Police Service (NPC), it is Joseph Kipchirchir Boinnet. If you are looking for an officer who understands the police service, who has worked for 30 years and who knows all the systems, look for none other than Joseph Kipchirchir Boinnet.

With those many remarks, I support his nomination. I congratulate the Committee again.

Thank you, hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): The Chairman of the Committee, you should have had 30 minutes but we have already eaten into your time. I ask you to respond in ten minutes, if that will be possible with you. So, let me give a few more people time. Well, it is up to me to give a chance to some Members who have been waiting for long. Remember we are doing regional balancing as well.

Let us have hon. Naomi Shaban because of her position. She is the senior Member here now.

Hon. (Dr.) Shaban: Thank you, hon. Temporary Deputy Speaker. I also join the others in supporting the appointment of Joseph Boinnet to take up the position of the Inspector-General of Police. It was not going to be easy to have a joint team vetting this nominee. However, I want to point out---

(Loud consultations)

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Members, please consult in low tones, so that we can hear the Deputy Leader of the Majority Party.

Hon. (Dr.) Shaban: I want to point out just one issue that has come up. It is important for the Ministry of Education to look at it. The issue of academic qualifications of Boinnet has been discussed at length. However, I wish to point out that we also have people who have done Higher National Diploma, which is supposed to be the equivalent

of a first degree. Normally, when they go to university they are allowed to do their postgraduate studies. They end up having a Masters Degree after their Higher National Diploma.

At the same time, the issue of Certified Public Accountants of Kenya has been discussed. It is important for this issue to be cleared once and for all, so that nominees are not subjected to a process that appears to be humiliating. The Ministry of Education should be able to sort out this issue and many other credentials that people have been questioning.

It is obvious that we need an Inspector-General of Police who can combine intelligence, security and diplomacy skills. I do not want to say so much. I want to wish the new vetted appointee well in his major task. We really need to be sure that we have an Inspector-General of Police who knows what he is going to do.

I wish to support.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Moses Injendi. Is he in the House?

Hon. Injendi: Thank you, hon. Temporary Deputy Speaker. Because of the threat Kenya is facing when it comes to security, I support the Motion to appoint Boinnet to the position of Inspector-General of Police. Many people have been talking about age and experience. I would take the case of Jesus Christ who acted excellently for humanity when he was at the age of 30.

Thank you, hon. Speaker. I support.

Hon. Chepkong'a: On a point of order, hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): What is your point of order, hon. Chepkong'a?

Hon. Chepkong'a: Thank you, hon. Temporary Deputy Speaker. Looking at the mood of the House, which is excellent, and considering that the Inspector-General to be was in Standard Two when I was in Standard One in the same school, I would have liked to participate in this, but I will not. Hon. Gumbo is looking at me with very good eyes and in approval of what I am requesting. Would I be in order to ask that the Mover be now called upon to reply?

Hon. Members: No! We have waited for a long time!

(Loud consultations)

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Members, irrespective of that obvious negative response, we know that this Motion has to end. So, I will give the next Member a chance before I call upon the Mover to reply.

Hon. Kaluma: Thank you, hon. Temporary Deputy Speaker. I stand to support the nomination and the recommendation of the Committee in terms of the appointment of Mr. Boinnet. I am doing this because we are a House that is subdued and a House that has agreed to be controlled from outside. We are a House that no longer considers what the law requires us to do.

You know it is Mr. Kimaiyo---

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hold on. I do not know what you have said that is out of order. Hon. Chepkong'a.

Hon. Chepkong'a: On a point of order, hon. Temporary Deputy Speaker. I rise pursuant to Standing Order No.83; this is a very serious point of order. A ruling must be made. I expect a ruling on this matter. I rise pursuant to Standing Order No.83, as read together with Standing Order No.107. Hon. Kaluma is my very good Member of the Committee, but what he has said is totally unacceptable.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Just go to the point. What is out of order?

Hon. Chepkong'a: Hon. Temporary Deputy Speaker, I just want to quote correctly. He has made a serious allegation that this House does not follow the law and is being controlled from outside. I am not controlled from outside. If he is being controlled from outside, he should declare from which quarters. He should not enlist me.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Kaluma, can you substantiate?

(Hon. Kaluma stood up in his place)

Hon. Chepkong'a: Hon. Temporary Deputy Speaker, he better sit down. He is younger than me.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): We have got the gist of your point of order.

Hon. Chepkong'a: He is younger than me even in terms of our profession. He cannot make such serious allegations.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Kaluma, you need to either substantiate what you have said or you withdraw.

Hon. Chepkong'a: He either withdraws or substantiates. It has nothing to do with the approval of the nominee. This is something to do with the integrity of this House. He wants to make attempts at speaking very well, but he is accusing us.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): We have taken your point. Hon. Kaluma, from where I am sitting, you have to either substantiate or withdraw.

Hon. Kaluma: Hon. Temporary Deputy Speaker, if you look at all the laws governing security organs, they emphasise that their composition must reflect the diversity of the Kenyan people in equitable proportions. I want my learned friend, hon. Chepkong'a, to read in particular Article 238(1). When we are dealing with Mr. Boinnet, when you look at the composition of the security organs, and we sit as a House thinking of him as a candidate, really, we are a House not keen on safeguarding that constitutional provision. That is why I said that. If I am to substantiate, may I go forward? This is how the security organ of the State is.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Kaluma, you have not substantiated.

Hon. Kaluma: Hon. Temporary Deputy Speaker, I am substantiating. It cannot be dictated to me how I do it. I am saying that the security organ has become the security organ of central Kenya.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Member, can you walk out and you will stay out for the remainder of the day? I said you leave the premises. Serjeant-at-arms!

(Hon. Kaluma withdrew from the Chamber)

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Yes, Leader of the Majority Party!

Hon. A.B. Duale: Hon. Temporary Deputy Speaker, I thank you.

Following the resolution of the leadership in Mombasa, this is how the conduct of the House should be. You cannot make an allegation which you cannot substantiate. Mr. Boinnet is here by virtue of a Report of a Committee of this House. There is no community or clan here. Mr. Boinnet is here as a Kenyan who is qualified and vetted by the Committee, which resolved to approve his appointment. If one has any other problem, he should wait for the day he will be in the Government to appoint his own Inspector-General. The appointing authority has the power to do it. It is provided for in the Constitution.

Mr. Boinnet is coming into office after this House passed the Security Laws (Amendment) Bill 2014, which had 97 Clauses. Only seven Clauses were rejected by the courts. That is a win for this Parliament and for the Executive.

We are telling Mr. Boinnet that he has a new Cabinet Secretary; hon. Joseph Nkaisserry. As he moves into office as the new Inspector-General, he should appreciate that in the last four months, Kenya has had a sense of stability. Once he takes over, he should make sure that he safeguards our country, our people, our property and our borders.

I beg to support.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Members, it would be prudent for us to ask the Mover to reply.

Hon. Abongotum: Hon. Temporary Deputy Speaker, I have been approached by many Members who want me to donate part of my time to them, but time does not allow that.

As a Committee, we will task Mr. Boinnet to deliver for Kenyans. We will not joke in this matter. We want him to give us his solid plan in tackling corruption, terrorism, cattle rustling as well as improving the welfare of police officers; we want the *Nyumba Kumi* initiative and intelligence-led security operations in addition to addressing the problem of parallel police command – which is eating into our security gains. Mr. Boinnet should also deal with police brutality to ensure that officers respect human rights, and fast-track the implementation of the Ransely Report.

Lastly, he should deal with illegal groupings like the Mombasa Republican Council (MRC), *Mungiki* and the rest.

These are 10 points. We want to know his solid plan for securing this country from terrorists, cattle rustlers and the rest. He must know that it is not going to be different business. It is going to be business unusual.

With those remarks, I beg to move.

(Question put and agreed to)

BILL

*Second Reading*THE COUNTY GOVERNMENTS (AMENDMENT) BILL
(SENATE BILL NO.1 OF 2014)

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): The Mover of the next business is not here, hon. Members.

Hon. A. B. Duale: It is me.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): It is you? I am sorry hon. Leader of the Majority Party. You have five minutes or slightly more.

Hon. A.B. Duale: Hon. Temporary Deputy Speaker, because of the nature and the proportion of what I have done, let me do it tomorrow afternoon.

Thank you.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): That is fine. There being no other business, this House stands adjourned until Thursday, 5th March, 2015 at 2.30 p.m.

The House rose at 6.27 p.m.